

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

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications, and certain amendments filed in the Office of the Water Clerk during the month of **JANUARY 2023** for each County affected.

2023CW2 (79CW163, 97CW28, 10CW103, 16CW36) NELLIE M. JACKSON 1289 W Camino Pablo Dr., Pueblo West, CO 81007. 303-912-2017. **ROBERT S. JACKSON** 1281 W Camino Pablo Dr., Pueblo West, CO 81007. 719-251-3362. **NELLIE M. JACKSON REVOCABLE TRUST AND ROBERT J. JACKSON FAMILY TRUST. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 07-31-79 in case 79CW163, WD1. Subsequent decrees: 05-18-04 in case 97CW28, WD1; 08-10-10 in case 10CW103, WD1; and 01-30-17 in case 16CW36, WD1. Jackson Well located SW1/4, NW1/4, S6, T8S, R75W of the 6th PM. Lot 213, Filing 2, Michigan Hill subdivision aka 1330 Michigan Hill Road. Source: Groundwater, Appropriation date: 5-31-79. Amount: 15 gpm. Use: Household only.

2023CW3 (96CW602, 10CW24, 16CW26) MPT TRUST AND GREGORY TEMPLE, PO Box 1732, Idaho Springs, CO 80452-1732. 720-838-6387. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 1-15-04 in case 96CW602, WD 1. Subsequent decrees: 6-3-10 in case 10CW24, WD 1 and 01-09-17 in case 16CW26, WD1. MPT Trust Well located NW1/4, NW1/4, S35, T9S, R75W of the 6th PM. Indian Mountain Subdivision, Filing 15, Lot 063 aka 174 Tombigee Ct. Source: Groundwater. Appropriation date: 3-31-73. Amount: 0.033 cfs (15 gpm), Conditional. Use: Household use only in a single-family dwelling, not including irrigation.

2023CW3000 (82CW164, 86CW145, 95CW65, 02CW350, 09CW172, and 16CW3080) RIVERSIDE IRRIGATION DISTRICT, 221 East Kiowa Street, Fort Morgan, Colorado 80701, Telephone: (970) 867-6586. Please send pleadings to: Peter J. Ampe, Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, peterampe@hillandrobbs.com, matthewmontgomery@hillandrobbs.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN MORGAN AND WELD COUNTIES.** 2. Name of Structure: Wildcat Reservoir. 3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree: a. Date of Original Decree: June 17, 1978; Case No. W-8098-75; Court: District Court, Water Division No. 1. b. Subsequent decrees awarding diligence: Findings of reasonable diligence were made in Case Nos. 82CW164, 86CW145, 95CW65, 02CW350, 09CW172, and 16CW3080. c. Location: (1) Wildcat Reservoir is proposed to be located as follows: Beginning at a point from whence the NE Corner of Section 31, T5N, R57W, 6th P.M. bears north 17°00' east 1350 feet; thence along the axis of the proposed dam north 65°30' east approximately 5700 feet (bearings assume that the east line of said Section 31 bears north 0°00' east. (2) Point of diversion to storage: The ditch to be used to fill the reservoir is the Riverside Canal, having a capacity of 1000 cfs at the point of diversion located on the north bank of the South Platte River near Kuner, Colorado, in the SW/4 SW/4, Section 20, T5N, R63W, 6th P.M., Weld County Colorado. d. Source: Wildcat Creek drainage and the South Platte River. e. Appropriation Date: April 11, 1908. f. Amount: 60,500 acre-feet, conditional, to be diverted through the Riverside Canal at a maximum rate of 1000 cfs. g. Use: Irrigation, municipal, and industrial. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicant maintained and improved portions of the Riverside Canal and Riverside system which lie above the proposed location for Wildcat Reservoir; incurred expenses to improve the Reservoir diversion structure; and incurred expenses in continuing to focus on the development of Wildcat Reservoir and beneficial uses for the water stored in the Reservoir. One of the purposes of this work was to enhance the capability of the Riverside Canal to accommodate diversions to storage in Wildcat Reservoir. In addition, Applicant maintained the land on which Wildcat Reservoir will be constructed. Expenses incurred by Applicant and the Riverside Reservoir

and Land Company during this diligence period related to the above-described work amount to approximately \$3,700,000. Accordingly, Applicant requests that the Court enter a decree finding that the Applicant has exercised reasonable diligence in the development of the subject conditional water right. 5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. All such land is owned by the Applicant and/or the following persons: James and Becky Whitney, 24592 Rd. 19, Fort Morgan, CO 80701; Laws Ranch & Cattle Company, 19444 Rd 19.5, Fort Morgan, CO 80701; and Longacre Ranch RLLP, 20531 Rd. Y, Fort Morgan, CO 80701. 4 Pages

2023CW3001 ESTATE OF JOYCE LOUISE ALLELY c/o Craig M. J. Allely, Executor, 2565 E. Vassar Ave., Denver, CO 80210. **APPLICATION FOR SIMPLE CHANGE OF SURFACE POINT OF DIVERSION IN WELD COUNTY.** **Decreed water right for which change is sought:** Name of structure: Pirnie Waterway, a surface diversion. Original decree. Entered January 8, 1996, Case No. 94CW236, District Court, Water Division No. 1, Colorado. Legal description: SE/4 NE/4 Section 34, Township 5 North, Range 66 West, 6th P.M., Weld County, at a point approximately 1,600 feet from the North line and 30 feet from the East line of Section 34, A.K.A. 4813 W. 54th St. Rd. Source. Natural runoff and irrigation waste water. Appropriation date. May 15, 1961. Amount. Absolute 0.5 cubic feet per second (cfs). Use. Irrigation of approximately 7 acres in SE/4 NE/4 of Section 34, 0.5 cfs. **Detailed description of proposed change in surface point of diversion:** Applicant requests a simple change in point of diversion for 0.5 cfs of the Pirnie Waterway, pursuant to § 37-92-305(3.5), C.R.S., from the original location to a new point of diversion located at NW/4 NE/4 Section 34, Township 5 North, Range 66 W, 6th P.M., Weld County, Colorado, with UTM coordinates Easting 520095.8, Northing 4467895.3, Zone 13. This new point of diversion is 1,985 feet from the current location per the Colorado Decision Support System's Map Viewer. There is no change in water flow rate or amount as the new proposed diversion will be for irrigation of approximately 7 acres in the same quarter section. The proposed change is pursuant to decreed surface diversion as depicted in an Assignment Agreement. There are no intervening surface diversion points. The new diversion site is on property owned by the applicant. The proposed simple change in surface point of diversion will not injure any vested water right or decreed conditional water right. **Names and addresses of owners or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed:** Estate of Joyce Louise Allely, c/o Craig M. J. Allely, Executor, 2565 E. Vassar Ave., Denver, Colorado, 80210.

2023CW3002 (16CW3102; 04CW251; 97CW207; 89CW169) TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS AND JEFFERSON COUNTIES.** 2. **Name of structure:** Chatfield Reservoir 3. **Describe the conditional water right including the following from the previous decrees:** 3.1. **Date of original decree, case no. and court:** Case No. 89CW169, District Court, Water Division No. 1, entered on July 25, 1991. 3.2. **Subsequent decrees awarding findings of diligence:** Case No. 97CW207, District Court, Water Division No. 1, entered on January 7, 1998; Case No. 04CW251, District Court, Water Division No. 1, entered on August 3, 2010, and Case No. 16CW3102, entered on January 20, 2017. 3.3. **Legal description of point of diversion:** The reservoir formed by the Chatfield Dam, an existing structure located in Sections 6 and 7, Township 6 South, Range 68 West, of the 6th P.M., and in Section 1, Township 6 South, Range 69 West of the 6th P.M. The right abutment of Chatfield Dam is located in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M., Douglas County, Colorado. The left abutment of the dam is located in Section 1, Township 6 South, Range 69 West of the 6th P.M. in Jefferson County, Colorado. The point of diversion is depicted on the map attached hereto as **EXHIBIT A**. 3.4. **Source of water:** South Platte River and its tributaries 3.5. **Appropriation date:** November 6, 1989 3.6. **Amount:**

2,000 acre-feet, conditional 3.7. **Uses:** All municipal purposes 4. **Integrated Water Supply System:** Pursuant to C.R.S. § 37-92-301(4)(B), the conditional storage water right is part of a single integrated water system owned and developed by Applicant. Applicant's integrated water supply system consists of augmentation plans, appropriative rights of exchange, conditional and absolute water rights and non-tributary groundwater rights. 5. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the relevant diligence period, from January 2017 to January 2023, Applicant has incurred more than \$86 million to conduct the following work specific to these conditional water rights, which are portions of Applicant's integrated system, as that term is used in C.R.S. § 37-92-301(4)(b): 5.1. Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$4,136,850. 5.1.1. Associated legal and administrative costs totaled approximately \$5,965. 5.1.2. As of 2023, Applicant owns 719 acre-feet of capacity in Chatfield Reservoir, with plans to exercise the option to acquire additional capacity up to 2,000 acre-feet of conditional storage. 5.2. Completed the following work related to the Plum Creek Water Purification Facility: 5.2.1. Designed and constructed the Plum Creek Water Purification Facility with a treatment capacity of 4 MGD at a cost of approximately \$17,600,000. 5.2.2. Purchased and installed an additional Pall membrane equipment rack with a treatment capacity of 2 MGD at a cost of approximately \$1,006,000. 5.2.3. Conducted a Plum Creek Water Purification Facility Planning Study with Jar testing at a cost of approximately \$20,000. 5.2.4. Created a Basis of Design Report for the Plum Creek Water Purification Facility advanced treatment project (including biologically active carbon (BAC) filtration system) at a cost of approximately \$87,000. 5.2.5. Hired consultants for negotiating and implementing contracts related to the advanced treatment project at a cost of approximately \$25,000. 5.2.6. Completed pilot testing related to the advanced treatment project, including BAC filtration, as required by Colorado Department of Health and the Environment at a cost of approximately \$200,000. 5.2.7. Began design of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$1,300,000. 5.2.8. Began construction of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$30,000,000. 5.2.9. Relocated generator from PS Miller Water Treatment Plant to Plum Creek Water Purification Facility at a cost of approximately \$120,000. 5.2.10. Conducted an aquifer storage and recovery pilot study associated with Plum Creek Water Purification Facility at a cost of approximately \$500,000. 5.3. Conducted studies, designed and constructed the expansion to Plum Creek Water Reclamation Authority's Wastewater Treatment Plant at a cost of approximately \$31,000,000. 5.4. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 5.5. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 16CW3138, 17CW3122, 17CW3176, 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW3206, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, and 22CW3111. 5.6. Filed applications in Case Nos. 17CW3044, 17CW3128, 17CW3161, 17CW3211, 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150 and 22CW3155. 6. **Owners of Land upon which Structures are Located:** U.S. Army Corps of Engineers, 9307 South Wadsworth Blvd., Littleton, CO 80128. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has exercised reasonable diligence during the diligence period and extending the conditional water right for an additional six-year period. The application is 5 pages, excluding the exhibit.

2023CW3003 (Former Case Nos. 16CW3111 and 03CW443) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN MORGAN AND WASHINGTON COUNTIES.** 1. Name, mailing address, telephone number of Applicant: Lower Platte & Beaver Canal Company, P.O. Box 190, Hillrose, CO 80733, Telephone: (970) 847-3431. Please send all correspondence and pleadings to Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Phone: 303-296-8100, E-mail: peterampe@hillandrobbs.com. 2. Name of structures:

2.1 Lower Platte & Beaver Canal: The Lower Platte & Beaver Canal (LPB Canal) was decreed with a maximum rate of 322 cfs (84 absolute) and has a point of diversion located on the South bank of the South Platte River bearing North 44°51' West 2136 feet from the Southeast corner of Section 25, Township 4 North, Range 57 West of the 6th P.M. 2.2 Recharge Ponds: 2.2.1 LPB Recharge Pond No. 200 (Absolute). Owner: Pat Gerbauer & Laun August. Address: 15488 County Rd 57, Hillrose, CO 80733. Location Centroid: NESW 15-5N-54W, approximately 1862 feet from the South section line and 2441 feet from the West section line. Surface Area (acres): 105. Depth (ft): 7. Fill Rate (cfs): 20. Volume (ac-ft): 368, with right to fill and refill when in priority. 2.2.2 LPB Recharge Pond No. 205. Owner: RM Bar Farms. Address: 21402 MCR 30, Brush, CO 80723. Location Centroid: SENE 23-4N-56W, approximately 2129 feet from the North section line and 171 feet from the East section line. Surface Area (acres): 7. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 28, with right to fill and refill when in priority. 2.2.3 LPB Recharge Pond No. 206. Owner: Martin Ley. Address: 19490 Rd 30, Brush, CO 80723. Location Centroid: SWSW 13-4N-56W, approximately 148 feet from the South section line and 177 feet from the West section line. Surface Area (acres): 5. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 20, with right to fill and refill when in priority. 2.2.4 LPB Recharge Pond No. 207. Owner: Martin Ley. Address: 19490 Rd 30, Brush, CO 80723. Location Centroid: SWNW 24-4N-56W, approximately 2092 feet from the North section line and 210 feet from the West section line. Surface Area (acres): 5. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 20, with right to fill and refill when in priority. 2.2.5 LPB Recharge Pond No. 208 (Absolute). Owner: Thomas & Amber Odle. Address: 20296 Hwy 71, Brush, CO 80723. Location Centroid: SENW 23-4N-56W, approximately 1944 feet from the North section line and 2326 feet from the West section line. Surface Area (acres): 7. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 28, with right to fill and refill when in priority. 2.2.6 LPB Recharge Pond No. 209. Owner: RM Bar Farms. Address: 21402 MCR 30, Brush, CO 80723. Location Centroid: NESW 18-4N-55W, approximately 2188 feet from the South section line. Surface Area (acres): 7. Depth (ft): 6. Fill Rate (cfs): 15. Volume (ac-ft): 21, with right to fill and refill when in priority. 2.2.7 LPB Recharge Pond No. 210 (Absolute). Owner: Hillrose Dairy. Address: 25026 Rd. 36, Hillrose, CO 80733. Location Centroid: NESW 21-4N-55W, approximately 2522 feet from the South section line and 1775 feet from the West section line. Surface Area (acres): 15. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 60, with right to fill and refill when in priority. 2.2.8 LPB Recharge Pond No. 212 (Absolute). Owner: Parachute Ranch, Inc. Address: 33549 MCR X.5, Hillrose, CO 80733. Location Centroid: NWSW 10-4N-55W, approximately 2189 feet from the South section line and 1177 feet from the West section line. Surface Area (acres): 7. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 28, with right to fill and refill when in priority. 2.2.9 LPB Recharge Pond No. 213 (Absolute). Owner: Parachute Ranch, Inc. Address: 33549 MCR X.5, Hillrose, CO 80733. Location Centroid: SENE 3-4N-55W, approximately 2301 feet from the North section line and 491 feet from the East section line. Surface Area (acres): 6. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 24, with right to fill and refill when in priority. 2.2.10 LPB Recharge Pond No. 218 (Absolute). Owner: Colorado Board of Land Commissioners. Address: 310 Poplar, Suite 3, Sterling, CO 80751. Location Centroid: SESE 16-5N-54W, approximately 1377 feet from the South section line and 1186 feet from the East section line. Surface Area (acres): 7. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 28, with right to fill and refill when in priority. 2.2.11 LPB Recharge Pond No. 219 (Absolute). Owner: Snyder Bros. Investments. Address: 14224 Cnty Rd 57, Hillrose, CO 80733. Location Centroid: NWNE 21-5N-54W, approximately 1107 feet from the North section line and 2465 feet from the East section line. Surface Area (acres): 20. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 80, with right to fill and refill when in priority. 2.2.12 LPB Recharge Pond No. 220 (Absolute). Owner: Snyder Bros. Investments. Address: 14224 Cnty Rd 57, Hillrose, CO 80733. Location Centroid: NESE 17-5N-54W, approximately 2443 feet from the South section line and 175 feet from the East section line. Surface Area (acres): 4. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 16, with right to fill and refill when in priority. 2.2.13 LPB Recharge Pond No. 221. Owner: Snyder Bros. Investments. Address: 14224 Cnty Rd 57, Hillrose, CO 80733. Location Centroid: NESW 17-5N-54W, approximately 2382 feet from the West section line and 2636 feet from the West section line. Surface Area (acres): 15. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 60, with right to fill and refill when in priority. 2.2.14 LPB Recharge Pond No. 222. Owner: Snyder Bros.

Investments. Address: 14224 Cnty Rd 57, Hillrose, CO 80733. Location Centroid: NWSW 17-5N-54W, approximately 2592 feet from the South section line and 404 feet from the West section line. Surface Area (acres): 2. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 8, with right to fill and refill when in priority.

2.2.15 LPB Recharge Pond No. 223 (Absolute) . Owner: Lower Platte & Beaver Canal Company. Address: P.O. Box 190, Hillrose, CO 80733. Location Centroid: NWNE 19-5N-54W, approximately 222 feet from the North section line and 2442 feet from the East section line. Surface Area (acres): 7. Depth (ft): 7. Fill Rate (cfs): 15. Volume (ac-ft): 25, with right to fill and refill when in priority.

2.2.16 LPB Recharge Pond No. 224 (Absolute). Owner: Francis Y. Snyder Living Trust. Address: 14224 Cnty Rd 57, Hillrose, CO 80733. Location Centroid: 19-5N-54W, approximately 26505 feet from the South section line and 2358 feet from the East section line. Surface Area (acres): 5. Depth (ft): 8. Fill Rate (cfs): 15. Volume (ac-ft): 20, with right to fill and refill when in priority.

2.2.17 LPB Recharge Pond No. 227. Owner: Parachute Ranch, Inc. Address: 33549 MCR X.5, Hillrose, CO 80733. Location Centroid: 10-4N-55W, approximately 287 feet from the North section line and 2439 feet from the West section line. Surface Area (acres): 5. Depth (ft): 10. Fill Rate (cfs): 15. Volume (ac-ft): 25, with right to fill and refill when in priority.

2.3 Recharge Well. 2.3.1 LPB Recharge Well (Absolute). Owner: Lower Platte & Beaver Canal Company. Address: P.O. Box 190, Hillrose, CO 80733. Permit No.: 60156-F. Rate (cfs): 8.91. Depth (ft): 78.

2.4 Augmentation Wells. 2.4.1 LPB Augmentation Well No. 19 (Absolute) . Owner: Robert Termentozzi. Address: 31576 MCR W, Brush, CO 80723. Permit No.: 60162-F. Rate (cfs): 3.11. Amount (ac-ft/yr): 2,251. Appropriation Date: 2/26/2003.

2.4.2 LPB Augmentation Well No. 23. Owner: South Coyote Junction, LLC. Address: PO Box 1116, Platteville, CO 80651. Permit No.: 60161-F. Rate (cfs): 3.555. Amount (ac-ft/yr): 2,573. Appropriation Date: 2/25/2003.

2.4.3 LPB Augmentation Well No. 44. Owner: Parachute Ranch, Inc. Address: 33549 MCR X.5, Hillrose, CO 80733. Permit No.: 59367-F. Rate (cfs): 4.39. Amount (ac-ft/yr): 3,178. Appropriation Date: 2/24/2003.

2.4.4 LPB Augmentation Well No. 80. Owner: Frances Y. Snyder Living Trust. Address: 14224 Cnty Rd 57, Hillrose, CO 80733. Permit No.: 59439-F. Rate (cfs): 4.66. Amount (ac-ft/yr): 3,373. Appropriation Date: 2/26/2003.

2.5 Exchange. 2.5.1 Lower Platte & Beaver Canal (“LPB Canal”) . Exchange-From Point: The terminus of the Lower Section of the LPB Canal, which is located at the intersection of the LPB Canal and the North section line of Section 22, T5N, R54W, 6th P.M. Exchange-To Point: The headgate of the LPB Canal, which is located on the South bank of the South Platte River bearing North 44°51’ West 2136 feet from the Southeast corner of Section 25, T4N, R57W, 6th P.M.

3. Description of conditional water rights: 3.1 In Case No. 03CW443 (Water Div. 1), the Water Court decreed to Applicant, Lower Platte & Beaver Canal Company, a plan for augmentation to offset the depletions to the South Platte River caused by 101 Shareholder Wells prior to and after the entry of the decree. The Shareholder Wells are described in detail in paragraph 14 of the decree entered in Case No. 03CW443. The plan for augmentation decreed in Case No. 03CW443 included, *inter alia*: (1) the Recharge Ponds listed in paragraph 2.2, above; (2) the Recharge Well listed in paragraph 2.3, above; and (3) the Augmentation Wells listed in paragraph 2.4, above, as conditional sources of substitute supply. The decree also included a conditional right of substitution and exchange to divert water at the headgate of the LPB Canal on any day when the replacement water delivered to the South Platte River as part of the plan for augmentation exceeded Applicant’s replacement requirements for that day.

3.2 Date of the original decree: August 17, 2010, Case No. 03CW443, District Court in and for Water Division 1, State of Colorado.

3.3 Subsequent decrees awarding findings of diligence: January 27, 2017, Case No. 16CW3111, District Court in and for Water Division No. 1.

3.4 Recharge Ponds: 3.4.1 Legal description: The Location Centroids of the LPB Recharge Ponds are set forth in paragraph 2.2, above. The recharge ponds are supplied by a conditional water right diverted via the LPB Canal, which has a decreed capacity of 322 cfs, and has a point of diversion located on the South bank of the South Platte River bearing North 44°51’ West 2136 feet from the Southeast corner of Section 25, T4N, R57W, 6th P.M.

3.4.2 Source of water: Water in or tributary to the South Platte River.

3.4.3 Appropriation date: January 8, 2003.

3.4.4 Amount: The surface areas, depths, fill rates, and volumes of the Recharge Ponds are set forth in paragraph 2.2, above. The water right used to supply the canal is decreed for 322 cfs, conditional, diversions not to exceed 20,000 acre-feet in any year, and 230,000 acre-feet in any rolling 20-year period.

3.4.5 Use: Irrigation and augmentation by recharge of the South Platte alluvial aquifer. The augmentation by recharge

may be direct or by exchange. 3.5 LPB Recharge Well. 3.5.1 Legal description: The Permit No. of the LPB Recharge Well is set forth in paragraph 2.3, above. The LPB Recharge Well is located in the NW¼SE¼ of Section 13, T5N, R55W, 6th P.M., approximately 1612 feet from the South section line and 2418 feet from the East section line. 3.5.2 Source of water: Groundwater tributary to the South Platte River. 3.5.3 Appropriation date: January 8, 2003. 3.5.4 Amount: 8.91 cfs, up to 5000 acre-feet per year; conditional. 3.5.5 Use: Recharge and augmentation to replace depletions caused by the Shareholder Wells. In addition, with the prior permission of the Water Commissioner, water pumped from the LPB Recharge Well may also be delivered to the Prewitt Inlet Canal to replace stream depletions and return flow obligations under the augmentation plan decreed in Case No. 03CW443 (Water Div. 1). 3.5.6 Depth: 67 feet (approx.). 3.6 Augmentation Wells. 3.6.1 Legal description: The Permit Nos. and Locations of the LPB Augmentation Wells are set forth in paragraph 2.4, above. 3.6.2 Source of water: Groundwater tributary to the South Platte River. 3.6.3 Appropriation date: The dates of appropriation for the LPB Augmentation Wells are set forth in paragraph 2.4, above. 3.6.4 Amount: The rates and amounts of the LPB Augmentation Wells are set forth in paragraph 2.4, above. 3.6.5 Use: Augmentation to replace depletions caused by the Shareholder Wells. 3.7 Exchange. 3.7.1 Legal description of Points of Diversion: The point of diversion is the headgate of the LPB Canal, which is located on the South bank of the South Platte River bearing North 44°51' West 2136 feet from the Southeast corner of Section 25, T4N, R57W, 6th P.M. 3.7.2 Legal description of the Exchange Reach. The exchange from point is the terminus of the Lower Segment of the LPB Canal, as set forth in paragraph 2.5.1, above. The exchange to point is the headgate of the LPB Canal, as set forth in paragraph 2.5.1., above. 3.7.3 Source of Diversion: South Platte River. 3.7.4 Source of Substitute Supply: Replacement water delivered to the South Platte River under the plan for augmentation decreed in Case No. 03CW443 (Water Div. 1). 3.7.5 Appropriation date: January 8, 2003. 3.7.6 Amount: 20 cfs; conditional. 3.7.7 Use: Augmentation by recharge through the structures described in the decree in Case No. 3CW443 (Water Div. 1). 4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicant has incurred and expended over \$260,144.80 in constructing, operating, and maintaining the augmentation plan and exchange decreed in Case No. 03CW443 and made partially absolute in Case No. 16CW3111, including the LPB Canal, the LPB Recharge Ponds, the LPB Recharge Well, the LPB Augmentation Wells. Applicant has kept regular records of diversions and crop acreages and made all necessary reports to the Division Engineer, and has installed and maintained measuring devices required to administer the augmentation plan and exchange decreed in Case No. 03CW443. The Applicant has made plans to develop the remaining recharge sites described in the decree in Case No. 03CW443 and to divert and beneficially use the portions of the water rights decreed in Case No. 03CW443 that remain conditional, as financial, and hydrologic conditions permit. 5. Previous ruling making absolute in part: In the 16CW3111 Decree, the Water Court made the following findings, make portions of the conditional water right absolute in part: 5.1 84 cfs of the conditional 322 cfs water right for diversions into the LPB Canal for the LPB Recharge Ponds was made absolute; 5.2 LPB Recharge Pond Nos. 200, 208, 210, 212, 213, 218, 219, 220, 223, and 224 were made absolute in the amounts originally decreed as conditional continuing LPB Recharge Pond Nos. 205, 206, 207, 209, 221, 222, and 227 as conditional; 5.3 The LPB Recharge Well was made absolute in the amount of 8.91 cfs; 5.4 LPB Augmentation Well No. 19 has been made absolute in the amount of 3.11 cfs, continuing LPB Augmentation Well Nos. 23, 24, 44, and 80 as conditional; and, 5.5; 7.5 cfs of the 20 cfs conditional exchange water right have been made absolute. 6. Claim to make absolute in part: (See Hendrix Wai Engineering, Inc. Quantification Report, attached as Exhibit A). 6.1 LPB Recharge Ponds: Construction of the LPB Canal has been completed. During water year 2017, Applicant's diversions into the LPB Canal pursuant to the 322 cfs conditional water right reached a peak daily maximum of 90.6 cfs. Accordingly, Applicant requests that an additional 6.6 cfs above the previously decreed 84 cfs as absolute, for a total of 90.6 cfs of the conditional 322 cfs water right be made absolute. 6.2 LPB Augmentations Wells: Construction of all LPB Augmentation wells has been completed. In addition, during water year 2006, Applicant delivered and used for augmentation 2,251 acre-feet of water from LPB Augmentation Well No. 19 at a daily maximum rate of 3.11 cfs. Accordingly, Applicant requests that LPB Augmentation

Well No. 19 be made absolute; and that LPB Augmentation Well Nos. 23, 44 and 80 be made absolute, in part. 6.3 Remaining Conditional Rights: With respect to any conditional water rights not made absolute during this diligence period, Applicant requests a finding of reasonable diligence and the continuation of the conditional water rights. 7. Name(s) and address(es) 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 and modification to the existing storage pool: LPB Recharge Pond No. 205, 206, 207, 209, 221, 222, and 227 have not yet been constructed. The names and addresses of the owners of the land on which these recharge ponds will be constructed are set forth in paragraph 2.2, above. The remaining structures have been completed, or are on lands owned by the Applicant. (14 pages + Exhibit).

2023CW3004 (14CW3160) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, IN PART IN LARIMER COUNTY.

1. Name, mailing address, and telephone number of Applicant: **TOWN OF JOHNSTOWN**, 450 S. Parish, Johnstown, Colorado 80534, Telephone: (970) 587-4664. Direct all correspondence and pleadings to: Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, 303-296-8100, peterampe@hillandrobbs.com. 2. Name of Conditional Water Rights: 2.1 Weins Ranch Return Flow Water Right. 2.2 Changed Subject Water Rights to the Upstream Location of Wiens Ranch RFO Exchange. 2.3 Low Point Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange. 2.4 Town of Johnstown, Central Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange. 3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree: 3.1 Date of Original Decree: January 16, 2017; Case No. 14CW3160; Court: District Court, Water Division No. 1. 3.2 Subsequent decrees awarding diligence: None. 3.3 Location of Decreed Conditional Water Rights: 3.3.1 Weins Ranch Return Flow Water Right : Applicant claimed an independent appropriation of 2 cfs for the historical return flows associated with the changed Subject Water Rights (hereinafter the "Wiens Ranch Return Flow Water Right"). Accordingly, Applicant shall only be required to replace the Wiens Ranch Return Flow Obligation when there is a call downstream of the Ranch that is senior to December 29, 2014. 3.3.2 Changed Subject Water Rights to the Upstream Location of Wiens Ranch RFO Exchange: 3.3.2.1 Exchange from point(s): The furthest eastern point on the Big Thompson River adjacent to the Ranch development, which is described as 2,400 feet West and 1,250 feet South of the NE corner of Section 24, R68W, T5N 6th PM. The changed Subject Water Rights will be introduced to the Big Thompson River at approximately that location, or upstream thereof, by pipeline, irrigation return flow credit, or other means. 3.3.2.2 Exchange to point: Upstream Location of Wiens Ranch RFO, in the Big Thompson River at a point approximately 1,000 feet North and 1,150 feet East of the SW corner of Section 14, T. 5 N., R. 68 W., of the 6th P.M. 3.3.3 Low Point Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange. 3.3.3.1 Exchange from point: Low Point Waste Water Treatment Plant, either at the Outfall located on the Big Thompson River at the Treatment Plant outfall, located in the NW 1/4 NW 1/4, Section 24, T. 5 N, R. 68 W of the 6th P.M. at a point approximately 1,250 feet from the West Section line and 455 feet from the North Section line, or at the outlet on the Big Thompson River from a lined storage facility located on the Low Point Waste Water Treatment Plant property in the NW 1/4 of Section 24, T. 5 N., R. 68 W. of the 6th P.M. 3.3.3.2 Exchange to point: Upstream Location of Wiens Ranch RFO, in the Big Thompson River at a point approximately 1,000 feet North and 1,150 feet East of the SW corner of Section 14, T. 5 N., R. 68 W., of the 6th P.M. 3.3.4 Town of Johnstown, Central Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange. 3.3.4.1 Exchange from point: Confluence of the Little Thompson River and the Big Thompson River. 3.3.4.2 Exchange to point: Upstream Location of Wiens Ranch RFO, in the Big Thompson River at a point approximately 1,000 feet North and 1,150 feet East of the SW corner of Section 14, T. 5 N., R. 68 W., of the 6th P.M. 3.4. Source: 3.4.1 Weins Ranch Return Flow Water Right: Historical return flows associated with the changed Subject Water Rights in Case No. 14CW3160. 3.4.2 Changed Subject Water Rights to the Upstream Location of Wiens Ranch RFO Exchange: Changed Subject Water Rights described in paragraph 7 of the 14CW3160 Decree. 3.4.3 Low Point Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange: Fully

reusable effluent of the Town as described above at paragraph 8.B.ii of the 14CW3160 Decree, discharged at the Low Point Waste Water Treatment Plant Outfall, or the Changed Subject Water Rights stored in a lined facility located at the Low Point Waste Water Treatment Plant property. 3.4.4 Town of Johnstown, Central Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange: Fully reusable effluent of the Town as described above at paragraph 8.B.ii of the 14CW3160 Decree, discharged at the Town of Johnstown, Central Waste Water Treatment Plant located on the Little Thompson River, which flows to the confluence with the Big Thompson River. 3.5 Appropriation Date: 3.5.1 Weins Ranch Return Flow Water Right: December 29, 2014. 3.5.2 Changed Subject Water Rights to the Upstream Location of Wiens Ranch RFO Exchange: December 29, 2014 (with 2.0 cfs administered under a 2014 priority and 1.0 cfs administered under a 2016 priority associated with the Amendment to the Application). 3.5.3 Low Point Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange: Date of appropriation: December 29, 2014 (with 1.0 cfs administered under a 2014 priority and 1.0 cfs administered under a 2016 priority associated with the Amendment to the Application). 3.5.4 Town of Johnstown, Central Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange: Date of appropriation: December 29, 2014 (with 1.0 cfs administered under a 2014 priority and 1.0 cfs administered under a 2016 priority associated with the Amendment to the Application). 3.6 Amount: 3.6.1 Weins Ranch Return Flow Water Right: n/a. 3.6.2 Changed Subject Water Rights to the Upstream Location of Wiens Ranch RFO: Maximum rate of exchange: 3.0 cfs. 3.6.3 Low Point Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO: Maximum rate of exchange 2.0 cfs. 3.6.4 Town of Johnstown, Central Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange: Maximum rate of exchange 2.0 cfs. 3.7 Use: 3.7.1 Weins Ranch Return Flow Water Right: As set forth in the 14CW3160 Decree. 3.7.2 Changed Subject Water Rights to the Upstream Location of Wiens Ranch RFO: Augmentation and replacement of Wiens Ranch Return Flow Obligation and out-of-priority storage in the Ranch Ponds. 3.7.3 Low Point Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO: Augmentation and replacement of Wiens Ranch Return Flow Obligation and out-of-priority storage in the Ranch Ponds. 3.7.4 Town of Johnstown, Central Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange: Augmentation and replacement of Wiens Ranch Return Flow Obligation and out-of-priority storage in the Ranch Ponds. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicant and/or its predecessors in interest completed construction of a pipeline, operated, and exercised the conditional exchanges, documenting that use through accounting filed with and accepted by the Division of Water Resources. Expenses incurred by Applicant during this diligence period related to these conditional rights and the protection of Applicant's overall municipal system exceeded \$36,000,000 in legal, engineering, operation, maintenance, acquisition of water rights, planning, design, and construction of projects costs directly related to Applicant's municipal water supply system. 5. Request to make absolute in part. The accounting submitted to and accepted by the Division of Water Resources shows that the decreed conditional water rights have been made absolute as follows: 5.1 Weins Ranch Return Flow Water Right: Maximum appropriated return flows 0.701 cfs on July 7, 2019. 5.2 Changed Subject Water Rights to the Upstream Location of Wiens Ranch RFO: Maximum exchange of 1.062 cfs on July 17 and 18, 2022. 5.3 Low Point Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO: Maximum rate of exchange 0.386 cfs on September 28, 2019. 5.4 Town of Johnstown, Central Waste Water Treatment Plant to the Upstream Location of Wiens Ranch RFO Exchange: Maximum rate of exchange 0.399 cfs on November 18, 2021. 6. Applicant requests that, as to all portions of these conditional water rights not made absolute herein, the Court make a finding of continued due diligence. Applicant requests that the Court enter a decree finding that the Applicant has exercised reasonable diligence in the development of the subject conditional water right to the extent such rights are not decreed absolute herein. (6 pages)

2023CW3005 Applicant: **THE PRESBYTERY OF PLAINS AND PEAKS**, P.O. Box 66, Allenspark, CO 80510. Please send correspondence and pleadings to: David P. Jones, Lawrence Custer Grasmick Jones

& Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; david@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN BOULDER COUNTY.** 2. Previous Decrees: Case No. 16CW3105, dated January 27, 2017; Case No. 10CW67, dated August 13, 2010; and Case No. 03CW251, dated February 24, 2004. 2.1. Name of Structure. Highlands Camp Well No. 4, Permit No. 64689-F 2.1.1. Legal Description. The well is located in the NW 1/4 of the NE 1/4 of Section 36, Township 3 North, Range 73 West of the 6th P.M., 320 feet from the north section line and 2050 feet from the east section line, in Boulder County, Colorado. 2.1.2. Source. Groundwater tributary to the St. Vrain Creek and its tributaries. 2.1.3. Date of Appropriation. April 9, 2003. 2.1.4. Amounts and Uses: 7.8 gpm, absolute, for domestic and fire protection; 7.2 gpm, conditional, for such uses; 15 gpm, conditional, for livestock. 2.1.5. Augmentation: The well is augmented pursuant to the plan for augmentation decree in case no. 89CW138, Water Division No. 1, decree July 27, 1990. 3. Outline of Work Toward Completion of the Appropriation During the Diligence Period. Since filing for diligence in 2016, Applicant has continually diverted and used the well for domestic purposes. Applicant has hired contractors to perform work on the 3-phase power and pumping system, in addition to fracking the well for purposes of maintaining desired production levels. Applicant has also performed work on their water treatment system and is working with state water quality officials to keep its system up to date and in compliance with applicable permits. Applicant has retained counsel and water resource consultants to assist in the above. 4. Claim for Finding of Reasonable Diligence. Applicant seeks a finding that it has been reasonably diligent in the development the conditional water right under the facts and circumstances of this case and seeks to maintain the right as conditional for six (6) additional years or as otherwise allowed by statute. Applicant has additional water needs and is working to develop additional water projects in conjunction with this project. The original format of this application is three (3) pages in length.

2023CW3006 CIMARRON CORP, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Cimarron Corp, 3981 S. Skyline Drive, Evergreen, CO 80439; Email: cimarroncorp2021@gmail.com; Telephone: (303) 886-4913; 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 BY EXCHANGE** 2. **Names of Structures to be Augmented:** Cimarron Well Nos. 1-3 (“Subject Wells”). The Subject Wells are located on the “Cimarron Property” which is approximately 31 acres, lying predominantly in the SW1/4 NW1/4, Section 28, Township 5 South, Range 70 West of the 6th P.M., Jefferson County. The Cimarron Property is located in the drainage of North Turkey Creek, tributary to Turkey Creek, which is tributary to Bear Creek. The Cimarron Property is in planning stages for up to three single-family dwellings, irrigation, hot tubs, and fire protection, as described herein. The present and future water supply will be from the Subject Wells located on the Cimarron Property and the Subject Wells will divert at a maximum rate of 15 gallons per minute each. The Cimarron Property on which the Subject Wells will be located is shown on the map attached as **Exhibit A**. The exact location of the wells will be determined as the Cimarron Property is developed and the Subject Wells are drilled. 3. **Water Rights to be Used for Augmentation:** Cimarron Corp (“Cimarron”), has contracted with North Fork Associates, LLC to purchase 3.6 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.113 of an acre-foot to satisfy the present and anticipated future replacement needs associated with the Subject Wells, 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 Lake 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 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, 94CW290, and 08CW204 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: Cimarron proposes to construct up to three single-family dwellings and up to three wells on the Cimarron Property to be augmented pursuant to this plan for augmentation for the following uses. a. The water requirements for the Subject Wells are for up to three single-family dwellings with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems and the irrigation of 825 square feet of turf based on the application of 1.25 af/ac with 80% consumption, 2,063 square feet of garden based on the application of 0.5 af/ac with 80% consumption, or 3 hot tubs based on the use of 5 gl/day with 100% consumption. The total requirements are shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-family	0.314 af/yr	3	0.942	10%	0.0942	0.047	0.047
Turf irrig. 825 sq. ft.*	1.25 af/ac	0.019	0.024	80%	0.019	0.019	0.000
Total			0.966		0.113	0.066	0.047
Garden Irrig. * 2063 sq. ft.	0.50 af/ac	0.047	0.024	80%	0.019	0.019	0.000
Hot Tub *	0.006 af/tub	3	0.017	100%	0.017	0.009	0.008

*Applicant may seek to replace depletions from a combination of turf and garden irrigation, and/or hot tubs, so long as combined depletions from turf irrigation, garden irrigation, and up to 3 hot tubs will not exceed 0.019 acre-feet combined demand. The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.008	0.008	0.007	0.008	0.008	0.008	0.011	0.011	0.011	0.011	0.011	0.011

This equates to a maximum stream depletion of 0.08 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. During those times when one of the exchanges decreed in Case Nos. 94CW290 and 01CW293 can be operated, depletions to North Turkey Creek and Turkey Creek from the Subject Wells 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 met with 0.113 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek water rights.

These requirements are needed at the point of depletion in the SW1/4 NW1/4, Section 28, Township 5 South, Range 70 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the Section 5, Township 5 South, Range 69 West of the 6th P.M. The point of depletion to North Turkey Creek and Turkey Creek that is associated with water usage from the Subject Wells is within the exchange reach described in the Decrees entered in Case Nos. 94CW290, 01CW293, and 08CW204. 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, 01CW293, and 08CW204 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, Cimarron. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) authorizing the claims sought herein, (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. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of the Subject Wells. (10 pgs., 2 Exhibits)

2023CW3007 Concerning the Application for Water Rights of Irving and Earlena Avery – Order entered granting no publication by WD1. Publication to be completed in WD2 Case Number 2023CW3002.

2023CW3008 ALLISON LOUISE MUSSER REVOCABLE TRUST, PETER WRIGHT MUSSER REVOCABLE TRUST, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Allison Louise Musser Revocable Trust and Peter Wright Musser Revocable Trust (collectively, the “Musser Trusts”), c/o Peter Musser, 6160 Kinney Creek Road, Evergreen, CO 80439; Email: musserpeter@gmail.com; Telephone: (303) 502-0086; 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 UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 2. Names of Well and Permit Number: Musser Well No. 1, Well Permit No. 191119-A. a. Legal Description of the Well: Musser Well No. 1 is located on a parcel in the SE1/4 NW1/4, Section 23, Township 5 South, Range 71 West, of the 6th P.M., Jefferson County, Colorado, which parcel is shown on the map attached as **Exhibit A**. Musser Well No. 1 is approximately 1,700 feet from the North section line and 2,100 feet from the West section line. b. Source: Groundwater in the drainage of Little Cub Creek, tributary to Cub Creek, tributary to Bear Creek, tributary to the South Platte River. c. Date of Appropriation: September 25, 1955. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: September 25, 1955. f. Amount Claimed: 4 gpm, absolute. g. Depth: 682 feet. h. Uses: Household use, watering of domestic animals, irrigation of 2,500 sq. ft. of home gardens and lawns. i. Names and Addresses of Owners of Land on Which the Well is Located: Co-Applicant, the Musser Trusts. j. Remarks: Applicants will seek a new well permit for the Musser Well No. 1 consistent with the final decree entered in this case. **CLAIM NO. 2: APPLICATION FOR**

APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE 3. Names of Structures to be Augmented: Musser Well No. 1 and Musser Well No. 2. The Musser Well Nos. 1 and 2 will divert groundwater on a parcel of approximately 5 acres lying in the SE1/4 NW 1/4, Section 23, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado (“Musser Property”), located in the drainage of Little Cub Creek, tributary to Cub Creek, tributary to Bear Creek, tributary to the South Platte River. The rate of diversion for the wells will not exceed 15 gallons per minute. The Musser Property on which Musser Well Nos. 1 and 2 will be located is shown on the map attached as **Exhibit A**. The Musser Well No. 1 is existing and its location is described in paragraph 2, above. The Musser Well No. 2 will be drilled to facilitate subdivision of the Musser Property after entry of a decree in this case and its exact location on the Musser Property will be described in the well permit to be issued for that well. 4. Water Rights to be Used for Augmentation Purposes: The Musser Trusts have entered into a contract with North Fork Associates, LLC to purchase 2.6 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.081 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 appropriate rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this Application shall have the meaning set forth in the Decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this Application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this Application may be used as a Supplemental Supply as defined in the Decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said Decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the Decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this Application. 5. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with Musser Well Nos. 1 and 2, for both indoor and outdoor uses, as described below. a. The water requirements for Musser Well Nos. 1 and 2 are for up to two single family dwellings, with an average occupancy of 3.5 persons per house and one auxiliary dwelling unit with an average occupancy of 2.0 persons per house (“Indoor Uses”). The estimated water requirements for the Indoor Uses is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. In addition, the “Outdoor Uses” consist of up to two horses (or equivalent animals) using 10 gallons per head per day with 100% consumption, up to 1,000 square feet of turf irrigation based on the application of 1.25 af/ac with 100% consumption, or 1 hot tub based on the use of 5 gl/day with 100% consumption. This plan will require 0.081 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use *	0.314 af/yr	2	0.628	10%	0.0628	0.0314	0.0314
Auxiliary Unit*	0.179	1	0.179	10%	0.0179	0.0090	0.0089

Total			0.807		0.081	0.040	0.040
*irrigation 1,000 sq. ft.	1.25 af/ac	0.023	0.029	100%	0.029	0.029	0.000
*Horse	10 gl/dy/hd	2	0.0224	100%	0.0224	0.0112	0.0112
*Hot Tub	0.0056 af/tub	1	0.0056	100%	0.0056	0.0028	0.0028

* Applicant may seek to replace depletions from a combination of the Outdoor Uses (irrigation, horses, and/or a hot tub) so long as depletions Indoor Uses and Outdoor Uses will not exceed 0.081 acre-feet combined demand. Upon subdivision and construction of all Indoor Uses (two single family residences and the auxiliary dwelling unit), no Outdoor Uses will be permitted.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.006	0.007	0.006	0.007	0.006	0.007	0.007	0.007	0.007	0.007	0.007	0.007

This equates to a maximum stream depletion of 0.05 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. c. The total consumptive use water requirement will be 0.081 of an acre-foot of the annual firm yield of 39.0 acre-feet of the Turkey Creek rights. These requirements are needed at the point of depletion in the NW1/4, Section 23, Township 5 South, Range 71 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. 6. Water Exchange Project: Since the point of depletion associated with Musser Well Nos. 1 and 2 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 said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West, thence up Bear Creek to the confluence with Cub Creek in the SW1/4 NE1/4, Section 10, Township 5 South, Range 71 West, thence up Cub Creek to the confluence with Little Cub Creek in the NW1/4 SE1/4, Section 10, Township 5 South, Range 71 West, thence up Little Cub Creek to the confluence with Kinney Creek in the SW1/4 SE1/4, Section 14, Township 5 South, Range 71 West, thence up the Kinney Creek to the point of depletion in the NW1/4, Section 23, Township 5 South, Range 71 West, all in the 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of January 30, 2023, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.05 of a gallon per minute. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Co-Applicants, Musser Trusts. 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, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to

issue well permits for the construction and use of, or any replacement well permits required, for the Musser Well Nos. 1 and 2 consistent with the final decree entered in this case. (11 pgs., 2 Exhibits)

2023CW3009 THE TOWN OF FIRESTONE, 9950 Park Ave, CO 80504, (303) 833-3291. Bradley C. Grasmick, Wesley S. Knoll, David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, brad@lcwaterlaw.com; wes@lcwaterlaw.com; dstrait@lcwaterlaw.com **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT AND APPROPRIATIVE RIGHT OF EXCHANGE IN BOULDER AND WELD COUNTIES**. CLAIM FOR CONDITIONAL WATER STORAGE RIGHT 2. Name of Reservoir: Firestone Reservoir No. 3. 2.1. Location of structure: Firestone Reservoir No. 3 is located in Section 32, Township 3 North, Range 67 West, 6th P.M., Weld County, Colorado. 2.2. Sources: Water tributary to the South Platte River from Boulder Creek, Idaho Creek, St. Vrain Creek and all drainages intercepted by the Rural Ditch and Last Chance Ditch, including Godding Hollow and Mayfield Hollow. 2.3. Points of Diversion: 2.3.1. The Last Chance Ditch Diversion Structure which diverts water from St. Vrain Creek in the SE 1/4 of the NW 1/4 Section 3, Township 2 North, Range 68, West of the 6th P.M., Weld County, Colorado. 2.3.2. The Rural Ditch Diversion which diverts water from Boulder Creek in the NE 1/4 of Section 20, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado. 2.3.3. Firestone Reservoir No. 3 Pump Station: to be located on the South Bank of the St. Vrain Creek in the NW 1/4 of Section 32 Township 3 North, Range 67 West, 6th P.M., Weld County, Colorado. 3. Appropriation Date: The date of filing of this Application. 4. How Appropriation was Initiated: By the formation of intent to appropriate executing a purchase agreement for the water storage facility, and resolution by the Board of Trustees. 5. Amount Claimed: The following values are preliminary and are subject to modification upwards or downwards as the Applicant obtains additional information: 5.1. An initial fill of 7,264 acre-feet, conditional. 5.2. One annual refill up to 7,264 acre-feet, conditional. 5.3. The Last Chance Ditch Diversion: 50 cfs, conditional. 5.4. The Rural Ditch Diversion: 50 cfs, conditional. 6. Proposed Uses: Recreation and piscatorial uses within the storage cells; all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation and wildlife, augmentation, recharge, replacement, exchange and storage for these purpose. Applicant claims the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. The water right may be used as source of substitution and replacement supply in the plans for augmentation, for replacing well depletions and return flows. The water right may be leased to others for use. APPROPRIATIVE RIGHTS OF EXCHANGE 7. Description of exchange: Applicant seeks the adjudication of an appropriative right of exchange from the outflow of the St. Vrain Wastewater Treatment Plant to the Last Chance Ditch Diversion and the Rural Ditch Diversion. 7.1. Exchange from point: The outflow of the St. Vrain Wastewater Treatment Plant located in the SW 1/4 of the NE 1/4 of Section 31, Township 2 North, Range 67 West of the 6th P.M. 7.2. Exchange to points: 7.2.1. The Last Chance Ditch Diversion from the St. Vrain Creek in the SE 1/4 of the NW 1/4 Section 3, Township 2 North, Range 68, West of the 6th P.M., Weld County, Colorado. 7.2.2. The Rural Ditch Diversion from Boulder Creek in the NE 1/4 of Section 20, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado. 7.3. Sources of substitute supply: Fully consumable effluent available to the Town of Firestone, augmentation credits in excess of Firestone's replacement obligation, the Firestone Reservoir No. 3 storage water right claimed in this Application. 7.4. Amounts Claimed: 7.4.1. 50 cfs, conditional, for water exchanged through the Last Chance Ditch Diversion. 7.4.2. 50 cfs, conditional, for water exchanged through the Rural Ditch Diversion. 8. Appropriation Date: The date of filing of this Application. 9. How Appropriation was Initiated: By the formation of intent to appropriate executing a purchase agreement for the water storage facility, and resolution by the Board of Trustees. 10. Proposed Uses: Water diverted by this exchange shall be used for all municipal uses including recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. Storage of the exchanged water shall be in any reservoir which can take delivery

from the Rural and Last Chance Ditch systems, including Firestone Reservoir Nos. 1, 2 and 3. **APPROPRIATIVE RIGHT OF SUBSTITUTION 11. Description of the Substitution.** At times Firestone's water storage right for Firestone Reservoir No. 3 is not in priority and there is water naturally flowing in the Last Chance Ditch which is not otherwise being delivered to a structure on the Last Chance Ditch, Firestone intends to divert such water in substitution for water that is legally and physically available to Firestone in St. Vrain Creek where the Last Chance Ditch drains to St. Vrain Creek. 11.1. **Diversion Point.** The inlet to Firestone Reservoir No. 3 located in Sec. 32, Township 3 North, Range 67 West of the 6th P.M. 11.2. **Sources of substitute supply:** Fully consumable effluent available to the Town of Firestone in St. Vrain Creek, augmentation credits in excess of Firestone's replacement obligation in St. Vrain Creek. 11.3. **Amount Claimed:** 50 cfs, conditional at the inlet to Firestone Reservoir No. 3 12. **Appropriation Date:** The date of filing of this Application. 13. **How Appropriation was Initiated:** By the formation of intent to appropriate executing a purchase agreement for the water storage facility, and resolution by the Board of Trustees. 14. **Proposed Uses:** Water diverted by this substitution shall be used for all municipal uses including recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. 15. Names and addresses of owners of land on which structures are located: 15.1. L.G. Everist, Inc., 7321 E 88th Ave., Suite 200, Henderson, CO 80640. 15.2. Rural Ditch Company, 735 Bowen, Longmont, CO 80501. 15.3. Last Chance Ditch Company, P.O. Box 119 Longmont, CO 80502-0119. 15.4. Acord St. Vrain Valley Ranch, LLC 7541 County Road 26 3/4, Longmont, CO 80504. This application consists of five (5) pages.

2023CW3010 MATTHEW G. DELLER, DAWN R. DELLER, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Matthew G. Deller and Dawn R. Deller (the "Dellers"), 26314 Independence Tr., Evergreen, CO 80439; Email: matt@10xbusiness-consultants.com; Telephone: (937) 657-3719; 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 UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY.** 2. **Overview of Claims.** Applicants own a parcel of land located on approximately 20 acres lying in the E1/2 NE1/4, Section 11, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado ("Deller Property"). It is in the drainage of Bear Creek, which is tributary to the South Platte River. The Dellers seek to divide the Deller Property into four lots. One lot will be supplied by Deller Well No. 1, an existing exempt well for in-house use only which is being adjudicated pursuant to Claim 1 of this Application, while the other lots will be supplied by Deller Well Nos. 2, 3, and 4, which will be subject to the augmentation plan sought in Claim 2 of this Application. The Deller Property on which Deller Well Nos. 1- 4 will be located is shown on the map attached as **Exhibit A. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 3. **Names of Well and Permit Number:** Deller Well No. 1, Well Permit No. 312583. a. **Legal Description of the Well:** Deller Well No. 1 is located on a parcel in the NE1/4, Section 11, Township 5 South, Range 71 West, of the 6th P.M., Jefferson County, Colorado, which parcel is shown on the map attached as **Exhibit A.** b. **Source:** Groundwater in the drainage of Bear Creek, tributary to the South Platte River. c. **Date of Appropriation:** September 4, 2019. d. **How Appropriation was Initiated:** By drilling and applying the well to beneficial use. e. **Date Water Applied to Beneficial Use:** September 17, 2019. f. **Amount Claimed:** 7 gpm, ABSOLUTE. g. **Depth:** 852 feet. h. **Uses:** Ordinary household purposes inside a single family dwelling. i. **Names and Addresses of Owners of Land on Which the Well is Located:** Co-Applicants, the Dellers. j. **Remarks:** The Deller Well No. 1 is an exempt well that will keep its exempt status. Senate Bill 20-0155, adopted on July 2, 2020, amended Section 37-

92-602(3) to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A) to retain its presumption of noninjury after the land on which the well is located has been divided, provided that the existing well is only used on a single lot of the divided land and remains the only well serving that lot.

CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE

4. Names of Structures to be Augmented: Deller Well Nos. 2-4. The Deller Well Nos. 2-4 will divert groundwater on three of the four lots to be subdivided from the Deller Property for in-house use only, the remaining lot will be supplied by Deller Well No. 1, which is an exempt well and is not subject to this plan for augmentation. The rate of diversion for each of the Deller Well Nos. 2-4 will not exceed 15 gallons per minute. Applications to construct Deller Well Nos. 2-4 will be submitted to Colorado Division of Water Resources when the Deller Property described herein is developed and the wells are needed. 5. Water Rights to be Used for Augmentation Purposes: The Dellers have entered into a contract with North Fork Associates, LLC to purchase 3.0 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.0942 of an acre-foot to satisfy the present and anticipated future replacement needs, attributable to MMRC’s Turkey Creek Firm Yield, as show on the summary of Firm Yield commitments, attached as **Exhibit B**, and described below. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the **“Bear Creek/Turkey Creek water rights”**), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

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

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

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

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the

structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this Application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this Application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this Application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said Decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the Decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this Application. 6. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Deller Well Nos. 2-4 for indoor use, in the manner described below. a. The water requirements for the Deller Well Nos. 2-4 are for three single family dwellings, with an average occupancy of 3.5 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use for each well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. This plan will require 0.0942 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	3	0.942	10%	0.0942	0.047	0.047
Total			0.942		0.0942	0.047	0.047

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.008	0.007	0.008	0.007	0.008	0.008	0.008	0.008	0.008	0.008	0.008	0.008

This equates to a maximum stream depletion of 0.06 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 5, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more release from storage of short duration. c. The total consumptive use water requirement will be 0.0942 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 NW1/4 NW1/4, Section 11, Township 5 South, Range 71 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. 7. Water Exchange Project: Since the point of depletion associated with Deller Well Nos. 2-4 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 NW1/4 NW1/4, Section 11, Township 5 South, Range 71 West, all in the 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of January 31, 2023, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.06 of a gallon per minute. 8. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 9. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicants, the Dellers. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for Deller Well Nos. 1-4 consistent with the final decree entered in this case. (10 pgs., 2 Exhibits)

2023CW3011 GREATROCK NORTH WATER AND SANITATION DISTRICT, c/o Lisa Johnson, CLA Broomfield, 370 Interlocken Boulevard, Suite 500, Broomfield, CO 80021-8014. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR WATER RIGHTS AND AMENDMENTS TO PLANS FOR AUGMENTATION, IN ADAMS COUNTY**. Summary. Applicant's five alluvial wells, ALV-1 through ALV-5, are approved to be augmented under the plan for augmentation decreed in Case No. 08CW66. ALV-1 and ALV-2 wells are also approved to be augmented under the plan for augmentation decreed in Case No. 04CW247. Absolute and conditional water rights were decreed for ALV-1 and ALV-2 wells and conditional water rights were decreed for ALV-3, 4 and 5 wells in Case No. 14CW3174. The conditional water rights were subsequently cancelled pursuant to the Notice of Cancellation entered in Case No. 14CW3174 on January 20, 2023 after an application for reasonable diligence was not filed. By this application, Applicant seeks new conditional and absolute water rights for the ALV-1 and ALV-2 wells, conditional water rights for ALV-3, ALV-4 and ALV-5 wells and to amend the Case No. 04CW247 and Case No. 08CW66 augmentation plans to include a term and condition that provides depletions from pumping the wells will not require augmentation at times the wells are in priority pursuant to the water rights requested in this application. No other amendment to the terms and conditions of the augmentation plans decreed in Case Nos. 04CW247 and 08CW66 is requested, and the wells will continue to otherwise operate according to the terms and conditions originally decreed in Case Nos. 04CW247 and 08CW66.

WATER RIGHTS Structures: ALV-1 Well: Location: In the NW1/4SE1/4 of Section 1, T1S, R65W of the 6th P.M. at a point approximately 1600 feet from the south and 2540 feet from the east section line of said Section 1, as described in the map attached to the application as Exhibit A. Source: Box Elder Creek alluvium, tributary to the South Platte River. This well operates under two well permits and the absolute water right decreed in Case No. 14CW3174. The well is permitted under Permit No. 70141-F to operate as an augmented structure under the plan for augmentation approved in Case No. 08CW66 for the Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions. This well is also permitted under Permit No. 63024-F to operate as an augmented structure pursuant to Applicant's augmentation plan approved in Case No. 04CW247 for the Box Elder Creek Ranch subdivision. The well was decreed an absolute water right in the amount of 150 gpm with an appropriation date of March 31, 2008 pursuant to the Case No. 14CW3174 decree entered on November 28, 2016. The absolute water right for the well has the same location, source, and use as described herein. WDID No. 0109983. Amount: 62 gpm Absolute, 88 gpm Conditional. The total diversion amount for the well pursuant to the water rights requested in this application and the absolute water right decreed in Case No. 14CW3174 will total 300 gpm, not to exceed the diversion limits of the Case Nos. 04CW247 and 08CW66 decrees. On April 25, 2022 and April 27, 2022, 212 gpm was diverted at the ALV-1 well and put to inhouse use in each of the subdivisions identified in this application and irrigation uses in the identified subdivisions other than the Box Elder Creek Ranch subdivision. Date of Appropriation: March 31, 2008. How appropriation initiated: The appropriation was initiated by formation of intent and the filing of the water court application for the plan for augmentation that was decreed in Case No. 08CW66 and the water court application for conditional and absolute water rights in Case No. 14CW3174. The Case No. 08CW66 application was filed on March 31, 2008. The Case No. 14CW3174 application was filed on December 31, 2014. 3.1.7 Uses and Places of Use: The ALV-1 Well is used for inhouse use in the Box Elder Creek Ranch subdivision located in Section 1, T1S, R65W of the 6th P.M. and for inhouse and irrigation uses at Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions located in Sections 2, 3 and 10, T1S, R65W of the 6th P.M., as described in the map attached to the application as Exhibit A. ALV-2 Well: 3.2.1 Location: In the SW1/4NE1/4 of Section 1, T1S, R65W of the 6th P.M. at a point approximately 2500 feet from the north and 2000 feet from the east section line of said Section 1, as described in the map attached to the application as Exhibit A. 3.2.2 Source: Box Elder Creek alluvium, tributary to the South Platte River. This well operates under two well permits and the absolute water right decreed in Case No. 14CW3174. This well is permitted under Permit No. 70140-F to operate under the plan for augmentation approved in Case No. 08CW66 for the Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions. This well is also permitted under Permit No. 67146-F to operate as an augmented structure pursuant to Applicant's augmentation plan approved in Case No. 04CW247 for the Box Elder Creek Ranch subdivision. The well was decreed an absolute water right in the amount of 133 gpm with an appropriation date of March 31, 2008 pursuant to the Case No. 14CW3174 decree entered on November 28, 2016. The absolute water right for the well has the same location, source, and use as described herein. WDID No. 0109984 Amount: 7 gpm Absolute, 160 gpm Conditional. The total diversion amount for the well pursuant to the water rights requested in this application and the absolute water right decreed in Case No. 14CW3174 will total 300 gpm, not to exceed the diversion limits of the Case Nos. 04CW247 and 08CW66 decrees. In 2022 on January 26, February 7, 8, 10 and 11, June 30 and July 31, 140 gpm was diverted at the ALV-2 well and put to inhouse use in each of the subdivisions identified in this application and irrigation uses in the identified subdivisions other than the Box Elder Creek Ranch subdivision. Date of Appropriation: March 31, 2008. How appropriation initiated: The appropriation was initiated by formation of intent and the filing of the water court application for the plan for augmentation that was decreed in Case No. 08CW66 and the water court application for conditional and absolute water rights in Case No. 14CW3174. The Case No. 08CW66 application was filed on March 31, 2008. The Case No. 14CW3174 application was filed on December 31, 2014. Uses and Places of Use: The ALV-2 Well is used for inhouse use in the Box Elder Creek Ranch subdivision at the location described in Paragraph 3.1.7 and for inhouse and irrigation uses at Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates

subdivisions at the locations described in Paragraph 3.1.7 and the map attached to the application as Exhibit A. ALV-3 Well: Location: In the SW1/4SE1/4 of Section 1, T1S, R65W of the 6th P.M. at a point approximately 800 feet from the south and 1800 feet from the east section line of said Section 1, as described in the map attached to the application as Exhibit A. 3.3.2 Source: Box Elder Creek alluvium, tributary to the South Platte River. Amount: 300 gpm (conditional), not to exceed the diversion limit of the Case No. 08CW66 decree. Date of Appropriation: March 31, 2008. How appropriation initiated: The appropriation was initiated by formation of intent and the filing of the water court application for the plan for augmentation that was decreed in Case No. 08CW66 and the water court application for conditional and absolute water rights in Case No. 14CW3174. The Case No. 08CW66 application was filed on March 31, 2008. The Case No. 14CW3174 application was filed on December 31, 2014. Uses and Places of Use: The ALV-3 Well will be used for inhouse and irrigation uses at Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions, at the locations described in Paragraph 3.1.7 and in the map attached to the application as Exhibit A. ALV-4 Well: Location: In the NE1/4SW1/4 of Section 1, T1S, R65W of the 6th P.M. at a point approximately 1350 feet from the south and 2000 feet from the west section line of said Section 1, as described in the map attached to the application as Exhibit A. Source: Box Elder Creek alluvium, tributary to the South Platte River. Amount: 300 gpm (conditional), not to exceed the diversion limit of the Case No. 08CW66 decree. 3.4.4 Date of Appropriation: March 31, 2008. How appropriation initiated: The appropriation was initiated by formation of intent and the filing of the water court application for the plan for augmentation that was decreed in Case No. 08CW66 and the water court application for conditional and absolute water rights in Case No. 14CW3174. The Case No. 08CW66 application was filed on March 31, 2008. The Case No. 14CW3174 application was filed on December 31, 2014. Uses and Places of Use: The ALV-4 Well will be used for inhouse and irrigation uses at Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions, at the locations described in Paragraph 3.1.7 and in the map attached to the application as Exhibit A. ALV-5 Well: Location: In the SE1/4NE1/4 of Section 2, T1S, R65W of the 6th P.M. at a point approximately 2150 feet from the north and 750 feet from the east section line of said Section 1, as described in the map attached to the application as Exhibit A. Source: Box Elder Creek alluvium, tributary to the South Platte River. Amount: 300 gpm (conditional), not to exceed the diversion limit of the Case No. 08CW66 decree. Date of Appropriation: March 31, 2008. How appropriation initiated: The appropriation was initiated by formation of intent and the filing of the water court application for the plan for augmentation that was decreed in Case No. 08CW66 and the water court application for conditional and absolute water rights in Case No. 14CW3174. The Case No. 08CW66 application was filed on March 31, 2008. The Case No. 14CW3174 application was filed on December 31, 2014. Uses and Places of Use: The ALV-5 Well will be used for inhouse and irrigation uses at Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions, at the locations described in Paragraph 3.1.7 and in the map attached to the application as Exhibit A. **AMENDMENTS TO PLANS FOR AUGMENTATION.** Decrees. Case No. 08CW66, entered on May 1, 2012 and Case No. 04CW247, entered on May 16, 2007, which were amended by the decree entered in Case No. 14CW3174 on November 28, 2016. In Case No. 08CW66, the court approved a plan for augmentation for five alluvial wells, ALV-1 through ALV-5, which will divert water for use in up to 322 residences to be located within the boundaries of the Great Rock North Water and Sanitation District, in Sections 2, 3 and 10, T1S, R65W of the 6th P.M. in the Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions for in-house and irrigation uses, as described on Exhibit A. In Case No. 04CW247, the court approved a plan for augmentation for alluvial wells ALV-1 and ALV 2, which will divert water for use in up to 244 individual residences to be located in Section 1, T1S, R65W of the 6th P.M., in the Box Elder Creek Ranch subdivision for inhouse use only, as described on Exhibit A. In Case No. 14CW3174, the court approved amendments of the plans for augmentation decreed in Case Nos. 04CW247 and 08CW66 to include terms and conditions that provide depletions from pumping the wells according to the conditional and absolute water rights decreed in Case No. 14CW3174 will not require augmentation at times the wells are in priority pursuant to the absolute and conditional water rights decreed in that case. Description of Amendment. Applicant seeks

to amend the augmentation plans decreed in Case Nos. 04CW247 and 08CW66 to include terms and conditions similar to those included in the Case No. 14CW3174 decree so that depletions from pumping the wells according to the new conditional and absolute water rights requested in this application will not require augmentation at times the wells are in priority pursuant to the new water rights. All other elements of the augmentation plans remain the same and no other amendments to the terms and conditions of the augmentation plans decreed in Case Nos. 04CW247 and 08CW66 are requested. This application describes certain aspects of the plans for augmentation. The Case Nos. 08CW66, 04CW247 and 14CW3174 decrees provide complete descriptions of the plans for augmentation. The amended plans for augmentation will not cause any material injurious effect to the owner or user of any vested water rights or decreed conditional water rights. Owners of land on which the headgates and structures are or will be located: Well ALV-1: Kevin & Heather Willard, 877 Poppy Dr, Brighton, CO, 80601. Well ALV-2: Joseph & Kim Rigoli, 16440 Umpire St, Hudson, CO, 80642. Well ALV 3: Gary & Wendy Booth, 16201 Fairway Dr, Commerce City, CO, 80022. Well ALV 4: Henrylyn Irrigation District, 29490 County Road 14, Keenesburg, CO, 80643. Well ALV 5: Edwin & Juliana Enriquez, 16301 Hudson Road, Hudson, CO, 80642. The following document is filed with this application and is available from the Water Clerk, or from counsel for Applicant: Map showing locations of well sites and the Box Elder Creek Ranch, Rocking Horse Farms, Hayesmount Estates, Greatrock North, Homestead Heights, and Ridgeview Estates subdivisions. WHEREFORE, Applicant prays that this Court enter a decree approving the water rights and amendments to the plans for augmentation requested herein and finding that there will be no injury to owners and persons entitled to use water under any vested and conditional water rights, and for such other and further relief as may be warranted. 8 pages.

2023CW3012 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (“ACWWA”), c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830. **APPLICATION FOR CHANGE OF WATER RIGHTS, PLAN FOR AUGMENTATION, AND APPROPRIATION OF RETURN FLOWS IN WELD COUNTY.** Please send all pleadings and correspondence 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 (Attorneys for ACWWA). 2. Introduction. The purpose of this application is to change the use of water rights associated with ACWWA’s 24 shares in the Farmers Independent Ditch Company (“FIDCO”). 3. Summary of Subject Water Rights. ACWWA seeks to change the use of 24 shares out of a total of 800 outstanding shares in FIDCO (“ACWWA’s Mack Shares”). ACWWA’s 24 FIDCO shares are derived from Share Certificate No. 1227 and were historically used on the Mack WCR 43, LLC property (“Mack Farm”) as detailed below. **CLAIM FOR CHANGE OF WATER RIGHTS** 4. Decreed Water Rights for Which Change is Sought. 4.1. Name of Structure. Farmers Independent Ditch. 4.2. Previous Decree. Case No. 6009, Arapahoe County District Court, decreed April 28, 1883. 4.3. Decreed Point of Diversion: The headgate location for the Farmers Independent Ditch is on the east bank of the South Platte River in the SW 1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4.4. Source. South Platte River. 4.5. Amounts and Appropriation Dates.

Appropriation Date	Total Amount Decreed to All FIDCO Shares (cfs)	Pro Rata Amount for ACWWA’s 24 Shares (cfs)
November 20, 1865	61.6	1.848
November 20, 1876	85.4	2.562

5. Historical Use. ACWWA’s Mack Shares were historically used to irrigate crops on the Mack Farm, as depicted on the map attached as **Exhibit 1**. The Mack Farm is located in the SE 1/4 of Section 20, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6. Proposed Change of ACWWA’s Mack Shares. 6.1. Change in Type of Use. In addition to the already decreed irrigation use, ACWWA seeks to use water attributable to ACWWA’s Mack Shares for the uses described below, which may occur directly,

following storage or recharge, and/or by exchange. 6.1.1. Use in ACWWA's Plans for Augmentation, including Substitution. ACWWA will use water attributable to ACWWA Mack Shares as a source of replacement water including use by substitution in the plans for augmentation decreed in Case Nos. 10CW306, 13CW3026, 19CW3074, 19CW3084, pending Case Nos. 20CW3117 and 20CW3142, the plan for augmentation requested in this case, and in any future plan for augmentation. 6.1.2. Source for ACWWA's Recharge Projects. ACWWA will deliver water attributable to ACWWA's Mack Shares to recharge facilities for subsequent beneficial use. These facilities include those located in the Beebe Draw and on 70 Ranch as decreed in Case Nos. 10CW306 and 16CW3195, and any future recharge project or facility to which ACWWA is legally entitled to recharge water. Recharge accretions generated by water attributable to ACWWA's Mack Shares can be subsequently stored, exchanged, or further placed into recharge if not needed for an immediate beneficial use. 6.1.3. Source for ACWWA's Exchanges. ACWWA will re-divert water attributable to ACWWA's Mack Shares, either directly or following recharge or storage and subsequent release, at the exchange-to points under the appropriative rights of exchange decreed in Case Nos. 09CW283, 16CW3195, and 19CW3074. ACWWA may also use water attributable to ACWWA's Mack Shares in any future exchange. 6.1.4. Places of Storage. ACWWA may store water attributable to ACWWA's Mack Shares by direct delivery or after exchange and/or recharge in any storage facility in which ACWWA is legally permitted to store water, including: 6.1.4.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.4.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West, and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.4.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26, and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 6.1.4.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 6.1.4.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.6. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 6.1.4.7. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.4.8. Holton Lake, an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, and the SW1/4 of the SE1/4 of Section 6, and the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.1.4.9. Any existing or future storage facility in which ACWWA is legally permitted to store water. 6.1.5. Replacement of Return Flow Obligations. ACWWA will use water attributable to ACWWA's Mack Shares, either directly, following storage or recharge, or by exchange, to replace return flow obligations associated with ACWWA's Mack Shares and the water rights changed in Case Nos. 10CW313, 11CW151, 12CW73, 13CW3026, 16CW3195, 16CW3200, and 19CW3084, and to satisfy return flow obligations for other water rights, currently pending changes of water rights, or water rights changed in the future if such change decree lists ACWWA's Mack Shares as a replacement source. 6.1.6. All Municipal Uses. ACWWA will use the water attributable to ACWWA's Mack Shares for all municipal uses via augmentation and exchange, including after recharge. ACWWA's municipal uses include, but are not limited to, domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within ACWWA's present and future service area, at such locations as to allow ACWWA to pump water at the ACWWA/East Cherry Creek Valley Water and Sanitation District ("ECCV") Well Field or provide direct deliveries for municipal use within ACWWA's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. 6.1.7. Right of Reuse, Successive Use, and Disposition. ACWWA claims the right to use, reuse, successively use and dispose of, by sale,

lease, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted, and/or impounded pursuant to the decree entered in this case. As such, the water attributable to ACWWA's Mack Shares will be fully consumable water. 6.1.8. Use in ECCV's Augmentation Plans and Delivery to ECCV Recharge Projects. ACWWA may lease and/or trade water attributable to ACWWA's Mack Shares to ECCV for use as a source of augmentation and replacement water in ECCV's augmentation plans, either directly or following delivery to storage or to recharge projects, including those decreed in Case Nos. 02CW403 and 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, and Case Nos. 13CW3026, 19CW3075, and 19CW3084, and in pending Case Nos. 20CW3117 and 20CW3142. 6.2. Change in Place of Use. ACWWA will use the water attributable to ACWWA's Mack Shares on lands within ACWWA's present and future service area, at such locations as to allow ACWWA to pump water at the ACWWA/ECCV Well Field or provide direct deliveries for municipal use within ACWWA's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. A map of ACWWA's current service area is attached as **Exhibit 2**. 7. Delivery of the Subject Water Rights. The water attributable to ACWWA's Mack Shares will continue to be diverted at the Farmers Independent Ditch headgate. ACWWA may deliver all or a portion of the water attributable to ACWWA's Mack Shares at the following locations: 7.1. Upper Augmentation Station (a/k/a Camp Augmentation Station), located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 7.2. Middle Augmentation Station (a/k/a Mack Farm Headgate and Lateral), to be located in the NE1/4 of the NE1/4 of Section 29, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.3. Lower Augmentation Station (a/k/a Tail Augmentation Station), located in the SE1/4 of the NE1/4 of Section 1, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.4. Drouhard Recharge Site, located in the SW1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 7.5. Future Delivery Point, to be located in the N1/2 of Section 13 and S1/2 of Section 12, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, subject to obtaining agreements with FIDCO and the underlying landowner(s). 7.6. Future Recharge Site, to be located in the SE1/4 of Section 20, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, subject to obtaining agreements with FIDCO and the underlying landowner(s). 8. Return Flow Obligations. ACWWA shall maintain historical return flows on a daily basis whenever the downstream calling water right on the South Platte River is senior to January 31, 2023. ACWWA shall meet its return flow obligations for ACWWA's Mack Shares with any of the sources described in the attached **Exhibit 3**, either directly, by substitution, by exchange, or following storage or recharge or any combination thereof. ACWWA may also deliver water from other fully-consumable sources, either directly, by substitution, by exchange, or following storage or recharge or any combination thereof, owned or controlled by ECCV or any other sources so long as the sources are decreed for augmentation purposes by the Water Court or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to C.R.S. §§ 37-92-308 or 309, or successor statutes, or are otherwise lawfully available for such use. To the extent that fully consumable water derived from water rights other than ACWWA's Mack Shares is used to meet replacement obligations, an equivalent amount of water diverted pursuant to ACWWA's Mack Shares and attributable to historical return flow will become fully consumable. 9. Integrated System. Use of ACWWA's Mack Shares as described herein comprise a component of an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Applicant on any water rights or structures which are part of their integrated water systems shall be considered in finding that reasonable diligence has been shown in the development of the conditional water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 10. Bylaw Approval. ACWWA has completed FIDCO's legally applicable requirements and procedures regarding approval of this application for change of water rights. **CLAIM TO APPROPRIATE RETURN FLOWS** 11. ACWWA's Independent Claim to Appropriate Return Flows Associated with ACWWA's Mack Shares. 11.1. When the calling right downstream of the point the return flows historically accrued to the South Platte River is junior to January 31, 2023, or there is no call from downstream of the point the return flows historically accrued to the South Platte River, ACWWA seeks the right to use, retain, reuse, successively use, and use to extinction, for all of the purposes described in

paragraph 6, above, the historical return flow portion of its irrigation season delivery of the Subject Water Rights and the winter return flow portion of its prior irrigation season deliveries of the Subject Water Rights.

11.2. Name of Structure. Farmers Independent Ditch. 11.3. Location of Structure. The return flows will be measured and delivered at the South Platte River using the Lower Augmentation Station and, to the extent the water is not needed immediately to replace historical return flows from ACWWA's Mack Shares, will be diverted at the 70 Ranch Reservoir. 11.4. Source. South Platte River. 11.5. Date of Appropriation. January 31, 2023. 11.6. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 11.7. Date Water First Applied to Beneficial Use. Not Applicable. 11.8. Amount Claimed. Any and all amounts of return flows determined to be attributable to ACWWA's Mack Shares, conditional. 11.9. Claimed Uses. For the same uses as described in paragraph 6, above. **CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION**

12. ACWWA's Plan for Augmentation. 12.1. Purpose of the Plan for Augmentation. Through this augmentation plan, ACWWA will provide adequate sources of replacement water to maintain the historical return flow obligations associated with ACWWA's Mack Shares. 12.2. Location of Return Flows. The location where return flows associated with ACWWA's Mack Shares historically accrued is shown in **Exhibit 1**. 12.3. Replacement Sources. ACWWA will use water derived from the sources described in paragraph 8, above, to replace the historical return flow obligations associated with ACWWA's Mack Shares in time, location, and amount in order to prevent injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 12.4. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of replacement in the plan for augmentation described in the application. Those supplies may be acquired and/or leased to replace or supplement water from the sources identified in paragraph 8, above. ACWWA will add future acquired sources to the plan for augmentation claimed in this application pursuant to C.R.S. § 37-92-305(8)(c). 12.5. If the return flows associated with ACWWA's Mack Shares are replaced by sources other than ACWWA's Mack Shares, an equivalent amount of water diverted pursuant to the FIDCO Shares will be available to be placed to the beneficial uses described in paragraph 6, above.

13. Names and Addresses of the Owners of the Structures and Diversion Facilities Listed Above. 13.1. Farmers Independent Ditch is owned by FIDCO, whose address is 3005 W. 29th Street, Suite G1, Greeley, Colorado 80631. 13.2. Weld Adams Water Development Authority ("WAWDA"), whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, holds an easement for 70 Ranch Reservoir and its diversion and outlet facilities. The land underlying the easement is owned by 70 Ranch, LLC, whose address is the same. 13.3. Milliken Reservoir is owned by United Milliken Reservoir Enterprise, LLC, whose address is 8301 East Prentice Ave, Suite 100, Greenwood Village, Colorado 80111, and Scout Investments, LLC, whose address is the same. 13.4. United Reservoir No. 3 is owned by United, whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. United Reservoir No. 3 is on land owned by Bromley District Water Providers, LLC, whose address is the same. United holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 13.5. Barr Lake and the canals which will be used to deliver water to Barr Lake are owned by Farmers Reservoir and Irrigation Company ("FRICO"), whose address is 80 South 27th Avenue, Brighton, Colorado 80601. 13.6. Milton Lake is owned by FRICO, whose address is 80 South 27th Avenue, Brighton, Colorado 80601. 13.7. Serfer Pit is owned by United, whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 13.8. Binder Reservoir is owned jointly by Ronald E. von Lembke, 73 Falcon Hills Drive, Highlands Ranch, CO 80126 and Andrew Damiano, 15 Cherry Vale Drive, Englewood, Colorado 80113. 13.9. Holton Lake is owned by CAW Equities, LLC, whose address is 8301 East Prentice Ave, Suite 100 Greenwood Village, CO 80111. WHEREFORE, ACWWA requests that the Court enter a decree granting the change of water rights, appropriation of return flows, and plan for augmentation, and for such other relief which it deems proper. (10 pages, 3 exhibits).

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND

rights approved in the 09CW105 Decree. The water rights of the Consolidated Hillsborough Ditch Company are described as follows: Previous Decrees: Water rights were decreed in District Court, Boulder County, on May 28, 1883 as follows:

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

63.31 cfs of Priority 1 originally decreed to the Big Thompson Ditch is now decreed to the Hillsborough Ditch. 5.64 cfs of Priority No. 1 is separately owned in two deeded interests, and is not owned by the Consolidated Hillsborough Ditch Company. LRM claims no interest in these two deeded interests. The Consolidated Hillsborough Ditch Company owns 57.67 cfs of Priority No. 1 and all of Priority Nos. 40 and 51. Therefore, LRM owns pro rata interests in 57.67 cfs of Priority No. 1 and in all of Priorities 40 and 51. Point of Diversion: Headgate of the Hillsborough Ditch, located in the SE1/4 NW1/4 of Section 21, Township 5 North, Range 68W of the 6th P.M., Larimer County, Colorado; Source: Big Thompson River; and Among other changed uses decreed for the Hillsborough Shares in the 09CW105 Decree, the Hillsborough Shares may be used for augmentation purposes at the Dunn Site to replace evaporation from unlined gravel pits and other depletions resulting from reclamation, production and processing and gravel mining and to replace out of priority depletions resulting from industrial, reclamation, irrigation, stock watering, recreation, fish culture and propagation, fishing, wildlife, aesthetic, fire protection, and all uses associated with gravel and rock mining including evaporation, dust suppression and production and processing losses with the right to totally consume the consumable portion of the water attributable to the historical consumptive use, either by first use, successive use or disposition. Water will be used directly, following storage in the Walters Reservoir No. 1, Walters Reservoir No. 2 and/or Bokelman Reservoir No. 1, by exchange, and for augmentation of out-of-priority diversions and depletions resulting from the above uses and as a source of substitute supply and out of priority depletions resulting from the “first fill” of gravel pits at the Dunn Site pursuant to an approved substitute water supply plan or a decreed augmentation plan. Water attributable to the Hillsborough Shares will be delivered to the Big Thompson River to augment out of priority depletions at the Dunn Site according to the terms of the 09CW105 Decree. The historical consumptive use of the Hillsborough Shares was quantified in the 09CW105 Decree. The terms and conditions under which the Hillsborough Shares are used for augmentation purposes are set forth in the 09CW105 Decree and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the 09CW105 Decree for more detailed information. Up to 200 acre-feet per year of fully consumable water leased by Applicant from the City of Loveland (“Loveland”) for augmentation use according to a lease with a 25 year term, with the option to renew for successive 25 year terms. In supplying the leased water, Loveland may use any water, including, but not limited to the following sources of water which may be used to extinction: Native water from the Big Thompson River Basin which, when stored within Loveland’s reservoir system, may be totally consumed pursuant to the terms and conditions of the decree in Case No. 82CW202A, Water Division 1; and Water under an allotment contract with the Municipal Sub-District of the Northern Colorado Water Conservancy District, commonly known as Windy Gap Water; and Any other water rights of Loveland determined by Water Court decree to be totally consumable. LRM may use water for augmentation available under one or more of the conditional water rights for the Walters Reservoir Nos. 1 and 2 and/or the Bokelman Reservoir No. 1 (“Reservoirs”) decreed in the 09CW105 Decree: Decree Information: Originally decreed in Case No. 09CW105 on October 20, 2011. Diligence was found in Case No. 17CW3164 on August 21, 2018. Description of Conditional Water Rights for the Reservoirs from the 09CW105 Decree: Appropriation Date: December 18, 2007. Source: Big Thompson River and water tributary to the Reservoirs. Legal Descriptions: Walters Reservoir No. 1 shall be located in the NE1/4 of

the SW1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County as shown on **Exhibit B**. The approximate center of the reservoir is located 2083 feet from the south section line and 2034 feet from the west section line. Walters Reservoir No. 2 shall be located in the NW1/4 of the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County as shown on **Exhibit B**. The approximate center of the reservoir is located 1651 feet from the south section line, and 1967 feet from the east section line. Bokelman Reservoir No. 1 shall be located in the E1/2 of the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County as shown on **Exhibit B**. The approximate center of the reservoir is located 910 feet from the south section line, and 790 feet from the east section line. Amounts: Walters Reservoir No. 1: 480 acre-feet (conditional). Walters Reservoir No. 2: 160 acre-feet (conditional). Bokelman Reservoir No. 1: 345 acre-feet (conditional). Rate of Diversion for the Reservoirs: 50 cfs. Points of Diversion for All Reservoirs: Diversion Point No. 1 shall be located in the NW1/4 of the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County, Colorado, at a point approximately 2241 feet from the south section line and approximately 1814 feet from the east section line. Diversion Point No. 2 shall be located within the SE1/4 of Section 24, Township 5 North, Range 68W of the 6th P.M., Larimer County, Colorado. Water tributary to the Reservoirs may also be used to fill the Reservoirs. Each of these points serve as an alternate point of diversion for the other and up to 50 cfs cumulative may be diverted from either or both points of diversion. Uses: Among other uses decreed in the 09CW105 Decree, the conditional water rights for the Reservoirs are decreed for augmentation of out-of-priority depletions from industrial, reclamation, piscatorial, fishing, fish culture and propagation, stock watering, wildlife, aesthetic, recreation, fire protection, all uses associated with gravel and rock mining including evaporation, dust suppression and production and processing losses, directly or after storage, resulting from one or more separate diversions for these uses at the Dunn Site. Reference is made to the 09CW105 Decree for more detailed information. The conditional groundwater rights described below. Statement of Plan for Augmentation: Evaporation from the exposed surface of the unlined gravel pits at the Dunn Site will be estimated monthly. Depletions from the other augmented uses will be estimated monthly. Out-of-priority depletions will be replaced by the sources of augmentation water identified herein. The plan for augmentation will not cause any material injurious effect to the owner or user of any vested water rights or decreed conditional water rights. **GROUNDWATER RIGHTS** Dunn Pits: Location: Applicant currently plans for wet mining three unlined pits at the Dunn Site which will be located in the NE1/4 of Section 3, Township 4 North, Range 67W, and the SW1/4 of the SE1/4 of Section 34, Township 5 North, Range 67W of the 6th P.M., Weld County, as shown on the attached **Exhibit A**. The final number of unlined pits at this site may be more than the currently planned three unlined gravel pits but the total exposed surface area for pits at the Dunn Site shall not exceed the total exposed area identified in the plan for augmentation above. Source of Water Right: Groundwater tributary to the Big Thompson River. Uses: Reclamation, piscatorial, recreation, fish propagation and all uses associated with gravel and rock mining, including evaporation, dust suppression and production and processing losses, as well as replacement of evaporation from exposed groundwater at the Dunn Site as further described in the plan for augmentation above. Appropriation Date: December 29, 2022. How Appropriation Initiated: The appropriation was initiated by formation of intent and the filing of this application. Well Permits: None. Well permits will be applied for prior to use. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Dunn Site and the Reservoirs are owned by the Applicant. The following documents are filed with this application: Map showing the Dunn Site. Map showing the Reservoirs. WHEREFORE, Applicant prays that this Court enter a decree for the relief requested in this Application and for such other and further relief as will afford full relief in the matter. 8 pages.

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