

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

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

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

2022CW8 RICHARD BRUNO, 2530 South Jellison Street, Lakewood, CO 80227, 303-986-4925, rgbruno@comcast.net **APPLICATION FOR AN ABSOLUTE WATER RIGHT IN JEFFERSON COUNTY.** I. Name of Well: Well 2530, Permit Number 79848-F. Location: SW 1/4 SW 1/4 S27 T4S R69W 6th PM Jefferson County. UTM Coordinates: Easting 490859.9 Northing 4391225.5 Zone 13. II. Name of Well: Well 2550, Permit Number 79847-F. Location: SW 1/4 SW 1/4 S27 T4S R69W 6th PM Jefferson County. UTM Coordinates: Easting 490896.6 Northing 4391189.0 Zone 13. Subdivision: Bruno Minor, Lot 1 and 2. Source: Well Water. Date of Appropriation: 05/18/16, appropriation was initiated with well permit application. For each well, the amount claimed is 15gpm, annually 0.4 acre feet, uses for ordinary household purposes inside a single-family dwelling, irrigation, stock watering, and fire protection purposes. Case number of plan for augmentation: 15CW17.

2022CW3089 (15CW3092 & 04CW218) THE CITY OF AURORA, COLORADO, acting by and through its Utility Enterprise, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012-1555, 303-739-7370. Please direct all pleadings to: John M. Dingess, Austin Hamre, Teri L. Pettit, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite Street, Suite 500, Denver, Colorado 80237, 303-779-0200. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS in ADAMS, ARAPAHOE, DOUGLAS, AND JEFFERSON, COUNTIES.** 2. **DESCRIPTION OF CONDITIONAL WATER RIGHTS (“subject conditional water rights”).** 2.1. **Names of Structures** (see **Exhibit A** attached hereto). 2.1.1. Diversion Structure. Strontia Springs Dam and Reservoir Diversion Facility. 2.1.2. Storage Structures. 2.1.2.1. Strontia Springs Dam and Reservoir. 2.1.2.2. Aurora Rampart Reservoir. 2.1.2.3. Quincy Reservoir. 2.1.2.4. Aurora Reservoir. 2.1.2.5. East Reservoir. 2.2. **Legal Description of Structures**. 2.2.1. Strontia Springs Dam and Reservoir Diversion System: The Dam is constructed on the South Platte River in Douglas County, with east-end of dam (right) abutment located at a point from whence the NW corner of Section 21, T7S, R69W, 6th P.M. bears North 52 degrees West a distance of 1,300 feet. The approximate (right) abutment latitude is 39 degrees 25 minutes 56 seconds N & longitude is 105 degrees 07 minutes 31 seconds W. 2.2.2. Locations of Other Reservoirs: 2.2.2.1. Aurora Rampart Reservoir: The Aurora Rampart Reservoir is located in the SW1/4 SW1/4, SE1/4 SW1/4, & SW1/4 SE 1/4 § 12, and NW1/4 NE1/4, NE1/4, NW1/4, & NW/4 NW1/4 § 13, T7S, R69W, 6th P.M., Douglas County, Colorado. The approximate (right) abutment latitude is 39 degrees 26 minutes 57 seconds N & longitude is 105 degrees 03 minutes 41 seconds W. This reservoir is an off-channel reservoir. 2.2.2.2. Quincy Reservoir: Quincy Reservoir is located in the following portions of §§ 9 & 10, T5S, R66W, 6th P.M. (within the 18300 Block of Quincy Avenue in Aurora, Arapahoe County, Colorado): The NE1/4, E1/2 NW1/4, & N1/2 SE1/4 of § 9, and the S1/2 NW1/4, N1/2 SW1/4 of § 10. The approximate (right) abutment latitude is 39 degrees 38 minutes 15 seconds N & longitude is 104 degrees 46 minutes 36 seconds W. This reservoir is an off-channel reservoir. 2.2.2.3. Aurora Reservoir: The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in §§ 15, 16, 20, 21 & 22, T5S, R65W, 6th P.M., Arapahoe County, Colorado. The east-end of the dam (right) abutment is located at a point from whence the NW corner of § 15, T5S, 65W, 6th P.M. bears North 45 degrees West a distance of 2,970 feet, Arapahoe County, Colorado. The approximate (right) abutment latitude is 39 degrees 37 minutes 06 seconds N & longitude is 104 degrees 39 minutes 11 seconds W. 2.2.2.4. East Reservoir: As described in paragraph 4.1.1. below, Aurora has narrowed the range of potential sites for East Reservoir. East Reservoir will be located in one of the following alternative locations: 2.2.2.4.1. Site 1: In §§ 14 & 23, T4S, R65W, 6th P.M. in Arapahoe County, Colorado. This will be an off-channel reservoir. 2.2.2.4.2. Site 2(ii): In the S1/2 § 26 and parts of §§ 35 & 36, T4S, R65W, 6th P.M. in

Arapahoe County, Colorado. This will be an off-channel reservoir. 2.2.2.4.3. Site 3(i): In §§ 26, 27, 34, & 35, T5S, R65W, 6th P.M., in Arapahoe County, Colorado. 2.3. **Original Decree.** Case No. 04CW218, District Court, Water Division 1, Colorado (decree entered on July 13, 2009). 2.4. **Subsequent Decree.** In Case No. 15CW3092, District Court, Water Division 1, Colorado (decree entered on July 5, 2016), the Division 1 Water Court entered a decree making absolute portions of the conditional direct flow and storage rights and finding reasonable diligence for the remaining portions. 2.5. **Source.** The South Platte River and tributaries thereto upstream of the Strontia Springs Dam and Reservoir Diversion Facility. 2.6. **Amounts.** 2.6.1. Strontia Springs Dam and Reservoir Diversion Facility. Diversions may be made at a maximum rate of flow of 225 cfs for direct flow use, or for storage for subsequent use. 2.6.2. Alternative Storage Structures. The following structures may be continuously filled and refilled year-round as necessary, subject to an aggregate maximum annual limitation of 20,761 acre-feet for all structures in any administrative year (November 1 to October 31). The capacities of these structures is as follows: Strontia Springs Reservoir: 700 acre-feet. Aurora Rampart Reservoir: 1,365 acre-feet. Quincy Reservoir: 2,693 acre-feet. Aurora Reservoir: 32,129 acre-feet. East Reservoir: 25,000 acre-feet. 2.6.3. Chart of Conditional and Absolute Amounts for Direct Flow and Storage Rights.

	Original Decree 04CW218	Subsequent Decree 15CW3092
Direct Flow Rate	225 cfs conditional 0 cfs absolute	0 cfs conditional 225 cfs absolute
Storage Volume	20,761 AF conditional 0 AF absolute	20,287 AF conditional 474 AF absolute

2.7. **Appropriation Date.** August 30, 2004. 2.8. **Uses.** Water diverted pursuant to the subject conditional water rights will be used by Aurora within any area capable of being served by these diversion and storage points. Such water will be used in the Aurora municipal water supply system for any water supply obligations of Aurora for itself or with other water supply entities with which Aurora has water supply contracts or agreements. Such water may be directly used or placed into storage for later use for all municipal and domestic purposes including, but not limited to: Fire protection, irrigation of lawns, gardens, parks, private and municipal facilities, sanitary, commercial, manufacturing, mechanical and industrial use, recreational purposes, creation and maintenance of wetlands, stock watering, fish and wildlife propagation, allowable instream uses, if any, revegetation, storage for subsequent use and maintenance of storage reserves, reservoir evaporation replacement, augmentation, exchange and replacement purposes, for use, reuse for successive municipal and domestic uses, disposition following initial use, and reuse for municipal and domestic uses until extinction. 2.9. **General Description of Places of Use.** 2.9.1. Water diverted pursuant to the subject conditional water rights will be used in Aurora’s current and future service areas served by its municipal water supply and water reuse systems and in any area capable of being served by the diversions and storage points claimed herein. Such water will be placed in the Aurora municipal water supply system for any water supply obligations of Aurora and for use pursuant to trade and other agreement with other water supply entities within the service area for such entities. 2.9.2. Water diverted at the point of diversion for direct use and storage that is not stored in Strontia Springs Reservoir will be transported to the storage facilities described in paragraph 2.2. above via pipeline for the uses described above. 3. **INTEGRATED WATER SUPPLY SYSTEM.** The conditionally decreed water rights described above constitute features of an integrated water system for gathering, treatment and distribution of water operated by Aurora. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 4. **DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED.** The water rights that are the subject of this application are part of Aurora’s trans-basin municipal water supply system that is an integrated system of

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

4.1. Project Specific Efforts. During the diligence period, Aurora has done at least the following project specific work toward completion of the appropriations and application of the conditional water rights decreed in Case No. 04CW218 to beneficial use:

4.1.1. Aurora has undertaken substantial negotiations to obtain the East Reservoir Property, including an analysis of the viability of several alternative sites. Based on this analysis, Aurora has narrowed the range of potential future sites for East Reservoir by eliminating certain parcels. The revised list of potential sites for East Reservoir is shown in paragraph 2.2.2.4 above.

4.1.2. Approximately \$15,096,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system. This reservoir is used to store the subject water before it is transported through parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines.

4.1.3. Aurora is replacing the Aurora Rampart Reservoir access bridge and intake tower as well as upgrading and improving the outlet valve all of which will provide more efficient municipal water supply operations. Aurora spent approximately \$1,088,000 on this project during the diligence period.

4.1.4. Aurora through agreements with the Denver Water Board pays approximately 15.7% of certain costs associated with the Strontia Springs Dam and Reservoir Diversion System. During the subject diligence period Aurora has expended approximately \$1,815,000 (\$1,017,000 for on-going maintenance and repair and \$679,000 on drainage system rehabilitation).

4.1.5. During the subject diligence period Aurora has expended approximately \$3,515,000 on other improvements to the Strontia Springs Dam and Reservoir Diversion System facility. The majority of the expenditures were for valve replacements.

4.1.6. Aurora has actively protected the subject conditional water rights from potential injury by performing monthly reviews of the Water Division 1 Water Court Resume to determine whether the filing of Statements of Opposition was necessary to protect its water rights in Water Division 1, including the subject conditional water rights. Aurora has filed Statements of Opposition in numerous cases to protect its water rights during this diligence period. Additionally, Aurora's counsel has continued to participate in pending legal actions to protect the conditional water rights during this diligence period. During the subject diligence period, Aurora expended approximately \$312,000 on legal expenses for the aforementioned protection of the subject conditional water rights.

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

4.2.1. South Platte River Basin.

4.2.1.1. *Metro Wastewater Reclamation District Charges.* Aurora expended approximately \$169,308,000 for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for reuse of the water within the South Platte River Basin and to comply with water reuse requirements.

4.2.1.2. *Sand Creek Water Reuse Plant Improvements.* Aurora operates the Sand Creek Water Reuse Plant, a 5-million-gallon per day facility, which provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source. Aurora expended approximately \$12,074,000 for improvements to and operating costs for the Sand Creek plant. This work is necessary for reuse within the South Platte River Basin of the subject water rights and to comply with water reuse requirements.

4.2.1.3. *Griswold Water Treatment Plant Renovations.* This facility treats a portion of the raw water before it is delivered to Aurora's customers. Approximately \$31,348,000 was spent by Aurora for improvements to this facility necessary to accommodate the subject water rights. This includes expenditures directly by Aurora for renovation of the facility.

4.2.1.4. *Wemlinger Water Treatment Plant Expansion.* Aurora spent approximately \$41,293,000 for expansion of the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water before it is delivered to Aurora's customers.

4.2.1.5. *Improvements to Extend and Improve Water Service in and to Aurora.* At least \$50,290,000 was spent by Aurora for extension and upgrades of its water transmission system necessary to deliver the water to Aurora's customers.

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

4.2.1.7. *Improvements to Sanitary Sewer System.* Up to \$57,462,000 was spent by Aurora for extension and upgrade of its sanitary sewer

system necessary for wastewater treatment and reuse within the South Platte River Basin of the subject water rights. 4.2.1.8. *Prairie Waters Project*. The Prairie Waters Project is a large comprehensive water supply, storage and treatment project in which return flows to the South Platte River from Aurora's water sources, including the water that is the subject of this application, may be rediverted for subsequent reuse. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. During the diligence period, Aurora obtained a decree in Case No. 15CW3064, finding reasonable diligence for the water rights originally decreed in Case No. 06CW104 (decreed December 1, 2017). On November 23, 2021 in Case No. 21CW3006 Aurora obtained a decree finding reasonable diligence for the Aurora-Everist No. 2 water rights originally decreed in Case No. 03CW414. On November 4, 2020, Aurora was granted a decree in Case No. 20CW3058 for findings of reasonable diligence for conditional storage rights for the Aquifer Recharge and Recovery Facility B (ARR-B) and the Tucson South Reservoir, originally decreed in Case No. 03CW414. On December 9, 2021, in Case No. 21CW3028 Aurora obtained a decree finding diligence on the conditional rights originally decreed in 03CW415. On April 28, 2022 in Case No. 21CW3077 Aurora obtained a decree finding diligence for the PWP InFill Wells originally decreed in Case No. 13CW3042, Water Division 1. Aurora has expended at least \$4,081,000 on several elements of the Prairie Waters Project during this diligence period. 4.2.1.9. *Lawn Irrigation Return Flows (LIRFs) Credits*. Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. Aurora also installed seventeen new monitoring wells and expends manpower to monitor these wells every three months. Water that is used in Aurora's service area can be reused under the decree in Case No. 02CW341. On April 15, 2018 the Court granted an Aurora motion to approve revised deep percolation percentages, revised unit response factors, and revised accounting forms. Aurora has expended significant sums during this diligence period for engineering and legal costs required to requantify the LIRFs adjudicated in Case No. 02CW341 available for reuse. 4.2.1.10. *Binney Water Purification Facility*. This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the City. Approximately \$13,489,000 was spent by Aurora during the diligence period for improvements to this facility. 4.2.1.11. *Aurora Know Your Flow Program*. During the diligence period Aurora Water Conservation developed its voluntary *Know Your Flow Program* designed to help customers understand how efficiently they are using water. Through the program, Aurora Water Conservation estimates what a customer's water use could be for a given billing cycle if the customer were using water efficiently. The customer receives a monthly e-mail from Aurora Water Conservation showing the property's actual water use versus the customized recommended indoor and outdoor water use. Customers also receive weekly watering recommendations and tips during the irrigation season. The *Know Your Flow Program* was designed by Aurora to encourage more efficient use of the water that is the subject of this application. 4.2.2. Arkansas River Basin. 4.2.2.1. *Payment for purchase and lease of Rocky Ford Ditch shares*. During this diligence period, Aurora spent approximately \$796,000 for repayment of bonds and payments to note sellers, including principal and interest, that were issued or refunded for the purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18, Water Division 2. 4.2.2.2. *Otero IGA*. Aurora and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001 under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are the source for the subject conditional water rights. During this diligence period, Aurora made payments of approximately \$267,000. 4.2.2.3. *Pueblo Reservoir Storage*. During this diligence period, Aurora paid the Bureau of Reclamation approximately \$7,185,000 for storage use of Pueblo Reservoir, as well as for consultants and legal fees for the long-term storage contract. 4.2.2.4. *Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch*. During this diligence period, Aurora paid the following in annual assessments: approximately \$492,000 for Twin Lakes Company (necessary for storage); at least \$810,000 for the Colorado Canal/Lake Henry/Lake Meredith (necessary for storage); and approximately \$1,449,000 for the Rocky Ford Ditch for the shares

attributable to the Subject Rocky Ford Ditch Water Right. 4.2.2.5. *Intergovernmental Agreement with SECWCD*. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District (“SECWCD”), replacing an agreement between the parties dated December 7, 2001. Under this new IGA, Aurora and SECWCD agreed to support proposed federal legislation relating to the Fryingpan-Arkansas Project to include, among other things, re-operations of the existing water storage facilities, studies for enlargements to Pueblo and Turquoise Reservoirs, and confirming the authority of the Bureau of Reclamation to enter into contracts with Aurora for use of the facilities including long-term contracts. Aurora’s ability to use Fryingpan-Arkansas facilities is expanded under this IGA and Aurora is obligated to make certain payments to SECWCD in consideration for the expanded use. Under this IGA, SECWCD also agreed not to oppose Aurora’s attempts to contract with the Bureau of Reclamation for use of the Fryingpan-Arkansas Project facilities, to facilitate delivery of Aurora’s water, and to settle opposition to each other’s water court applications. During this diligence period, Aurora made payments of approximately \$913,000 to SECWCD under this IGA. 4.2.2.6. *Intergovernmental Agreement with LAVWCD*. Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District (“LAVWCD”), Aurora paid approximately \$1,000,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. 4.2.2.7. *Agreements for Use of the Holbrook System Facilities*. On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and filed a Substitute Water Supply Plan necessary to implement the program. An Amended Agreement was entered into on April 21, 2016. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments of approximately \$401,000 to Holbrook under this agreement. 4.2.2.8. *Recovery of Yield (“ROY”)*. On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in WD-2, Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement (“IGA”) between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo’s RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. In addition, the ROY participants, including Aurora, have made significant efforts to secure the Arkansas Gravel Pit Reservoir (“AGPR”) or a comparable facility. In December 2021 the ROY participants purchased the so-called Fossil property for potential use as a reservoir site. Aurora has expended approximately \$22,000 on these efforts during the diligence period. 4.2.2.9. *Revegetation*. Aurora has expended approximately \$1,955,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Aurora also expended additional sums for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). On June 3, 2014, Aurora entered into an Intergovernmental Agreement with Otero County to clarify between the parties certain terms contained in the 99CW169(A) decree regarding revegetation. 4.2.3. Colorado River Basin. 4.2.3.1. *Homestake Project*. Once water is transported over the Continental Divide through the Otero Pump Station and Homestake Pipeline, Aurora transports its share to Spinney Mountain Reservoir in the South Platte Basin. Aurora has spent approximately \$20,374,000 toward further development of the Homestake Project’s conditional water rights. 4.2.3.2. *Aurora prosecuted Case No. 16CW3022, Water Division 5*. On September 17, 2017, the Division 5 Water Court entered a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case 88CW449, which comprise part of the Homestake Project. 4.2.3.3. *Aurora prosecuted Case No. 16CW3131, Water Division 5*. On June 18, 2017, the Division 5 Water Court entered a decree confirming diligence and continuing in effect the conditional

water rights originally decreed in Case 98CW270, which comprise part of the Homestake Project. 4.2.3.4. *Aurora prosecuted Case No. 17CW3064, Water Division 5.* On June 10, 2018, the Division 5 Water Court entered a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case 95CW272-A, which comprise part of the Homestake Project. 4.2.3.5. *Aurora assisted in the filing of an application and litigation of Case No. 20CW3024, Water Division 5,* seeking a decree making conditional water rights absolute in part, confirming diligence and continuing in effect the remainder of the conditional water rights originally decreed in Case CA1193, which comprise part of the Homestake Project. 4.2.3.6. During this diligence period, Aurora entered into an Agreement and Intergovernmental Agreement with Colorado River Water Conservation District, Basalt Water Conservancy District, Board of County Commissioners of Eagle County, Board of County Commissioners of Pitkin County, Grand Valley Water Users Association, Orchard Mesa Irrigation District, and the Ute Water Conservancy District, effective date August 1, 2018 (the “Settlement Agreement”). *Inter alia,* the Settlement Agreement addressed resolution of 09CW142, Water Division 2, amongst certain parties thereto, and is filed in the Court’s file for Case No. 09CW142. As contemplated and limited by the terms of the Settlement Agreement, Aurora filed an application in Case No. 19CW3159, Water Division 5, seeking judicial determination of appropriative rights of exchange by which 900 acre feet of water of the Twin Lakes Reservoir and Canal Company (“Twin Lakes”), available to Aurora via its share ownership and over which Aurora has maintained dominion and control in any one year will be moved as follows. Water from Grizzly Reservoir will be placed into Lincoln Gulch, a tributary of Lincoln Creek, or bypassed from the Twin Lakes system’s Roaring Fork River basin facilities into other tributaries of the Roaring Fork River, and then exchanged from the confluence of the Roaring Fork and Fryingpan Rivers upstream on the Fryingpan River to Ruedi Reservoir and an additional exchange, as a component subset of the 900 acre feet, up to 450 acre feet in any one year from Ruedi Reservoir upstream to Ivanhoe Reservoir located upon Ivanhoe Creek for subsequent movement into Water Division 2. 4.2.4. Protection Efforts: During this diligence period, Aurora made expenditures in excess of \$160,000 for legal services for participation in Water Divisions 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system, including the subject conditional water rights. 4.3. **Non-Basin Specific Efforts.** 4.3.1. Study of Aurora’s Water Needs. Aurora spent approximately \$2,500,000 towards its Integrated Water Master Plan to assist in determining the City’s future water needs and developing a plan to meet those needs. This study will increase the overall efficiency of Aurora’s operations. 4.3.2. Aurora Raw Water System Model. Aurora spent additional sums for consultant fees to develop and support a computer model of Aurora’s raw water system. These costs are in addition to the modeling efforts included in the engineering and planning studies identified in paragraph 4.3.1, above. 4.4. **Other.** Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in Case No. 04CW218 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. 5. **Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored:** 5.1. The Applicant owns, or prior to construction, will have rights to use the property where each of the facilities is or will be located. At present, the following parties own the land: 5.1.1. Strontia Springs Dam and Reservoir and the Diversion System is owned by the City and County of Denver, acting by and through its Board of Water Commissioners (1600 West 12th Avenue, Denver, Colorado 80204-3412). Land underlying the facility is owned by the Bureau of Land Management (2850 Youngfield Street, Lakewood, Colorado 80215-7076). Aurora has a right by

contract to use this facility. 5.1.2. Aurora Rampart Reservoir is owned by Aurora. 5.1.3. Quincy Reservoir is owned by Aurora. 5.1.4. Aurora Reservoir is owned by Aurora. 5.1.5. The potential East Reservoir sites described herein are owned by the parties listed on the attached **Exhibit B**. The application consists of 15 pages and 3 pages of exhibits.

2022CW3090 1. Applicant: **CITY OF THORNTON, INFRASTRUCTURE DEPARTMENT, DIVISION OF WATER RESOURCES**, 12450 North Washington Street, Thornton, Colorado 80241, 720-977-6600. Kara N. Godbehere, Esq. City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229, (303) 538-7210. **VERIFIED APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE IN DENVER, JEFFERSON, ADAMS AND WELD COUNTIES** 2. Overview. A decree was entered by the Water Court in and for Water Division 1 in Case No. 04CW350 on July 28, 2016 (the “04CW350 Decree”), for conditional appropriative rights of exchange with a 2004 priority date from four “exchange-from” and five “exchange-to” points on the South Platte River and its tributaries to various Thornton facilities (the “Thornton 2004 Exchanges”). The Thornton 2004 Exchanges are used to supplement appropriative rights of exchange decreed to Thornton in other proceedings. The exchange reaches involved in this case are shown on the map attached as Exhibit A. 3. Name of Exchanges. a Thornton 2004 Exchanges (alternatively, “Exchange Rights”). 4. Appropriation Date. December 29, 2004. 5. Description of Conditional Appropriative Rights of Exchange. Thornton seeks a finding of diligence and also to make absolute portions of the conditional appropriative rights of exchange as described in paragraph 9, below. A table showing the exchange-to locations, exchange-from locations, and conditional and absolute exchange rates claimed is attached as Exhibit B. The individual Exchange Rights described below as originally decreed in Case No. 04CW350 may be operated in combination pursuant to the terms of the 04CW350 Decree, provided that the maximum combined rate of exchange does not exceed 50 c.f.s. a. Burlington Canal Exchange: i. Exchange-To Point and Source: Burlington Canal headgate, located at a point on the East bank of the South Platte River in the NE1/4 of the SW1/4 of Section 14, T3S, R68W, 6th P.M. in the City and County of Denver, Colorado. The Burlington Canal headgate is located at approximately latitude 039° 47’ 24.69” N, longitude 104° 58’ 9.97” W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. ii. Amount: 50 cfs, CONDITIONAL. iii. Exchange-From Points: 1. Metropolitan Waste Water Reclamation District Outfall at the Robert W. Hite Treatment Facility, presently located in the SE¼ of the SW¼ of Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. 2. The confluence of the South Platte River and Sand Creek, located in the SE1/4 of the SW1/4 of Section 1, T3S, R68W, 6th P.M. in Adams County, Colorado. b. Lower Clear Creek and Colorado Agricultural Ditches Exchange. i. Exchange-To Point and Source: Combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch, located on the north bank of Clear Creek in the SW1/4 of the SE1/4 of Section 4, T3S, R68W, 6th P.M. in Adams County, Colorado, at a point approximately 1,200 feet North and 1,400 feet West of the Southeast corner of said section. ii. Amount: 50 cfs, CONDITIONAL. iii. Exchange-From Point: The confluence of the South Platte River and Clear Creek, located in the SW1/4 of the SE1/4 of Section 36, T2S, R68W, 6th P.M. in Adams County, Colorado. c. Croke Canal Exchange: i. Exchange-To Point and Source: Croke Canal headgate, located on the North bank of Clear Creek in the NW1/4 of the NE1/4 of Section 26, T3S, R70W, 6th P.M. in Jefferson County, Colorado, at a point which is approximately 2,700 feet east and 250 feet south of the northwest corner of said section. ii. Amount: 50 cfs, CONDITIONAL. iii. Exchange-From Point: The confluence of the South Platte River and Clear Creek, located in the SW1/4 of the SE1/4 of Section 36, T2S, R68W, 6th P.M. in Adams County, Colorado. d. Farmers High Line Canal Exchange: i. Exchange-To Point and Source: Farmers’ High Line Canal headgate, located on the north bank of Clear Creek in the NW1/4 of the SW1/4 of Section 27, T3S, R70W, 6th P.M. in Jefferson County, Colorado, at a point approximately 950 feet East and 1,500 feet north of the southwest corner of said section. ii. Amount: 50 cfs., CONDITIONAL. iii. Exchange-From Point: The confluence of the South Platte River and Clear Creek, located in the SW1/4 of the SE1/4 of Section 36, T2S, R68W, 6th P.M. in Adams County, Colorado. e. Thorncreek Golf Course Diversion Exchange: i. Exchange-To Point and Source: Thorncreek Golf Course Diversion, located on the South bank of Big Dry Creek in the SW1/4 of the NE1/4 of Section 27, T1S, R68W, 6th P.M. in Adams

County, Colorado, at a point approximately 2,013 west and 1,980 feet south of the northeast corner of said section. ii. Amount: 5 cfs, CONDITIONAL. iii. Exchange-From Point: The confluence of the South Platte River and Big Dry Creek, located in the NW1/4 of the NW1/4 of Section 7, T1N, R66W, 6th P.M. in Weld County, Colorado. 6. Decreed Sources of Substitute Supply for Exchange Rights: In accordance with the terms of the 04CW350 Decree, effluent from the water rights owned or held under contract by Thornton as of the date of entry of the 04CW350 Decree that are listed on Exhibit C, and water delivered to Thornton pursuant to the contracts listed on Exhibit C; however, the exchanges identified on Exhibit C are not independent sources of substitute supply for the Thornton 2004 Exchange Rights, but instead, may be used to deliver certain of the water rights and contract water listed on Exhibit C into Thornton's potable municipal system as provided in the respective exchange decrees. For ditch company water rights listed on Exhibit C, Thornton may use effluent derived from those water rights as a source of substitute supply only to the extent the effluent is derived from water diverted under the shares listed on Exhibit C-1 and only to the extent those shares have been decreed or administratively approved for reuse by Thornton. For the water rights listed on Exhibit C that are currently only decreed for a single use, Thornton may use effluent derived from water diverted under those water rights as a source of substitute supply only to the extent those water rights have been decreed or administratively approved for reuse by Thornton. Thornton maintains water accounting to distinguish those sources that are available for use as a substitute supply for the Thornton 2004 Exchanges, and those that are not. 7. Decreed Uses. In accordance with the terms of the 04CW350 Decree, the water diverted under the Exchange Rights is used, directly or after storage, for all municipal uses, including, but not limited to, domestic, manufacturing, industrial, commercial, mechanical, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, irrigation, agricultural, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement. Thornton may fully consume such water used through its municipal system to the same extent as it is entitled to consume the sources of substitute supply given in exchange, and will do so by direct use, storage and subsequent release, reuse, successive use, further "substitution or exchange" pursuant to C.R.S. § 37-80-120, and disposition. Water diverted pursuant to the Thornton 2004 Exchanges is used in Thornton's service area as it now exists or as it may exist in the future. 8. Detailed outline of what has been done toward completion, including expenditures: Since the 04CW350 Decree was entered, Thornton has performed the following work and incurred the following costs, all or in part, concerning the Thornton 2004 Exchanges, including work and expenditures on specific structures integral to the operation of the Thornton 2004 Exchanges, and on Thornton's integrated water supply system within which the water rights delivered pursuant to the Thornton 2004 Exchanges will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional diligence costs and activities. a. Thornton Integrated System Activities: During the relevant diligence period, Thornton has continued in the development and improvement of its Clear Creek and South Platte water supply system including many of the structures used in the exercise of the Subject Water Right, and the eventual treatment and use of the water yielded by such right. Costs incurred by Thornton totaled over \$125.5 million, and include the following: b. i. Ditch Company Assessments, Carriage Fees: Thornton paid approximately \$2.4 million over the diligence period for its share ownership, contract rights, carriage fees and operating costs in the Burlington Ditch Reservoir and Land Company, Farmers High Line, FRICO Standley, FRICO Standley and Barr Division, the Lower Clear Creek Ditch Company, Colorado Agricultural Ditch Company and the Standley Lake Operating Committee. ii. In 2017 and 2018, Thornton contributed over \$330,000 towards the Burlington Canal Diversion rehabilitation project. iii. Clear Creek Water Quality Monitoring Program: Thornton has spent approximately \$1.19 million on water quality monitoring of Clear Creek over the diligence period. iv. Thornton Water Treatment Plant (TWTP) and Wes Brown Water Treatment Plant (WBWTP) Projects: From 2016 to 2022, Thornton has spent over \$103 million on improvements, repair and new facilities at its two treatment plants. These projects include the Thornton Water Treatment Plant replacement, WBWTP Clarifier Access project, WBWTP Membrane Refurbishment and Tank Repairs and WBWTP Treatment Process Optimization Project. v. Thornton paid over \$2 million towards Standley Lake projects such as pipeline replacement and rehabilitation and spillway

repairs. vi. During the diligence period, Thornton spent over \$15 million to repair, protect and improve its gravel lakes system where the Subject Rights can be stored. Examples of these projects include the Cooley West Reservoir Complex flood repairs, West Sprat Platte Gravel Pit Lining, the West Gravel Lakes Pump Station, the Gravel Lakes Riprap Project and the North Dahlia Reservoir Outlet Gate project. vii. Water Court: The City has actively participated in water court proceedings, and has appeared in approximately 48 water court cases as an objector in order to protect the Thornton 2004 Exchanges. Legal and engineering costs incurred relating to the protection of Thornton's Clear Creek and South Platte River water rights portfolio, including the Thornton 2004 Exchanges, during the diligence period total in excess of \$500,000. 9. Claim to Make Absolute: a. Burlington Canal Exchange: On September 18, 2018, water was exchanged from the Metropolitan Waste Water Reclamation District Outfall at the Robert W. Hite Treatment Facility to the Burlington Canal headgate at a maximum rate of 20 cfs, leaving 30 cfs conditional. b. Thorncreek Golf Course Diversion Exchange: On May 30, 2022, water was exchanged from the confluence of the South Platte River and Big Dry Creek to the Thorncreek Golf Course Diversion at a maximum rate of 3.29 cfs, leaving 1.71 cfs conditional. 10. Names and addresses of owners of land upon which new diversion or storage structures will be built, owners of existing structures which may require modification and owners of land upon which water is or will be stored: No new diversion or storage structures are necessary and no existing structures need modification for operation of this water right. Applicant is the owner of land upon which water is or will be stored under the 04CW350 Decree. WHEREFORE, Applicant respectfully requests entry of a judgment and decree of this Court that: 1. The Applicant has diligently pursued completion of the remaining conditional portion of the Thornton 2004 Exchanges decreed in Case No. 04CW350, and that such remaining portion of the subject water rights be continued as a conditional water right for a period of six years after entry of the Court's decree herein; and further that Thornton has made absolute the portions of the Thornton 2004 Exchanges as claimed herein, and such portions be decreed absolute. 2. For such other relief as the Court deems just and proper. (7 pages).

22CW3091 ECCV V. STATE ENGINEER, et al - Complaint

2022CW3092 PINAKA HOLDINGS LLC, C/O SANKAR CHAVA, 6140 South Gun Club Road, Suite K6-314 Aurora, Colorado 80016. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES, IN DOUGLAS COUNTY**. Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazareus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111. 2. Overview. Applicant seeks to adjudicate the Denver Basin Aquifers underlying approximately 52.7 acres owned by Applicant in Douglas County, Colorado ("Property"), depicted on **Exhibit A**. This includes not-nontributary water in the Upper Dawson Aquifer and nontributary water in the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers. 3. Jurisdiction. The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). 4. Underground Water Rights Claimed. A. Wells. Wells that will withdraw the groundwater sought to be decreed by this Application have not yet been constructed, nor have applications for well permits been filed. Prior to constructing any additional wells to withdraw the subject groundwater, Applicant will apply to the State Engineer for a permit to construct that well, and the Applicant requests that the Court require, as a condition of the decree entered in this case, that well permits be issued upon application for any such wells in accordance with said decree. B. Legal Description of Wells and Subject Property. The wells will be located on the Property and Applicant seeks to adjudicate the Denver Basin Aquifers underlying all of the Property, which is located in portions of Section 8, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, as shown on **Exhibit A**. C. Source of Water Rights. The source of the groundwater to be withdrawn from the Upper Dawson Aquifer is not-nontributary as described in C.R.S. § 37-90-103(10.7). The source of groundwater to be withdrawn from the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers is nontributary. D. Parcel Ownership. Applicant is the sole owner of the Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). E. Estimated Amounts and Rates of Withdrawal. The wells will withdraw the

groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicant waives any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicant, based on the Colorado Division of Water Resources online aquifer determination tool, estimates the following annual amounts of nontributary and not-nontributary underlie the Property:

Water Supply Availability (af/yr)						
	Upper Dawson*	Lower Dawson	Denver	Upper Arapahoe	Laramie-Fox Hills	Totals
Not-Nontributary (NNT)	0.7	0.00	0.00	0.00	0.00	0.7
Nontributary (NT)	0.00	14.7	27.7	24.5	15.8	82.7
Total Combined NNT and NT						83.4
* Annual amount reduced by 3 acre-feet per year for Well Permit No. 15475, an exempt domestic well located on the Property.						

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicant claims the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7. F. Wellfield. Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Property through wells which may be located anywhere on the Property and any additional wells which may be completed in the future as Applicant’s wellfields. As additional wells are constructed, well permit applications will be filed in accordance with C.R.S. § 37-90-137(10). G. Proposed Uses. Municipal, domestic, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement. Applicant also claims the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise dispose of the water. H. Places of Use. Applicant shall be allowed to use the subject groundwater decreed herein both on the Property and off the Property. Uses off the Property include, but are not limited to, other lands contiguous to the Property and owned by the Applicant. WHEREFORE, Applicant respectfully requests the Court enter a ruling that grants the determination of groundwater rights requested herein for the nontributary Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Upper Dawson Aquifer; and grants such other and further relief as the Court deems appropriate. (5 pages, 1 exhibit).

2022CW3093 APPLICATION FOR GROUNDWATER RIGHTS FROM NONTRIBUTARY DENVER BASIN AQUIFERS IN, IN DOUGLAS COUNTY. **1. Name, Address and Telephone Number of Applicants.** PINETOWN INVESTMENTS, LP, 37 Kodiak Crescent, Suite 300, Toronto, Ontario M3J3E5 (416) 849-3527, Fuad, Iyad, Ziad, Eman, Nihad and Nesreen Khalaf, 234 S. Holly Street, Denver, CO 80246, (303) 419-1449. **Name, Address and Telephone Number of Attorneys for Applicants.** Carolyn F. Burr, #25978, James M. Noble, #36716, Jens Jensen, #47471, Welborn Sullivan Meck & Tolley, P.C., 1401 Lawrence Street, Suite 1800, Denver, CO 80202, (303) 830-2500. **2. Summary of Application.** Applicants seek to adjudicate the nontributary Denver Basin groundwater rights in the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying approximately 39.54 acres presently owned by Applicants Fuad, Iyad, Ziad, Eman, Nihad and Nisreen Khalaf (“Khalafs”) and subject to a Purchase and Sale Agreement dated June 12, 2021, as amended, with Alphabet Investments, Inc., which assigned its rights and interests in said Purchase and Sale Agreement to Applicant, Pinetown Investments, LP (collectively Pinetown Investments, LP and the Khalafs are referred to herein as “Applicants”) in Douglas

County, Colorado (“Property”). Applicants are *not* adjudicating the groundwater rights in the Upper or Lower Dawson aquifers underlying the Property. **3. Application for Groundwater Rights.** 3.1 Property Description. Applicants’ Property consists of 39.54 acres located in the South ½ of Section 10, Township 7 South, Range 66 West of the 6th P.M., in Douglas County, as described on **Exhibit A.** 3.2 Source of Groundwater Rights. The source of the groundwater to be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers is nontributary as defined in C.R.S. § 37-90-103(10.5). 3.3 Estimated Rates of Withdrawal. The actual pumping rates for any well constructed into the Denver, Arapahoe or Laramie-Fox Hills aquifers underlying the Property will vary according to aquifer conditions and well production capabilities. Applicants request the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicant waives any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. 3.4 Estimated Annual Average Amounts of Groundwater Available. Applicants request the right to withdraw all legally available groundwater in the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying their Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicants, based on the Colorado Division of Water Resources online aquifer determination tool, estimate the following annual amounts of nontributary water underlying the Property:

AQUIFER	STATUS	CLAIMED ACREAGE	AVERAGE SATURATED THICKNESS (FEET)	ANNUAL APPROPRIATION (ACRE FEET/YEAR)	APPROPRIATED VOLUME OVER 100 YEARS (ACRE FEET)
Denver	Nontributary	39.54	238.7	16.00	1,600
Arapahoe	Nontributary	39.54	307.8	20.70	2,070
Laramie-Fox Hills	Nontributary	39.54	209.4	12.40	1,240
Total Appropriations				49.10	4,910

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Decreed amounts may vary based upon the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from the aquifer based on site-specific data. 3.5 Proposed Uses. Domestic, municipal, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement, both on and off the Property. Applicants also claim the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise transfer the water. 3.6 Places of Use. Applicants seek the right to use the legally available groundwater lying below the Property both on the Property and off the Property. 3.7 Well Fields. Applicants request that they be permitted to produce the full legal entitlement from each of the subject aquifers underlying the Property through any combination of wells and that the wells in each of the subject aquifers be treated as a well field. 3.8 Averaging of Withdrawals. Applicants claim the right to withdraw more than the average annual amounts, so long as the sum of the total withdrawals from all the wells in each aquifer does not exceed the product of the number of years since the date of entry of a decree herein multiplied by the average annual volume of water which the applicants are entitled to withdraw from that aquifer underlying the Property. 3.9 Name and Address of Owner of Land Upon which Wells are to be Located: The land upon which any wells may be constructed pursuant to a decree entered in this matter is owned by the Applicants. 4. Jurisdiction. The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6).

2022CW3094 THOMAS D. KIRK, JR., 19205 Mariah Trail, Colorado Springs, CO 80908. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR PLAN FOR AUGMENTATION IN THE NONTRIBUTARY DENVER,**

ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN EL PASO COUNTY. Subject Property: 35 acres being a portion of Lot 1, Section 7, Township 11 South, Range 65 West of the 6th P.M., also known as 19205 Mariah Trail, Colorado Springs, El Paso County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property, therefore notice to any mortgage and lien holders is not required under C.R.S. 37-92-302(2)(b). Well Permits: There is currently one augmented well on the Subject Property under Well Permit No. 85835-F. It will re-permitted under the new augmentation plan applied for herein. Additional well permits will be applied for prior to construction of any wells. Source of Water Rights: The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Previously Decreed Amounts: Applicant owns the following annual amounts of groundwater as decreed in Case No. 2006CW189, District Court, Water Division 1, on May 2, 2008 (the “06CW189 Decree”). The groundwater was conveyed to the Applicant via the quit claim deed recorded at Reception No. 221168131 on September 7, 2021 at the El Paso County Clerk and Recorder’s Office. The volumes below are based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)*	7.01
Denver (NT)	9.34
Arapahoe (NT)	5.21
Laramie-Fox Hills (NT)**	3.56

* The total amount of Dawson Aquifer groundwater is 10.37 acre-feet per year. 3.36 acre-feet per year (10.08 acre-feet per year for a 100-year withdrawal period) of Dawson Aquifer groundwater is reserved for use in the augmentation plan specified in the 06CW189 Decree. ** All Laramie-Fox Hills Aquifer groundwater is reserved for use in the augmentation plan specified in the 06CW189 Decree. 06CW189 Decreed Uses: The water withdrawn from the subject aquifers will be used, reused, successively used, for domestic, industrial, commercial, irrigation, livestock watering, fire protection, recreational, fish and wildlife, and for exchange and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Up to 3.75 acre-feet per year for 300 years of not-nontributary Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used on up to six (6) lots, in up to six (6) individual wells (0.625 acre-feet per well), for in-house use (0.3 acre-feet per year per well, 1.8 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 6,000 square-feet per lot (0.3 acre-feet per lot, 1.8 acre-feet per year total), stockwatering for up to 2 large domestic animals per lot (0.025 acre-feet per lot, 0.15 acre-feet total), and fire protection, on the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Running Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use

water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3095 CITY OF BRIGHTON, 500 S. 4th Street, Brighton, Colorado 80601, (303) 655-2033. Please send all further pleadings to Brent A. Bartlett, Esq. and Sara J.L. Irby, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525, (970) 407-9000. **APPLICATION FOR FINDING REASONABLE DILIGENCE IN ADAMS COUNTY**. 2. Name of Structure: Erger's Pond First Enlargement. 3. Description of conditional water rights including the following information from previous decrees: 3.1 Erger's Pond First Enlargement Water Right: 3.1.1 Date of Original Decree: July 12, 2016, Case No. 2008CW105, District Court, Water Division No.1, State of Colorado. 3.1.2 Legal Description/Location of Pond: The reservoir is located in portions of the SW1/4 NE1/4, the NW1/4 SE1/4, the NE1/4 SW1/4, the NW1/4 SW1/4 and the SE1/4 NW1/4, Section 12, Township 1 South, Range 67 West, 6th P.M., Adams County, Colorado. The outlet is in the SW1/4 of the NE1/4 of said Section 12 approximately 2,267 feet west of the east section line and 1,455 feet south of the north section line of said Section 12. The location of Erger's Pond is shown on the map attached hereto as Figure 1. 3.1.3 Source: The South Platte River. 3.1.4 Points of Diversion: The points of diversion are described below. Applicant acknowledges and agrees that, to the extent it does not currently have the right to use any of the structures listed below, it must obtain such a right from the owner thereof prior to any such use. 3.1.4.1 The Erger's Pipeline that diverts water from the South Platte River at a flow rate not to exceed 300 cfs. The Erger's Pipeline was decreed in Case No. 98CW257. The Erger's Pipeline is located in the SW 1/4 of Section 12, Township 1 South, Range 67 West, of the 6th P.M., in Adams County, Colorado at a point approximately 1,355 feet from the west line and 1,992 feet from the south line of said Section 12. 3.1.4.2 Kenneth Mitchell Lake 1 (a/k/a Alfred Krogh Park Lake and Bromley Lake) that is adjacent to and immediately south of Erger's Pond, is generally located in parts of Sections 11, 12, 13 and 14, Township 1 South, Range 67 West, 6th P.M. The Subject Water Right can be delivered to Ken Mitchell Lake 1 from the South Platte River via an inlet structure generally located in the SE 1/4 of Section 11, Township 1 South, Range 67 West, 6th P.M., in Adams County, Colorado. Brighton will install a metered structure between Ken Mitchell Lakes and Erger's Pond to transfer, measure and account for the Subject Water Right that will be transferred from Ken Mitchell Lakes into Erger's Pond. Additionally, the Subject Water Right, and other water rights legally permitted to be stored in Erger's Pond, may be delivered to Erger's Pond via the McCanne Ditch by first diverting the Subject Water Right and other water rights into the Ken Mitchell Lakes and then releasing the same from Ken Mitchell Lakes into the McCanne Ditch to be delivered into Erger's Pond. 3.1.4.3 The Fulton Ditch that diverts from the South Platte River has a capacity of 50 cfs in the vicinity of Erger's Pond. The decreed location of the Fulton Ditch headgate is near Section 9, between Sections 16 and 17, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. The actual point of diversion is located in the NE1/4 NE1/4 SE1/4, Section 17, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. The rate of fill shall be a maximum of 50 cfs. Brighton may also divert the Subject Water Right, and other water rights owned by Brighton that are legally permitted to be stored in Erger's Pond, at the Fulton Ditch headgate, where said rights can then be released into Brighton's 148th Avenue Pipeline and subsequently released into the McCanne Ditch to be delivered to Erger's Pond. 3.1.5 Carriage Structure. A portion of the McCanne Ditch runs adjacent to Erger's Pond in Sections 12, 13 and the NW 1/4 of Section 24, Township 1 South, Range 67 West of the 6th P.M. in Adams County, Colorado and has a capacity in the vicinity of Erger's Pond of 50 cfs. Brighton will use the McCanne Ditch as a carriage structure, as further described in Paragraphs 3.1.4.2 and 3.1.4.3 above, to deliver the Subject Water Right and other water rights owned by Brighton that are legally permitted to be stored in Erger's Pond. Brighton will install a diversion structure directly from the McCanne Ditch into the Erger's Pond. Brighton shall measure the amount of the Subject Water Right at the point where the water is released into the McCanne Ditch and at the diversion structure from the McCanne Ditch into the Erger's Pond. The amount of water available for use under this Subject Water Right shall be the lesser of the amount measured at the release point into the McCanne Ditch and the amount measured at the diversion structure from the McCanne Ditch into the Erger's Pond. 3.1.6 Maximum Flow Rates. The maximum flow rates for each point of diversion into Erger's

Pond and the McCanne Ditch as a carriage structure for delivery of water into Erger's Pond are described below. Such flow rates are cumulative with the flow rates decreed in Case No. 98CW257, District Court, Water Division No. 1. 3.1.6.1 The Erger's Pipeline. A maximum flow rate of 300 cfs. 3.1.6.2 Kenneth Mitchell Lake 1 (a/k/a Alfred Krogh Park Lake and Bromley Lake). A Maximum flow rate of 300 cfs. 3.1.6.3 McCanne Ditch. A Maximum flow are of 50 cfs. 3.1.6.4 Fulton Ditch. A Maximum flow rate of 50 cfs. 3.1.7 Appropriation Date: May 27, 2008. 3.1.8 Amount: 700 acre-feet, CONDITIONAL, ("Erger's Pond First Enlargement") in addition to the 1,800 acre-feet originally decreed to Erger's Pond in Case No. 98CW257, District Court, Water Division No. 1. 3.1.9 Use: The water diverted under the water rights decreed herein will be stored and then used directly or by exchange, and to extinction, for all municipal uses, including but not limited to domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, irrigation of parks, lawns and grounds, and recharge, augmentation and/or replacement, use as a substitute supply, within the City of Brighton's service area as it currently exists and as it may exist in the future. Brighton may also utilize water diverted pursuant to the Subject Water Right to fulfill contractual obligations to other municipalities, water districts and water users subject to the following conditions: (a) the contractual obligation exists at the time of this Decree; or (b) the contractual obligation is met by use of a metered water tap supplied by Brighton; or (c) the contractual obligation is of limited duration and is for use in a decreed augmentation plan or in a substitute water supply plan approved by the State Engineer pursuant to C.R.S. § 37-92-308 or successor statutes; or (d) the contractual obligation is pursuant to a water trade agreement whereby Brighton is obligated to deliver water to a party in return for deliveries by said party to Brighton of an equivalent amount of water from alternate sources. The Subject Water Right may be used to fulfill such contractual obligations with other municipalities, water districts and water users if the Subject Water Right is added or included as a water source, pursuant to the terms of those municipalities', water districts' or water users' decrees. 4. Claim to Findings of Reasonable Diligence: 4.1. The Erger's Pond First Enlargement water right is part of Brighton's integrated municipal water supply system. During the diligence period, Brighton exercised its surface and underground water rights, storage rights, augmentation plans, substitutions and exchanges, diverting water in varying amounts and applying those rights to beneficial use for the decreed purposes. Such diversion and use of water is evidence of reasonable diligence in the continued development of this component of Brighton's integrated municipal water supply system. In addition, Brighton has invested in the design and construction of infrastructure necessary to facilitate the decreed uses for the storage rights in Erger's Pond. A design for an interconnect pump station between Ken Mitchell Lakes and Erger's Pond was completed in 2016. Overburden cleanout and riprap construction was completed at Erger's Pond in 2019. The Erger's Pond diversion construction, gravity lines, augmentation and pump stations were completed in 2019. The conditional storage rights that are the subject of this case are part of Applicant's raw water supply system, an integrated system as defined by §37-92-301(4). During the diligence period Applicant has expended funds on engineering design and construction of its integrated water system on the South Platte River and Beebe Draw related to the structures necessary to implement the operation of Applicant's storage rights. During the diligence period Applicant has participated in numerous water court proceedings in an effort to protect its conditional appropriative rights of exchange. Additionally, Applicant has developed and utilized accounting forms in order to implement the conditional appropriative rights of exchange. 4.2. Brighton obtained decrees in cases further developing Brighton's unified municipal water system. These decrees included appropriative rights for exchanges, changes of water rights and diligence in Case No. 15CW3012 entered March 2, 2018, Case No. 15CW3170 entered June 5, 2018, Case No. 16CW3068 entered March 7, 2017, Case No. 18CW3195 entered June 25, 2021, Case No. 19CW3036 entered November 26, 2019 and Case No. 20CW3105 entered April 28, 2022. 4.3. Applicant reserves the right to assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation. 5. 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: Fulton Ditch Company, 25 South 4th Avenue, Brighton, Colorado 80601. City of Brighton, Attn: Austin Creswell, Water Resources Engineer, 500 South 4th Street, Brighton, CO 80601. WHEREFORE, Applicant respectfully

requests a ruling and decree for the following: A. That the Court has considered Applicant's work on the Erger Pond First Enlargement and the various features of the City of Brighton's integrated municipal water supply system, and has concluded that Applicant has proceeded with the requisite reasonable diligence in the development of its water rights for Erger Pond First Enlargement; and B. That the Court award Applicant an additional six-year diligence period to make the remaining 700 acre-feet, CONDITIONAL, ("Erger's Pond First Enlargement") water storage right and for an additional diligence period.

2022CW3096 CITY OF BRIGHTON, 500 S. 4th Street, Brighton, Colorado 80601, (303) 655-2033. Please send all further pleadings to Brent A. Bartlett, Esq. and Sara J.L. Irby, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525, (970) 407-9000. **APPLICATION FOR FINDING REASONABLE DILIGENCE IN ADAMS AND WELD COUNTIES**. 2. Name of structure: Ken Mitchell Lakes, a/k/a Alfred Krogh Park Lake, a/k/a West Bromley Lakes a/k/a Bromley Lakes. 3. Description of conditional water rights: 3.1. Date of Original Decree: October 26, 2000, Case No. 92CW018, District Court, Water Division No. 1, State of Colorado. 3.2. Subsequent decrees awarding findings of diligence and to make absolute: December 31, 2008 Case No. 2006CW222 and July 26, 2016, Case No. 2014CW3163, District Court, Water Division No. 1. 3.3. Legal description: Ken Mitchell Lakes is located in parts of Sections 11, 12, 13 and 14, Township 1 South, Range 67 West, 6th P.M., Adams County, Colorado. The outlet of Ken Mitchell Lakes to the South Platte River is located in the SE ¼ of Section 11, Township 1 South, Range 67 West of the 6th P.M. approximately 416 feet from the South Section line and 1,071 feet from the East Section line. A map of Ken Mitchell Lakes is attached as Exhibit A. 3.4. Source: South Platte River 3.5. Points of diversion: 3.5.1. On the east bank of the South Platte River, in the SE ¼ of Section 11, Township 1 South, Range 67 West, of the 6th P.M., in Adams County, Colorado, at a point whence the Southwest Corner of said Section 11 bears approximately South 86° West, approximately 4,160 feet. From there, the pipeline extends in a generally easterly direction to the storage structure. 3.5.2. On the east bank of the South Platte River, in the NW ¼ of the SE ¼ of Section 14, Township 1 South, Range 67 West, 6th P.M., Adams County, Colorado, at a point whence the Southwest Corner of said Section 14 bears approximately 69° West, approximately 4,000 feet. From here, Brighton intends to construct a ditch or pipeline that will flow generally northeast to the storage structure. 3.5.3. The Ken Mitchell Lakes Inlet will be a gravity flow ditch or pipeline to be located on the east bank of the South Platte River, in the Southeast Quarter of Section 14, Township 1 South, Range 67 West, of the 6th P.M., Adams County, Colorado, at a point whence the Southwest Corner of said Section 14 bears approximately South 88° 30' West, approximately 3,190 feet. From here, Brighton intends to construct a ditch or pipeline that will extend generally northeast to Ken Mitchell Park. 3.6. Rates of diversion: 300 c.f.s. 3.7. Appropriation Date: February 28, 1992 3.8. Amount: The amount of water decreed for storage in Ken Mitchell Lakes is the following: 3.8.1. 3,102 acre feet ABSOLUTE for all decreed uses and 6,698 acre feet remaining CONDITIONAL, for a total amount of 9,800 acre feet. 2,439 acre feet were previously made ABSOLUTE as described in Case No. 14CW3163 and an additional 663 acre feet were made ABSOLUTE during this due diligence period. 3.8.2. 9,800 acre feet CONDITIONAL for one annual refill for all decreed uses. 3.9. Use: The uses of the water by Brighton shall be recreation, wildlife habitat, fish propagation, and all municipal uses, including irrigation, domestic, commercial, industrial, manufacturing, power generation, and fire protection via direct delivery, storage, exchange, augmentation of other diversions or use in a substitute water supply plan. Uses for recreation and wildlife habitat shall occur in and adjacent to Ken Mitchell Lakes. The municipal uses shall take place within the City of Brighton service area as it exists both now and in the future. The water may be used for augmentation, replacement and exchange pursuant to Brighton's decrees in Case Nos. 2000CW202, 2003CW320, 2004CW174 and 2009CW144, District Court, Water Division No. 1 or under a separately decreed augmentation plans or exchanges, or as approved by the State Engineer, as appropriate. Applicant claims the right to fully consume the water so used by reuse, successive use, and disposition following use. 4. Claim to Findings of Reasonable Diligence: 4.1. The Ken Mitchell Lakes water right is part of Brighton's integrated municipal water supply system. During the diligence period, Brighton exercised its surface and underground water rights, storage rights, augmentation plans, substitutions and exchanges, diverting water in varying amounts and applying those

rights to beneficial use for the decreed purposes. A claim to make a portion of the conditional water rights absolute is included herewith. Such diversion and use of water is evidence of reasonable diligence in the continued development of this component of Brighton's integrated municipal water supply system. In addition, Brighton has invested in the design and construction of infrastructure necessary to facilitate the decreed uses for the storage rights in Ken Mitchell. Repairs to the structure and pipelines were completed in 2016 and 2017 after flood damage in 2015. An augmentation pump station was completed in 2017. The conditional storage rights that are the subject of this case are part of Applicant's raw water supply system, an integrated system as defined by §37-92-301(4). During the diligence period Applicant has expended funds on engineering design and construction of its integrated water system on the South Platte River and Beebe Draw related to the structures necessary to implement the operation of Applicant's storage rights. During the diligence period Applicant has participated in numerous water court proceedings in an effort to protect its conditional appropriative rights of exchange. Additionally, Applicant has developed and utilized accounting forms in order to implement the conditional appropriative rights of exchange.

4.2. Brighton obtained decrees in cases further developing Brighton's unified municipal water system. These decrees included appropriative rights for exchanges, changes of water rights and diligence in Case No. 15CW3012 entered March 2, 2018, Case No. 15CW3170 entered June 5, 2018, Case No. 16CW3068 entered March 7, 2017, Case No. 18CW3195 entered June 25, 2021, Case No. 19CW3036 entered November 26, 2019 and Case No. 20CW3105 entered April 28, 2022.

4.3. Applicant reserves the right to assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation.

5. Claim of Absolute Rights and Continuation of Conditional Rights: 5.1. Brighton requests the Court find that 3,102 has been made ABSOLUTE and to continue the remaining 6,698 acre feet CONDITIONAL water right for the first fill right and 9,800 acre feet CONDITIONAL water right for the refill right for all decreed uses pursuant to C.R.S. §37-92-301(4)(d) and (e)(2014).

5.2. Uses: Recreation, wildlife habitat, fish propagation, and all municipal uses, including irrigation, domestic, commercial, industrial, manufacturing, power generation, and fire protection, via direct delivery, storage, exchange, augmentation of other diversions or use in a substitute water supply plan. Uses for recreation and wildlife habitat shall occur in and adjacent to Ken Mitchell Lakes. The municipal uses shall take place within the City of Brighton service area as it exists both now and in the future. The water may be used for augmentation pursuant to Brighton's decrees in Case Nos. 2000CW202 and 2003CW320, District Court, Water Division No. 1 or under a separately decreed augmentation plan or as approved by the State Engineer, as appropriate. Ken Mitchell Lakes may also be used to operate Brighton's exchanges decreed in Case Nos. 2000CW202, 2003CW320, and 2004CW174, District Court, Water Division No. 1 or other exchanges separately decreed or approved by the State Engineer, as appropriate. Applicant claims the right to fully consume the water so used by reuse, successive use, and disposition following use.

6. 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 City of Brighton owns the land and structures described in this Application. WHEREFORE, Applicant respectfully requests a ruling and decree for the following: A. That the Court has considered Applicant's work on Ken Mitchell Lakes and the various features of the City of Brighton's integrated municipal water supply system, and has concluded that Applicant has proceeded with the requisite reasonable diligence in the development of its water rights for Ken Mitchell Lakes; and B. That the Court award Applicant an additional six-year diligence period to make the remaining 6,698 acre feet CONDITIONAL water right for the first fill right and 9,800 acre feet CONDITIONAL water right for the refill right absolute.

2022CW3097 CITY OF BRIGHTON, 500 S. 4th Street, Brighton, Colorado 80601, (303) 655-2033. Please send all further pleadings to Brent A. Bartlett, Esq. and Sara J.L. Irby, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525, (970) 407-9000. **APPLICATION FOR FINDING REASONABLE DILIGENCE IN ADAMS COUNTY**. 2. Name of Structures. Erger's Pond and Erger's Pipeline. 3. Description of conditional water rights including the following information from previous decrees: 3.1. Erger's Pond Water Right: 3.1.1. Date of Original Decree: February 28, 2001,

Case No. 1998CW257, District Court, Water Division No. 1, State of Colorado. 3.1.2. Subsequent decrees awarding findings of diligence: July 23, 2008, Case No. 2007CW49 and July 26, 2016, Case No. 2014CW3091, District Court, Water Divisions No. 1. 3.1.3. Legal Description/Location of Pond: The Erger's Pond is located in portions of the SW1/4 NE1/4, the NW1/4 SE1/4, the NE1/4 SW1/4 and the SE1/4 NW1/4, Section 12, Township 1 South, Range 67 West of the 6th P.M., in Adams County. The outlet is in the SW1/4 of the NE1/4 of said Section 12 approximately 2,267 feet west of the east section line and 1,455 feet south of the north section line of said Section 12. The location of Erger's Pond is shown on the map attached hereto as Figure 1. 3.1.4. Source: The South Platte River and its tributaries. 3.1.5. Points of Diversion: 3.1.5.1. The Erger's Pipeline that diverts water from the South Platte River at a flow rate not to exceed 300 cfs. The Erger's Pipeline was decreed in Case No. 98CW257. The Erger's Pipeline is located in the SW 1/4 of Section 12, Township 1 South, Range 67 West, of the 6th P.M., in Adams County, Colorado at a point approximately 1,355 feet from the west line and 1,992 feet from the south line of said Section 12. 3.1.5.2. Kenneth Mitchell Lake 1 (a.k.a. Alfred Krogh Park Lake and Bromley Lake) that is adjacent to and immediately south of Erger's Pond and is the subject of Case No. 92CW018, District Court, Water Division No. 1 (06CW222 and 14CW3091), is generally located in parts of Section 11, 12, 13 and 14, Township 1 South, Range 67 West, 6th P.M. in Adams County, Colorado. The Erger's Pond Water Right can be delivered to Ken Mitchell Lake 1 from the South Platte River via an inlet structure generally located in the SE 1/4 of Section 11, Township 1 South, Range 67 West, 6th P.M., in Adams County, Colorado. Brighton will install a metered structure between Ken Mitchell Lakes and Erger's Pond to transfer, measure and account for the Subject Water Right that will be transferred from Ken Mitchell Lakes into Erger's Pond. Additionally, the Erger's Pond Water Right, and other water rights legally permitted to be stored in Erger's Pond, may be delivered to Erger's Pond via the McCanne Ditch by first diverting the Erger's Pond Water Right and other water rights into the Ken Mitchell Lakes and then releasing the same from Ken Mitchell Lakes into the McCanne Ditch to be delivered to Erger's Pond. 3.1.5.3. The Fulton Ditch that diverts from the South Platte River has a capacity of 50 cfs in the vicinity of Erger's Pond. The decreed location of the Fulton Ditch headgate is near Section 9, between Sections 16 and 17, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. The actual point of diversion is located in the NE 1/4 of the NE 1/4 of the SE 1/4, Section 17, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. The rate of fill shall be a maximum of 50 cfs. Brighton may also divert the Erger's Pond Water Right and other water rights owned by Brighton that are legally permitted to be stored in Erger's Pond, at the Fulton Ditch headgate, where said rights can then be released into Brighton's 148th Avenue Pipeline and subsequently released into the McCanne Ditch to be delivered to Erger's Pond. 3.1.5.4. Carriage Structure. A portion of the McCanne Ditch runs adjacent to Erger's Pond in Sections 12, 13 and the NW 1/4 of Section 24, Township 1 South, Range 67 West of the 6th P.M. in Adams County, Colorado and has a capacity in the vicinity of Erger's Pond of 50 cfs. Brighton will use the McCanne Ditch as a carriage structure, as further described in Paragraphs 3.1.5.2 and 3.1.5.3 above, to deliver the Erger's Pond Water Right and other water rights owned by Brighton that are legally permitted to be stored in Erger's Pond. Brighton will install a diversion structure directly from the McCanne Ditch into the Erger's Pond. Brighton shall measure the amount of the Erger's Pond Water Right at the point where the water is released into the McCanne Ditch and at the diversion structure from the McCanne Ditch into the Erger's Pond. The amount of water available for use under this Erger's Pond Water Right shall be the lesser of the amount measured at the release point into the McCanne Ditch and the amount measured at the diversion structure from the McCanne Ditch into the Erger's Pond. 3.1.6. Appropriation Date: April 15, 1998. 3.1.7. Amount: 1,478 acre feet ABSOLUTE and 322 acre feet CONDITIONAL for a total of 1,800 acre feet. 3.1.8. Use: The water diverted under the water right decreed herein will be stored and then may be used directly and/or or by exchange, for irrigation, commercial and industrial, lake and reservoir evaporation, augmentation and replacement, dust suppression and aggregate washing. All such uses, excepting augmentation and replacement, must occur in Section 12, Township 1 South, Range 67 West of the 6th P.M. 3.2. Erger's Pipeline Water Right: 3.2.1. Date of Original Decree: February 28, 2001, Case No. 1998CW257, District Court, Water Division No. 1, State of Colorado. 3.2.2. Subsequent decrees awarding findings of diligence: July 23, 2008, Case No. 2007CW49, July 26, 2016, Case No. 2014CW3091, District Court, Water Divisions

No. 1. 3.2.3. Point of Diversion: The Erger's Pipeline diverts water from the South Platte River at a flow rate not to exceed 300 cfs. The Erger's Pipeline was decreed in Case No. 98CW257. The Erger's Pipeline is located in the SW ¼ of Section 12, Township 1 South, Range 67 West, of the 6th P.M., in Adams County, Colorado at a point approximately 1,355 feet from the west line and 1,992 feet from the south line of said Section 12. 3.2.4. Source: South Platte River. 3.2.5. Appropriation Date: April 15, 1998. 3.2.6. Amount: 47.4 cfs ABSOLUTE, 252.6 cfs CONDITIONAL for a total of 300 cfs. 3.2.7. Use: The water right may be used directly and/or by exchange, for irrigation, commercial and industrial, lake and reservoir evaporation, augmentation and replacement, dust suppression and aggregate washing. All such uses, excepting augmentation and replacement, must occur in Section 12, Township 1 South, Range 67 West of the 6th P.M. 4. Claim to Findings of Reasonable Diligence: 4.1. The Erger's Pond and Pipeline water rights are part of Brighton's integrated municipal water supply system. During the diligence period, Brighton exercised its surface and underground water rights, storage rights, augmentation plans, substitutions and exchanges, diverting water in varying amounts and applying those rights to beneficial use for the decreed purposes. A claim to make a portion of the conditional water rights absolute is included herewith. Such diversion and use of water is evidence of reasonable diligence in the continued development of this component of Brighton's integrated municipal water supply system. In addition, Brighton has invested in the design and construction of infrastructure necessary to facilitate the decreed uses for the storage rights in Erger's Pond. A design for an interconnect pump station between Ken Mitchell Lakes and Erger's Pond was completed in 2016. Overburden cleanout and riprap construction was completed at Erger's Pond in 2019. The Erger's Pond diversion construction, gravity lines, augmentation and pump stations were completed in 2019. The conditional storage rights that are the subject of this case are part of Applicant's raw water supply system, an integrated system as defined by §37-92-301(4). During the diligence period Applicant has expended funds on engineering design and construction of its integrated water system on the South Platte River and Beebe Draw related to the structures necessary to implement the operation of Applicant's storage rights. During the diligence period Applicant has participated in numerous water court proceedings in an effort to protect its conditional appropriative rights of exchange. Additionally, Applicant has developed and utilized accounting forms in order to implement the conditional appropriative rights of exchange. 4.2. Brighton obtained decrees in cases further developing Brighton's unified municipal water system. These decrees included appropriative rights for exchanges, changes of water rights and diligence in Case No. 15CW3012 entered March 2, 2018, Case No. 15CW3170 entered June 5, 2018, Case No. 16CW3068 entered March 7, 2017, Case No. 18CW3195 entered June 25, 2021, Case No. 19CW3036 entered November 26, 2019 and Case No. 20CW3105 entered April 28, 2022. 4.3. Applicant reserves the right to assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation. 5. Claim of Absolute Rights and Continuation of Conditional Rights: 5.1. Brighton requests the Court find that 1,478 has been made ABSOLUTE and to continue the remaining 322 acre feet CONDITIONAL for all decreed uses pursuant to C.R.S. §37-92-301(4)(d) and (e)(2014). 5.2. Brighton requests the Court find that 47.4 cfs of the Erger's Pipeline Water Right has been made ABSOLUTE and to continue the remaining 252.6 cfs CONDITIONAL for all decreed uses pursuant to C.R.S. §37-92-301(4)(d) and (e)(2014). 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The Fulton Ditch and related structures are owned by the Fulton Ditch Company, 25 South 4th Avenue, Brighton, Colorado 80601. All other structures and the lands upon which Erger's Pond and the Erger's Pipeline are located are owned by Applicant, the City of Brighton. WHEREFORE, Brighton respectfully requests the Court to enter a decree: A. Finding that Brighton has proceeded with reasonable diligence toward the completion of the appropriations of water rights conditionally decreed for the storage of water in the Erger's Pond and for the Erger's Pipeline; and B. Continuing the 1,800 acre feet CONDITIONAL water right for Erger's Pond and the 300 cfs CONDITIONAL water right for the Erger's Pipeline in full force and effect for an additional diligence period.

2022CW3098 TIMOTHY J. EKSTROM, COURTNEY A. EKSTROM, ROBERT L. EKSTROM, TAYLOR HUDSON, MICHAEL RAIHAN, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Timothy J. Ekstrom, Courtney A. Ekstrom, Robert L. Ekstrom, Taylor Hudson and Michael Raihan, c/o Timothy Ekstrom, 15859 E. Arkansas Dr., Aurora, CO 80017; Email: timekstrom@gmail.com; Telephone: (303) 709-3806; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151.

APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES.

2. **Summary of Claims:** This Application seeks approval of a plan for augmentation including exchange for 5 wells located, or to be located, on Applicant's property, a 26-acre parcel of land presently known as 29027 Richmond Hill Road, Conifer, Colorado 80433, Jefferson County ("Subject Property"). The Subject Property will be subdivided into five lots, with one well on each lot. Of the five wells included in this augmentation plan, two are existing exempt wells that will be re-permitted following entry of a decree in this matter and three wells will be permitted and constructed following entry of a decree in this matter. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE**

3. **Name of Structure to be Augmented:** The Ekstrom Well Nos. 1-5 ("Subject Wells") will divert groundwater on five separate lots to be subdivided from the Subject Parcel. The Subject Parcel is located in the drainage of Elk Creek and Kennedy Gulch, both tributary to the North Fork of the South Platte River. The rate of diversion for the Subject Wells will not exceed 15 gallons per minute each. The Subject Wells are located as follows: a. Ekstrom Well No. 1 (currently associated with Well Permit No. 321110) is located in the NW1/4 SW1/4, Section 27, Township 6 South, Range 71 West of the 6th P.M., in Jefferson County, at the following point: Easting 471483, Northing 4371943. Ekstrom Well No. 2, (currently associated with Well Permit No. 321111) is located in the NW1/4 SW1/4, Section 27, Township 6 South, Range 71 West of the 6th P.M., in Jefferson County, at the following point: Easting 471473, Northing 4371874. Well permit applications to construct Ekstrom Well Nos. 3-5 will be submitted to the Division of Water Resources when the Subject Property is developed and the wells are needed. The exact location of the Ekstrom Well Nos. 3-5 will be determined at the time of construction and described in the well permits issued for each well. Return flow from the use of the Subject Wells will be through individual septic tank-soil absorption system (one for each well) with return flows returned to the same drainage in which the related well is located. The Ekstrom's property on which the Subject Wells are (or will be) located is shown on the map attached as **Exhibit A**.

4. **Water Rights to be Used for Augmentation Purposes:** The Ekstrom's have entered into a contract with North Fork Associates, LLC to purchase 15.3 shares of Mountain Mutual Reservoir Company ("MMRC") stock, which represents a firm annual yield of 0.481 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Subject Wells.

a. The water rights associated with the MMRC shares include the following: i. **Slaght Ditch:** In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic

feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as “Slaght Ditch Rights.” Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC’s diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-

year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaughter Ditch water right yields 31.8 acre-feet of consumptive use water. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the “Nickerson Ditch Rights.” The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Section 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physical and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The Nickerson Ditch rights are claimed as an alternate replacement supply in this matter. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 5. Statement of

Plan for Augmentation: The Ekstroms are the owners of the Subject Property, which they propose to subdivide into five lots, with one well per lot. The five Subject Wells will be augmented pursuant to this augmentation plan for the following indoor and outdoor uses: a. The water requirements for the Subject Wells are for indoor uses for five single-family dwellings, with an average occupancy of 3.5 persons per house and five auxiliary dwelling units with an average occupancy of 2.0 persons per house (“Indoor Use”), the watering of six horses (or equivalent animals), a swimming pool, up to five hot tubs, and the irrigation of 3,000 square-feet of turf (or the consumptive equivalent of 7,500 square-feet of garden irrigation). The estimated water requirements for indoor use is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. The estimated water requirements for turf irrigation will be 1.25 acre-feet per acre with 80% consumption. The estimated water requirements for garden irrigation will be 0.50 acre-feet per acre with 80% consumption. Water for horses (or equivalent animals) will require 10 gal per head per day with 100% consumption. Swimming pool water use will be for 0.018 of an acre with three feet of evaporation per year with 100% consumption. Water use for each hot tub will be 0.0056 acre-feet per year of consumption (“Outdoor Uses”). This plan will require 0.481 of an acre-foot of replacement water as shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-family In-house Use (3.5 cap)	80 gl/cap/dy(3.5 cap)	5	1.570	10%	0.157	0.079	0.078
Auxiliary Unit	80 gl/cap/dy (2.0 cap)	5	0.900	10%	0.090	0.045	0.045
Turf irrig.* 3,000 sq. ft.	1.25 af/ac	0.069 acres	0.086	80%	0.069	0.069	0.0000
Horses (or equivalent animals)	10 gl/hd/dy	6	0.067	100%	0.067	0.034	0.033
Swimming Pool	3 af/ac	0.018	0.023	100%	0.054	0.041	0.013
Hot Tub	0.0056 af/tub	5	0.028	100%	0.028	0.014	0.014
Tran. Chg.	0.15%/Mi	22	0.016	100%	0.016	0.010	0.006
Total			2.7		0.481	0.292	0.189
*Garden irrig. 7,500 sq. ft.	0.50 af/ac	0.172 acres	0.086	80%	0.069	0.069	0.000

*Replacement requirements for combined turf and/or garden irrigation will not exceed 0.069 acre-feet annually.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.033	0.033	0.034	0.033	0.034	0.034	0.051	0.051	0.051	0.051	0.050	0.050

b. The total consumptive use water requirement will be met with 0.481 of an acre-foot of the annual yield from the Slaughter/Mack Ditch Rights as described above and 0.189 of an acre-foot of space in Maddox Reservoir. (See Exhibits “B” and “C” respectively). The calculated requirements of the direct flow water

rights from May through October are a total of 0.292 of an acre-foot at the point of depletion on Gooseberry Gulch in the NE1/4 SE1/4, Section 28, Township 6 South, Range 71 West of the 6th P.M., and/or to Casto Creek in the NW1/4 SE1/4, Section 27, Township 6 South, Range 71 West of the 6th P.M. The point of delivery of this water will be the headgate of the Slaght Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SW1/4 SE1/4, Section 21, all in Township 7 South, Range 73 West of the 6th P.M. During the non-irrigation season during the months of November through April, and at times when the Slaght Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. The total requirement at the points of exchange at the confluence of Elk Creek and the North Fork of the South Platte River in the NE1/4 SE1/4 Section 27, Township 7 South, Range 71 West and/or the confluence of Kennedy Gulch and the North Fork of the South Platte River is 0.465 of an acre-foot of replacement water. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 5, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 6. Water Exchange Project: Since the points of depletion associated with the Subject Wells are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend (I) from the confluence of Elk Creek and the North Fork of the South Platte River in the NE1/4 SE1/4, Section 27, Township 7 South, Range 71 West thence up Elk Creek to the confluence with Gooseberry Gulch located at the SW1/4 SW1/4 of Section 4, Township 7 South, Range 71 West, thence up Goosberry Gulch to the point of depletion in the NE1/4 SE1/4, Section 28, Township 6 South, Range 71 West, and/or (II) from the confluence of Kennedy Gulch and the North Fork of the South Platte River in the SW1/4 SE1/4, Section 16, Township 7 South, Range 70 West, thence up Kennedy Gulch to the confluence with Casto Creek in the SW1/4 SW1/4, Section 24, Township 6 South, Range 71 West, thence up Casto Creek to the point of depletion in the NW1/4 SE1/4, Section 27, Township 6 South, Range 71 West, all in the 6th P.M. The maximum average depletion in all reaches is 0.38 of a gallon per minute. In the event there is a senior call within the exchange project reach that precludes the exchange, the Applicants can have replacement water delivered via trucking to make replacements above the calling water right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of July 29, 2022, at a flow rate of 0.001 of a cubic foot per second. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits, or replacement well permits, for the construction and use of, or any replacement well permits required, for Ekstrom Well Nos. 1-5 consistent with the final decree entered in this case. (13 pgs., 3 Exhibits)

2022CW3099 (04CW310 and 15CW3070) APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN ADAMS, BOULDER, BROOMFIELD, AND WELD COUNTIES. 1. Name, mailing address, email address and telephone number of applicant: **CITY AND COUNTY OF BROOMFIELD (“BROOMFIELD” OR “APPLICANT”)**, c/o Director of Public Works, One DesCombes Drive, Broomfield, Colorado 80020-2495, Phone: (303) 438-6348, e-mail: publicworks@broomfield.org. 2. Name of structures/water rights: Exchange Reach No. 1, South Platte River-Big Dry Creek Exchanges; Exchange Reach No. 2, South Platte River Exchanges; Broomfield Discharge Diversion Point Enlargement; Broomfield Big Dry Creek Diversion Point Enlargement; Bull Canal Diversion Point. 3. Date of Original and Diligence Decrees: 3.a. Original Decree: Case No. 2004CW310, decreed by the District Court for Water Division 1, State of Colorado, on July 27, 2009; and 3.b. First Diligence Decree: Case No. 2015CW3070, decreed by the District Court for Water Division 1, State of Colorado, on July 29, 2016. 4. Description of Conditional Exchanges: 4.a. Exchange Reach No. 1, South Platte River - Big Dry Creek Exchanges. 4.a.(1) Exchange-from point: The confluence of Big Dry Creek and the South Platte River, located at a point

described as follows: commencing at the Northwest Corner of Section 7, Township 1 North, Range 66 West of the Sixth Principal Meridian, County of Weld, State of Colorado, whence the West one-quarter corner of said Section 7 bears South 00°00'00" East a distance of 2,639.16 feet, said line forming the basis of bearings for this description, thence South 72°54'39" East, a distance of 660.98 feet to the Confluence of Big Dry Creek and the South Platte River, whence said West one-quarter corner bears South 14°29'20" West, a distance of 2,525.23 feet. The GPS location has been determined by a GPS handheld device to be: Easting: 514747, Northing: 4435583, Lat: 40 deg 04 min 20 sec, Long: 104 deg 49 min 37 sec. Said point is shown on attached Exhibit A. 4.a.(2) Name, location and source of diversion points ("exchange-to points") at which water will be diverted and/or stored by exchange: 4.a.(2)(i). *Broomfield Discharge Diversion Point*. Located at the Broomfield Wastewater Reclamation Facility in the City and County of Broomfield, Colorado, commencing at the center of Section 32, Township 1 South, Range 68 West of the Sixth Principal Meridian, whence the East one-quarter corner of said Section 32 bears South 89°46'32" East a distance of 2,646.68 feet, said line forming the basis of bearings for this description, thence South 69°09'23" East, a distance of 1,006.42 feet to the Broomfield Discharge Diversion Point, whence said East one-quarter corner bears North 78°28'47" East, a distance of 1,741.17 feet. The GPS location has been determined by a GPS handheld device to be: Easting: 498202, Northing: 4418700, Lat: 39 deg 55 min 13 sec, Long: 105 deg 01 min 16 sec. Said point is shown on Exhibit A, attached hereto and hereby incorporated herein. 4.a.(2)(ii) *Broomfield Big Dry Creek Diversion Point*. Located on Big Dry Creek in Adams County, Colorado, commencing at the center of Section 32, Township 1 South, Range 68 West of the Sixth Principal Meridian, whence the East one-quarter corner of said Section 32 bears South 89°46'32" East a distance of 2,646.68 feet, said line forming the basis of bearings for this description, thence South 70°46'39" East, a distance of 1,020.11 feet to the Broomfield Big Dry Creek Diversion Point, whence said East one-quarter corner bears North 79°03'25" East, a distance of 1,714.60 feet. The GPS location has been determined by a GPS handheld device to be: Easting: 498210, Northing: 4418702, Lat: 39 deg 55 min 13 sec, Long: 105 deg 01 min 15 sec. Said point is shown on attached Exhibit A. 4.a.(2)(iii). *Bull Canal Diversion Point*. Located on Big Dry Creek in the Northwest quarter of the Southeast quarter of Section 28, Township 1 South, Range 68 West of the Sixth Principal Meridian, Adams County, Colorado. The GPS location has been determined by a GPS handheld device to be: Easting: 499786, Northing: 4420044, Lat: 39 deg 55 min 57 sec, Long: 105 deg 00 min 09 sec. Said point is shown on attached Exhibit A. 4.a.(3). Sources of substitute supply: 4.a.(3)(i). Consolidated Mutual Effluent released to the South Platte River at the Perry Pit, Metro Wastewater Treatment Plant, and/or the proposed 2nd Metro Plant. 4.a.(3)(ii). Windy Gap Effluent released at Broomfield's Wastewater Reclamation Facility, and/or Great Western Reservoir into Big Dry Creek and/or Heit Pit or Koenig Pit released to Little Dry Creek and/or South Platte River. . 4.a.(3)(iii). Direct flow right decreed in Case No. 98CW346 and direct flow rights decreed in Case No. 2004CW310, released into Big Dry Creek. . 4.a.(3)(iv). Storage rights decreed in Case No. 2006CW288, released from the Heit Pit to the South Platte River and/or Little Dry. 4.a.(3)(v). Fully consumable water from the water rights that have been decreed in Case No. 2005CW290, released to the South Platte River and/or Little Dry Creek directly or from storage in Koenig Pit and/or Heit Pit. 4.a.(3)(vi). Fully consumable effluent acquired from Aurora by Broomfield in Broomfield' s trade for the 1.82 shares in the Brighton Ditch Company changed in Broomfield' s Case No. 2005CW290. 4.a.(3)(vii). Fully consumable water from Walnut Creek, decreed in Case No. 2008CW02, released to Great Western Reservoir by the Department of Energy and delivered to Big Dry Creek. 4.a.(3)(viii). Broomfield lawn irrigating return flows returning to Big Dry Creek, once the same are quantified and decreed in a separate proceeding. 4.a.(3)(ix). Storage rights decreed in Case No. 81CW463. 4.a.(3)(x). Additional future substitute supplies obtained by Broomfield pursuant the terms and conditions of the decree in Case No. 2004CW310. 4.a.(4). Date of initiation of appropriation: November 15, 2004. 4.a.(5). Amounts: 4.a.(5)(i) *Broomfield Discharge Diversion Point*: 21 cfs. 4.a.(5)(ii) *Broomfield Big Dry Creek Diversion Point*: 21 cfs. 4.a.(5)(iii). *Bull Canal Diversion Point*: 31 cfs. 4.a.(5)(iv). Maximum combined total rate: 31 cfs. 4.a.(5)(v) Volumetric limit: Broomfield shall not divert more than a maximum of 5,100 acre feet in any water year by operation of the exchanges along Exchange Reach No. 1 or Exchange Reach No. 2 approved in this decree. When in the same year the exchanges decreed as Exchange Reach No. 2 are being operated in conjunction with the

exchanges decreed as Exchange Reach No. 1, the volume of water exchanged shall be accounted as a single volume for purposes of applying the maximum annual volumetric limit of 5,100 acre-feet. A volume of water exchanged initially under the exchanges decreed to Exchange Reach No. 2 and then subsequently under the exchanges decreed to Exchange Reach No. 1 in the same year shall only be accounted as a single volume of water for purposes of applying the maximum annual volumetric limit of 5,100 acre-feet. 4.a.(5)(vi). The amount of 21 cfs decreed for diversion at the Broomfield Discharge Diversion Point and the Broomfield Big Dry Creek Diversion Point is in addition to the 10 cfs decreed for diversion at each of those points in Case No. 98CW436 with an appropriation date of October 7, 1998. 4.a.(6). Operations with other Exchanges: At times, the exchanges decreed for Exchange Reach No. 1 will be operated in conjunction with: (i) the exchanges decreed in Case No. 98CW436; and/or (ii) the exchanges decreed in Case No. 2004CW310 for Exchange Reach No. 2; and/or (iii) the exchanges decreed in Case No. 2006CW288. 4.a.(7). Use or proposed use: All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. Broomfield shall have the right to use, reuse, make successive use of, and dispose of all water lawfully diverted or impounded pursuant to this decree for the purposes approved in this decree, provided the substitute supply used in any particular exchange is fully consumable or reusable water. 4.a.(8). Place of use: The place of use for the water for the appropriative rights of substitution and exchange decreed in Case No. 2004CW310 shall be any place served in the present or the future by the City and County of Broomfield's treated water, reuse water, and/or raw water systems. 4.b. Exchange Reach No. 2, South Platte River Exchanges. 4.b.(1). Downstream Terminus of Exchange Reach No. 2: The confluence of St. Vrain River (also known as St. Vrain Creek) and the South Platte River, located in the Southwest Quarter of the Northeast Quarter of Section 34, Township 4 North, Range 67 West of the Sixth Principal Meridian, Weld County, Colorado. The GPS location has been determined by a GPS handheld device to be: Easting: 510781, Northing: 4457530, Lat: 40 deg 16 min 12 sec, Long: 104 deg 52 min 24 sec. Said point is shown on attached Exhibit A. 4.b.(2). Upstream Terminus of Exchange Reach No. 2: The headgate of the Brighton Ditch, located on the South Platte River in the Southeast quarter of the Southeast quarter of Section 11, Township 1 South, Range 67 West of the Sixth Principal Meridian in Adams County, Colorado. The GPS location has been determined by a GPS handheld device to be: Easting: 512762, Northing: 4424686, Lat: 39 deg 58 min 27 sec, Long: 104 deg 51 min 02 sec. Said point is shown on attached Exhibit A. 4.b.(3). Exchange-to points along the South Platte between the St. Vrain River-South Platte River confluence and the headgate of the Brighton Ditch as follows: 4.b.(3)(i). the confluence of Little Dry Creek and the South Platte River, located in the Southeast quarter of the Northeast quarter of Section 12, Township 2 North, Range 67 West of the Sixth Principal Meridian, in Weld County, Colorado; 4.b.(3)(ii). the confluence of Big Dry Creek and the South Platte River, described in paragraph 4.a.(1), above; 4.b.(3)(iii). the South Platte Wellfield/Wells located on the west bank of the South Platte River in the Southwest 1/4 of Section 18 and part of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M.; and 4.b.(3)(iv). additional locations shown or listed in paragraph 4.a. or this paragraph 4.b. 4.b.(4). Sources of substitute supply: Those sources listed in Paragraph 4.a.(3), above. 4.b.(5). Date of Initiation of Appropriation: November 15, 2004. 4.b.(6). Amounts: 4.b.(6)(i). Maximum combined total rate for Exchange Reach No. 2 from the Heit Pit and/or Koenig Reservoir Outlet Works upstream to the Headgate of the Brighton Ditch: 31 cfs. 4.b.(6)(ii). Maximum combined total rate for Exchange Reach No. 2 between the Heit Pit and/or Koenig Reservoir Outlet Works and all downstream exchange-from points down to and including the confluence of the South Platte River and St. Vrain Creek: 10 cfs or 12.6 cfs pursuant to the exchange rates set forth in the matrices in Exhibit B of the 04CW310 and 15CW3070 decrees. 4.b.(6)(iii). Volumetric limit: Broomfield shall not divert more than a maximum of 5,100 acre feet in any water year by operation of the exchanges along Exchange Reach No. 1 or Exchange Reach No. 2 approved in this decree. When in the same year the exchanges decreed as Exchange Reach No. 2 are being operated in conjunction with the exchanges decreed as Exchange Reach No. 1, the volume of water exchanged shall be accounted as a single volume for purposes of applying the maximum annual volumetric limit of 5,100 acre-feet. A volume of water exchanged initially under the exchanges decreed to

Exchange Reach No. 2 and then subsequently under the exchanges decreed to Exchange Reach No. 1 in the same year shall only be accounted as a single volume of water for purposes of applying the maximum annual volumetric limit of 5,100 acre-feet. 4.b.(7). Operation with Other Exchanges: At times, the exchanges decreed for Exchange Reach No. 2 will be operated in conjunction with: (i) the exchanges decreed in Case No. 98CW436; and/or (ii) the exchanges decreed in Case No. 2004CW310 for Exchange Reach No. 1; and/or (iii) the exchanges decreed in Case No. 2006CW288. 4.b.(8). Use or proposed use: All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. Broomfield shall have the right to use, reuse, make successive use of, and dispose of all water lawfully diverted or impounded pursuant to this decree for the purposes approved in this decree, provided the substitute supply used in any particular exchange is fully consumable or reusable water. 4.b.(9). Place of use: The place of use for the water for the appropriate rights of exchange decreed in Case No. 2004CW310 shall be any place served in the present or the future by the City and County of Broomfield's treated water, reuse water, and/or raw water systems.

5. Description of Conditional Direct Flow Water Rights. 5.a. Name of Structure: Broomfield Discharge Diversion Point Enlargement. 5.a.(1) Legal description of point diversion: Commencing at the center of Section 32, Township 1 South, Range 68 West of the Sixth Principal Meridian, whence the East one-quarter corner of said Section 32 bears South 89°46'32" East a distance of 2,646.68 feet, said line forming the basis of bearings for this description, thence South 69°09'23" East, a distance of 1,006.42 feet to the Broomfield Discharge Diversion Point, whence said East one-quarter corner bears North 78°28'47" East, a distance of 1,741.17 feet, in the City and County of Broomfield, Colorado. The GPS location has been determined by a GPS handheld device to be: Easting: 498202, Northing: 4418700, Lat: 39 deg 55 min 13 sec, Long: 105 deg 01 min 16 sec. Said point is shown on attached Exhibit A. 5.a.(2) Source of water: Effluent from the City of Broomfield Wastewater Reclamation Facility, tributary to Big Dry Creek, a tributary of the South Platte River. 5.a.(3) Date of initiation of appropriation: November 15, 2004. 5.a.(4) Amount decreed: 26 cfs, conditional. 5.b. Name of Structure: Broomfield Big Dry Creek Diversion Point Enlargement. 5.b.(1) Legal description of point of diversion: Commencing at the Center of Section 32, Township 1 South, Range 68 West of the Sixth Principal Meridian, whence the East one-quarter corner of said Section 32 bears South 89°46'32" East a distance of 2,646.68 feet, said line forming the basis of bearings for this description, thence South 70°46'39" East a distance of 1,020.11 feet to the Broomfield Big Dry Creek Diversion Point, whence said East one-quarter corner bears North 79°03' 25" East, a distance of 1,714.60 feet, in the County of Adams, Colorado. The GPS location has been determined by a GPS handheld device to be: Easting: 498210, Northing: 4418702, Lat: 39 deg 55 min 13 sec, Long: 105 deg 01 min 15 sec. Said point is shown on attached Exhibit A. 5.b.(2) Source of water: Big Dry Creek. 5.b.(3) Date of initiation of appropriation: November 15, 2004. 5.b.(4) Amount decreed: 26 cfs, conditional. 5.c. Name of Structure: Bull Canal Diversion Point. 5.c.(1) Legal description of point of diversion: A point on Big Dry Creek in the Northwest Quarter of the Southeast Quarter of Section 28, Township 1 South, Range 68 West of the Sixth Principal Meridian, in Adams County, Colorado. The GPS location has been determined by a GPS handheld device to be: Easting: 499786, Northing: 4420044, Lat: 39 deg 55 min 57 sec, Long: 105 deg 00 min 09 sec. Said point is shown on attached Exhibit A. 5.c.(2) Source of water: Big Dry Creek. 5.c.(3) Date of initiation of appropriation: November 15, 2004. 5.c.(4) Amount decreed: 31 cfs, conditional. 5.d. Use of water for conditional direct flow water rights: All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. Applicant has the right to use, reuse, successively use and dispose of, by exchange or otherwise, to extinction all water lawfully diverted and/or impounded by exercise of the subject conditional direct flow water rights pursuant to the decree entered in Case No. 2004CW310. 6. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: 6.a. During this diligence period, Broomfield has continued to improve, operate and maintain its integrated water supply system, of which the conditional water rights described herein are a part. To enable

Broomfield to more effectively provide water service to its existing and future customers, it has expended approximately \$300 million during this diligence period for overall capital infrastructure investment to construct, repair and improve its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Broomfield to continue to provide reliable water service to its existing customers and to plan for anticipated future demand. 6.b. The direct flow water rights and appropriative rights of substitution and exchange described herein are components of Broomfield's reclamation system, which diverts water for irrigation of parks, open spaces, and recreation facilities throughout Broomfield. During the diligence period, the City and County of Broomfield has spent in excess of \$16,000 in engineering fees for the utilization and development of the reclamation system. 6.c. During this diligence period, Broomfield has expended approximately \$215,000 in engineering fees related to permitting, design and construction of certain water system infrastructure related to the water rights described herein, including the Heit Pit pump station and inlet structure, a new diversion structure on Meadow Island Ditch, and the Heit Pit well field. 6.d. During this diligence period, Broomfield has defended its water rights against applications filed by others in water court cases in which Broomfield determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. Broomfield has also filed applications for water rights in water court to maintain diligence on its existing water rights and adjudicating additional water rights to supplement Broomfield's water portfolio. Broomfield has expended in excess of \$800,000 for representation by water counsel and \$640,000 in water resource engineering fees in these water court proceedings. 7. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. 7.a. Broomfield Discharge Diversion Point and Enlargement. Applicant. 7.b. Broomfield Big Dry Creek Diversion Point and Enlargement. City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80030. 7.c. Bull Canal Diversion Point. The Farmers Reservoir & Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601-2602. 7.d. South Platte River Wellfield/Wells. 45 Acres LLC, 9378 County Rd 25, Fort Lupton, Colorado 80621; Groundwater Management Subdistrict of the Central. Colorado Water Conservancy District, 3209 West 28 Street, Greeley, Colorado 80631; Darrell L. Bearson and Nelva M. Bearson, 9208 Weld County Road 25, Fort Lupton, Colorado 80621. 7.e. Meadow Island No. 1 Ditch headgate. Meadow Island No. 1 Ditch Company, 9826 Highway 66, Platteville, Colorado 80651. 7.f. Lupton Bottom Ditch headgate. Lupton Bottom Ditch Company, 11016 Weld County Road 23, Ft. Lupton, Colorado 80621. 7.g. Diversion structures for Consolidated Mutual's Perry Pit. Consolidated Mutual Water Company, 12700 W. 27th Ave., Lakewood, Colorado 80215. 7.h. Brighton Ditch headgate. Brighton Ditch Company, c/o Don Rosenbrock, 3286 Weld County Road 23, Ft. Lupton, Colorado 80621. **WHEREFORE**, Applicant, the City and Count of Broomfield, having demonstrated that it has steadily applied effort to complete the appropriation of the conditional water rights described herein in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests that this Court find that it has exercised reasonable diligence in completing the appropriations and putting to beneficial use the conditional water rights described herein, and that said conditional rights should be continued for another six years, or such period as may otherwise be permitted by law. (11 pages and 1 Exhibit).

****AMENDED** 2020CW3073 PVIC AUGMENTATION GROUP LLC**, 14460 WCR 40, Platteville, Colorado 80651, Telephone: (970) 737-2437 (P. Andrew Jones, #29076, Law Office of P Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Telephone: (970) 235-0252, E-mail: ajones@pandrewjones.com). **AMENDED APPLICATION TO ADD WELLS TO AUGMENTATION PLAN AND REMOVE WELLS FROM AUGMENTATION PLAN IN WELD COUNTY.** 2. Augmentation Plan. Applicant seeks to add underground water rights to and delete certain well rights from the augmentation plan decreed in Case No. 08CW71, Water Division No. 1 ("PVIC Decree"). Paragraphs 28.1.1 and 28.1.2 of the PVIC Decree allow the addition and deletion of wells from the plan subject to certain terms and conditions. **ADDITION OF WELLS.** 3. 3. Well Rights to be Added: 3.1. Name of Well Right to be Added: EMESON WELL 4-13859 3.1.1. Decree: W3217 3.1.2. WDID: 206052 3.1.3. Location:

NE. NE. of Section 33, Township 4N, Range 66W of the 6th PM, Weld County, Colorado at a point 268 feet South and 700 feet West of the NE corner of said S33. 3.1.4. GMS Contract No.: 1207 3.2. Name of Well Right to be Added: EMESON WELL 5-13860 3.2.1. Decree: W3217 3.2.2. WDID: 206053 3.2.3. Location: NW. of NE. of Section 33 Township 4N Range 66W of 6th PM in Weld County, Colorado at a point 430 feet South and 1330 feet West of NE corner of said S33. 3.2.4. GMS Contract No.: 1207 3.3. Name of Well Right to be Added: LORENZ TRUST 1-R12936 3.3.1. Decree: W6689 3.3.2. WDID: 20723 3.3.3. Location: SE1/4 of NE1/4 of S27, T4N, R66W of 6th PM, Weld County, Colorado at a point 2415 feet South and 225 feet West of NE corner of said S27. 3.3.4. GMS Contract No.: 1170 3.4. Name of Well Right to be Added: LORENZ TRUST 3-R12938 3.4.1. Decree: 6689 3.4.2. WDID: 207025 3.4.3. Location: NW. of NE. of Section 27, Township 4N, Range 66W of 6th PM, Weld County, Colorado at a point 1246 feet South and 1840 feet West of the NE corner of said S27. 3.4.4. GMS Contract No.: 1170. Name of Well Right to be Added: LORENZ TRUST 4-R12939 3.5.1. Decree: W6689 3.5.2. WDID: 207026 3.5.3. Location: NE. of NW. of Section 27, Township 4N, Range 66W of 6th PM, Weld County, Colorado at a point 1110 feet South and 1637 feet east of NW corner of said S27. 3.5.4. GMS Contract No.: 1170 3.6. Name of Well Right to be Added: LORENZ WELL 5-13056 3.6.1. Decree: W1826 3.6.2. WDID: 207046 3.6.3. Location: SE1/4 SE1/4 of S28, T4N, R66W of 6th PM, Weld County, Colorado at a point 100 feet North and 100 feet West of the SE corner of S28. 3.6.4. GMS Contract No.: 1117 3.7. Name of Well Right to be Added: LORENZ WELL 6-13058 3.7.1. Decree: W1826 3.7.2. WDID: 207047 3.7.3. Location: SE. SE. of Section 28, Township 4N, Range 66W of 6th PM, Weld County, Colorado at a point 150 feet North and 75 feet West of the SE corner of S28. 3.7.4. GMS Contract No.: 1117. Name of Well Right to be Added: LORENZ WELL 7-13057 3.8.1. Decree: W1826 3.8.2. WDID: 207048 3.8.3. Location: SE. SE. of Section 28, Township 4N, Range 66W of the 6th PM, Weld County, Colorado at a point 100 feet North and 50 feet West of the SE corner of S28. 3.8.4. GMS Contract No.: 1117 3.9. Name of Well Right to be Added: LORENZ WELL 8-4838F 3.9.1. Decree: W1826 3.9.2. WDID: 207049 3.9.3. Location: SE1/4 of NE1/4 of S28, T4N, R66W of the 6th PM, Weld County, Colorado at a point 100 feet North and 700 feet West of the E 1/4 corner of S28. 3.9.4. GMS Contract No.: 1117 3.10. Name of Well Right to be Added: Coming 2-1502 Industrial Right 3.10.1. Decree: A corresponding application for a conditional underground water right for the industrial use of this well was filed simultaneously with this Application. 3.10.2. WDID: 205758 3.10.3. Location: SW. of the SE. of Section 6, Township 3 North, Range 66 West of the 6th P.M. 3.10.4. WAS Contract No. 125 3.11. Name of Well Right to be Added: Coming 3-1503 Industrial Right 3.11.1. Decree: A corresponding application for a conditional underground water right for the industrial use of this well was filed simultaneously with this Application 3.11.2. WDID: 205759 3.11.3. Location: SW. of the SE. of Section 6, Township 3 North, Range 66 West of the 6th P.M. 3.11.4. WAS Contract No: 1251 3.12. Name of Well Right to be Added: Coming 4-1504 Industrial Right 3.12.1. Decree: A corresponding application for a conditional underground water right for the industrial use of this well was filed simultaneously with this Application. 3.12.2. WDID: 205760 3.12.3. Location: SW. of the SE. of Section 6, Township 3 North, Range 66 West of the 6th P.M. 3.12.4. WAS Contract No.: 1251 3.13. Name of Well Right to be Added: V. Lorenz 5-13056 Supplemental Right 3.13.1. Decree: A corresponding application appropriate conditional rights for irrigation of additional lands has been filed contemporaneously with this application. 3.13.2. WDID: 207046 3.13.3. Location: SE1/4 SE1/4 of S28, T4N, R66W of 6th PM, Weld County, Colorado at a point 100 feet North and 100 feet West of the SE corner of S28. 3.13.4. GMS Contract No.: 1117 3.14. Name Well Right to be Added: V. Lorenz 6-13058 Supplemental Right 3.14.1. Decree: A corresponding application appropriate conditional rights for irrigation of additional lands has been filed contemporaneously with this application. 3.14.2. WDID: 207047 3.14.3. Location: SE1/4 SE1/4 of S28, T4N, R66W of 6th PM, Weld County, Colorado at a point 150 feet North and 75 feet West of the SE corner of S28. 3.14.4. GMS Contract No.: 1117 Name of Well Right to be Added: V. Lorenz 7-13057 Supplemental Right 3.15.1. Decree: A corresponding application appropriate conditional rights for irrigation of additional lands has been filed contemporaneously with this Application 3.15.2. WDID: 207048 3.15.3. Location: SE1/4 SE1/4 of S28, T4N, R66W of the 6th PM, Weld County, Colorado at a point 100 feet North and 50 feet West of the SE corner of S28. 3.15.4. GMS Contract No: 1117 3.16. Name of Well Right to be Added: V. Lorenz 8-4838F Supplemental Right 3.16.1. Decree: A corresponding

application appropriate conditional rights for irrigation of additional lands has been filed contemporaneously with this application. 3.16.2. WDID: 207049 3.16.3. Location: NE . of the SE . of Section 28, Township 4 North, Range 66 West of the 6th P.M. 3.16.4. GMS Contract No.: 1117 3.17. Name of Well Right to be Added: West Kerns 1-12053 Supplemental Right 3.17.1. Decree: A corresponding application appropriate conditional rights for irrigation of additional lands has been filed contemporaneously with this application. 3.17.2. WDID: 206794 3.17.3. Location: SW1/4 NE1/4 of S5, T3N, R66W of 6th PM, Weld County, Colorado at a point 2029 feet West from East section line and 2630 feet South from north of section line, said S5. 3.17.4. GMS Contract No.: 252 3.18. Name of Well Right to be Added: West Kerns 3-12055 Supplemental Right 3.18.1. Decree: A corresponding application appropriate conditional rights for irrigation of additional lands has been filed contemporaneously with this application. 3.18.2. WDID: 206796 3.18.3. Location: SW1/4 NE1/4 of S5, T3N, R66W of 6th PM, Weld County, Colorado at a point 1906 feet South from North section line and 2635 feet West from East section line, said S5. 3.18.4. GMS Contract No: 252 3.19. Name of Well Right to be Added: Martin Well 4121-F Supplemental Right 3.19.1. Decree: A corresponding application appropriate conditional rights for irrigation of additional lands has been filed contemporaneously with this application. 3.19.2. WDID: 207104 3.19.3. Location: At a point 1906 feet South of the North line and 1366 feet East of the West line of Section 34, Township 4 North, Range 66 West of the 6th PM. 3.19.4. WAS Contract No: 1036 3.20. Name of Well Right to be added: 06CW225 Post Pumping Depletions. 3.20.1. Decrees: 06CW225 (augmentation plan), W-5324 (Strear Wells 4 and 5- original decree), 04CW260 (Strear Wells change in use). 3.20.2. WDID: 208222, 208223 3.20.3. Location: 3.20.3.1. Strear Well 4: SE1/4 of NW1/4 of S33, T4N, R66W of 6th PM, Weld County, Colorado at a point 1584 feet South and 2605 feet East of NW corner of said Section 33. 3.20.3.2. Strear Well 5: SE1/4 of NW1/4 of S33, T4N, R66W of 6th PM, Weld County, Colorado at a point 1326 feet South and 2605 feet East of NW corner of said Section 33. 3.20.4. WAS Contract: 892 3.20.5. Description: Applicant wishes to add post pumping depletions from the wells covered by the augmentation plan decreed in 06CW225 to the 08CW71 plan, and cease operation of the 06CW225 plan. The wells in the 06CW225 plan are already covered by WAS and the 08CW71 augmentation plans, but some depletions have continued to be accounted for under 06CW225. All future pumping will occur under WAS or 08CW71. The 06CW225 augmentation plan is redundant and can be terminated upon the entry of the decree requested herein. The remaining depletions from the Strear Wells 4 and 5 currently covered by the 06CW225 augmentation plan will be covered by 08CW71 augmentation plan. 3.21. Name of Well Right to be Added: Hunt Mitzel 1-11644 3.21.1. Decree: W-1059 3.21.2. WDID: 0207268 3.21.3. Location: Southwest. of the Northwest. of Section 34, Township 4 North, Range 66 West of the 6th PM, Weld County, Colorado at a point 2680 feet South and 1190 feet East of the NW corner of said Section 34. 3.21.4. WAS Contract No.: 1280 3.22. Name of Well Right to be Added: Mitzel Well 2-11643. 3.22.1. Decree: W-1059 3.22.2. WDID: 0207269 3.22.3. Location: Southwest. of the Northwest. of Section 34, Township 4 North, Range 66 West of the 6th PM, Weld County, Colorado at a point 2675 feet South and 1060 feet East of the Northwest corner of said Section 34. 3.22.4. WAS Contract No.: 1280 3.23. Name of Well Right to be Added: Strear Well 02-0665 3.23.1. Decrees: W-5324, 2010CW236 3.23.2. WDID: 0208219 3.23.3. Location: Northwest. of Section 33, Township 4 North, Range 66 West of the 6th PM, Weld County. GPS Coordinates: NAD 83, Easting 518099, Northing 4458318. 3.23.4. GMS Contract No.: 251 3.24. Name of Well Right to be Added: McLeod Well 1 3.24.1. Decrees: W-175 3.24.2. WDID: 0205053 3.24.3. Location: At a point whence the Southeast corner of Section 29, Township 4 North, Range 66 West bears 44 degrees 22 minutes East a distance of 2,944 feet. 3.24.4. GMS Contract No.: 732 3.25. Name of Well Right to be Added: McLeod Well 2 3.25.1. Decrees: W-175 3.25.2. WDID: 0205054 3.25.3. Location: At a point whence the Southeast corner of Section 29, Township 4 North, Range 66 West bears 52 degrees 30 minutes East a distance of 2,782 feet. 3.25.4. GMS Contract No.: 732 3.26. Name of Well Right to be Added: McLeod Well 3 3.26.1. Decrees: W-175 3.26.2. WDID: 0205055 3.26.3. Location: At a point whence the Southeast corner of Section 29, Township 4 North, Range 66 West bears 70 degrees 15 minutes East a distance of 2,565 feet. 3.26.4. GMS Contract No.: 732 3.27. Name of Well Right to be Added: McLeod Well 4 3.27.1. Decrees: W-175 3.27.2. WDID: 0205056 3.27.3. Location: At a point whence the Southeast corner of Section 29, Township 4 North, Range 66 West bears 75 degrees 30 minutes

East a distance of 2,595 feet. 3.27.4. GMS Contract No.: 732 3.28. Name of Well Right to be Added: McLeod Well 5 3.28.1. Decrees: W-175 3.28.2. WDID: 0205057 3.28.3. Location: At a point whence the Southeast corner of Section 29, Township 4 North, Range 66 West bears 83 degrees 20 minutes East a distance of 2,590 feet. 3.28.4. GMS Contract No.: 732 4. Requirements of 08CW71. The added wells are located within the service area of the Evans Ditch No. 2 and the wells either: 1) had an existing GMS or WAS contract at the time the PVIC Augmentation Plan Decree was entered: 4.1. Emeson Well 4-13859 4.2. Emeson Well 5-13860 4.3. Lorenz Trust 1-R12936 4.4. Lorenz Trust 3-R12938 4.5. Lorenz Trust 4-R12939 4.6. Lorenz Well 5-13056 4.7. Lorenz Well 6-10358 4.8. Lorenz Well 7-10357 4.9. Lorenz Well 8-4838F 4.10. 06CW225 Depletions 4.11. Mitzel Well 1-11644 (depletions covered under Mitzel Well 2-11643 WAS Contract) 4.12. Mitzel Well 2-11643 4.13. Strear Well 02-0665 4.14. McLeod Well No. 1 4.15. McLeod Well No. 2 4.16. McLeod Well No. 3 4.17. McLeod Well No. 4 4.18. McLeod Well No. 5 or 2) are new well rights with no previous pumping associated with them: 4.19. Coming 2-1502 Industrial Right 4.20. Coming 3-1503 Industrial Right 4.21. Coming 4-1504 Industrial Right 4.22. V. Lorenz 5-13056 Supplemental Right 4.23. V. Lorenz 6-13058 Supplemental Right 4.24. V. Lorenz 7-13057 Supplemental Right 4.25. V. Lorenz 8-4838F Supplemental Right 4.26. West Kerns 1-12053 Supplemental Right 4.27. West Kerns 3-12055 Supplemental Right 4.28. Martin Well 4121-F Supplemental Right as required for addition pursuant to Å~28.1.1 of the Augmentation Plan. 5. Description of the Plan. The new wells will be operated and used, and the out of priority depletions replaced, in accordance with the terms and conditions of the PVIC Decree. The existing well locations will not change. The lagging parameters for the new wells for the purposes of routing depletions and administering the wells in the 08CW71 plan will be established in this proceeding and included in the decree. No decreed priorities for the proposed uses or changes of water rights decreed to the wells are sought by this application are sought by this application. DELETION OF WELLS 6. Well rights to be deleted: 6.1. Name of Well Right to be Deleted: Elmer Schmidt 6145 6.1.1. Decree: W-3761 6.1.2. WDID: 208001 6.1.3. Location: SE. of Section 23, Township 4N, Range 66W of the 6th PM, Weld County, Colorado. 6.1.4. WAS Contract No.: 1158 6.2. Name of Well Right to be Deleted: Elmer Schmidt 1-8670 6.2.1. Decree: W-3761 6.2.2. WDID: 207994 6.2.3. Location: SE. SE. of Section 23, Township 4N, Range 66W of the 6th PM, Weld County, Colorado. 6.2.4. WAS Contract No.: None 6.3. Name of Well Right to be Deleted: Elmer Willard Schmidt 1-5423-F 6.3.1. Decree: W-595 6.3.2. WDID: 207992 6.3.3. Location: SW1/4 of NW1/4 of S30, T4N, R65W of 6th PM, Weld County. 6.3.4. WAS Contract No.: None 6.4. Name of Well Right to be Deleted: Elmer Willard Schmidt 206789-F 6.4.1. Decree: W-595 6.4.2. WDID: 208002 6.4.3. Location: SW1/4 of NW1/4 of S30, T4N, R65W of 6th PM, Weld County. 6.4.4. WAS Contract No.: 1159 6.5. Name of Well Right to be Deleted: Bruce Sandau 5 Star Turf 8522 6.5.1. Decree: W-5531 6.5.2. WDID: 205412 6.5.3. Location: SW . of SE . of Section 25, Township 4N, Range 66W of 6th PM, Weld County. 6.5.4. WAS Contract No.: 1293 6.6. Name of Well Right to be Deleted: Bruce Sandau Properties Becker-W Central 969 (1) 6.6.1. Decree: W-1336 6.6.2. WDID: 205339 6.6.3. Location: SE1/4 SW1/4 of S25, T4N, R66W of 6th PM, Weld County, Colorado. 6.6.4. GMS Contract No.: 969 6.7. Name of Well Right to be Deleted: Bruce Sandau Properties Becker-W Central 969 (2) 6.7.1. Decree: W-1336 6.7.2. WDID: 205340 6.7.3. Location: SE1/4 SW1/4 of S25, T4N, R66W of 6th PM, Weld County, Colorado. 6.7.4. GMS Contract No.: 969 6.8. Name of Well Right to be Deleted: Bruce Sandau Properties Becker-W Central 969 (3) 6.8.1. Decree: W-1336 6.8.2. WDID: 205341 6.8.3. Location: SE1/4 SW1/4 of S25, T4N, R66W of 6th PM, Weld County, Colorado. 6.8.4. GMS Contract No.: 969 7. Description of Terms and Conditions for Deletion: Applicant will replace the remaining post pumping depletions caused by pumping authorized under the 08CW71 augmentation plan. All pumping of the removed wells authorized by 08CW71 will cease, and the well rights will be removed from the plan. 8. Revised Projection and Accounting Forms. Applicant seeks to revise the projection and accounting forms decreed in this case to reflect the addition and deletion of wells. 9. Names and Addresses of Owners of the Structures: David W. and Kayleen J. Hunt, Hunt Water LLC, HFF Ranches LLC, Hunt Family Farms LLC, Hunt Feedyard Inc., 14460 WCR 40, Platteville, Colorado 80651, Telephone: (970) 737-2437.

****AMENDED** 2020CW3214 STATE OF COLORADO, ACTING BY AND THROUGH ITS BOARD OF LAND COMMISSIONERS**, 1127 Sherman Street, Suite 300, Denver, CO 80203. Attorneys for the State Board of Land Commissioners: Philip J. Weiser, Attorney General, W. Cory Haller, Senior Assistant Attorney General, Colorado Department of Law, 1300 Broadway, 7th Floor, Denver, CO 80203. **RANGEVIEW METROPOLITAN DISTRICT**, 34501 E. Quincy Ave., Bldg. 65, Ste. A, Watkins, CO 80137; and **PURE CYCLE CORPORATION**, 34501 E. Quincy Ave., Bldg. 65, Ste. A, Watkins, CO 80137. Attorneys for Rangeview Metropolitan District and Pure Cycle Corporation: Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **AMENDED APPLICATION FOR CHANGE OF CONDITIONAL WATER RIGHTS AND PLAN FOR AUGMENTATION, IN ARAPAHOE, WELD AND ADAMS COUNTIES**. Introduction: The original application in this case was filed on December 31, 2020. The substantive revisions in this Amended Application are to (1) add four additional wells as new alternate points of diversion for the Rangeview East Water System, OAR Reservoir B and enlarged and realigned OAR Reservoir C conditional water rights, described below, (2) claim new conditional underground water rights for all eight Rangeview wells, (3) add three additional Lost Creek ground water rights to allow additional well pumping under the augmentation plan and the new conditional underground water rights as sources of augmentation water, (4) adjust the location of delivery of Lost Creek ground water to Box Elder Creek and (5) further describe the location of depletions. **CHANGE OF WATER RIGHTS**. Conditional water rights to be changed: Originally decreed in Consolidated Case Nos. 94CW191, 88CW253, 88CW254, and 87CW033 (the “Consolidated Decree”). Diligence found and conditional rights continued in Case Nos. 08CW313 and 18CW3036. Rangeview East Water System. Location/point of diversion: Box Elder Creek Diversion: the diversion structure will be located in Box Elder Creek at a point located in the SW 1/4 of the SE 1/4 of Section 34, Township 5 South, Range 64 West of the 6th P.M. at a point located approximately 2,600 feet from the east section line and approximately 50 feet from the south section line of said section. Source: Box Elder Creek, tributary to the South Platte River. Appropriation date: October 13, 1986. Amount: 250 cfs (conditional) and limited to a maximum of 6,500 acre-feet per year not to exceed 53,900 acre-feet in a 20 year period. The Rangeview West Water System, also decreed in the Consolidated Decree is not being changed. OAR Reservoir A. Location: In the W 1/2 and SE 1/4 of Section 26, E 1/2 and SW 1/4 of Section 27, N 1/2 of Section 34, and NW 1/4 of Section 35, all in Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County, Colorado, whence the left abutment of the dam will be approximately located at a point on the west section line of Section 26, Township 5 South, Range 65 West, at a point approximately 600 feet south of the NW corner of said Section 26. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 6,200 acre-feet. Dead storage – 998 acre-feet (all conditional). OAR Reservoir B. Location: In the S 1/2 and SW 1/4 of Section 11, E 1/2 and the NW 1/4, W 1/2 of the NE 1/4, and SW 1/4 of Section 14, and the E 1/2 of the E 1/2 of Section 15, and the NW 1/4 of Section 23, all in Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County, Colorado and whence the left abutment of the dam will be approximately located at a point on the west section line of Section 11, Township 5 South, Range 65 West, at a point approximately 600 feet north of the southwest corner of said Section 11. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 10,200 acre-feet. Dead storage – 1,545 acre-feet (all conditional). OAR Reservoir C. Location: In the S 1/2 of Section 19, and the W 1/2 of the NW 1/4 of Section 29, and the N 1/2 of Section 30, all in Township 5 South, Range 64 West of the 6th P.M. and the E 1/2 of the SE 1/4 of Section 24, and the NE 1/4 of the NE 1/4 of Section 25, all in Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County, Colorado and whence the left abutment of the dam will be located at a point on the west section line of Section 30, Township 5 South, Range 64 West of the 6th P.M., at a point approximately 700 feet south of the northwest corner of said Section 30. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 4,500 acre-feet. Dead storage – 819 acre-feet (all conditional). OAR Reservoir D. Location: In the SW 1/4 of the NW 1/4, and the W 1/2 of the SW 1/4 of Section 36, and the SE 1/4 of the NE 1/4, the SE 1/4, and the S

1/2 of the SW 1/4 of Section 35 in Township 5 South, Range 65 West of the 6th P.M., in Arapahoe County, Colorado, and the N 1/2 of the NW 1/4 of Section 2 in Township 6 South, Range 65 West of the 6th P.M. in Elbert County, Colorado and whence the left abutment of the dam will be approximately located at a point approximately 1,980 feet south of the north and 150 feet east of the west section lines of Section 36, Township 5 South, Range 65 West. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 4,000 acre-feet. Dead storage – 1,000 acre-feet (all conditional). Point of Diversion for the OAR Reservoirs A, B, C and D (the “OAR Reservoirs”): Box Elder Creek Diversion, described in paragraph 3.1.1.1. Use: Municipal, irrigation, augmentation, domestic, piscatorial, commercial, industrial, recreation and storage, within Applicant’s service area in all or parts of Sections 33 and 34, Township 4 South, Range 65 West of the 6th P.M., Sections 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 5 South, Range 65 West of the 6th P.M. and Sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 of Township 5 South, Range 64 West of the 6th P.M., as shown on Attachment A to the Consolidated Decree and which make up the “Lowry Range,” owned by the Land Board. Proposed changes: Overview. The Land Board owns the Lowry Range, consisting of approximately 24,567.21 acres, more or less, of land formerly owned by the United States in Arapahoe County. Pursuant to the 2014 Amended and Restated Lease Agreement between the State of Colorado, acting by and through the State Board of Land Commissioners, Lessor and Rangeview Metropolitan District, Lessee and Pure Cycle Corporation, Service Provider and Export Water Contractor, Lease No. S-37280, and prior agreements, certain “Water Rights” as defined therein, are leased to Rangeview. Rangeview may serve water users on or off the Lowry Range with any of the leased Water Rights. Rangeview has, in turn, conveyed the right to use a portion of the Water Rights to Pure Cycle, which are specifically permitted and intended for use off the Lowry Range, including up to 1,650 acre-feet per year of yield of the conditional water rights. The decreed places of storage of OAR Reservoirs are as described in paragraphs 3.1.3.1, 3.1.4.1, 3.1.5.1, and 3.1.6.1, and in aquifer storage in the Denver Basin aquifers. The OAR Reservoirs A, C and D conditional water rights will be combined to store their total decreed storage amount of 21,517 acre-feet in one structure, the enlarged and realigned OAR Reservoir C, at the changed location described in paragraph 4.3. The separate OAR Reservoirs A and D structures will not be constructed. The combined OAR Reservoir A, C and D conditional water rights shall be known as the OAR Reservoir C conditional water rights. The conditional water rights for the Rangeview East Water System and OAR Reservoirs are decreed to divert from Box Elder Creek at the Box Elder Creek Diversion described in paragraph 3.1.1.1, being generally where Box Elder Creek crosses the south (upstream) boundary of the Lowry Range, near the Arapahoe/Elbert county line. Water diverted at the Box Elder Creek Diversion may be delivered into a concrete enclosed wet well located in the SE 1/4 of Section 34, Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County, which will facilitate pumping or gravity flow into storage pursuant to the OAR Reservoirs conditional water rights. The new alternate Box Elder Creek points of diversion for the Rangeview East Water System, OAR Reservoir B and enlarged and realigned OAR Reservoir C conditional water rights will be a surface diversion within 2,500 feet of the north (downstream) boundary of the Lowry Range, at Quincy Avenue described below, and infiltration galleries or wells described below. The source for the infiltration galleries or wells is groundwater tributary to Box Elder Creek. The Coal Creek point of diversion for the OAR Reservoirs will not be changed. A new alternate place of storage for OAR Reservoir B and the enlarged and realigned OAR Reservoir C conditional water rights will be the Lowry Ridge Storage Pond described below that also facilitates delivery from the new alternate Box Elder Creek surface point of diversion into OAR Reservoirs B or C or to the Sky Ranch Water Treatment Facility, described below. The OAR Reservoir B and enlarged and realigned OAR Reservoir C will be additional alternate places of storage for the OAR Reservoirs conditional water rights to allow water stored in one reservoir to be delivered into storage in the other reservoir. The decreed place of use described in paragraph 3.3 is within the Lowry Range. The place of use will be changed to include use on or off the Lowry Range throughout Rangeview’s planned service area, described below. Outside the Lowry Range, Rangeview currently serves users at the Arapahoe County fairgrounds and the Sky Ranch Development, described below. New alternate points of diversion for the Rangeview East Water System, OAR Reservoir B and

enlarged and realigned OAR Reservoir C conditional water rights: a surface diversion from Box Elder Creek, eight infiltration galleries/horizontal wells shown on Exhibits A and B to this amended application. Rangeview Well Nos. 1 through 4 are located in the NE 1/4 of Section 9, Township 5 South, Range 64 West, 6th P.M., Arapahoe County. The new alternate points of diversion are further described as follows: Rangeview Quincy Avenue diversion: NE 1/4, Section 9, Township 5S, Range 64 West, 6th P.M., Arapahoe County, off Box Elder Creek within 2,500 feet of E. Quincy Avenue on the south side. Rangeview Well No. 1: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538481.0, Northing: 4387410.0. Rangeview Well No. 2: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538514.0, Northing: 4387303.0. Rangeview Well No. 3: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538422.0, Northing: 4387135.0. Rangeview Well No. 4: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538382.0, Northing: 4387041.0. Rangeview Well Nos. 5, 6, 7 and 8: Each of the infiltration galleries/horizontal well will be located on the Lowry Range within the alluvium of Box Elder Creek in Sections 9, 10, 15, 16, 22, 27, or 34, Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County, as shown on Exhibits A and B. New place of storage for OAR Reservoirs A, C and D Conditional Water Rights: Enlarged and realigned OAR Reservoir C, located in Sections 29, 32 and the E 1/2 of Section 30, Township 5 South, Range 64 West of the 6th P.M., Arapahoe County, whence the left abutment of the dam will be located at a point approximately 550 feet northwest of the SE corner of Section 30 and as shown on Exhibit A attached to this amended application. New alternate place of storage: The Rangeview Quincy Avenue diversion will deliver water through a concrete enclosed wet well located in the NE 1/4 of Section 9, Township 5S, Range 64 West, 6th P.M., Arapahoe County, to OAR Reservoirs B or C or to the 130 acre-foot Lowry Ridge Storage Pond located in the NW 1/4 of Section 8, Township 5S, Range 64 West, 6th P.M., Arapahoe County, UTM coordinates NAD83, Zone:13, Easting: 535667.0, Northing: 4387488.0 as shown on Exhibit A and Exhibit B, both attached to this amended application. The Lowry Ridge Storage Pond will store and regulate flows or be used to blend the diverted Box Elder Creek water with other sources, prior to delivery into OAR Reservoirs B or C or to the Sky Ranch Water Treatment Facility, which will be located adjacent to the Lowry Ridge Storage Pond in Section 8, Township 5S, Range 64 West of the 6th P.M., shown on Exhibits A and B attached to this amended application. New places of use, in addition to use on the Lowry Range: Rangeview's current service off the Lowry Range is provided to the Arapahoe County fairgrounds, located in the N 1/2 of Section 8 and all of Tract 4 of Arapahoe Park Subdivision Filing No. 1 in Section 8, Township 5 South, Range 65 West of the 6th P.M., Arapahoe County, and Sky Ranch, a development of approximately 931 acres located in the W1/2 of Section 3, the SE1/4 of Section 4, the E1/2 and NW1/4 of Section 10, Township 4 South, Range 65 West, 6th P.M., Arapahoe County, as shown on the attached Exhibit A. The existing point of diversion on Box Elder Creek will be retained as an alternate point of diversion that may be used to divert a portion of high flows, with the balance diverted at the new alternate points of diversion. Combined diversions by the original and new Box Elder Creek alternate points of diversion for the Rangeview East Water System and OAR Reservoirs conditional water rights will not exceed 250 cfs. The proposed changes will not cause injury and will not enlarge the contemplated draft of the conditional water rights. **AMENDMENT OF AUGMENTATION PLAN DECREED IN THE CONSOLIDATED DECREE** Structures to be augmented: Surface diversion and infiltration galleries/wells described in paragraph 4.2. Previously decreed points of diversion of the Rangeview East Water System and OAR Reservoirs, described in paragraph 3.1.1.1. Depletions from the infiltration galleries/wells described in paragraph 4.2 will occur to Box Elder Creek in the SE 1/4, Section 1, Township 1 South, Range 65 West, 6th P.M., Adams County. Sources of augmentation water: Lost Creek ground water rights: Well permit 31528-FP, located in the NE1/4NE1/4, Section 22, Township 1 North, Range 63 West, 6th P.M., Weld County. Well permit 7244-RFP, located in the SW1/4NE1/4, Section 22, Township 1 North, Range 63 West, 6th P.M., Weld County. Well permit 13808-RFP, located in the SE1/4 of the SW1/4 at a point 40 feet from the South Section Line and 1550 feet from the West Section Line of Section 7, Township 2 North, Range 62 West, 6th P.M., Weld County. Well permit 31636-RFP, located in the SE1/4 of the SE1/4 at a point 150 feet from the South Section Line and 4110 feet from the West Section Line of Section 7, Township 2 North, Range 62 West, 6th P.M., Weld County. Well permit 31637-RFP, located in the SE1/4 of the SW1/4 at a point 40 feet from the South Section Line and

4860 feet from the West Section Line of Section 7, Township 2 North, Range 62 West, 6th P.M., Weld County. Nontributary Laramie-Fox Hills groundwater and not nontributary Arapahoe groundwater underlying the Lost Creek farm described in paragraph 7.1.7, under determinations 1155-BD and 1156-BD. Rangeview obtained approval from the Colorado Ground Water Commission of a change of water rights for its Lost Creek ground water rights identified in paragraphs 7.1.1 and 7.1.2 to allow among other uses augmentation of water rights and structures supplying Rangeview's and Pure Cycle's uses, and has obtained export approval. The rights described in paragraphs 7.1.1 and 7.1.2 historically irrigated approximately 230 acres located in the S1/2 of Section 14, Township 1 North, Range 63 West, 6th P.M., Weld County. Rangeview will apply for, and obtain approval from, the Colorado Ground Water Commission of changes of water rights for its Lost Creek ground water rights identified in paragraphs 7.1.3, 7.1.4, and 7.1.5 before the ground water is used in the augmentation plan. The water from all Lost Creek Wells will be delivered from the wells by pipeline to Box Elder Creek within the stream reaches of Box Elder Creek, described as follows and on the attached Exhibit C: Weld and Adams County Delivery Stream Reach. Upper terminus located at UTM coordinates NAD83, Zone 13, Easting: 533150.5m, Northing: 4426442.9m, also described as a point located in the SW 1/4, SE 1/4 of Section 1, Township 1 South, Range 65 West, at a point located approximately 480 feet north of the south section line and 2,476 feet west of the east section line of said section. Lower terminus located at UTM coordinates NAD83, Zone 13, Easting: 534666.0, Northing: 4434337.0, also described as a point located in the NW 1/4, NE 1/4 of Section 18, Township 1 North, Range 64 West at a point approximately 5 feet south of the north section line and 2,578 feet west of the east section line of said section. The following nontributary and not nontributary ground water underlying the Lowry Range: nontributary Arapahoe aquifer groundwater decreed in Case No. 83CW330; nontributary Denver, Arapahoe and Laramie-Fox Hills aquifer groundwater and not nontributary Denver aquifer groundwater decreed in Case No. 83CW373 for which a Denver aquifer augmentation plan was decreed in Case No. 94CW48; nontributary Arapahoe and Laramie-Fox Hills aquifer groundwater decreed in 89CW164; changes to the decrees in Case Nos. 83CW330 and 83CW373 decreed in Case No. 94CW49; not nontributary Dawson aquifer groundwater decreed in Case No. 89CW48. The location of release to Box Elder Creek from within the Lowry Range, is more specifically described as within Sections 9, 10, 15, 22, 27 and 34, Township 5 South, Range 64 West, 6th P.M. The following nontributary and not nontributary ground water underlying the Sky Ranch: nontributary Arapahoe and Laramie-Fox Hills aquifer groundwater and not nontributary Denver aquifer groundwater decreed in Case No. 85CW157; nontributary Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills aquifer groundwater and not nontributary Denver aquifer groundwater decreed in Case No. 04CW249; amendment of the decrees in Case Nos. 85CW157 and 04CW249 and Denver aquifer augmentation plan was decreed in Case No. 14CW3083. The location of release to Box Elder Creek is in the SE 1/4 of Section 5 or NE 1/4 of Section 8, Township 4S, Range 64 West of the 6th P.M., Arapahoe County, Colorado. WISE Project water: Rangeview is entitled to an average of 900 acre-feet per year of WISE Project deliveries. The WISE Project is a contractual agreement by Aurora Water and Denver Water to provide permanent, renewable, reusable treated water to participating members of the South Metro WISE Authority, including Rangeview. The delivery obligation is defined in the "Amended and Restated WISE Partnership – Water Delivery Agreement Between Denver Water, the City of Aurora, acting by and through its Utility Enterprise, and the South Metro WISE Authority." Water deliveries to the South Metro WISE Authority are allocated to its participating members, including Rangeview, by the "South Metro WISE Authority Formation and Organizational Intergovernmental Agreement." WISE Project water is treated water; augmentation of WISE Project water may be following storage in OAR Reservoirs B or C or through reuse/disposition of return flow following its initial uses, as described in paragraph 7.7. Rangeview East Water System, OAR Reservoirs described above. The location of release to Box Elder Creek: NE 1/4 of Section 9, Township 5 South, Range 64 West of the 6th P.M., 2,500 feet south of E. Quincy Avenue. The conditional underground water rights for the Rangeview Well Nos. 1 through 8 described below. Return flow from prior use of the above sources, either by direct discharge following wastewater treatment or after effluent storage, including but not limited to in the Sky Ranch Ponds located in the NE 1/4 of Section 10, Township 4S, Range 65 West, 6th P.M., Arapahoe County as shown on the attached Exhibit C, will be discharged to Box Elder Creek at the Sky Ranch Box Elder

Creek Delivery Point in the SE 1/4 of Section 5, Township 4S, Range 64 West of the 6th P.M., Arapahoe County, Colorado, or to Coyote Run, tributary of Box Elder Creek, at the Sky Ranch Coyote Run Delivery Point, in the SE 1/4 of Section 1, Township 4S, Range 65 West of the 6th P.M., Arapahoe County, Colorado as shown on the attached Exhibit C. Additional augmentation sources may be added pursuant to § 37-92-305(8)(c), C.R.S. Statement of plan for augmentation: The timing and amount of injurious out-of-priority depletions will be determined and replaced from the above-described sources. Replacement with the Lost Creek ground water rights may be made to the extent injury will be prevented, while local replacement may also be made. "Local replacement" means replacement to Box Elder Creek or Coyote Run, tributary of Box Elder Creek, from sources identified in paragraphs 7.2 through 7.7, or sources added to the plan capable of discharge to Box Elder Creek in a similar location. Surface flow in Box Elder Creek frequently occurs at the original and/or new points of diversion at times when the stream dries up downstream. Surface diversions can be administered in the priority system, and may be made without augmentation when in priority or when conditions otherwise allow. Ground water diversions at the eight infiltration galleries/horizontal wells will result in lagged depletions to Box Elder Creek where it flows as a live stream in the SW1/4 of the SE 1/4, Section 1, Township 1 South, Range 65 West, 6th P.M., which will be replaced so as to prevent injury. The distance between the locations of the infiltration galleries/wells described in paragraph 4.2 and the point of depletion on Box Elder Creek ranges from approximately 31.0 to 37.1 river miles, which results in a long lag time between the time of pumping and the time of depletion.

APPLICATION FOR WATER RIGHTS At times when the Rangeview Well Nos. 1 through 8 cannot operate as alternate points of diversion, as described above, each of the wells shall operate pursuant to conditional underground water rights described as follows: Rangeview Well No. 1. Source: groundwater tributary to Box Elder Creek. Point of Diversion: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538481.0, Northing: 4387410.0. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filing of the original application in this case. Rate of Diversion: 1000 gpm, conditional. Rangeview Well No. 2. Source: groundwater tributary to Box Elder Creek. Point of Diversion: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538514.0, Northing: 4387303.0. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filing of the original application in this case. Rate of Diversion: 1000 gpm, conditional. Rangeview Well No. 3. Source: groundwater tributary to Box Elder Creek. Point of Diversion: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538422.0, Northing: 4387135.0. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filing of the original application in this case. Rate of Diversion: 1000 gpm, conditional. Rangeview Well No. 4. Source: groundwater tributary to Box Elder Creek. Point of Diversion: Within 200 feet of UTM coordinates NAD83, Zone 13, Easting: 538382.0, Northing: 4387041.0. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filing of the original application in this case. Rate of Diversion: 1000 gpm, conditional. Rangeview Well No. 5. Source: groundwater tributary to Box Elder Creek. Point of Diversion: On the Lowry Range within the alluvium of Box Elder Creek in Sections 9, 10, 15, 16, 22, 27, or 34, Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County, as shown on Exhibit A. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filed this amended application. Rate of Diversion: 1000 gpm, conditional. Rangeview Well No. 6. Source: groundwater tributary to Box Elder Creek. Point of Diversion: On the Lowry Range within the alluvium of Box Elder Creek in Sections 9, 10, 15, 16, 22, 27, or 34, Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County, as shown on Exhibit A. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filed this amended application. Rate of Diversion: 1000 gpm, conditional. Rangeview Well No. 7. Source: groundwater tributary to Box Elder Creek. Point of Diversion: On the Lowry Range within the alluvium of Box Elder Creek in Sections 9, 10, 15, 16, 22, 27,

or 34, Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County, as shown on Exhibit A. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filed this amended application. Rate of Diversion: 1000 gpm, conditional. Rangeview Well No. 8. Source: groundwater tributary to Box Elder Creek. Point of Diversion: On the Lowry Range within the alluvium of Box Elder Creek in Sections 9, 10, 15, 16, 22, 27, or 34, Township 5 South, Range 64 West of the 6th P.M. in Arapahoe County, as shown on Exhibit A. Date of Appropriation: July 29, 2022. How Appropriation was Initiated: Rangeview and Pure Cycle discussed location and drilling of the well with its consultants and the Land Board and filed this amended application. Rate of Diversion: 1000 gpm, conditional. Uses for Rangeview Well Nos. 1 through 8: The uses are described in paragraph 3.3. The places of use will include use on or off the Lowry Range throughout Rangeview's planned service area as described in paragraphs 3.3 and 4.1.6; and outside the Lowry Range, Rangeview currently serves users at the Arapahoe County fairgrounds and the Sky Ranch Development, as described in paragraph 4.5. Places of storage will include the OAR Reservoir B described in paragraph 3.1.4.1, the enlarged and realigned OAR Reservoir C described in paragraph 4.3, the Lowry Ridge Storage Pond described in paragraph 4.4 which will store and regulate flows or be used to blend the diverted Box Elder Creek water with other sources, prior to delivery into OAR Reservoirs B or C or to the Sky Ranch Water Treatment Facility, which will be located adjacent to the Lowry Ridge Storage Pond described in paragraph 4.4. Storage may also occur in aquifer storage in the Denver Basin aquifers. The diverted water may also be delivered into the concrete enclosed wet well described in paragraph 4.1.2. Additional documents filed with the amended application: Maps of Lowry Range, Sky Ranch Development, Arapahoe County fairgrounds and facilities and locations of augmentation delivery and point of depletion. The name and address of the owner or reputed owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool: Applicants. Wherefore, Applicants request the court approve the above described changes of their conditional water rights and plan for augmentation and new conditional water rights, and for such other and further relief as is warranted. 14 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 **SEPTEMBER 30, 2022** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.