

**DISTRICT COURT, WATER DIVISION 1, COLORADO  
FEBRUARY 2023 WATER RESUME PUBLICATION**

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**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 **FEBRUARY 2023** for each County affected.

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**2023CW4 (95CW264, 09CW125, 16CW34) CHRISTEENE A. BOSTRON ESTATE AND CONRAD O. BOSTRON, 28609 Pine Dr. Evergreen, CO 80439. 970-520-7679. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WHOLE OR IN PART IN LOGAN COUNTY.** Date of original decree: 9-25-03 in case 95CW264, WD1. Subsequent decrees: 7-7-10 in case 09CW125, WD 1 and 02-21-17 in case 16CW34, WD1. Bostron Sec 1 Well located NE1/4, NE1/4, S1, T6N, R54W of the 6th PM at a distance 1310 ft. from N and 1310 ft. from E aka 5153 CR 25, Merino, CO 80741. UTM coordinates: Easting 639171; Northing 4486650. Source: Groundwater. Depth: 150 ft. Appropriation date: 4-14-94. Amount: Max 600 af. Claim to make absolute. Date water applied to beneficial use: Oct. 2010. Amount: 1200 gpm. Use: Irrigation.

**2023CW5 ESTATE OF CHRISTOPHER BRIAN DOWNS** Frank Vigil, Personal Representative, 3900 S. Wadsworth Blvd , Ste 305, Lakewood, CO 80235. 303-550-1714. [frank@vigillawofficespc.com](mailto:frank@vigillawofficespc.com) **AND KAREN DOWNS, 4755 Private Rd 192, Elizabeth, CO 80107. 303-921-8272. [kedowns65@gmail.com](mailto:kedowns65@gmail.com) APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Downs Estate Property Well located NE 1/4, SW 1/4, S5, T6S, R64W 6th PM in Elbert County at a distance from section lines of 2396 from S and 1450 from W also known as 4755 Private Road 192 Elizabeth, CO. UTM: N 4378651.1 E 535860.9. One well located on property. Parcel of land consists of 36.22 acres of land. Well Permit 173122. Date of appropriation: 07-20-93. Date water applied to beneficial use: 07-31-96. Depth to bottom of well: 600 ft. Pumping Rate: 13 gpm. Amount claimed in acre-feet annually: 285. Single family dwelling household use, irrigation, fire protection, domestic animals watering, livestock watering on farms & ranches.

**2023CW6 LELAND V. GARDINER AND KATHLEEN J. GARDINER** 35322 Whetstone Ct., Elizabeth, CO 80107. 303-646-3383. [csgard@aol.com](mailto:csgard@aol.com) **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Gardiner Well located NW 1/4, SE 1/4, S5, T8S, R64W 6th PM in Elbert County, at a distance from section lines of 1515 ft. from S and 2530 ft. from E. Subdivision: Saddlewood, Lot 73, Filing 2, also known as 35322 Whetstone Ct., Elizabeth, CO 80107. One well located on property. Parcel of land consists of 2.71 acres of land. Well Permit 145272. Date of appropriation: 09-04-86. Date water applied to beneficial use: 11-24-86. Depth to bottom of well: 365 ft. Pumping Rate: 15 gpm. Amount claimed in acre-feet annually: 1. Single family dwelling, irrigation, domestic animals watering.

**2023CW7 (96CW651, 10CW119, 16CW44) NOAH TEITELBAUM** 4100 Knox Ct. Denver CO 80211. 917-374-2074. [noah.teitelbaum@gmail.com](mailto:noah.teitelbaum@gmail.com) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 01-15-04 in case no. 96CW651, WD1. Subsequent decrees: 12-01-10 in case no. 10CW119, WD1 and 04-20-17 in case number 16CW44, WD1. Teitelbaum Property fka Gallegos Lot 136 located in the NE1/4 NE1/4 S21, T9S, R75W of the 6th PM, Park County, at a point approximately 720 ft. from N and 900 ft. from E. Indian Mountain subdivision, Lot 136, Filing 5, also known as 526 Spearpoint Road. Source: Groundwater. Appropriation date: 5-31-73. Amount: 15 gpm, Conditional. Use: Household use only in a single-family dwelling, not including irrigation.

**2023CW3013 THOMAS PATRICK SVOBODA**, 34357 County Road 385, Iliff, CO 80736, (970) 522-4009. Wesley S. Knoll, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Phone: (970) 622-8181, [wes@lcwaterlaw.com](mailto:wes@lcwaterlaw.com) **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN LOGAN COUNTY.** **2.** Prior Decrees: The Svoboda Recharge System was awarded conditional decrees for recharge and an appropriative right of substitution and exchange in Case No. 96CW120, Water Division No. 1, by decree dated June 14, 2002. The right to recharge up to a maximum of 3,000 acre-feet per year was made absolute, and a finding of reasonable diligence was entered for the conditional appropriative right of substitution and exchange for up to 3,000 acre feet by the Decree entered in Case No. 08CW138. The appropriative right of substitution and exchange was made absolute, in part by the Decree entered in Case No. 16CW3085, with 2,854.7 acre-feet per year remaining conditional. **3.** Conditional Appropriative Right of Substitution and Exchange Information from Original Decree, Case No. 96CW120: **3.1.** Name of Structure: Svoboda Recharge System, State Engineer ID No.2488, Appropriative Right of Substitution and Exchange. **3.1.1.** Legal Description of Appropriative Right of Substitution and Exchange Reach Pursuant to C.R.S. §37-80-120(4): The exchange reach is on the South Platte River and in its alluvium from location of Pumping Plant No. 1 (being in the SE 1/4 of the SW 1/4 of Section 26, Township 10 North, Range 50 West of the 6th P.M., at a point 750 feet from the South section line and 2,590 feet from the West section line) on the upstream terminus to the East line of Section 19, Township 10 North, Range 49 West of the 6th P.M. on the downstream terminus. The exchange reach is depicted on Exhibit A. The described exchange reach was decreed conditional, with the upstream terminus of the exchange reach to be ultimately limited by the actual location of Pumping Plant No. 1, which must remain within 100 feet of the South Platte River, unless another location is approved by a future decree of this Court. Pumping Plant No. 2 is located in the SE 1/4 of the SW 1/4 of Section 26, Township 10 North, Range 50 West of the 6 P.M., at a point 690 feet from the South section line and 1,590 feet from the West section line. However, applicant shall not exchange to the Pumping Plant No. 2 unless it is relocated within 100 feet of the South Platte River and, if such relocation is more than 200 feet from the foregoing described location, the relocation must also be approved by a future decree of this Court. **3.1.2.** Source: South Platte River and the alluvial aquifer of the South Platte River **3.1.3.** Date of Appropriation: August 22, 1995 **3.1.4.** Amount: 3,000 acre feet per year conditional. **3.1.5.** Use: The two pumping plants divert water at rates up to 5.55 cubic feet per second each (2,500 gallons per minute). Applicant's plan includes the recapture of excess accretions by making additional diversions at the two pumping plants described above and/or additional or replacement pumping plants to be constructed in the future, and or by substituting or exchanging such water to other water users in the area for all decreed uses of the Svoboda Recharge System. Construction of any new or replaced wells or recharge facilities shall be subject to the conditions of the decree in Case No. 96CW120. **4.** Outline of What Has Been Done Toward Completion: **4.1.** Administration and Accounting: Applicant's activities have been carried out under the administration of the local Water Commissioner and written monthly accounting reports and annual augmentation forecasts have been filed with Division Engineer for Water Division No. 1 as required by the decree in Case No. 96CW120. During the diligence period Applicant continued to coordinate with the local Water Commissioner regarding the availability of exchange potential within the exchange reach. **4.2.** Operation of Recharge and Augmentation Plan. Applicant continues to operate the recharge and augmentation plan decreed in 96CW120 for the uses decreed therein. Applicant will continue to utilize excess recharge credits to operate the right of substitution and exchange when additional recharge is needed for Applicant's operation and exchange potential exists in the river. **5.** Land Ownership. All structures are located on land owned by the Applicant. **6.** Claim for Finding of Reasonable Diligence: Applicant seeks a finding that it has been reasonably diligent in the development of the conditional right of substitution and exchange and seeks a decree confirming the right of substitution and exchange not previously made absolute will remain conditional in the amount of 2,854.7 acre-feet per year. This Application consists of four (4) pages.

**2023CW3014** (14CW3178, 03CW301) **COLORADO DISTRICT OF THE CHURCH OF THE NAZARENE**, 380 County Road 512, Divide, CO. 80814 (Applicant's attorney - Julianne Woldridge,

MacDougall & Woldridge, P.C., 70 Morning Sun Drive, Suite A, P.O. Box 7273, Woodland Park, CO 80863 (719) 520-9288). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN TELLER COUNTY.** Name of structure: conditionally decreed water rights for Well No. 1, permit no. 110619, Well No. 2, permit no. 101038, and Well No. 4, permit no. 76006-F. Description of conditional water rights: Original Decree: Case No. 03CW301, dated December 3, 2008. Supplemental decrees: Case No. 14CW3178, dated February 21, 2017. Well No. 1, permit no. 110619: Source: ground water tributary to Twin Creek and the South Platte River; Depth: 600 feet; Date of appropriation: December 31, 1968; Amount: 10 g.p.m. conditional (15 g.p.m. was decreed absolute in Case No. 03CW103); Uses: commercial, domestic, horse watering, landscape irrigation; Location: SW1/4 NE1/4 Section 34, T.12S., R.70W., 6th P.M., Teller County, 1899 feet from the north section line and 1695 feet from the east section line. Well No. 2, permit no. 101038: Source: ground water tributary to Twin Creek and the South Platte River; Depth: 335 feet; Date of appropriation: August 11, 1978; Amount: 14.25 g.p.m. conditional (0.75 g.p.m. was decreed absolute in Case No. 03CW103); Uses: domestic exempt for up to three houses, livestock watering, one acre of irrigation; Location: NW1/4 NE1/4 Section 34, T.12S., R.70W., 6th P.M., Teller County, 800 feet from the north section line and 2480 feet from the east section line. Well No. 4, permit no. 76006-F: Source: ground water tributary to Twin Creek and the South Platte River; Depth: 225 feet; Date of appropriation: August 26, 1981; Amount: 13.5 g.p.m., conditional (1.5 g.p.m. was decreed absolute in Case No. 03CW103); Uses: commercial indoor uses; Location: SW1/4 SE1/4 Section 34, T.12S., R.70W., 6th P.M., Teller County, 1000 feet from the south section line and 1850 feet from the east section line. Applicant operates the Golden Bell Camp and Conference Center in Section 34, T.12S., R.70W. and Section 3, T.13S., R.70W., 6th P.M.. A map showing the approximate boundaries of the property as they existed in 2003 is attached to the Application as Exhibit A (a copy of which is on file with the Court Clerk). Applicant pumps water from wells for its staff and guests, including staff members who live onsite. Water is used for residential and commercial sanitary and drinking purposes, for livestock, landscape irrigation, and for replacement of evaporation from a swimming pool. Some but not all of Applicant's wells are plumbed into a single treatment and distribution system. Together they form an integrated water system for the provision of potable water for the camp and conference center. During the previous diligence period Applicant expended approximately \$49,000.00 on operation, maintenance, and upkeep of its water supply system. Applicant employs a water operator to maintain and monitor its wells and its water treatment and distribution system. Applicant has continued to exercise the appropriative right of exchange that was approved in Case No. 03CW103 and made absolute in Case No. 14CW3178 and to use the augmentation plan to replace out of priority depletions from various water structures as needed. Applicant has maintained a contractual relationship with Mountain Mutual Reservoir Company, Inc. for administration and operation of the augmentation plan. Applicant has retained and expended funds for legal and engineering consultants regarding its water system. Specifically, Applicant has continued to operate and maintain Well Nos. 1, 2, and 4. Name of owner of land where structures are located: Applicant. Applicant, therefore, requests a finding that it has exercised reasonable diligence towards or for the completion of the conditional rights described above. (Application 4 pages)

**2023CW3015 THE CONSOLIDATED MUTUAL WATER COMPANY**, 12700 West 27th Avenue, Lakewood, Colorado 80215, (303) 238-0451, through counsel Evan D. Ela, Joseph W. Norris and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN JEFFERSON AND ADAMS COUNTIES.** 1. Name, Address and Telephone Number of Applicant. The Consolidated Mutual Water Company 12700 West 27th Avenue Lakewood, Colorado 80215 (303) 238-0451. 2. Purpose of the Application. This Application seeks to maintain the subject conditional exchange rights and obtain findings of reasonable diligence pursuant to the most recent diligence Ruling and Decree issued in Case No. 16CW3049. 3. Name of Subject Conditional Water Rights. The Metro Outfall Exchange and the Clear Creek Exchange. 4. Description of the Subject Water Rights. a. Previous Decrees. (1) Original Decree: The Subject Water Rights were originally decreed in Case No. 94CW197, District Court, Water Division 1, entered October 20, 1997. (2) Diligence and Perfection Decree: The

District Court, Water Division 1, entered a final decree on March 22, 2010 for Case No. 03CW351, making absolute 1.12 cfs and continuing diligence for the remaining 3.88 cfs of the Metro Outfall Exchange to Maple Grove Reservoir for all decreed uses. The Court granted continued diligence of all other decreed exchange reaches except for the Applicant's claims to exchange to or from Paradise Reservoirs Nos. 2 and 3, which were abandoned by the 03CW351 Decree. (3) Diligence and Perfection Decree: The District Court, Water Division 1, entered a final decree on February 15, 2017 for Case No. 16CW3049, making absolute 3.34 cfs and continuing diligence for the remaining 1.66 cfs of the Metro Outfall Exchange to Maple Grove Reservoir for all decreed uses. The Court granted continued diligence of all remaining decreed exchange reaches.

b. The Metro Outfall Exchange. (1) Exchange-From Point: The outfall of the Metropolitan Wastewater Reclamation Plant No. 1 (*aka* the Robert W. Hite Treatment Facility) to the South Platte River as it exists and as it may be relocated in the future, presently located on the South Platte River near the section line between Sections 1 and 12, Township 3 South, Range 68 West of the 6th P.M. in Adams County, Colorado ("Metro Outfall"). (2) Exchange-To Points: (a) The headgate of the Agricultural Ditch located on the South bank of Clear Creek in the City of Golden, Jefferson County, Colorado, in the SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M.; (b) The headgate of the Lee Stewart and Eskins Ditch located on the South bank of Clear Creek at a point whence the South quarter corner of Section 32, Township 3 South, Range 70 West of the 6th P.M. bears South 28° E 900 feet, more or less, in Jefferson County, Colorado; (c) The confluence of Lena Gulch and Clear Creek located in the NW1/4 SW1/4 of Section 22, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado, and up said Lena Gulch to Applicant's Maple Grove Reservoir located in the S1/2 of Section 29 and the N1/2 of Section 32, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado; (d) The headgate of the Rocky Mountain Ditch, located on the South side of the Croke Dam in the NE1/4 NE1/4 NW1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, at a point on the South side of Clear Creek which bears South 18°12'25" West, a distance of 401.11 feet from the North quarter-corner of said Section 26. (3) Source: Clear Creek, a tributary of the South Platte River, and the South Platte River. (4) Date of Appropriation: June 28, 1993. (5) Amounts: (a) 3.34 cfs, ABSOLUTE, 1.66 cfs, CONDITIONAL, for diversions at Maple Grove Reservoir; (b) 5.0 cfs, CONDITIONAL, for diversions at the headgate of the Agricultural Ditch, the Lee Stewart and Eskins Ditch, or Rocky Mountain Ditch. (6) Uses: All beneficial uses including municipal, irrigation, domestic, mechanical, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, replacement, and any other use necessary, desirable, or incidental to the operation of the Consolidated Mutual Water Company's water system, including reuse, successive use, and disposition in accordance with the decree in Case No. 94CW197.

c. The Clear Creek Exchange. (1) Exchange-From Points: (a) Maple Grove Reservoir on Lena Gulch in the S1/2 of Section 29 and the N1/2 of Section 32, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado; and/or (b) Fairmount Reservoir located in the NE1/4 of Section 24, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado; and/or (c) Welton Reservoir, formerly known as Fortune Reservoir, located in the S1/2 of Section 24, and the N1/2 of Section 25, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. (2) Exchange-To Points: (a) The headgate of the Agricultural Ditch located on the South bank of Clear Creek in the City of Golden, Jefferson County, Colorado, in the SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M.; (b) The headgate of the Lee Stewart and Eskins Ditch located on the South bank of Clear Creek at a point whence the South quarter corner of Section 32, Township 3 South, Range 70 West of the 6th P.M. bears South 28° E 900 feet, more or less, in Jefferson County, Colorado; (c) The headgate of the Rocky Mountain Ditch, located on the South side of the Croke Dam in the NE1/4 NE1/4 NW1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, at a point on the South side of Clear Creek which bears South 18°12'25" West, a distance of 401.11 feet from the North quarter-corner of said Section 26. (3) Source: Clear Creek, tributary of the South Platte River. (4) Date of Appropriation: June 28, 1993. (5) Amounts: (a) 90 cfs, CONDITIONAL, for diversions at the Agricultural Ditch; (b) 25 cfs, CONDITIONAL for diversions at the Lee Stewart and Eskins Ditch; (c) 90 cfs, CONDITIONAL for diversions at the Rocky Mountain Ditch. (6) Uses: All beneficial uses including municipal, irrigation, domestic, mechanical, commercial, industrial, recreation, fish and wildlife,

augmentation, exchange, replacement, and any other use necessary, desirable, or incidental to the operation of the Consolidated Mutual Water Company's water system, including reuse, successive use, and disposition in accordance with the decree in Case No. 94CW197. 5. Outline of work done and funds expended by Applicant during the relevant diligence period (April 1, 2016 through February 28, 2023) toward completion of the appropriation. Applicant is the owner of other water rights, which together with the subject conditional exchange rights form an integrated and unified municipal water supply system. Pursuant to § 37-92-301(4)(b), C.R.S., work on one feature of an integrated system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the integrated system. Thus, work on any part of Applicant's integrated municipal water supply system must be considered in finding that reasonable diligence has been shown for the subject conditional exchange rights. a. Applicant diverted and beneficially used water by operation of the exchange from the Metro Outfall to Maple Grove Reservoir. b. Applicant expended over \$212,385.66 on general maintenance, service and upkeep of structures, and improvements at Maple Grove Reservoir. c. Applicant expended approximately \$4,142 on pre-treatment building maintenance and upkeep of its municipal water treatment plant. d. Applicant expended approximately \$106,752.00 for the repair and maintenance of its municipal water treatment plant. e. Applicant budgets and expends approximately \$5 million for improvements to its water distribution system each year (approximately \$35 million during the current diligence period). f. Applicant confirmed its dominion and control over reuse, successive use, and disposition of its municipal return flows at the Metro Outfall via agreement with Metro Water Recovery (f/k/a the Metro Wastewater Reclamation District). 6. 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. Not applicable. WHEREFORE, the Applicant respectfully requests this Court enter a decree granting this application: a. Finding that the Applicant has diligently pursued perfection of the remaining subject conditional water rights and continuing the same for another diligence period; b. Granting such other relief as the Court deems proper. (7 pages)

**2023CW3016** (16CW3096, 86CW395) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE (UNION RESERVOIR EXCHANGES) IN BOULDER AND WELD COUNTIES** 1. Name, address, and telephone number of Applicant: **CITY OF LONGMONT** c/o Water & Waste Department, Water Resources Division 375 Airport Road, Longmont, CO 80501, (303) 651-8340 [ken.huson@longmontcolorado.gov](mailto:ken.huson@longmontcolorado.gov). Copies of pleadings to: David S. Hayes, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202, (303) 825-1980, [dhayes@hpkwaterlaw.com](mailto:dhayes@hpkwaterlaw.com), [eric@hpkwaterlaw.com](mailto:eric@hpkwaterlaw.com). 2. Name of conditional water rights: Longmont Union Reservoir Exchange Plan ("Exchange Plan"). 3. Description of conditional water rights: A. Decree: The decree adjudicating the Longmont Union Reservoir Exchange Plan was entered on October 16, 2003, in Case No. 86CW395, District Court, Water Division No. 1, Colorado. The decree entered on July 30, 2010 in Case No. 09CW152 made portions of the Exchange Plan absolute, and found reasonable diligence for the remaining conditional portions of the Exchange Plan. The decree entered on February 21, 2017 in Case No. 16CW3096 found reasonable diligence for the remaining conditional portions of the Exchange Plan. B. Appropriation date: October 28, 1986. C. General description of exchange plan: Longmont owns or controls rights associated with Union Reservoir (further described below), and has adjudicated conditional appropriative rights of exchange utilizing water from Union Reservoir as a replacement source for upstream diversions at certain structures within the St. Vrain basin, as further described below. Longmont has also adjudicated appropriative rights of exchange utilizing return flows from the Windy Gap Water (further described below) owned or controlled by Longmont as a replacement source for upstream diversions at certain structures within the St. Vrain basin, as further described below. D. Definitions, sources and locations of structures involved in exchange plan: To facilitate a description of the Longmont Union Reservoir Exchange Plan, the following defined terms are used in the decree entered in Case No. 86CW395 (The locations of the structures described below are shown on Exhibit A attached to the application and is available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts



E-filing): i. “Diverted Water” means that water diverted by Longmont pursuant to the Longmont Union Reservoir Exchange Plan. ii. “Released Water” means that water provided by Longmont to replace water taken elsewhere by Longmont as a part of the Longmont Union Reservoir Exchange Plan. iii. The “South Pipeline,” also known as the Longmont Pipeline, means that pipeline owned by Longmont which takes water from the South Fork of St. Vrain Creek into Longmont’s treated water system at a point whence the West quarter corner of Section 19, T3N, R70W of the 6th P.M. bears South 70 degrees 30 minutes West 1,657 feet, in Boulder County, Colorado. iv. The “North Pipeline,” also known as Longmont Water Works Pipeline, means that pipeline owned by Longmont which takes water from the North Fork of St. Vrain Creek into Longmont’s treated water system. The point of diversion of the North Pipeline is located at a point whence the northeast corner of Section 16, T3N, R71W of the 6th P.M. bears North 45 degrees 37 minutes East 2,532 feet, in Boulder County, Colorado. v. The “St. Vrain Supply Canal Intake” means that point on the St. Vrain Supply Canal at which Longmont takes Colorado-Big Thompson Water and Windy Gap Water into its treated water system. The point of diversion of the St. Vrain Supply Canal Intake is located in the NE 1/4 of Section 20, T3N, R70W of the 6th P.M., in Boulder County, Colorado. vi. The “Highland Ditch Intake” means the Highland Ditch headgate on St. Vrain Creek through which Longmont takes water. The point of diversion of the Highland Ditch Intake is located in the NW 1/4 of Section 20, T3N, R70W of the 6th P.M., Boulder County, Colorado being more particularly described as follows: commencing at the Northwest corner of said Section 20, considering the North line of the Northwest one-quarter of said Section 20 as bearing South 84 degrees 19 minutes 09 seconds East; thence South 39 degrees 41 minutes 28 seconds East 1714.65 feet more or less to the center of the Highland Ditch headgate. vii. The “Carter Lake Pipeline” means a pipeline running South beginning at Carter Lake from a point 1250 feet West of the East Section line of Section 10, 750 feet North of the South line of Section 10, T4N, R70W of the 6th P.M., Larimer County, Colorado. viii. The “Supply Ditch Intake” means the Supply Ditch headgate on St. Vrain Creek through which Longmont can deliver water to its treated water system. The point of diversion of the Supply Ditch Intake is located in the SW 1/4 of Section 17, T3N, R70W of the 6th P.M., Boulder County, Colorado more particularly described as follows: commencing at the Southwest corner of said Section 17 considering the South line of the Southwest one-quarter of said Section 17 as bearing South 84 degrees 19 minutes 09 seconds East; thence South 87 degrees 06 minutes 51 seconds East 473.42 feet more or less to the center of the Supply Ditch headgate. ix. The “Rough and Ready Ditch Intake” means the Rough and Ready Ditch headgate on St. Vrain Creek through which Longmont proposes to take water. The point of diversion of the Rough and Ready Ditch Intake is located in the N 1/2 of Section 20, T3N, R70W of the 6th P.M., Boulder County, Colorado at a point whence the Northwest corner of said Section 20 bears North 49 degrees 57 minutes West 3730 feet more or less; the North line of the Northwest one-quarter of said Section 20 as bearing North 84 degrees West with all bearings relative thereto. x. The “Oligarchy Ditch Intake” means the Oligarchy Ditch headgate on St. Vrain Creek through which Longmont proposes to take water. The point of diversion of the Oligarchy Ditch Intake is located in the NE 1/4 of Section 27, T3N, R70W of the 6th P.M., Boulder County, Colorado at a point whence the East one-quarter corner of said Section 27 bears south 27 degrees 26 minutes East 560 feet more or less; the East line of the Northeast one-quarter of said Section 27 as bearing North 00 degrees 32 minutes 42 seconds West with all bearings relative thereto. xi. The “Palmerton Ditch Intake” means the Palmerton Ditch headgate on St. Vrain Creek through which Longmont can take water into its system at the Palmerton Ditch/Burch Lake Intake. The point of diversion of the Palmerton Ditch Intake is located in the SW 1/4 NE 1/4 of Section 20, T3N, R70W, 6th P.M., Boulder County, Colorado at a point whence the NW corner of said Section 20 bears North 49 degrees and 51 minutes West 3750 feet more or less; the North line of the NW 1/4 of said Section 20 as bearing North 84 degrees West with all bearings relative thereto. xii. The “Raw Water Intake System” means one or a combination of existing and future raw water inlets from which Longmont can or will take water. Such inlets include the following (the capacity of each structure is also stated): a. The South Pipeline (30 cubic feet per second (“cfs”)); b. The North Pipeline (28.5 cfs); c. The St. Vrain Supply Canal Intake (45 cfs); d. The Supply Ditch Intake (22 cfs); e. The Highland Ditch Intake (50 cfs); f. The Rough and Ready Ditch Intake (25 cfs); g. The Palmerton Ditch Intake (55 cfs); h. The Oligarchy Ditch Intake (94 cfs); i. The Carter Lake Pipeline (46 cfs); j. The St. Vrain Creek Pump Station No. 1 (20 cfs); k.

The St. Vrain Creek Pump Station No. 2 (20 cfs). xiii. “Colorado-Big Thompson Water” means transmountain water from the Colorado River and its tributaries derived from Longmont’s ownership or lease of units in the Colorado-Big Thompson Project, managed by the Northern Colorado Water Conservancy District. xiv. “Windy Gap Water” means transmountain water from the Colorado River and its tributaries derived from Longmont’s ownership or lease of units in the Windy Gap Project, managed by the Municipal Subdistrict of the Northern Colorado Water Conservancy District. The Windy Gap Project is a transmountain water diversion project that delivers water from the Colorado River Basin to the South Platte River Basin. Decrees for the Windy Gap Project include, without limitation, the decrees entered on October 27, 1980 in Civil Action No. 1768, District Court, Grand County, State of Colorado and Case Nos. W-4001 and 80CW108, District Court, Water Division No. 5; the decree entered on February 6, 1989 in Case No. 88CW169, District Court, Water Division No. 5, State of Colorado; and the decree entered on July 19, 1990 in Case No. 89CW298, District Court, Water Division No. 5, State of Colorado. xv. “Union Water” means the following water available to Longmont in any given year from Union Reservoir (described below) and any enlargement thereof, but only if such water (except for Colorado-Big Thompson Water) has at the time of the exchange been decreed or changed to allow its use for augmentation or exchange: a. Longmont’s pro rata share of water stored in Union Reservoir pursuant to the storage rights decreed thereto based on the shares currently owned by Longmont or shares whose owners have consented to the inclusion of their shares herein and have consented to the use of their shares by Longmont. The owners of all additional shares have consented to the inclusion of their shares herein. Longmont is currently the owner of 213.5 of the 250 shares in the Union Reservoir Company, or roughly 85.4% of the Company. The Union Reservoir Company presently holds a decree for the Union Reservoir, adjudicated March 13, 1907, with an appropriation date of October 6, 1902, Reservoir Priority No. 51, New Series for 13,219 acre-feet of storage. Union Reservoir also has a refill right adjudicated March 11, 1977 in Case No. W-7486 with an appropriation date of May 1, 1973 for 5,879 acre feet of storage. Longmont obtained a change of use of these Union Reservoir rights for its use, and any use of water by Longmont of such changed Union Reservoir rights under this decree shall also comply with all terms and conditions set forth in the decree entered on December 6, 2000, in Case No. 87CW222 approving such change. b. Any water stored by Longmont in Union Reservoir pursuant to decrees entered in any of the following cases: Case Nos. 81CW361, 87CW212, 87CW213, 87CW214, 87CW215, 87CW216, 87CW218, 87CW219, 87CW220, 87CW221, 87CW222, 87CW231, 87CW232, 87CW235, 87CW253. c. Water in Union Reservoir attributable to any credits arising from Longmont’s Windy Gap water or decreed reuse credits. d. Water stored in Union Reservoir under the enlargement right decreed for 19,802 acre feet conditional adjudicated on February 19, 1991 in Case No. 86CW394 (13CW21, most recent diligence) with an appropriation date of October 28, 1986. e. Colorado-Big Thompson Water, subject to the terms and conditions of Paragraph 9.I. of the 86CW395 decree. xvi. “Calling Structures” means direct flow and storage diversion structures on St. Vrain Creek below Union Reservoir and on the South Platte below its confluence with St. Vrain Creek. The Calling Structures include, without limitation, the following structures listed in Exhibit A of the decree entered in Case No. 86CW395: Union Ditch, Section No. 3 Ditch, Lower Latham Ditch, Empire Intake Canal, Riverside Intake Canal, Bijou Canal, Riverside Canal, Jackson Lake Inlet, Weldon Valley Ditch, Fort Morgan Canal, Upper Platte and Beaver Canal, Duell and Snyder, Lower Platte and Beaver Canal, Last Chance Ditch, and Goose Quill. xvii. “Button Rock Reservoir” (a/k/a the Ralph Price Reservoir) means that on-channel dam (North St. Vrain Creek) and reservoir and any enlargement thereof located in Sections 17, 18, 19 and 20, T3N, R71W of the 6th P.M. and Sections 13 and 24, T3N, R72W of the 6th P.M., Boulder County, Colorado. xviii. “Union Reservoir” means that dam and reservoir and any enlargement thereof located in Sections 29, 30, 31 and 32, T3N, R68W of the 6th P.M. and in parts of Sections 5 and 6, T2N, R68W of the 6th P.M., Weld County, Colorado. Union Reservoir is filled from St. Vrain Creek by the Oligarchy Ditch, a lateral from Spring Gulch, and by drainage from its watershed. St. Vrain Creek Pump Station Nos. 1 and 2 and the Union/Highland Exchange structure and Union/Supply Exchange Structure are existing/proposed future intakes to Union Reservoir. xix. The “Union Reservoir Outlet” means the point water is discharged into Spring Gulch at a point approximately 2100 feet North and 2550 feet East of the Southwest corner of Section 6, T2N, R68W of the 6th P.M., Weld County, Colorado. Spring Gulch

flows into St. Vrain Creek at a point approximately 2000 feet North and 850 feet West of the Southeast corner of Section 7, T2N, R68W of the 6th P.M., Weld County, Colorado. The capacity of the outlet is 100 cfs. xx. The proposed “Union/Supply Exchange Structure” means a facility to carry water between the Union Reservoir and the Supply Ditch. The proposed capacity of the facility is 25 cfs. The Union/Supply Exchange Structure will be part of the Union Reservoir Pumpback Pipeline Project, which construction has been started by the City of Longmont. The Union Reservoir Pumpback Pipeline Project will consist of a pumping station on Union Reservoir, a pipeline that generally travels northwesterly along Spring Gulch #2, thence westerly along Colorado State Highway # 66, thence northerly to a proposed discharge structure on the Supply Ditch. xxi. The proposed “Union/Highland Exchange Structure” means a facility to carry water between the Union Reservoir and the Highland Ditch. The proposed capacity of the facility is 100 cfs. The Union/Highland Exchange Structure will be part of the Union Reservoir Pumpback Pipeline Project, which construction has been started by the City of Longmont. The Union Reservoir Pumpback Pipeline Project will consist of a pumping station on Union Reservoir, a pipeline that generally travels northwesterly along Spring Gulch #2, thence westerly along Colorado State Highway # 66, thence northerly to a proposed discharge structure on the Highland Ditch. xxii. The proposed “Union/Oligarchy Exchange Structure” means a facility to carry water between the Union Reservoir and the Oligarchy Ditch. The proposed capacity of this facility is 53 cfs. The Union/Oligarchy Exchange Structure will be part of the Union Reservoir Pumpback Pipeline Project, which construction has been started by the City of Longmont. The Union Reservoir Pumpback Pipeline Project will consist of a pumping station on Union Reservoir, a pipeline that generally travels northwesterly along Spring Gulch #2, thence westerly along Colorado State Highway # 66, thence southerly to a proposed discharge structure on the Oligarchy Ditch. xxiii. The “St. Vrain Creek Pump Station No. 1” means the pump and pipeline to carry water from St. Vrain Creek to the Oligarchy Ditch, which will then deliver water to Union Reservoir. The decree entered in Case No. 86CW395 describes the proposed location of the inlet of St. Vrain Pump Station No. 1 as being at a point on the North bank of St. Vrain Creek approximately 1400 feet East and 1560 feet South of the Northwest corner of Section 11, T2N, R69W of the 6th P.M., Boulder County, Colorado; the as-built location of the inlet of St. Vrain Pump Station No. 1 is at a point on the North bank of St. Vrain Creek approximately 1,680 feet south and 1,010 feet west of the NE corner of Section 10, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. xxiv. The proposed “St. Vrain Creek Pump Station No. 2” means that proposed pump and pipeline to carry water from the St. Vrain Creek to Union Reservoir with an inlet to be located at a point on the west bank of the St. Vrain Creek approximately 190 feet North and 2700 feet East of the Southwest corner of Section 4, T2N, R68W of the 6th P.M., Weld County, Colorado. E. Description of specific exchanges and amounts: i. Union Reservoir/Raw Water Intake Exchange: Union Water will be released via the Union Reservoir Outlet into Spring Gulch for discharge into St. Vrain Creek for delivery to Calling Structures. Longmont will take a like amount of water, subject to the loss provisions in the 86CW395 decree, into its Raw Water Intake System. a. Diverted Water: Water taken through the Raw Water Intake System. b. Released Water: Union Water discharged via the Union Reservoir Outlet into Spring Gulch and then into St. Vrain Creek. c. Rates of exchange and exchange reaches: The downstream point of each of the exchanges is the confluence of Spring Gulch and St. Vrain Creek. The upstream point of each exchange and rate of exchange to the various components of the Raw Water Intake System are set forth below:

<u>Upstream Points</u>	<u>Rate of Exchange</u>
South Pipeline	30 cfs
North Pipeline	28.5 cfs
St. Vrain Supply Canal Intake	45 cfs
Supply Ditch Intake	22 cfs
Highland Ditch Intake	50 cfs
Rough and Ready Ditch Intake	25 cfs
Palmerton Ditch Intake	55 cfs
Oligarchy Ditch Intake	94 cfs
Carter Lake Pipeline	46 cfs



St. Vrain Creek Pump Station No. 1 20 cfs

The maximum cumulative amount of exchange to all of the above-described upstream points shall not exceed 100 cfs at any given time. The Union Reservoir/Raw Water Intake Exchange remains conditional.

ii. Union Reservoir/Button Rock Exchange: Water will be released from Union Reservoir via the Union Reservoir Outlet into Spring Gulch and discharged into St. Vrain Creek for delivery to Calling Structures. Longmont will take a like amount of water, subject to the loss provisions in the 86CW395 decree, at Button Rock Reservoir. a. Diverted Water: Water will be diverted from North St. Vrain Creek for storage in Button Rock Reservoir. b. Released Water: Union Water will be released via the Union Reservoir Outlet into Spring Gulch and discharged into St. Vrain Creek. c. Rate of exchange and exchange reach: The downstream point of this exchange is the confluence of Spring Gulch and St. Vrain Creek. The upstream point of the exchange is Button Rock Reservoir. The maximum rate of exchange is 100 cfs. The Union Reservoir/Button Rock Exchange was made fully absolute by the decree entered in Case No. 09CW152.

iii. Union/Highland Ditch Exchange: Union Water will be pumped into the Highland Ditch at the proposed Union/Highland Exchange Structure to satisfy water users on the ditch. Longmont will take a like amount of water, subject to the loss provisions in the 86CW395 decree, into its Raw Water Intake System or into storage at Button Rock Reservoir. a. Diverted Water: Water which would otherwise be diverted at the Highland Ditch Intake for delivery to users under the Highland Ditch will instead be taken through the Raw Water Intake System or into Button Rock Reservoir for storage. Water can also be taken out of the Highland Ditch itself for delivery into Longmont’s system. b. Released Water: Union Water will be discharged into Highland Ditch via the proposed Union/Highland Exchange Structure. c. Rates of exchange and exchange reaches: The downstream point of each exchange is the Highland Ditch Intake. The upstream point of each exchange and the rate of each exchange are set forth below:

<u>Upstream Points</u>	<u>Rate of Exchange</u>
Supply Ditch Intake	22 cfs
St. Vrain Supply Canal Intake	45 cfs
South Pipeline	30 cfs
North Pipeline	28.5 cfs
Button Rock Reservoir	100 cfs
Carter Lake Pipeline	46 cfs

d. Downstream deliveries: The Diverted Water can also be diverted at the components of the Raw Water Intake System which are downstream of the Highland Ditch Intake at the rates set forth below by using St. Vrain Creek as a conduit for deliveries. The Water Commissioner will administer St. Vrain Creek so that the Diverted Water is not diverted by others between the Highland Ditch Intake and the following downstream points:

<u>Downstream Point</u>	<u>Rate of Delivery</u>
Rough and Ready Intake Ditch	25 cfs
Palmerton Ditch Intake	55 cfs
Oligarchy Ditch Intake	94 cfs
St. Vrain Creek Pump Station No. 1	20 cfs
St. Vrain Creek Pump Station No. 2	20 cfs

The maximum cumulative amount of the exchanges and deliveries to all of the above-described upstream and downstream points shall not exceed 100 cfs at any given time. The Union/Highland Ditch Exchange remains conditional. iv. Union/Supply Ditch Exchange: Union Water will be pumped into the Supply Ditch at the proposed Union/Supply Exchange Structure to satisfy water users on the ditch. Longmont will take a like amount of water, subject to the loss provisions in the 86CW395 decree, into its Raw Water Intake System or into Button Rock Reservoir for storage. a. Diverted Water: Water which would otherwise be diverted at the Supply Ditch Intake for delivery to users under the Supply Ditch will instead be taken through the Raw Water Intake System or into Button Rock Reservoir for storage. Water can also be taken out of the Supply Ditch itself into Longmont’s water treatment facilities. b. Released Water: Union Water will be discharged into the Supply Ditch via the proposed Union/Supply Exchange Structure. c. Rates of

exchange and exchange reaches: The downstream point of each exchange is the Supply Ditch Intake. The upstream point of each exchange and the rate of each exchange are set forth below:

<u>Upstream Points</u>	<u>Rate of Exchange</u>
St. Vrain Supply Canal Intake	25 cfs
Carter Lake Pipeline	25 cfs
South Pipeline	25 cfs
North Pipeline	25 cfs
Button Rock Reservoir	25 cfs

d. Downstream deliveries: The Diverted Water can also be diverted at those components of the Raw Water Intake System which are downstream of the Supply Ditch Intake at the rates set forth below, by using St. Vrain Creek as a conduit for deliveries. The Water Commissioner will administer St. Vrain Creek so that the Diverted Water is not diverted by others between the Supply Ditch Intake and the following downstream points:

<u>Downstream Points</u>	<u>Rate of Delivery</u>
Highland Ditch Intake	25 cfs
Rough & Ready Ditch Intake	25 cfs
Palmerton Ditch Intake	25 cfs
Oligarchy Ditch Intake	25 cfs
St. Vrain Creek Pump Station No. 1	20 cfs
St. Vrain Creek Pump Station No. 2	20 cfs

The maximum cumulative amount of exchange and deliveries to all of the above-described upstream and downstream shall not exceed 25 cfs at any given time. The Union/Supply Ditch Exchange remains conditional. v. Union/Oligarchy Ditch Exchange: Union Water will be released into the Oligarchy Ditch at the proposed Union/Oligarchy Exchange Structure to satisfy water users on the ditch. Longmont will take a like amount of water, subject to the loss provisions in the 86CW395 decree, through its Raw Water Intake System or into Button Rock Reservoir for storage. a. Diverted Water: Water which would otherwise be diverted at the Oligarchy Ditch Intake for delivery to users under the Oligarchy Ditch will instead be taken through the Raw Water Intake System or into Button Rock Reservoir for storage. b. Released Water: Union Water will be discharged into the Oligarchy Ditch via the proposed Union/Oligarchy Exchange Structure. c. Rates of exchange and exchange reaches: The downstream point of each exchange is the Oligarchy Ditch Intake. The upstream point of each exchange and the rate of each exchange are set forth below:

<u>Upstream Points</u>	<u>Rate of Exchange</u>
Palmerton Ditch Intake	53 cfs
Rough and Ready Ditch Intake	25 cfs
Highland Ditch Intake	50 cfs
Supply Ditch Intake	22 cfs
St. Vrain Supply Canal Intake	45 cfs
South Pipeline	30 cfs
North Pipeline	28.5 cfs
Button Rock Reservoir	53 cfs
Carter Lake Pipeline	46 cfs
St. Vrain Creek Pump Station No. 1	20 cfs
St. Vrain Creek Pump Station No. 2	20 cfs

The maximum cumulative amount of exchange to all of the above-described upstream shall not exceed 53 cfs at any given time. The Union/Oligarchy Ditch Exchange remains conditional. vi. Longmont/Windy Gap Raw Water Exchanges: Windy Gap Water owned or leased by Longmont can be discharged into St. Vrain Creek and will be delivered to Calling Structures lying downstream of the confluence of St. Vrain Creek and the South Platte River. Longmont will take a like amount of water, subject to the loss provisions in the 86CW395 decree, through its Raw Water Intake System and/or into storage at Button Rock Reservoir and/or Union Reservoir. a. Diverted Water: Water taken through the Raw Water Intake System and/or into

storage at Button Rock Reservoir and/or into storage in Union Reservoir at the Oligarchy Ditch Intake, and/or St. Vrain Pump Station Nos. 1 and 2. b. Released Water: Windy Gap Water owned or leased by Longmont which is discharged into St. Vrain Creek at the point the Windy Gap/St. Vrain Supply Canal discharges into St. Vrain Creek located in the NE 1/4 of Section 20, T3N, R70W of the 6th P.M., which water is delivered to Calling Structures lying downstream of the confluence of St. Vrain Creek and the South Platte River. c. Rate of exchange and reaches: The downstream point of the exchange is the point the Windy Gap/St. Vrain Supply Canal discharges into the St. Vrain Creek located in the NE 1/4 of Section 20, T3N, R70W of the 6th P.M. The discharge capacity of the Windy Gap/St. Vrain Supply Canal is 575 cfs. The upstream points of exchange and the rate of each exchange are set forth below:

<u>Upstream Points</u>	<u>Rate of Exchange</u>
North Pipeline	28.5 cfs
South Pipeline	30 cfs
Carter Lake Pipeline	46 cfs
Button Rock Reservoir	575 cfs

d. Downstream deliveries: The Released Water can also be diverted at those components of the Raw Water Intake System which are downstream of the point at which the Windy Gap/St. Vrain Supply Canal discharges into St. Vrain Creek at the rates set forth below, by using St. Vrain Creek as a conduit for deliveries. The Water Commissioner will administer St. Vrain Creek so that the Released Water is not diverted by others between the point at which the Windy Gap/St. Vrain Supply Canal discharges into St. Vrain Creek and the following downstream points:

<u>Downstream Points</u>	<u>Rate of Delivery</u>
Supply Ditch Intake	22 cfs
Highland Ditch Intake	50 cfs
Rough & Ready Ditch Intake	25 cfs
Palmerton Ditch Intake	55 cfs
Oligarchy Ditch Intake	94 cfs
St. Vrain Creek Pump Station No. 1	20 cfs
St. Vrain Creek Pump Station No. 2	20 cfs

The maximum cumulative amount of exchange and deliveries to all of the above-described upstream and downstream points shall not exceed 575 cfs at any given time. The Windy Gap exchanges described herein are in addition to the Windy Gap exchanges previously decreed in Case No. W-8710-77. The Longmont/Windy Gap Raw Water Exchanges remain conditional. vii. Longmont/Windy Gap Return Flow Exchange: Return flows from Longmont's initial municipal use of Windy Gap Water owned or leased by Longmont accrues to St. Vrain Creek and will be delivered to Calling Structures lying downstream of the confluence of St. Vrain Creek and the South Platte River. Longmont will take a like amount of water, subject to the loss provisions in the 86CW395 decree, through its Raw Water Intake System and/or into storage at Button Rock Reservoir and/or Union Reservoir. a. Diverted Water: Water taken through the Raw Water Intake System and/or into storage at Button Rock Reservoir and/or into storage in Union Reservoir at the Oligarchy Ditch Intake, and/or St. Vrain Pump Station Nos. 1 and 2. b. Released Water: Return flows following Longmont's initial use of Windy Gap Water owned or leased by it which accrues to St. Vrain Creek and is delivered to Calling Structures lying downstream of the confluence of St. Vrain Creek and the South Platte River. c. Rate of exchange and reaches: The downstream point of the exchange is the outfall of the Longmont wastewater treatment plant on St. Vrain Creek (presently located in the SW1/4 NE1/4 of Section 11, T2N, R69W of the 6th P.M., Boulder County, Colorado) with a capacity of approximately 18 cfs. The upstream points of exchange and the rate of each exchange are set forth below:

<u>Upstream Points</u>	<u>Rate of Exchange</u>
St. Vrain Pump Station No. 2	18 cfs
Oligarchy Ditch Intake	18 cfs
Palmerton Ditch Intake	18 cfs
Rough and Ready Ditch Intake	18 cfs
Highland Ditch Intake	18 cfs

Supply Ditch Intake	18 cfs
St. Vrain Supply Canal Intake	18 cfs
North Pipeline	18 cfs
South Pipeline	18 cfs
Carter Lake Pipeline	18 cfs
Button Rock Reservoir	18 cfs

d. Downstream deliveries: The Released Water can also be diverted at the St. Vrain Pump Station No. 2 which is located downstream of the Longmont wastewater treatment plant outfall by using St. Vrain Creek as a conduit for deliveries. The Water Commissioner will administer St. Vrain Creek so that the Diverted Water is delivered to the St. Vrain Pump Station No. 2. The maximum cumulative amount of exchange to all of the above-described upstream points and delivery to the above-described downstream point shall not exceed 18 cfs at any given time. The Longmont/Windy Gap Return Flow Exchange remains conditional.

F. Use: The Diverted Water shall assume the beneficial and consumptive use characteristics of the Released Water, as more fully described in Paragraph 9.G of decreed entered in Case No. 86CW395.

Detailed outline of work done to complete project and apply water to beneficial use: The conditional water rights decreed in Case No. 86CW395 for the Longmont Union Reservoir Exchange Plan are a critical part of the City of Longmont’s integrated water supply system. Longmont is developing its water supply system in accordance with a long-term, phased development program to meet the expanding water demands of Longmont. The Longmont Union Reservoir Exchange Plan will allow Longmont to enhance the yield of its water supply through storage and exchanges, to capture and exchange its reusable water, and to maximize its options for treatment of wastewater and collection of its stormwater. During the applicable Diligence Period (February 2017 to the present), Longmont has spent considerable time and money in the development of its integrated water system, and large expenditures of money will be required in the future to continue this development. Longmont’s efforts to develop its water system and the conditional water rights that are the subject of this Application during the Diligence Period support a finding of reasonable diligence. These efforts include, without limitation, the work detailed in the affidavit of Ken S. Huson, Water Resources Manager for Longmont, attached to the Application as **Exhibit B**, (available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing) and outlined, in part, as follows: A. St. Vrain Creek Pumping Station No. 1 Improvements – Total costs of \$930,271.00, for the “Resilient St. Vrain Project”, including the design and replacement of diversion infrastructure destroyed by 2013 flood event. B. Union Reservoir Land Acquisition Program – Total costs of \$1,254,249.00, for acquisition of lands in connection with the future enlargement of Union Reservoir. C. Union Reservoir Water Quality Background Investigation – Total costs of \$139,291.40. D. Union Reservoir Entrance Bridge Improvements – Total costs of \$372,436.37. E. Future Water Demand Study – Total costs of \$76,790.00. F. Windy Gap Project and Firming Project – Total costs of \$57,184,873.05. This list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter.

5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. South Pipeline: City of Longmont; B. North Pipeline: City of Longmont; C. St. Vrain Supply Canal Intake: Northern Colorado Water Conservancy District; D. Highland Ditch Intake: Highland Ditch Company; E. Carter Lake Pipeline: Northern Colorado Water Conservancy District; F. Supply Ditch Intake: Supply Ditch Company; G. Rough and Ready Ditch Intake: Rough and Ready Ditch Company; H. Oligarchy Ditch Intake: Oligarchy Ditch Company; I. Palmerton Ditch Intake: Palmerton Ditch Company J. Button Rock Reservoir: City of Longmont; K. Union Reservoir: Union Reservoir Company; L. Union Reservoir Outlet: Union Reservoir Company; M. St. Vrain Creek Pump Station No. 1: City of Longmont; N. St. Vrain Creek Pump Station No. 2: Colorado Parks and Wildlife, JCK Gravel, Inc., Meadow Vale Cove HOA, Colorado Department of Transportation. WHEREFORE, Longmont respectfully requests that the Court enter a decree (i) finding reasonable diligence for and continuing in full force and effect all remaining conditional portions of the Longmont Union Reservoir Exchange Plan described in Paragraph 3 above; and (ii) granting such further relief as the Court deems just and proper.

**2023CW3017 ABW REOS, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; ABW REOS, LLC (“ABW”), c/o James Flint, 5975 S. Quebec St., Suite 275, Centennial, CO 80111; Email: jim@abetterwayrealty.com; Telephone: (303) 759-2222; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151.**

**APPLICATION FOR PLAN FOR AUGMENTATION IN JEFFERSON COUNTY. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION 2. Names of Structures to be Augmented:**

ABW Well Nos. 1 and 2. The ABW Well Nos. 1 and 2 are existing wells located on a parcel of approximately 8 acres lying in the NE1/4 NW1/4, Section 9, Township 6 South, Range 70 West of the 6th P.M., Jefferson County, Colorado (“ABW Property”), located in the drainage of South Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek. The ABW Property on which the ABW Well Nos. 1 and 2 are located is shown on the map attached as **Exhibit A**. The rate of diversion for the ABW Well Nos. 1 and 2 will not exceed 15 gallons per minute. The ABW Wells 1 and 2 will be used for in-house uses only at commercial residential facilities on the ABW Property. Applicant ABW will seek new well permits for the ABW Well Nos. 1 and 2 consistent with the final decree entered in this case. Applicant ABW reserves the right to construct a third well, ABW Well No. 3, on the ABW Property to be augmented pursuant to this plan of augmentation in the event the ABW Well Nos. 1 and 2 are not adequate physical supply for ABW’s needs, provided the total replacement needs for the three wells does not exceed the total amount of consumptive use available under this plan.

3. Water Rights to be Used for Augmentation Purposes: ABW has entered into a contract with North Fork Associates, LLC to purchase 10.2 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.320 of an acre-foot to satisfy the present and anticipated future replacement needs, attributable to MMRC’s Turkey Creek Firm Yield, as show on the summary of Firm Yield commitments, attached as **Exhibit B**, and described below.

a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

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

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

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
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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. 4. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the ABW Well Nos. 1 and 2 for indoor use, in the manner described below. a. The water requirement for the ABW Well Nos. 1 and 2 was established by a report from Martin and Wood, which found a total water requirement of 3.2 acre-feet for indoor use in the planned commercial residential facilities on the ABW Property with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. This water use will occur in the two existing buildings and a third building to be constructed and includes up to 33 residents and 12 staff using common kitchen/dining facilities. This plan will require 0.320 of an acre-foot of replacement water as is shown in Table 1 below.

Table 1
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Use	Water Requirements	Quantity AF	CU Rate	Replacement Requirements		
				Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
In-house Use	3.2 af/yr	3.20	10%	0.320	0.160	0.160
Total		3.20		0.320	0.160	0.160

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.026	0.027	0.026	0.027	0.026	0.027	0.027	0.027	0.027	0.027	0.026	0.027

This equates to a maximum stream depletion of 0.20 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph 3, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more release from storage of short duration. c. During those times when one of the exchanges decreed in Case Nos. 94CW290 and 01CW293 can be operated, depletions to South Turkey Creek and Turkey Creek from the ABW Well Nos. 1 and 2 will be augmented by either continuously leaving a portion of MMRC's Warrior Ditch and/or Harriman Ditch direct flow water rights in the stream or periodically releasing water stored in Soda Lakes Reservoirs. During times when exchanges cannot be operated, depletions will be augmented by periodically releasing water from Meadowview Reservoir. 5. Water Exchange Reach: The total consumptive use water requirement will be 0.320 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek rights. These requirements are needed at the point of depletion in the NE1/4 NW1/4, Section 9, Township 6 South, Range 70 West of the 6th P.M. This is upstream of the point of replacement at the confluence of Bear Creek and Turkey Creek in Section 5, Township 5 South, Range 69 West of the 6th P.M. The point of depletion to South Turkey Creek and Turkey Creek that is associated with water usage from the ABW Well Nos. 1 and 2 is within the exchange reach described in the Decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate priority is required for the operation of this augmentation plan regarding such depletions that occur within the reach described in those cases. The exchanges described in Case Nos. 94CW290 and 01CW293 are operated and administered with priority dates of December 30, 1994 and December 31, 2001, respectively. In the event that 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. 6. 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. 7. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicant, ABW. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically, granting any appropriations sought in this Application, authorizing use of the augmentation supplies described in this Application, and 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 ABW Well Nos. 1, 2, and 3 consistent with the final decree entered in this case. (10 pgs., 2 Exhibits)

**2023CW3018 T3 LAND & INVESTMENT LLC ("T3")** Attn: Dan Timmerman 32295 U.S. Highway 34 P.O. Box 384 Brush, Colorado 80723 Email: dbtimmer49@hotmail.com (970) 842-0701. PLEASE DIRECT ALL PLEADINGS TO: James S. Witwer, Kate Sanford, Davis Graham & Stubbs LLP, 1550 17<sup>th</sup>

Street, Suite 500, Denver, Colorado 80202; Telephone (303) 802-9400. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN MORGAN COUNTY.** 2. Overview: The Pinneo Feedlot is located three miles east of Brush on U.S. Highway 34. In Case No. 03CW407, the District Court in and for Water Division No. 1 approved a plan for augmentation, including appropriative rights of exchange, to replace out-of-priority stream depletions resulting from pumping at the Pinneo Feedlot with surplus water recharge credits from the Farmers State Bank of Brush Recharge and Augmentation Project (“Headley Recharge Project”); with consumptive use credits associated with water rights represented by six (6) shares of stock in the Jackson Lake Reservoir and Irrigation Company (the “Jackson Lake Rights”); with consumptive use credits associated with historical irrigation use of a ground water right (“Booth Farm Well Right”); and with surplus water recharge credits available by agreement with the Upper Platte and Beaver Canal Company (“UPBCC”). T3 acquired the Pinneo Feedlot and associated water rights from the original applicant in Case No. 03CW407, Pinneo Feedlot, LLC, in 2019. This application concerns the 9.55 c.f.s. of conditional appropriative rights originally decreed in that case, known as the Pinneo Surplus Credit Recycling Exchanges. These rights rely on recharge credits generated in excess of T3’s initial augmentation and replacement requirements under the decree in Case No. 03CW407. 3. Structures Used to Generate Surplus Credits for Exchange: Headley Recharge Project, Upper Platte and Beaver Canal and Recharge Facilities, Booth Farm Recharge Ponds (currently a single pond); and Upper Platte and Beaver Canal. 4. Description of conditional water rights: A. Decrees: i. Original Decree: In Case No. 03CW407, the District Court in and for Water Division No. 1 confirmed the Pinneo Surplus Credit Recycling Exchanges, which appropriate T3’s surplus recharge credits, generated from T3’s interests in the Headley Recharge Project, Jackson Lake Rights, Booth Farm Well Right, and any additional sources used pursuant to paragraph 29 of the 03CW407 decree, and delivering this water by exchange into the Upper Platte and Beaver Canal for recharge in the Booth Farm Recharge Ponds and (subject to the consent of UPBCC and the Water Commissioner) in recharge facilities controlled by UPBCC and described in the UPBCC plan for augmentation approved August 9, 2010 in Case No. 2002CW401, Water Division 1 (the “UPBCC Plan”). ii. Decree making absolute and finding reasonable diligence: Case No. 16CW3108, Water Division No. 1, decree dated February 10, 2017. In that case the Court made absolute 0.45 c.f.s. and found reasonable diligence had been exercised on 9.55 c.f.s. This application seeks a finding of reasonable diligence in the development of the 9.55 c.f.s. of conditional water rights associated with the Pinneo Surplus Credit Recycling Exchanges. B. Legal Description of Structures: i. Headley Recharge Project. Water diverted into the Riverside Canal under the Headley Recharge Project decree (Case No. 90CW189, Water Division No. 1, entered November 23, 1992) may be delivered directly for recharge or temporarily stored in Riverside Reservoir or Wildcat Reservoir for later release and delivery for recharge. Water placed into the lower end of the Riverside Canal (below what is known as Bruce Weir), into Antelope draw, and/or into Headley Recharge Ponds Nos. 1 through 6, may be used for wildlife habitat, recreation, and aesthetic purposes; or used for recharge of the alluvial aquifer and augmentation purposes. T3 has acquired 50 percent of the water recharge credits available under the Headley Recharge Project. The recharge facilities comprising the Headley Recharge Project are generally located in Section 13, Township 5 North, Range 56 West, and Sections 7, 18, 19, 20, and 29, Township 5 North, Range 55 West, 6th P.M., Morgan County. ii. Upper Platte and Beaver Canal Recharge Facilities. The Upper Platte and Beaver Canal headgate is located at a point whence the Southeast corner of Section 35, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado, bears South 13° 57’ East, 5020.2 feet. Numerous recharge facilities receive water deliveries from the canal, as more particularly described in the UPBCC Plan. iii. Booth Farm Recharge Ponds. The approximate location of the measuring device for deliveries into the Booth Farm Recharge Ponds (currently a single pond) is located in the NW1/4 NW1/4 of Section 35, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 720 feet south of the North Section line and 280 feet east from the West Section line of said Section 35; the UTM Coordinates are NAD83, Zone 13N, in meters: X=617260m Y=4459117. The Booth Farm Recharge Ponds receive water deliveries from the Upper Platte and Beaver Canal and can receive deliveries from the Booth Farm Well Right. As more particularly described in the 03CW407 Decree, water delivered to recharge in the Booth Farm Recharge Ponds under the Jackson Lake Rights or pursuant to the appropriative right of exchange described

in Paragraph 10(B)(2) of that decree may be diverted into and through the Upper Platte and Beaver Canal, with the written consent of UPBCC. C. Exchange Reaches: i. The downstream exchange “from” point for the appropriative rights of exchange is the midpoint where recharge credits from the Headley Recharge Project accrue to the South Platte River, located generally at a point on said river in the NW1/4 SW1/4 of Section 33, Township 5 North, Range 55 West, 6th P.M., Morgan County, Colorado below the inlet to the North Sterling Canal. Based on the midpoint of accretions, 49% of the accretions affect the South Platte River upstream of the inlet to the North Sterling Canal and 51% of the accretions affect the river downstream of the inlet to the North Sterling Canal. A second exchange “from” point is the midpoint where recharge credits from the Booth Farm Recharge Ponds accrue to the South Platte River, located generally at a point on said river in the SW1/4 SW1/4 of Section 22, Township 4 North, Range 56 West, 6th P.M., Morgan County, Colorado, above the inlet to the North Sterling Canal. Based on the midpoint of accretions, 98% of the accretions affect the South Platte River upstream of the inlet to the North Sterling Canal and 2% of the accretions affect the river downstream of the inlet to the North Sterling Canal. ii. The upstream exchange “to” point for the appropriative rights of exchange is the headgate of the Upper Platte and Beaver Canal, located on the South Platte River in Morgan County, Colorado at a point whence the SE corner of Section 35, T4N, R58W, 6th P.M. bears S. 13°57’ E, 5,020.2 feet, being approximately 7,680 feet from the original decreed point of diversion. Use of the canal to divert and deliver the surplus recharge credits by exchange is subject to the consent of UPBCC and the Water Commissioner. D. Source of Water: South Platte River; surplus recharge credits generated in excess of T3’s augmentation and replacement requirements under the Decree in Case No. 03CW407, whether such surplus credits were originally delivered to recharge under the Headley Recharge Project decree, Jackson Lake Rights, Booth Farm Well Right, additional sources pursuant to Paragraph 29 of the Decree in Case No. 03CW407, any combination thereof, or under these appropriative rights of exchange. E. Appropriation Date: August 6, 2006. F. Absolute and/or Conditional Amounts Previously Decreed: i. Pinneo Surplus Credit Recycling Exchanges: 0.45 c.f.s., absolute; and 9.55 c.f.s., conditional. G. Use: Augmentation and replacement purposes. 5. Detailed outline of work performed and the expenditures made toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: A. T3’s actions and expenses related to the Headley Recharge Project. T3 acquired its interest in the Headley Recharge Project from Pinneo Feedlot, LLC in 2019. During the diligence period, both T3 and its predecessor performed diligence activities related to the Project, including for the conditional water rights decreed to Headley Recharge Ponds No. 2 through 6 (the water storage right decreed to Headley Recharge Pond No. 1 has been made absolute). i. During the diligence period, T3 and its predecessor incurred more than \$145,000 in costs associated with operation, maintenance, and repair of the Headley Recharge Ponds and related structures. These costs include the costs to hire a contractor to (1) excavate the bottom of Headley Recharge Pond No. 4 to increase the seepage rate; (2) reconstruct Headley Recharge Pond No. 5 at its original location; and (3) trench a new delivery canal to Headley Recharge Pond No. 5 from Antelope Draw. ii. During the diligence period, T3 and its predecessor spent more than \$14,000 in attorneys’ fees and expenses for legal work associated with these water rights, including negotiations between the co-applicants regarding operation and maintenance activities for the Headley Recharge Project structures. iii. During the diligence period, T3’s predecessor retained an engineer to evaluate and optimize improvements to the Headley Recharge Ponds and related structures, including the pond excavation activities described in Paragraph 5(A)(i) above. T3’s predecessor spent approximately \$11,500 for these engineering services. iv. During the diligence period, T3 incurred more than \$4,000 in attorneys’ fees and approximately \$1,500 in engineering fees to evaluate, file and obtain approval of an application for change of water right to relocate Headley Recharge Pond No. 6 from its originally decreed location to a location closer to the remaining ponds in Case No. 22CW3073, Water Division No. 1, which this Court approved by decree entered on November 30, 2022. v. During the diligence period, T3 incurred more than \$13,000 in attorney’s fees and engineering fees to pursue a decree making absolute additional portions of, and finding reasonable diligence in the development of the remaining, conditional water rights associated with the Headley Project in Case No. 22CW3075, Water Division No. 1, including without limitation by filing the application, resolving opposition thereto, and submitting a proposed ruling to the water referee. B. T3’s Additional Diligence Activities. During the

diligence period, T3 acquired a Grant of an Easement for Augmentation Water Pond, Supply Ditch and Access for the Booth Farm Recharge Ponds to operate the facility. Also, during this period, T3 and its predecessor continued to deliver water rights to the Booth Farm Recharge Ponds for recharge under the Jackson Lake Rights and additional water rights other than the subject water right, to replace out-of-priority depletions as required pursuant to the Decree in Case No. 03CW407, and to pay annual assessments to Jackson Lake Reservoir & Irrigation Company for the Jackson Lake Rights. 6. Name 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 or existing storage pool is or will be constructed or upon which water is or will be stored: A. T3 owns the land on which Headley Recharge Pond Nos. 1, 2, 3, 4, 5 and 6 are located. B. Riverside Reservoir and Land Company and the Riverside Irrigation District, Attn: Don Chapman, Superintendent, 221 East Kiowa Avenue, Fort Morgan, Colorado 80701 own or control all land on which the remaining structures associated with the Headley Recharge Project are located. C. T3 owns an easement over the land upon which the Booth Farm Recharge Ponds are located. D. The Upper Platte and Beaver Canal Company, P.O. Box 69, Ft. Morgan, Colorado 80701 is the owner of the Upper Platte and Beaver Canal and the recharge facilities described in the UPBCC Plan.

**2023CW3019 CHRISTOPHER AND WENDY JEUB**, 16315 Rickenbacker Avenue, Monument, CO 80132. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR PLAN FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY DAWSON AND DENVER AQUIFERS IN EL PASO COUNTY.** Subject Property: 5.95 acres generally located in the NE1/4 of the NW1/4 of Section 15, Township 11 South, Range 66 West of the 6th P.M., also known as 18045 Highway 83, Colorado Springs, El Paso County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants have express written permission from the owners of the Subject Property to file this case. The owners are the sole owners of the Subject Property and therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing Dawson Aquifer household-use only well on the Subject Property under well permit number 226919. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Dawson and Denver aquifers are not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Arapahoe and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal based on a 100-year aquifer life:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)	5.27
Denver (NNT)	5.66
Arapahoe (NT)	2.58
Laramie-Fox Hills (NT)	1.84

Proposed Uses: Use, reuse, and subsequent use for domestic, including in-house use, commercial, irrigation, livestock watering, fire protection, and augmentation and replacement purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 2.1 acre-feet per year for 100 years of Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used in one (1) well, which will serve up to six (6) single-family homes, or their equivalent (0.3 acre-feet per year each, 1.8 acre-feet per year

total), and commercial sanitary use (0.3 acre-feet per year), and fire protection, on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Monument, East Cherry, and West Cherry creek stream systems and return flows accrue to those creek systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Notice to Landowners: The land is owned by the following party, and notice of this application was sent to them via certified mail, return receipt requested: Randy Amann and Linda Amann, PO Box 281, Pleasant Grove, UT 84062-0281. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

**2023CW3020 JEFFREY E. BUERGER, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC**; Jeffrey E. Buerger, 27356 Kennedy Gulch Road, Conifer, CO 80433; Email: jeff@hallandhall.com; Telephone: (303) 229-9932; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **Application for APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES.** 2. Summary of Claims: Co-Applicant, Jeffrey Buerger (“Buerger”), is the purchaser of an approximately 10-acre parcel located in the NW1/4 SW1/4, Section 23, Township 6 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, presently known as 27356 Kennedy Gulch Road, Conifer, Colorado 80433 (“Subject Property”), the general location of which is shown on the map attached as **Exhibit A**. The water for the Subject Property is supplied by a well that is augmented pursuant to a plan for augmentation decreed in Case No. 92CW087, which provides replacement water on this lot for one single family dwelling and one of the following outdoor uses: (1) irrigation of 500 square feet of lawn or 2,000 square feet of garden, or any combination thereof that does not consume more water than 500 square feet of lawn; (2) the boarding of three horses or equivalent livestock; or (3) a swimming pool having a surface area of up to 500 square feet. The augmentation plan decreed in Case No. 92CW087 is not the subject of this application. Rather, Applicants file this application seeking a supplemental augmentation plan to: (1) replace additional out-of-priority depletions for the well not already replaced by the augmentation plan in Case No. 92CW087; and (2) replace evaporative losses from an on-channel pond located on the Subject Property to be used for piscatorial, aesthetic, and recreation purposes. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 3. Name of Structures to be Augmented: The structures to be augmented pursuant to this plan for augmentation are: (i) the Tate Quinn Well No. 1; and (2) Vesper’s Pond No. 1 (collectively, the “Augmented Structures”). The Augmented Structures are located on the Subject Property, which is in the drainage of the Kennedy Gulch, tributary to the North Fork of the South Platte River, tributary to the South Platte River. The Augmented Structures are more particularly described as follows: a. Tate Quinn Well No. 1. The Tate Quinn Well No. 1 is an existing non-exempt tributary well approved pursuant to C.R.S. § 37-90-137(2), Permit No. 75035-F, located in the NW1/4 SW1/4 of Section 23, Township 6 South, Range 71 West of the 6th P.M. and on the Subject Property. The rate of diversion for the Tate Quinn Well will not exceed 15 gallons per minute. After entry of the final decree in this case, Buerger will seek a new permit for the Tate Quinn Well No. 1 that will reference the Decree in Case No. 92CW087 and the final decree

entered in this case. b. Vesper's Pond No. 1: Vesper's Pond No. 1 is located on the channel of Kennedy Gulch in the NW1/4 SW1/4 of Section 23, Township 6 South, Range 71 West of the 6th P.M. and on the Subject Property. The augmentation plan sought in this application will replace evaporative losses from the existing pond and those for a proposed expansion of Vesper's Pond No. 1. 4. Water Rights to be Used for Augmentation Purposes: Buerger has entered into a contract with North Fork Associates, LLC to purchase 25.8 shares of Mountain Mutual Reservoir Company ("MMRC") stock, which represents a firm annual yield of 0.812 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Tate Quinn Well No. 1 that are not already replaced pursuant to the augmentation plan in Case No. 92CW087 and the evaporative losses from Vesper's Pond No. 1. a. The water rights associated with the MMRC shares include the following: i. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork



Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. vi. Guiraud 3T Ditch. MMRC owns 3.481 cubic feet per second of the water rights decreed in the Guiraud 3T Ditch as follows:

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

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

to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The Nickerson Ditch rights are claimed as an alternate replacement supply in this matter. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 5. Statement of Plan for Augmentation: This supplemental augmentation plan for the Tate Quinn Well No. 1 would replace out-of-priority depletions for indoor and outdoor uses that are not already augmented pursuant to Case No. 92CW087. The Indoor Uses in the subject augmentation plan are for one auxiliary dwelling unit with an average occupancy of 2.0 persons per house. The estimated water requirement for the Indoor Use is 80 gallons per capita per day with 10% consumption based on the subsurface discharge from an individual septic tank-soil absorption system. In addition, the Outdoor Uses in the subject augmentation plan consist of a 500 square foot swimming pool using 3.0 af/ac with 100% consumption. This augmentation plan would also replace the existing evaporative losses for the on-channel Vesper's Pond No. 1, and the evaporative losses for a possible expansion of the pond as more fully explained in Paragraph 5.b. Any portion of the augmentation water not needed for the expansion of Vesper's Pond No. 1 can be used for additional turf irrigation. If the swimming pool contemplated in this augmentation plan is not constructed, the plan is intended to replace the following alternate uses: (a) up to two horses (or equivalent animals) using 10 gallons per head per day with 100% consumption; (b) up to 1,500 square feet of turf irrigation based on the application of 1.25 af/ac with 80% consumption; (c) up to 3,700 square feet of garden irrigation based on the application of 0.50 af/ac with 80% consumption; or (d) a combination, not to exceed the total replacement capacity of the plan. The plan will require 0.812 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
ADU	0.179 af/yr	1	0.179	10%	0.018	0.008	0.010
*Swimming Pool 500 sqft	3.0 af/ac	0.0115 ac	0.035	100%	0.035	0.024	0.011
Present Pond evap	1.078 af/ac	0.24	0.259	100%	0.259	0.163	0.096
Sub-tot					0.312	0.195	0.117
Trans. Chg	0.15%/mile	85	0.040	100%	0.040	0.025	0.015
Sub-Total			0.5		0.352	0.22	0.132
**Expanded Pond	1.702 af/ac	0.24	0.408	100%	0.408	0.313	0.095
Trans Chg	0.15%/mile	85	0.052	100%	0.052	0.040	0.012
Sub-Total			0.5		0.460	0.353	0.107
Grand Total			1.0		0.812	0.573	0.239
*Turf ( up to 1500 sf)	1.25 af/ac	0.1	0.125	80%	.100	.090	0.010
*Garden (up to 3700 sf)	0.50 af/ac	0.1	0.050	80%	0.040	0.035	0.005
*Horses	10 gl/hd/dy	1	0.0112	100%	0.0112	0.0047	0.065

\*In lieu of a swimming pool, Applicant may seek to replace depletions from a combination of horses, turf irrigation, or garden irrigation so long as the combination of these alternative Outdoor Uses does not exceed 0.035 acre-feet of consumptive use.

\*\*All or a portion of the replacement water that is not used for an expansion of Vesper's Pond No. 1 may be used for turf irrigation so long as the consumptive use does not exceed 0.408 acre-feet.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.033	0.002	0.002	0.003	0.044	0.077	0.087	0.137	0.136	0.104	0.108	0.079

This equates to a maximum stream depletion of 1.0 gallon per minute. a. The total consumptive use water requirement will be met with 0.812 acre-feet of Guiraud 3T Ditch as described above and 0.240 acre-feet of storage in Maddox Reservoir (See Exhibits "B" and "C" respectively). The calculated requirements of the direct flow water rights from May through September are a total of 0.507 of an acre-foot and 0.213 of an acre-foot from October through April at the point of depletion on Kennedy Gulch in the NW1/4 SW1/4, Section 23, Township 6 South, Range 71 West of the 6th P.M. The point of delivery of the Guiraud 3T Ditch water, including 0.226 of an acre-foot to be delivered to the Maddox Reservoir, will be the former headgate of the Guiraud 3T Ditch on the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West of the 6th P.M. The point of delivery from Maddox Reservoir shall be the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M, all in Park County. The total requirement at the points of exchange at the confluence of Kennedy Gulch and the North Fork of the South Platte River in the SW1/4 SE1/4 Section 16, Township 7 South, Range 70 West is 0.685 of an acre-foot of replacement water. During the irrigation season during the

months of May through September, out-of-priority depletions to the stream system will be continuously augmented by MMRC by foregoing the diversion of a portion of its Guiraud 3T Ditch Rights. During the non-irrigation season during the months of October through April, and at times when the Guiraud 3T Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. b. Because Vesper's Pond No. 1 is on-stream, Applicants are claiming a phreatophyte credit for 50% of the pond formerly being sub-irrigated by grass. In addition, the period that the pond would normally be frozen was determined using the average temperatures of Evergreen since the elevation of the two locations is within 500 feet of each other. The average first day with temperatures of 32 degrees or below was determined by extrapolating the average temperatures of February and March and the months of November and December. A calculation of evaporation for the Vesper's Pond No. 1 is attached as **Exhibit D**. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 6. Water Exchange Project: Since the point of depletion associated with the Augmented Structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend from the confluence of the North Fork of the South Platte River and the South Platte River in the SW1/4 SE1/4, Section 25, Township 7 South Range 70 West thence up the North Fork of the South Platte River to the confluence of the North Fork and Kennedy Gulch in the SW1/4 SE1/4, Section 16, Township 7 South, Range 70 West thence up Kennedy Gulch to the point of depletion in the NW1/4 SW1/4, Section 23, Township 6 South, Range 71 West. In the event that there is a senior call within the exchange project reach which precludes the exchange, the Applicants can have replacement water delivered via trucking to make replacements above the calling water right or release water from an onsite container. The exchange project rights will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of February 28, 2023, at a maximum flow rate of 0.01 cfs 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: Co-Applicant, Buerger. 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 a well permit for the use of, or any replacement well permit(s) required for, the Tate Quinn Well No. 1 consistent with the Decree in Case No. 92CW087 and the final decree entered in this case. (14 pgs., 4 Exhibits)

**2023CW3021 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT** ("ECCV"), c/o Dave Kaunisto, 6201 South Gun Club Road, Aurora, Colorado 80015, Telephone: (303) 693-3800. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CERTAIN PORTION ABSOLUTE IN ARAPAHOE COUNTY**. All correspondence and communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661. 2. Description of Conditional Underground Water Rights. 2.1. Names and Locations of Structures. 2.1.1. District Alluvial Well CC-10, Well Permit No. 57781-F, is located in the NW1/4 of NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., at a point 1125 feet South of the North line and 2305 feet West of the East line of said Section 19, in Arapahoe County. 2.1.2. District Alluvial Well CC-12, Well Permit No. 57779-F, is located in the NW1/4 of NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., at a point

725 feet South of the North line and 2020 feet West of the East line of said Section 19, in Arapahoe County.

2.1.3. District Alluvial Well CC-15, Well Permit No. 57780-F, is located in the NW1/4 of NE 1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., at a point 45 feet South of the North line and 2350 feet West of the East line of said Section 19, in Arapahoe County. A location map is attached as **Exhibit A**.

2.2. Original and Subsequent Diligence Decrees. The original decree was entered by the Water Court, Water Division No. 1 on February 26, 1999, in Case No. 86CW380. The first diligence decree was entered by the Water Court, Water Division No. 1 on January 8, 2008, in Case No. 05CW44, continuing as conditional, District Alluvial Well CC-10 in the amount of 1000 gpm, District Alluvial Well CC-12 in the amount of 1000 gpm, and District Alluvial Well CC-15 in the amount of 1000 gpm, with a total maximum flow rate of 3,000 gpm, or 6.68 cfs, and a total annual combined volumetric limit of 2,000 acre-feet. A second diligence decree was entered by the Water Court, Water Division No. 1 on February 24, 2017, in Case No. 14CW3009, continuing as conditional, District Alluvial Well CC-10 in the amount of 447 gpm, District Alluvial Well CC-12 in the amount of 733 gpm, and District Alluvial Well CC-15 in the amount of 386 gpm. The combined rates of diversion from the three District Alluvial Wells made absolute were 1,434 gpm, which equals 3.19 cfs.

2.3. Source. Ground water tributary to Cherry Creek, which is tributary to the South Platte River.

2.4. Appropriation Date. November 13, 1986.

2.5. Amounts. Pumping from the three wells is not to exceed a rate of flow of 6.68 cfs (3,000 gpm) and the total annual combined volumetric limit of the three wells shall not exceed 2,000 acre feet.

2.5.1. District Alluvial Well CC-10: 1000 gpm.

2.5.2. District Alluvial Well CC-12: 1000 gpm.

2.5.3. District Alluvial Well CC-15: 1000 gpm.

2.6. Depth of Wells.

2.6.1. District Alluvial Well CC-10: Approximately 95 feet in-depth.

2.6.2. District Alluvial Well CC-12: Approximately 69 feet in-depth.

2.6.3. District Alluvial Well CC-15: Approximately 70 feet in-depth.

2.7. Uses. All municipal uses, including domestic, mechanical, manufacturing, industrial, fire protection, use for sewage treatment, street cleaning, irrigation of lawns and grounds, recreation, fish culture, agricultural, maintenance and preservation of wildlife and aesthetic values, and for augmentation purposes.

3. **Detailed Outline of Work Done For the Completion of the Conditional Appropriation and the Application of Water to a Beneficial Use**. Following is a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. ECCV's alluvial wells described above are a part of ECCV's unified municipal water supply system and, therefore, diligence on part of said system serves as reasonable diligence for the entire project. ECCV's system is being constructed over a considerable period of time pursuant to a phased development program which is based upon the pace of growth within ECCV's service area. ECCV's service area currently encompasses approximately 8,725 acres located in unincorporated Arapahoe County and includes approximately 18,000 single family water tap units. The total development is expected to include 23,500 or more single family equivalent units. During the diligence period, ECCV conducted the following work specific to the subject water rights at a cost of \$123,281.14.

3.1. ECCV repaired District Alluvial Well CC-10 in July 2017, August 2017, August 2018, and May 2022. The repairs included well cleaning, replacing the pump, replacing the well level transducer, rebuilding the existing motor, and furnishing a new system control panel.

3.2. ECCV repaired District Alluvial Well CC-15 in October 2019, November 2020, May 2022. ECCV replaced the pump, overhauled the motor, tore down and reassembled the motor, and furnished a new system control panel.

3.3. ECCV repaired District Alluvial Well CC-12 in December 2021. ECCV replaced the pump, performed an equipment check, and cleaned the well.

3.4. Case No. 00CW217. ECCV's non-potable system provides an additional water supply that is derived from the reuse of ECCV potable deliveries via the capture of lawn irrigation return flows (LIRFs) from ECCV customers. These LIRFs return to the Piney Creek/Cherry Creek alluvium. The accounting for ECCV's lawn irrigation return flows was decreed by Division 1 Water Court in Case No. 88CW054.

3.5. Reuse of Lawn Irrigation Return Flows. During this diligence period, ECCV continued to prosecute Case No. 03CW200 and 12CW200, Water Division 1, under which return flows from lawn irrigation use of the water are quantified to facilitate future reuse of this water. ECCV has performed studies of LIRFs throughout ECCV that included various analyses conducted to determine the amount, timing, and location of LIRFs within several drainage basins within ECCV's service area, including Toll Gate Creek and Sand Creek. ECCV filed for a finding of reasonable diligence to continue the conditional right of exchange as

conditional, which application was filed on September 29, 2022. 3.6. Upper Cherry Creek Water Association. ECCV is a member of the Upper Cherry Creek Water Association (“UCCWA”), established by the Establishing Contract dated December 17, 2001. The District Alluvial Wells are included as exchange-to points in UCCWA’s exchange decreed in Case No. 01CW284. ECCV provided information on ECCV’s diligence activities in UCCWA’s application for finding of reasonable diligence to continue the right of exchange as conditional, which application was filed on October 29, 2021. 3.7. ECCV has actively protected the subject conditional water rights from potential injury by performing monthly reviews of the Water Division 1 water court resume to determine whether the filing of Statements of Opposition was necessary to protect its water rights in Water Division 1, including these conditional water rights. ECCV’s counsel has continued to participate in pending legal actions to protect these conditional water rights during this diligence period. 4. **Claim to Make Absolute a Portion of the Conditional Water Rights**. 4.1. ECCV has diverted beneficially used water from the Cherry Creek Wells in the following amounts, which it hereby claims as ABSOLUTE: 4.1.1. District Alluvial Well CC-10: 47 gpm (0.10 cfs). 4.1.2. District Alluvial Well CC-12: 355 gpm (0.79 cfs). The combined rates of diversion from District Alluvial Wells CC-10 and CC-12 are 402 gpm, which equals 0.89 cfs. The water has been pumped from the District Alluvial Wells and used in ECCV’s non-potable water system for schools, open space, and homeowner’s associations located within ECCV’s service area. 4.2. The amount of water remaining as CONDITIONAL is 2.60 cfs as follows: 4.2.1. District Alluvial Well CC-10: 400 gpm. 4.2.2. District Alluvial Well CC-12: 378 gpm. 4.2.3. District Alluvial Well CC-15: 386 gpm. 5. **Name and address of owner of the land on which the structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use**. ECCV will use the water on lands located within ECCV’s service area. The alluvial wells sites are located on lands to which ECCV owns or has easements. WHEREFORE, Applicant East Cherry Creek Valley Water and Sanitation respectfully requests that this Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water rights decreed to the District Alluvial Well CC-10, CC-12, and CC-15, that 0.89 cfs out of 6.68 cfs of its conditional alluvial ground water rights have been made ABSOLUTE, and for such other and further relief as this Court deems just and proper. (6 pages, 1 exhibit).

**2023CW3022 LEANNE M. TEETS, JOHN C. TEETS, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC**; Leanne M. Teets and John C. Teets (collectively, the “Teets”), 34503 Upper Bear Creek Rd., Evergreen, CO 80439; Email: cteets@redmtncap.com; Telephone: (626) 818-6214; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **Application for PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 2. **Names of Structures to be Augmented**: The Teets Diversion. The Teets Diversion diverts water directly from Bear Creek to irrigate 0.25 acres of turf on a parcel of approximately 1.2 acres located in the SW1/4 SE1/4, Section 1, Township 5 South, Range 72 West of the 6th P.M., Jefferson County, Colorado (“Teets Property”). The Teets Property on which Teets Diversion is located is shown on the map attached as **Exhibit A**. 3. **Water Rights to be Used for Augmentation Purposes**: The Teets have entered into a contract with North Fork Associates, LLC to purchase 10 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.313 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. 4. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Teets Diversion for outdoor use as described below. a. The water requirement for the Teets Diversion is for up to 0.25 acres of turf irrigation based on the application of 1.25 af/ac with 100% consumption. This plan will require 0.313 of an acre-foot of replacement water as is shown in Table 1 below. The instantaneous maximum rate of diversion for the Teets Diversion is 60 gpm.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Irrigation	1.25 af/ac	0.25	0.313	100%	0.313	0.313	0.000
Total			0.313		0.313	0.313	0.000

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.000	0.000	0.000	0.000	0.000	0.000	0.06	0.08	0.08	0.05	0.04	0.01

This equates to an average stream depletion of 0.6 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 3, 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 0.313 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek rights. These requirements are needed at the point of depletion in the SW1/4 SE1/4, Section 1, Township 5 South, Range 72 West. The water will be diverted by the Teets Diversion directly from Bear Creek approximately 675 feet from the south section line and 2,000 feet from the east section line. 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. 5. Water Exchange Project: Since the point of depletion associated with the Teets Diversion 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 point of depletion in the SW 1/4 SE 1/4, Section 1, Township 5 South, Range 72 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 February 28, 2023, at a maximum average rate of 0.005 of a cubic foot per second during the irrigation season. For notice purposes, to the extent this exchange is properly classified as an appropriative right of

exchange pursuant to Sections 37-83-104 and 37-80-120, then this Application should be interpreted as requesting such an exchange. 6. 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. 7. 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: Co-Applicants, the Teets. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriation sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. (9 pgs., 2 Exhibits)

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 **APRIL 2023** (forms available on [www.courts.state.co.us](http://www.courts.state.co.us) or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.