

**DISTRICT COURT, WATER DIVISION 1, COLORADO
JULY 2021 WATER RESUME PUBLICATION**

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

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

21CW16 MIKE DIESS, PO Box 812, Elizabeth, CO 80107, 720-427-7954, mike.diess@gmail.com; **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Diess Well located NE 1/4, SE 1/4, S13, T8S, R65W of the 6th PM One well located on property; Parcel of land consists of 3 acres of land; Well Permit 317019 UTM 4356022.0 Northing 533819.0 Easting, Zone 13, 33391 Pine Ridge St in Subdivision JJS Estates, Lot 3 Plat Book 9 Elbert, County; Depth to bottom of well 200 ft; pumping Rate 15 gpm; amount claimed in acre-fee annually 1, single family dwelling; lawn and garden irrigation on 2 acres; watering domestic animals

21CW3107. SEDGWICK COUNTY WELL USERS, INC. 2859 County Road 26, Sedgwick, CO 80749. Please send all correspondence and pleadings to: David P. Jones and Rebecca E. Spence, Lawrence Custer Grasmick Jones and Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; Email: david@lcwaterlaw.com; rebecca@lcwaterlaw.com. **CONERNING THE APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUY ERRONEOUSLY DESCRIBED POINT OF DIVERSION, in SEDGWICK COUNTY.** 2. **Remarks:** Applicant seeks to update the legal description of Augmentation Well No. 16, Permit No. 59358-F (the "Well"). The Well's physical location has not moved, but the original decreed legal description was found to be approximately 356 feet from its current location by Division of Water Resources personnel. 3. **Decreed Name of Structure:** Augmentation Well No. 16, Permit No. 59358-F 3.1. **Original and all Relevant Subsequent Decrees:** Case Nos. 03CW209; 11CW245; and 20CW3153 (currently pending). 3.2. **Most Recent Decreed Legal Description/Location:** In the SE 1/4 of SW1/4 of Section 26, Township 11 North, Range 47 West of the 6th P.M., Sedgwick County, Colorado, 250 feet from the South section line and 2550 feet from the West section line. 3.3. **Source:** Groundwater tributary to the South Platte River. 3.4. **Appropriation Date:** March 31, 2003. 3.5. **Amount:** 3.56 cfs, absolute; 0.9 cfs conditional. 3.6. **Decreed Uses:** Augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, and replacement. 4. **Description of Proposed Correction to an Established but Erroneously Described Point of Diversion:** Applicant confirms the Well is established but erroneously described. Applicant amended its existing well permit to update the legal description on March 10, 2021, and an amended permit was issued by the Division of Water Resources on April 12, 2021. The amended permit is attached hereto as **Exhibit A**. The Well's physical location has not been moved since it was constructed in 2003. The Well is part of the Sedgwick County Well Users augmentation plan decreed in Case No. 03CW209. Applicant has diverted water with the intent to divert pursuant to the 03CW209 Decree and its subsequent diligence filings. A correction to the Well's legal description will not cause an enlargement of the historical use associated with the Well and it will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. 5. **Updated Legal Description of the Point of Diversion:** In the SE 1/4 of SW 1/4 of Section 26, Township 11 North, Range 47 West of the 6th P.M., Sedgwick County, Colorado, 585 feet from the South section line and 2580 feet from the West section line. 6. **Name and Address of Owner(s) of Land upon Which Well is Located:** Glenn Toyne, 6745 CR24, Sedgwick, CO 80749.

The original format of this application is three pages in length plus one exhibit.

21CW3108 LITTLE THOMPSON WATER DISTRICT, APPLICATION FOR CHANGE OF WATER RIGHTS IN LARIMER AND WELD COUNTIES, Little Thompson Water District (“Little Thompson” or “District”), 835 E. State Highway 56, Berthoud, CO 80513-9237, Telephone: (970) 532-2096. All correspondence and pleadings should be sent to the undersigned counsel for the Applicant: Lee H. Johnson and Katrina B. Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street Suite 1200, Denver, Colorado 80203. **2. Decreed water right for which change is sought:** 94.75 shares of stock in the Consolidated Home Supply Ditch and Reservoir Company (“Home Supply Company”) and 0.3333 shares of stock in the Big Thompson Ditch and Manufacturing Company (“BTDMC”), collectively referred to herein as the “Subject Water Rights.” The District either holds fee title to, or has a reasonable expectation of obtaining fee title to, all the shares that make up the Subject Water Rights. **A. Name of Structures:** Home Supply Ditch, Lone Tree Reservoir, Mariano Reservoir (aka Boedecker Lake), Lon Hagler Reservoir. **B. Date of original decree:** The original decretal information for the Subject Water Rights is as follows:

Direct Flow Rights Diverted in the Home Supply Ditch

Original Diversion Structure	Priority No.	Date of Decree	Appropriation Date	Amount (cfs)	Home Supply Company Ownership (cfs)	Home Supply Company Ownership (%)
Big Thompson Ditch	1	05/28/1883	11/10/1861	13.78	0	0%
BTDMC Ditch	2	05/28/1883	04/01/1863	13.02	5.63	43.26%
BTDMC Ditch	4	05/28/1883	05/01/1864	14.19	6.14	43.26%
BTDMC Ditch	10 1/2	05/28/1883	03/01/1867	25.05	10.84	43.26%
BTDMC Ditch	20	05/28/1883	05/01/1872	3.74	1.62	43.26%
Home Supply Ditch	50	05/28/1883	07/15/1881	278.84	278.84	100%
Total				348.62	303.07	N/A

Home Supply Company Storage Rights

Storage Right	Date of Decree	Appropriation Date	Priority No.	Total Amount (AF)	Case No.
Lone Tree First Fill	3/22/1890	2/1/1881	1	9,182.74	3/22/1890*
Mariano First Fill	3/22/1890	8/1/1888	3	5,570.70	3/22/1890
Lone Tree Refill	11/14/1939	6/15/1907	40	9,182.74	CA 10077
Mariano Refill	11/14/1939	6/17/1907	42	5,570.70	CA 10077
Lon Hagler First Fill	11/22/1971	7/7/1959	-	5,307.81	W-269
Lon Hagler Refill	10/2/1980	8/21/1979	-	5,307.81**	80CW91

*The original storage rights for Lone Tree and Mariano reservoirs were included in a decree without a clearly identified case number issued by the Boulder District Court dated March 22, 1890.

**Of the 5,307.81 acre-feet decreed for the Lon Hagler Reservoir refill right, 1,778 acre-feet have been made absolute and 3,529.81 acre-feet remain conditional.

C. Legal description of structures: 1. Home Supply Ditch. The Home Supply Ditch diverts on the south side of the Big Thompson River. The headgate of the Home Supply Ditch is located in the SW1/4SW1/4 of Section 2, Township 5 North, Range 70 West of the 6th P.M. (Based on information provided in the State's CDSS database, Little Thompson provides the following UTM coordinates NAD 83, Zone 13 North: 482126 E, 4474904 N). 2. Lone Tree Reservoir. Lone Tree Reservoir is filled via the Home Supply Ditch system. The reservoir is generally located in Section 4, Township 4 North, Range 69 West of the 6th P.M. (Based on information provided in the State's CDSS database, Little Thompson provides the following UTM coordinates NAD 83, Zone 13 North: 489300E, 4465000 N). 3. Mariano Reservoir. Mariano Reservoir is filled via the Home Supply Ditch system. The reservoir is generally located in Section 21, Township 5 North, Range 69 West of the 6th P.M. (Based on information provided in the State's CDSS database, Little Thompson provides the following UTM coordinates NAD 83, Zone 13 North: 488800E, 4470500 N). 4. Lon Hagler Reservoir. Lon Hagler Reservoir is filled via the Home Supply Ditch system. The reservoir is generally located in Section 29, Township 5 North, Range 69 West of the 6th P.M. (Based on information provided in the State's CDSS database, Little Thompson provides the following UTM coordinates NAD 83, Zone 13 North: 487326E, 4468290 N). A map depicting the general locations of the structures involved in this Application is attached as **Exhibit A**. **D. Decreed source of water:** Big Thompson River. **E. Appropriation Dates:** See tables in paragraph 2.B, above. **F. Amount:** See tables in paragraph 2.B, above. **G. Decreed uses:** The original decreed uses for the Subject Water Rights were irrigation and domestic. **H. Amount of water that applicant intends to change:** The water rights associated with 94.75 shares of stock in the Home Supply Ditch Company, including but not limited to the direct flow priorities and the absolute and conditional storage priorities associated with the same, and 0.3333 shares of the Big Thompson Ditch and Manufacturing Company diverted at the Home Supply Ditch. See also, tables in paragraph 2.B, above. **3. Detailed description of proposed change:** The Little Thompson Water District is a quasi-municipal corporation and political subdivision of the State of Colorado. It owns and operates a municipal water system for the benefit of the residents, businesses and water users located within the District boundaries, as the same may exist from time to time. A map of the current District boundaries is attached as **Exhibit B**. The Consolidated Home Supply Ditch and Reservoir Company is a Colorado mutual ditch company that distributes water to its stockholders. There are 2,001 shares of capital stock in the Home Supply Company. The Big Thompson Ditch and Manufacturing Company is a Colorado mutual ditch company that distributes water to its stockholders. There are 48

shares of capital stock in the BTDMC. The Subject Water Rights changed herein consist of approximately 4.7% of the shares of stock in the Home Supply Company and approximately 0.7% of the shares of stock in the BTDMC. **A. Historical Use:** The Town of Johnstown (“Johnstown”) has previously changed Home Supply and BTDMC shares in Case Nos. CA8795, 90CW202, 98CW410 and 06CW224. In Case No. 98CW410, Johnstown completed a ditch-wide analysis of the Home Supply system that included BTDMC shares historically delivered through the Home Supply Ditch. This ditch-wide analysis of the pro rata historical consumptive use associated with Home Supply and BTDMC shares was adjudicated in Case No. 98CW410 and subsequently relied upon in the decree issued in Case No. 06CW224. As appropriate, Little Thompson intends to rely on the ditch-wide analysis adjudicated in Case No. 98CW410 and confirmed in Case No. 06CW224 in quantifying the historical consumptive use of the Subject Water Rights in this proceeding. The Subject Water Rights were historically used to irrigate lands within the Home Supply Ditch service area. In support of the ditch-wide analysis in Case No. 98CW410, Johnstown utilized a 1990s map to identify the location of irrigated parcels within the Home Supply Ditch service area, and generally identify the number of shares used on the various parcels. As noted above, Little Thompson intends to rely on the previous ditch-wide analysis completed in Case No. 98CW410 and subsequently confirmed and applied in Case No. 06CW224, including the representative period of record, the parcel locations and the relevant diversion records utilized to support the ditch-wide analysis. A summary of the relevant diversion records is attached as **Exhibit C**. A map setting forth the general location of the most recent place of use of the shares at issue in this proceeding is attached as **Exhibit D**.

B. Proposed Change: By this Application, Little Thompson seeks a decree authorizing the diversion and use of the Subject Water Rights in Little Thompson’s municipal water supply system as it currently exists or may exist in the future. Little Thompson intends to continue to divert the Subject Water Rights consistent with historical practices at the Home Supply Ditch headgate (including Home Supply’s existing exchange practices), and ultimately deliver the resulting water into the Little Thompson’s treatment and distribution system. Little Thompson seeks to change the use of the Subject Water Rights to add to the original decreed uses all beneficial uses of the municipal water system of Little Thompson, as it currently exists or may exist in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange, either directly or following storage, as well as the right to totally consume the consumable portion of the water either by first use, successive use, reuse to extinction or disposition to third parties, including, but not limited to, by existing or subsequent lease or agreement. Little Thompson reiterates its longstanding intent to maintain dominion and control over any such fully consumable water, including but not limited to, fully consumable effluent associated with the Subject Water Rights that will be treated and released into the South Platte River Basin, including its tributaries, the Big Thompson, the Little Thompson, the St. Vrain, and tributaries to the same. Said uses may include payment of return flow obligations associated with Little Thompson’s municipal water supply system, and/or the re-diversion, directly or by exchange, of any such fully consumable effluent credits into storage in structures owned or controlled by Little Thompson, such as in those structures described below, or for additional beneficial uses, including but not limited to augmentation and/or exchange pursuant to a future application and decree. Little Thompson does not seek to adjudicate any independent appropriative rights of exchange in this proceeding, but reserves the right to do so in future applications. Similarly, Little Thompson does not seek to quantify credit for lawn irrigation return flows generated by the changed uses of the Subject Water Rights in this proceeding, but reserves the right to do so in future applications. By this Application, Little Thompson also seeks the right to store some or all of the Subject Water Rights at the locations described below (in addition to the previously decreed locations identified in paragraphs 2.C.1 through 4, above) following diversion at the Home Supply Ditch headgate but prior to treatment and distribution within Little Thompson’s municipal system: 1. Dry Creek Reservoir (as it currently exists or may be expanded in the future) is generally located in Section 19, Township 4 South, Range 69 West of the 6th P.M. (Based on information provided in the State’s CDSS database, Little Thompson provides the following UTM coordinates NAD 83, Zone 13 North: 485800 E, 4460800 N). 2. Subject to a subsequent agreement with the Home Supply Company, storage in excess storage capacity, if any, in the Home Supply Reservoir

storage vessels identified in paragraphs 2.C.2 through 4, above. **C. Appropriation of Historical Return Flows:** Under the proposed change of water rights, municipal return flows attributable to the Subject Water Rights will be quantified, and at times of a relevant and applicable Big Thompson, Little Thompson or South Platte River call senior to July 13, 2021, used to offset any required returns necessary to prevent injury from the change of water right. To that end, Little Thompson claims the appropriation of historical return flows attributable to the Subject Water Rights and will replace return flows associated with the historical use of the Subject Water Rights only for downstream calls senior to July 13, 2021. Any such appropriated return flows will be used for the same uses as described in Paragraph 3.B., above. Moreover, Little Thompson may use the Subject Water Rights, any other water rights owned or controlled by Little Thompson that are or have been determined to be fully consumable or usable for replacement purposes by this or any other decree, and/or municipal return flows from other sources of water, which water rights and/or return flows are fully consumable, to meet required return flow obligations. Water derived from the exercise of the Subject Water Rights upon which any required return flow obligations have been met or upon which municipal return flows exceed historical irrigation return flow obligations will be fully consumable by Little Thompson, and may be used, reused, and successively used to extinction for all beneficial purposes identified herein, either by direct release or storage for later release with the right to totally consume the consumable portion of the water either by first use, successive use, or disposition to third parties. **4. Name(s) and address(es) of owner(s) of 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 applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so.** The Home Supply Ditch System, including the Home Supply Reservoirs identified in paragraphs 2.C.2 through 2.C.4., above, are all existing diversion or storage structures and no modification to the existing storage pool is contemplated at this time. The Applicant has an ownership interest in Dry Creek Reservoir. As a result, no additional notice is required under § 37-92-302(2)(b), C.R.S., in this instance. **5. Other.** Nothing in this Application or resulting decree shall be construed to create, enlarge, or diminish any contractual right held by Little Thompson for the use of land or structures owned by third parties.

21CW3109 TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6002, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Anthony Basile, Lyons Gaddis, P.O. Box 978, Longmont, CO 80502-0978, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. (303) 776-9900. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING CONDITIONAL RIGHT OF APPROPRIATIVE EXCHANGE IN DOUGLAS COUNTY.** **2. Background.** Applicant owns Mitchell Gulch Pond (“pond”), which is an on-channel reservoir on Mitchell Gulch, a tributary of Cherry Creek, with 0.75 acres of surface area and a maximum depletion of **1.86 acre feet** annually. Applicant seeks a plan for augmentation, including exchange, to replace evaporation depletions from the pond using fully reusable effluent and fully consumable Denver Basin Groundwater, as detailed below. A map of the relevant structures is attached hereto as **EXHIBIT A**. **3. Structure to be augmented.** Mitchell Gulch Pond, a non-decreed structure, is located in the NE 1/4 SE 1/4 Section 8, Township 8 South, Range 66 West of the 6th P.M. **4. Water rights to be used for augmentation.** **A. Fully Reusable Effluent Discharged to Cherry Creek.** **1. Augmentation Delivery Location:** Pinery Wastewater Treatment Outfall (the “Pinery”), located in the NE 1/4 of the NW 1/4 Section 10, Township 7 South, Range 66 West of the 6th P.M. **2. Sources of water:** Applicant’s fully reusable effluent discharged from the Pinery Outfall. Such effluent includes but is not limited to effluent derived from Applicant’s: a) Nontributary groundwater and fully-augmented not nontributary groundwater described in **EXHIBIT B**. b) Deliveries from the Water Infrastructure System Efficiency (i.e., WISE) project described in **EXHIBITS C and D**. c) Consumptive use credits from the High Line Ditch, Noe Ranch, Douglas Park and Ball Ditch water rights described in **EXHIBIT E** to the extent such credits were not fully-consumed in the first use pursuant to the decree in Case No. 09CW166. d) Water diverted under Castle Rock Surface Diversion

Nos. 1 and 2 water rights pursuant to the decree in Case No. 12CW296. e) Water diverted pursuant to the Chatfield Reservoir-Castle Rock Pump Station and Chatfield Reservoir-Castle Rock Refill water rights pursuant to the decree in Case No. 16CW3178. f) Water diverted pursuant to the Plum Creek Diversion and Castle Rock Reservoir Nos. 1 and 2 pursuant to the decree in Case No. 17CW3211. g) Sewered effluent from Applicant's diversions from the TCR-Box Elder Wells Nos. 1 to 20 authorized in accordance with the terms and conditions of the decree ultimately entered Case No. 19CW3231, District Court, Water Division No. 1 more fully described in **EXHIBIT F. B. Fully Consumable Denver Basin Groundwater from McLain Well.** 1. McLain Well A-1, Well Permit No. 55500-F a) Legal Description: SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West, 50 feet from the south and 730 feet from east section line. b) Original Decree: Case No. 95CW40, District Court, Water Division 1. c) Adjudication Date: April 30, 1997. d) Decreed Rate: 1,000 gpm up to 187 annual acre feet. e) Decreed Source: Arapahoe Aquifer. f) Decreed Uses: Municipal, domestic, industrial (including mining and dust suppression), commercial, fire protection, irrigation, stockwatering, recreation, fish and wildlife preservation and propagation, augmentation, replacement, exchange, and all other beneficial uses either on or off the Property. 2. McLain Well A-1, Well Permit No. 58986-F a) Legal Description: SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West, 50 feet from the south and 730 feet from east section line. b) Original Decree: Case No. 94CW65, District Court, Water Division 1. c) Adjudication Date: March 21, 1995. d) Decreed Rate: 1,000 gpm up to 488 annual acre feet. e) Decreed Source: Arapahoe Aquifer. f) Decreed Uses: all beneficial uses including, but not limited to irrigation, municipal, domestic, commercial, industrial, recreation, stock watering, piscatorial, fire protection, fish and wildlife, augmentation, and exchange; including the right to use, re-use and successively use directly, by exchange, by augmentation, or by sale or lease to extinction. g) Remarks: Well Permit No. 58986-F expands pumping from the McLain Well under Well Permit No. 55500-F to include the withdraw of groundwater pursuant to Case No. 94CW65 for up to 675 annual acre feet with Well Permit No. 55500-F. 3. McLain Well A-1, Well Permit No. 78262-F a) Legal Description: SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West, 50 feet from the south and 730 feet from east section line. b) Original Decree: Case No. 93CW93, District Court, Water Division 1. c) Adjudication Date: Amended Decree entered April 26, 2005. d) Decreed Rate: 1,000 gpm up to 450 annual acre feet. e) Decreed Source: Arapahoe Aquifer. f) Decreed Uses: all beneficial uses including, but not limited to irrigation, municipal, domestic, commercial, industrial, recreation, stock watering, piscatorial, fire protection, manufacturing, fish and wildlife, and sanitary uses; including the right to use, reuse, and successively use directly, by exchange or through storage, and to dispose of by sale, exchange or otherwise of all such nontributary water in accordance with C.R.S. § 37-82-106(2); and to use for substitution and replacement of depletions from, or augmentation of, the use of water from other sources. g) Remarks: Well Permit No. 78262-F expands pumping from the McLain Well under Well Permit Nos. 55500-F and 58986-F to include the withdrawal of groundwater decreed in Case No. 93CW93 up to 1,125 acre feet with Well Permit Nos. 55500-F and 58986-F. h) Augmentation Delivery Location: By pipeline to Cherry Creek in the SE 1/4 SE 1/4 Section 3, Township 8 South, Range 66 West ("McLain Discharge"). C. **Fully Consumable Denver Basin Groundwater from Franktown LDA-1/Well No. Permit 59470.** 1. Legal Description: SE 1/4 SW 1/4 Section 22, Township 7 South, Range 66 West at a point 550 feet from the south and 2,500 feet from the west section lines. 2. Original Decree: Case No. 84CW128, District Court, Water Division 1, entered August 30, 1985. 3. Supplemental Decree: Case No. 86CW205, District Court, Water Division No. 1, entered December 14, 1988, amended January 22, 2003. 4. Combined Decreed Rate: 300 gpm, 78.9 acre feet annually. 5. Decreed Source: Lower Dawson Aquifer. 6. Decreed Uses: With a right to make a succession of uses pursuant to C.R.S. § 37-82-106(2) for commercial, industrial and municipal purposes including irrigation. The water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. 7. Augmentation Delivery Location: By pipeline to Cherry Creek in the SW 1/4 Section 22, Township 7 South, Range 66 West of the 6th P.M. ("Franktown Discharge"). D. **Other Sources.** Other fully reusable source added to this decree pursuant to C.R.S. § 37-92-308 or § 37-92-309. 5. Complete statement of plan for

augmentation. Applicant seeks a plan for augmentation to replace depletions Cherry Creek from evaporation from the on-channel pond described in ¶3. A. **Depletions.** Applicant seeks to replace evaporation depletions associated with an on-channel pond with a maximum surface area of 0.75 acres. Evaporation depletions associated with the pond are calculated as 2.48 acre feet annually for each 1.0 acre of surface area assuming it is never frozen over. A table of the maximum monthly depletions for 0.75 acres of water surface area based on anticipated reconstruction follows (in acre feet).

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

B. **Replacements.** Applicant will replace depletions in time, place and amount to prevent injury using the sources described in ¶ 4 herein. Specifically, when the depletions occur on a day that there is a call affecting Water District 8, then Applicant will release water from one or more of the sources identified in ¶ 4 to augment the evaporation depletions. 1. The McLain Discharge is upstream of the confluence of the Mitchell Gulch and Cherry Creek. The Outfall and the Franktown Discharge are downstream of the confluence of the Mitchell Gulch and Cherry Creek. When the portion of the exchange described in ¶ 6.A.1 and ¶ 6.A.2 is in-priority, then Applicant may make replacements from any source. When the portion of the exchange described in ¶ 6.A.3 only is in-priority, then Applicant must make replacements using the McLain Well. 2. For the purposes of ¶ 5.A, Applicant assumed that the pond has the maximum 0.75 acre surface area. Applicant claims the right to make replacements based on the actual surface area for the pond and to make no replacements to the extent that the pond is frozen. C. **Free River Operations.** When the depletions occur on a day that there is no call affecting Water District 8 (i.e., free river), then Applicant shall have no obligation to augment the evaporation depletions. Applicant has not claimed a junior storage water right for the pond; thus, Applicant has not requested a priority. 6. **Conditional Right of Appropriative Exchange.** A. **Name of Exchange:** TCR Mitchell Gulch Pond Exchange. B. **Downstream Termini:** 1. Pinery Outfall. See ¶ 4.A.1. 2. Point of discharge Franktown LDA-1. See ¶ 4.C.7. 3. Confluence of Mitchell Gulch and Cherry Creek, located in the NW 1/4 Section 34, Township 7 South, Range 66 West of the 6th P.M. C. **Upstream Terminus:** Mitchell Gulch Pond. See ¶ 3. D. **Sources:** See ¶¶4.A. to 4.D. E. **Date of Appropriation:** July 16, 2021. F. **How Appropriation was Formed:** The appropriation was initiated by execution of a Director’s Resolution and filing this application. G. **Date water applied to beneficial use:** Not applicable. H. **Amount claimed:** 0.15 cfs, conditional. I. **Use:** Augmentation. J. **Operation:** Applicant will cause water to be exchanged from one or more of the downstream termini up Cherry Creek, if applicable, then up Mitchell Gulch to the Mitchell Gulch Pond. 7. **Owners of land upon which structures are or will be located.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. A. **Mitchell Gulch Pond.** Owned by Applicant. B. **Pinery Wastewater Treatment Plant Outfall.** Pinery Water & Wastewater District, 5242 Old Schoolhouse Rd., Parker, CO 80134. C. **McLain Well.** Cherry Creek Project Water Authority, PO Box 1660, Parker, CO 80134. D. **Franktown LDA-1 Well.** Cherry Creek Project Water Authority, PO Box 1660, Parker, CO 80134. WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant’s plan for augmentation including the exchange described herein. **EXHIBIT LIST** A. Map of structures B. Table of Nontributary Groundwater C. List of WISE Sources (Denver) D. List of WISE Sources (Aurora) E. Consumptive Use Credits F. TCR-Box Elder Wells Nos. 1 to 20. Number of pages in application: 9, excluding exhibits

21CW3110 WESTERN SUGAR COOPERATIVE, c/o Heather Luther, VP and General Counsel, 7555 E. Hampden Ave., Suite 520, Denver, CO 80231; Telephone: (303) 813-3545; Email: hluther@westernsugar.com. 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; Telephone: (303) 443-6151; Email: asl@vrlaw.com; kap@vrlaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN MORGAN AND WELD COUNTIES.** 2. Name of Structures: Fort Morgan Plant Well #1 - Permit No. 61262-F, Fort Morgan Plant Well #2 - Permit No.

65043-F, Fort Morgan Plant Well #3 - Permit No. 61263 F, (together the “Fort Morgan Plant Wells”). 3. Description of Conditional Water Rights: A. Prior Decrees and Diligence History: (I) Original Decree: The original decree for the Fort Morgan Plant Wells was entered on March 1, 2007 in Case No. 03CW453, Water Court for Water Division 1 (“03CW453 Decree”). The decree contained a diligence deadline of March 31, 2013. The decree also included an augmentation plan to replace the depletions associated with the Fort Morgan Plant Wells. (II) Subsequent Decree Awarding Diligence: A decree making additional portions of the Fort Morgan Plant Wells absolute and continuing the remaining portions as conditional was entered on March 27, 2013, in Case No. 13CW3012, Water Court for Water Division No. 1 (“13CW3012 Decree”). The decree contained a diligence deadline for the remaining conditional portions for the Fort Morgan Plant Wells of July 31, 2021. (III) Change Decree: A change of water right to amend the augmentation plan originally decreed in 03CW453, to add additional sources of augmentation and to add a recharge pond, was entered on March 10, 2014, in Case No. 12CW181, Water Court for Water Division 1 (“12CW181 Decree”). Language in the 12CW181 Decree which recited the adjudication information for the Fort Morgan Plant Wells verbatim from the 03CW263 Decree, mistakenly resulting in a redundant and unnecessary diligence deadline of March 31, 2020. By Order dated February 24, 2020, the Court clarified that the 12CW181 Decree did not grant a new conditional appropriation for the Fort Morgan Plant Wells and that there was no March 31, 2020 diligence deadline. B. Decreed Legal Description of the Structures: The locations of the Fort Morgan Plant Wells are shown on the map attached as Exhibit A, and described as follows: (I) Fort Morgan Plant Well #1 is located in the SE1/4 SW1/4 of Section 31, Township 4 North, Range 57 West, 6th P.M., Weld County, Colorado. (II) Fort Morgan Plant Well #2 is located in the SE1/4 SE1/4 of Section 36, Township 4 North, Range 58 West, 6th P.M. at a point that is 159 feet North and 1,004 feet West of the Southeast Corner of said Section 36. (III) Fort Morgan Plant Well # 3 is located in the SW1/4 SW1/4 of Section 31, Township 4 North, Range 57 West of the 6th P.M., at a point which is 33 feet North and 1,241 feet East of the Southwest Corner of said Section 31. C. Source: Ground water tributary to the South Platte River. D. Appropriation Date: December 31, 2003. E. Decreed Amount: (I) Fort Morgan Plant Well #1: 6.00 cfs (2,700 gpm) absolute; 1.77 cfs (800 gpm) remains conditional. (II) Fort Morgan Plant Well #2: 6.62 cfs (2,970 gpm) absolute; 0.04 cfs (30 gpm) remains conditional. (III) Fort Morgan Plant Well #3: 2.31 cfs (1,038 gpm) absolute; 4.35 cfs (1,962 gpm) remains conditional. F. Use: Use and reuse for commercial and industrial purposes in the Fort Morgan Plant; use for drinking and sanitary in the Fort Morgan Plant and dust suppression on the property. 4. 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, including expenditures: A. The Fort Morgan Plant Wells are used to supply water for cooling and processing purposes at Applicant’s Fort Morgan sugar beet processing plant (the “Fort Morgan Plant”) located on Applicant’s property located in the SW1/4 of Section 31, Township 4 North, Range 57 West, 6th P.M. and the SE1/4 of Section 36, Township 4 North, Range 58 West, 6th P.M. (the “Property”). B. During the diligence period, each of the Fort Morgan Plant Wells were pumped for their decreed purposes. The pumping of the Fort Morgan Plant Wells was augmented pursuant to the augmentation plan decreed in Case No. 03CW453, as modified by the 12CW181 Decree. Applicant has operated the augmentation plan and the Fort Morgan Plant Wells to supply water to the plant each season during the beet processing “campaign.” C. In addition to the costs of operating the Fort Morgan Plant Wells and the Fort Morgan Plant, Applicant has expended in excess of \$160,000 to repair and maintain the Fort Morgan Plant Wells and related systems during the diligence period. D. Applicant also redrilled and relocated the Fort Morgan Plant Well #1 approximately 50 feet from its original location at a cost of approximately \$40,000, which costs are not reflected in the previous paragraph. E. To determine the best site for relocation of the Fort Morgan Plant Well #1, Applicant hired HRS Water Consultants to perform a geological survey for the Fort Morgan Plant Wells and expended greater than \$40,000 for these services. F. Applicant contracted with Adaptive Resources for water rights engineering and accounting services for the Fort Morgan Plant Wells, water rights and augmentation plan, as well as water rights planning to ensure the current and future water needs of the Fort Morgan Plant are met. Applicant expended approximately \$110,000 for these various services during the diligence period. G. Applicant also

expended funds on legal services related to the Fort Morgan Plant Wells, Applicant's water rights and water use systems. The expenditures for such services from current legal counsel exceeded \$5,000 during the diligence period. Additional amounts were paid by Applicant to their previous water rights counsel during the diligence period, which have not been included herein. H. Applicant reserves the right to provide additional diligence activities and/or additional detail concerning the diligence activities if necessary to prove its claims in this matter. 5. Additional Amounts Claimed Absolute: N/A 6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: All lands upon which the Fort Morgan Plant Wells are located are owned by the Applicant herein. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has been reasonably diligent under all the facts and circumstances concerning the development of the remaining conditional portions of the Fort Morgan Plant Wells, and continuing such remaining conditional portions for another diligence period in the conditional amounts set forth above. (7 pgs., 1 Exhibit)

21CW3111 COMPLAINT FOR RELIEF NO RESUME TO POST

21CW3112 (Prior Cases No. 05CW263 & 15CW3019). LITTLE THOMPSON WATER DISTRICT, 835 East Highway 56, Berthoud CO 80513, (970) 532-2096. Lee H. Johnson and Katrina B. Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203-4539; Phone Number: (303) 861-9000, Fax Number: (303) 861-9026. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART IN LARIMER AND WELD COUNTIES, COLORADO**. **2. Names of Structures:** The Bayshore Lakes, the Bayshore Diversion, and the 05CW263 Conditional Exchange as described in paragraph 3, below. A map setting forth the approximate locations of the relevant structures is attached as Exhibit A. **3. Description of conditional water right as to each structure according to previous decree:** A. Bayshore Lakes Water Right. i. Date of original decree: February 4, 2009, Case No. 05CW263, District Court, Water Division No. Division 1, State of Colorado. ii. Subsequent decrees awarding findings of reasonable diligence: July 20, 2015, Case No. 15CW3019, District Court, Water Division No. 1, State of Colorado. iii. Legal Description: In Case No. 05CW263, the District adjudicated a conditional water storage right involving up to four separate lakes (the "Bayshore Lakes", a.k.a., the "Barefoot Lakes"). The locations of the above-named structures are as follows: pursuant to the decree, up to three of the Bayshore Lakes would be located in the South 1/2 of Section 35 and 36, Township 3 North, Range 68 West, of the 6th Principal Meridian. These three lakes will be filled by a surface diversion (the "Bayshore Diversion"), which will be located on the north bank of St. Vrain Creek in the SW1/4SW1/4 of Section 35, Township 3 North, Range 68 West of the 6th Principal Meridian. The approximate UTM coordinates for said structure would be 502,013E, 4,447,325N (with units in meters), Zone 13N, NAD 83. The fourth pond of the Bayshore Lakes storage right would be located in the South 1/2 of Section 25, Township 3 North, Range 68 West, of the 6th Principal Meridian. Water will be conveyed to this location by a pipe from the other Bayshore ponds located in Sections 35 and 36, Township 3 North, Range 68 West. The approximate location of the outfall of the Bayshore Lakes for releasing water back to St. Vrain Creek will be located at the following UTM coordinates: 503,650E, 4,447,884N (with units in meters), Zone 13N, NAD 83. iv. Source: St. Vrain Creek, tributary to the South Platte River. v. Appropriation Date: August 4, 2005. vi. Amount: 1,400 acre-feet annually, conditional. The total combined capacity of the Bayshore Lakes, which may include up to four separate lakes, will be approximately 1,400 acre-feet. Little Thompson has requested the right to fill and refill these lakes when in priority up to a total annual appropriation of 1,400 acre-feet. The rate of fill for the Bayshore Lakes shall not exceed 10 c.f.s. vii. Use: In accordance with the decree entered in Case No. 05CW263, the water diverted pursuant to this water right will be used for agricultural, commercial, industrial, irrigation, augmentation, replacement, exchange, and municipal purposes, within the Applicant's service area, as it currently exists or as it may be modified in the future. Such uses include, but are not limited to, domestic,

irrigation of lawns, gardens and parks, fire protection, recreational, wildlife, piscatorial, lake and reservoir evaporation, and use as a substitute supply and to meet replacement, return flow, or other obligations related to other decreed water rights. Applicant intends to use and reuse the water claimed to extinction. B. 05CW263 Conditional Exchange. i. Date of original decree: February 4, 2009, Case No. 05CW263, District Court, Water Division No. Division 1, State of Colorado. ii. Subsequent decrees awarding findings of reasonable diligence: July 20, 2015, Case No. 15CW3019, District Court, Water Division No. 1, State of Colorado. iii. Legal Description: In Case No. 05CW263, the Applicant obtained a decree for a conditional appropriative right of exchange involving the exchange of water from the St. Vrain Sanitation District's Wastewater Treatment Plant Outfall, as currently constructed, or as relocated in the future, and a point approximately 100 feet downstream of the St. Vrain Sanitation District's Wastewater Treatment Plant Outfall. As set forth in said decree, the Wastewater Treatment Plant Outfall is located generally on St. Vrain Creek in the SW1/4NE1/4 of Section 31, Township 3 North, Range 67 West of the 6th Principal Meridian, and more particularly described as 40°11'3" North, 104°55'51" West. Water would be exchanged to the Bayshore Diversion for storage in the Bayshore Lakes, as described in paragraph 3.A, above. iv. Source: St. Vrain Creek for water diverted by exchange. The source of substitute supply includes reusable sewer return flows from Applicant's fully consumable water after a first use within the Bayshore development, from the following sources: (1) Applicant's Windy Gap Water; (2) Water stored in the Bayshore Lakes pursuant to the conditional water rights claimed herein or as a result of fully augmented out-of-priority diversions; and (3) any other decreed fully consumable source that is approved by the Division Engineer, provided that Little Thompson notifies all objectors prior to using a source of substitute supply other than those sources identified above. v. Appropriation Date: August 4, 2005. vi. Amount: 2.5 c.f.s., conditional. vii. Use: In accordance with the decree entered in Case No. 05CW263, the water diverted pursuant to this water right will be used for agricultural, commercial, industrial, irrigation, augmentation, replacement, exchange, and municipal purposes, within the Applicant's service area, as it currently exists or as it may be modified in the future. Such uses include, but are not limited to, domestic, irrigation of lawns, gardens and parks, fire protection, recreational, wildlife, piscatorial, lake and reservoir evaporation, and use as a substitute supply and to meet replacement, return flow, or other obligations related to other decreed water rights. Applicant intends to use and reuse the water claimed to extinction.

4. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use: A. The Bayshore Lakes Water Right and the 05CW263 Conditional Exchange are part of the District's integrated water supply system under section 37-92-301(4)(b), C.R.S. During the diligence period, the District has continued to develop its integrated water supply system by, among other things, acquiring additional interests in senior water rights diverting from the Big Thompson and Little Thompson Rivers; ongoing efforts to acquire Colorado-Big Thompson ("CBT") interests; ongoing efforts related to the District's interests in the Windy Gap Project; ongoing efforts related to the Windy Gap Firming Project; participating as an opposer in various water court proceedings to protect the District's decreed water rights; contracting with the Town of Firestone for the formation of, and completing formation of, the St. Vrain Water Authority for the purpose of developing water resources, systems and facilities for the benefit of customers and service users within the District's service area; and filing a change of water rights application in July 2021 for the purpose of incorporating additional senior water rights into the District's integrated water supply system. Expenses associated with these activities were incurred during the diligence period. B. The Bayshore Lakes slurry walls were extensively damaged during the historic flooding events that occurred in September 2013. Slurry wall and other related repairs and improvements were completed in 2015 during the diligence period. The slurry wall liner test was conducted from September 22, 2015, through November 5, 2015, and the Division of Water Resources conducted a site inspection on October 29, 2015. On December 3, 2015, the Division of Water Resources issued its approval of the repaired Bayshore Lakes slurry walls, finding that the repaired slurry walls met the design standards referenced in the August 1999 State Engineer Guidelines for Lining Criteria for Gravel Pits, and allowing the District to resume use of the Bayshore Lakes pursuant to the Bayshore Lakes Water Right described in paragraph 3(A), above. Expenses associated with these activities were incurred during the diligence period. C. During the diligence period, the District diverted water in priority

from St. Vrain Creek into storage in the repaired Bayshore Lakes pursuant to the Bayshore Lakes Water Right described in paragraph 3(A), above. These diversions occurred at varying flow rates up to the maximum decreed flow rate of 10 c.f.s. Expenses related to these diversions were incurred during the diligence period. D. During the diligence period, in 2018, the District completed construction of the permanent Bayshore Diversion structure that serves as the point of diversion for the Bayshore Lakes Water Right, replacing the temporary pumping infrastructure previously used by the District as the Bayshore Diversion. Expenses related to these activities were incurred during the diligence period, including, but not limited to, construction costs in excess of \$774,000.00. **5. If claim to make absolute in whole or in part:** Subsequent to liner approval in December 2015 through the end of March 2016, Bayshore Lakes was filled in priority under the Bayshore Lakes Water Right. This water was carried over in storage and an additional amount of water diverted in priority during the remainder of 2016, for a total amount stored of 1,157.03 acre feet, the maximum annual storage under the Bayshore Lakes Water Right during the diligence period, as shown in Exhibit B, attached hereto. In accordance with section 37-92-301(4)(e), C.R.S., the District seeks to make the Bayshore Lakes Water Right absolute in the amount of 1,157.03 acre feet for all decreed beneficial uses as described in paragraph 3(A)(vii), above. **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:** On information and belief, the Bayshore Lakes and Bayshore Diversion are located on land owned by the St. Vrain Lakes Metropolitan District No. 1, 550 W. Eisenhower Blvd, Loveland, CO 80537. On information and belief, the St. Vrain Sanitation District's Wastewater Treatment Plant Outfall is located on land owned by St. Vrain Sanitation District, 11307 Business Park Circle, Firestone, CO 80504. Notice of this Application by certified or registered mail will be provided to these entities consistent with section 37-92-302(2)(b), C.R.S. **WHEREFORE**, Applicant requests the Court to enter its decree and ruling as follows: 1. Finding that the Bayshore Lakes Water Right has been made absolute for all decreed beneficial uses in the amount of 1,157.03 acre-feet; 2. Finding reasonable diligence with respect to the remaining conditional portion of the Bayshore Lakes Water Right and providing that a subsequent showing of diligence as to the remaining conditional portion of the Bayshore Lakes Water Right be made six years from the date of entry of a decree in this matter; 3. Finding reasonable diligence with respect to the entirety of the 05CW263 Conditional Exchange and providing that a subsequent showing of diligence as to the 05CW263 Conditional Exchange be made six years from the date of entry of a decree in this matter; and 4. Any other ruling the Court deems appropriate in the above-captioned matter.

21CW3113 (2014CW3139)(2003CW141)(1995CW197) PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION ("PSCo" or "Applicant"), 1800 Larimer Street, Suite 1300, Denver, Colorado 80202 Richard.L.Belt@xcelenergy.com, (303) 294-2198. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, Esq., James M. Noble, Esq., Jens Jensen, Esq., WELBORN SULLIVAN MECK & TOOLEY, P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 830-2500. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in ADAMS, CLEAR CREEK, DENVER AND JEFFERSON COUNTIES.** 2. Introduction: This is an application for a finding of reasonable diligence for the conditional portion of an appropriative right of exchange originally decreed on Clear Creek, South Clear Creek, Cabin Creek, and Leavenworth Creek in Division 1 Case No. 95CW157 (the "Fisher Ditch/Clear Creek Exchange" or the "Subject Water Right"). The 95CW157 decree authorized exchanges to seven different reservoirs. One of those reservoirs is Green Lake, which has its point of diversion on Leavenworth Creek. In the most recent diligence proceeding, Green Lake was removed as an "exchange-to" point for the Subject Water Right. Therefore, the Subject Water Right now authorizes exchanges to six different reservoirs on Clear Creek, South Clear Creek, and Cabin Creek. 3. Name of Structure and Conditional Water Right: Fisher Ditch/Clear Creek Exchange. 4. Description of Conditional Water Rights: 4.1. Description and Prior Decrees. The Fisher Ditch/Clear Creek Exchange was originally decreed on March 20, 1997 in Case No. 1995CW157. PSCo was found to have met the requirements of

reasonable diligence and a portion was made absolute in Case No. 2003CW141 on November 23, 2008. A subsequent decree was entered in Case No. 14CW3139 on July 29, 2015, finding that PSCo exercised reasonable diligence with respect to the remaining conditional portion of the Subject Water Right. The Subject Water Right is an exchange on Clear Creek and certain tributaries that extends from the Fisher Augmentation Station upstream to the South Clear Creek Reservoirs, which are described below. The sources of substitute water supply for the Subject Water Right are PSCo's interests in the Fisher Ditch water right, which were changed from agricultural use to industrial uses, in Case Nos. 1991CW5 and 1995CW156. Under the Fisher Ditch/Clear Creek Exchange, PSCo's pro rata interest in the Fisher Ditch water right is diverted and recorded at the Fisher Ditch headgate and is then measured and returned to Clear Creek through the Fisher Augmentation Station. Simultaneous with such returns from the Fisher Augmentation Station, diversions that would otherwise be out-of-priority are made in amounts equal to the consumptive use portions of the Fisher Augmentation Station returns at one or more of the upstream South Clear Creek Reservoirs. The streams on which the exchange is made are Clear Creek and its tributaries, South Clear Creek, and Cabin Creek.

4.2. Description of Locations and Facilities Involved in Exchange: The facilities and their locations involved in the exchange are described below. The locations of the facilities are also shown on the maps attached as Figure 1 and Figure 2.

4.2.1. Fisher Augmentation Station: The Fisher Augmentation Station is located near the Fisher Ditch headgate, which is on the South bank of Clear Creek in the Northwest quarter of Section 17, Township 3 South, Range 68 West, 6th P.M., Adams County, Colorado, at a point which is approximately 60 feet East and 200 feet South of the Northwest corner of said section, and for which the decreed point of diversion is in the Southwest quarter of Section 8, Township 3 South, Range 68 West, 6th P.M., Adams County, Colorado.

4.2.2. The South Clear Creek Reservoirs. The South Clear Creek Reservoirs consist of the following:

4.2.2.1. Clear Lake Reservoir. Clear Lake Reservoir is located on South Clear Creek in Sections 29 and 32, Township 4 South, Range 74 West, of the 6th P.M., Clear Creek County, Colorado. The active capacity of Clear Lake Reservoir is 590.00 acre-feet. Clear Lake Reservoir is more particularly described as follows: Beginning at the outlet whence the Northwest corner of Section 29, Township 4 South, Range 74 West, bears North 20°30'10" West 3,614 feet; thence North 70° West 57 feet; thence South 27°20' West 326 feet; thence South 40°30' West 233 feet; thence South 34°30' West 283 feet; thence South 40°45' West 210 feet; thence South 323 feet; thence South 11°40' West 120 feet; thence South 64° East 471 feet; thence South 41°10' East 125 feet; thence South 16°35' East 254 feet; thence South 02°30' West 130 feet; thence South 64° West 108 feet; thence North 84° West 161 feet; thence South 35°50' West 155 feet; thence South 10° East 178 feet; thence South 27°50' East 173 feet; thence South 07° West 128 feet; thence South 09°40' West 130 feet; thence East 20 feet; thence North 29°30' East 255 feet; thence North 42°30' East 345 feet; thence North 29° East 150 feet; thence North 18° East 207 feet; thence North 21°25' East 134 feet; thence North 05°30' West 270 feet; thence North 20°25' West 312 feet; thence North 01°20' West 130 feet; thence North 24°40' East 155 feet; thence North 12°09' East 553.8 feet; thence South 81° West 170 feet; thence North 19°50' West 127 feet; thence North 04°30' East 153 feet; thence North 16° East 128 feet; thence North 70° West 64 feet to the place of beginning.

4.2.2.2. Silver Dollar Reservoir. a. Silver Dollar Reservoir is located at the headwaters of South Clear Creek in Section 23, Township 5 South, Range 75 West, of the 6th P.M., Clear Creek County, Colorado. The active capacity of Silver Dollar Reservoir is 440.00 acre-feet. Silver Dollar Reservoir is more particularly described as follows: Beginning at the East end of the dam whence the East quarter corner of Section 23, Township 5 South, Range 75 West, bears South 88°25' East 853 feet; thence North 88°25' West 450 feet; thence South 42°30' West 668 feet; thence South 08°40' West 206 feet; thence South 43°45' East 407 feet; thence South 81° East 197 feet; thence South 74° East 340 feet; thence North 61°30' East 412 feet; thence North 17°57' to the place of beginning. B. Silver Dollar Reservoir directly captures and stores water from South Clear Creek. Additionally, water from South Clear Creek is delivered to Silver Dollar Reservoir by the Silver Dollar Ditch. The headgate of the Silver Dollar Ditch is located at a point whence the East quarter corner of Section 23, Township 5 South, Range 75 West, of the 6th P.M. bears North 86°04' East 4,224.80 feet. The capacity of Silver Dollar Ditch is 20 cfs.

4.2.2.3. Murray Reservoir. Murray Reservoir is located at the headwaters of South Clear Creek in Section 23, Township 5 South, Range 75 West, of the 6th P.M.,

Clear Creek County, Colorado. The active capacity of Murray Reservoir is 80.00 acre-feet. Murray Reservoir is more particularly described as follows: Beginning at the South end of the dam at the outlet, whence the East quarter corner of Section 23, Township 5 South, Range 75 West, bears South 65° East 2,878.30 feet; thence North 27° West 210 feet; thence South 82° West 317 feet; thence North 88°15' West 328 feet; thence South 69° West 280 feet; thence South 02° West 190 feet; thence South 50° East 143 feet; thence South 13°27' East 251.40 feet; thence North 70°10' East 502 feet; thence North 50°15' East 475 feet to the place of beginning.

4.2.2.4. Lower Cabin Creek Reservoir. Lower Cabin Creek Reservoir is located on South Clear Creek in Sections 31 and 32, Township 4 South, Range 74 West, of the 6th P.M., Clear Creek County, Colorado. The active capacity of Lower Cabin Creek Reservoir is 1,958.50 acre-feet. Lower Cabin Creek Reservoir also stores water from Cabin Creek. Lower Cabin Creek Reservoir is interconnected with Upper Cabin Creek Reservoir as part of a pumped storage hydroelectric project.

4.2.2.5. Upper Cabin Creek Reservoir. Upper Cabin Creek Reservoir is located on Cabin Creek, a tributary of South Clear Creek, in Section 6, Township 5 South, Range 74 West, of the 6th P.M., Clear Creek County, Colorado. The active capacity of Upper Cabin Creek Reservoir is 1,576.80 acre-feet. Upper Cabin Creek Reservoir is interconnected with Lower Cabin Creek Reservoir as part of a pumped storage hydroelectric project.

4.2.2.6. Georgetown Forebay Reservoir. Georgetown Forebay Reservoir, a.k.a. Intake Reservoir, is located on South Clear Creek in Section 20, Township 4 South, Range 74 West, of the 6th P.M. in Clear Creek County, Colorado. The active capacity of Georgetown Forebay Reservoir is 7.85 acre-feet. Georgetown Forebay Reservoir is more particularly described as follows: Beginning at the outlet whence the Southwest corner of Section 20, Township 4 South, Range 74 West, bears South 30°23' West 4,617 feet; thence North 59°50' West 75 feet; thence South 21°30' West 120 feet; South 18°30' West 60 feet; thence South 12°50' West 200 feet; thence South 25°30' West 40 feet; thence South 10°40' West 40 feet; thence South 12°45' East 15 feet; thence South 51°50' East 20 feet; thence North 88°30' East 40 feet; thence North 44°25' East 60 feet; thence East 40 feet; thence South 02°20' West 80 feet; thence East 68 feet; thence North 34°25' East 40 feet; thence North 14°20' East 120 feet; thence North 01° East 160 feet; thence North 06°20' East 28 feet; thence North 07°50' East 48 feet; thence North 03°55' West 80 feet; thence West 78 feet to the place of beginning.

4.3. Source of Substitute Supply: The sources of substitute supply for the Fisher Ditch/Clear Creek Exchange are the consumptive use credits attributable to PSCo's pro rata portion of the Fisher Ditch water right that are subject to and governed by the decrees entered in Case Nos. 1991CW5 and 1995CW156.

4.4. Appropriation Date and Amount: 4.4.1. Date of Appropriation: July 31, 1995. 4.4.2. Amount: 12.50 cfs ABSOLUTE; 1.80 cfs CONDITIONAL (for a total of 14.30 cfs).

4.5. Decreed Uses of Water Diverted by Exchange: Water that is exchanged pursuant to the Subject Water Right is stored in one or more of PSCo's South Clear Creek Reservoirs. Beneficial uses include replacement of evaporative depletions from the South Clear Creek Reservoirs; all industrial purposes associated with the generation of electrical energy at the Cherokee Station, including, without limitation, power generation, cooling, and evaporation replacement; and for the purpose of meeting return flow obligations required by PSCo's decrees in 1991CW5, 1995CW156, and 2002CW54, either by release from the South Clear Creek Reservoirs, or by discharge after use in the Cherokee Station.

5. Evidence of Reasonable Diligence Towards Completing Appropriation. 5.1. PSCo has diligently monitored stream conditions, exchange potential and priority calls on Clear Creek and South Clear Creek to allow it to operate the Subject Water Right on an ongoing basis. PSCo has operated the Subject Water Right on numerous occasions during the diligence period. 5.2. During the diligence period, PSCo obtained the necessary permits and approvals, and it started construction of an upgrade of its Cabin Creek Pumped Storage Hydroelectric Project from 324MW to 360MW, which will increase the demand for water from the Lower Cabin Creek Reservoir. The expansion also includes an enlargement of the Upper Creek Reservoir with resulting additional evaporative losses that Subject Water Right will help replace. Expenditures included approximately \$70,000,000 to upgrade and refurbish the pump-turbine units of the Cabin Creek pumped storage hydroelectric project, and approximately \$4,900,000 to raise the parapet wall of the Upper Cabin Creek Reservoir dam. 5.3. During the diligence period, PSCo reconstructed the Clear Lake Dam, at a cost of approximately \$3,350,000. Clear Lake will continue to serve as one of the "exchange-to" points for the Subject Water Right. 5.4. PSCo successfully obtained a

decree in Division 1 Case No. 07CW318 for an additional water storage right in Clear Lake Reservoir on March 17, 2016, based on a larger active-storage capacity in Clear Lake Reservoir than had been previously estimated. This decree also imposes specific requirements for replacement of evaporation at Clear Lake. The Subject Water Right is one source of replacement for such evaporation. 5.5. During the diligence period, PSCo investigated options for the rehabilitation of the Silver Dollar Reservoir and Murray Reservoir structures, including the technical and economic feasibility of completing the work in compliance with United States Forest Service (“USFS”) land access restrictions. PSCo engaged in discussions with the USFS regarding permit requirements for upgrading the structures, surface access options through USFS lands and approval requirements. 5.6. During the diligence period, PSCo conducted several activities to improve and maintain those parts of its Clear Creek integrated water supply system associated with the Cherokee Station. These activities include the following: 5.6.1. PSCo expended approximately \$43,000,000 to engineer and install equipment to transition the Cherokee Station to a zero liquid discharge facility, or discharge directly to the Metro Wastewater Reclamation District. 5.6.2. PSCo expended approximately \$23,000,000 to upgrade one of the electricity generation turbine systems at the Cherokee Station. 5.6.3. PSCo coordinated with the Fisher Ditch Company to improve the ditch structure from the diversion point on Clear Creek to approximately Federal Boulevard. This improvement allows the Fisher Ditch to convey water more efficiently and at a higher rate through the improved portions. 5.6.4. PSCo, in coordination with the Fisher Ditch Company, has planned to improve Copeland Reservoir, which is used for the delivery of the Lower Cabin Creek Industrial Use Right, including shoring up the banks and maintaining the dam. 5.6.5. PSCo is a majority shareholder of the Fisher Ditch Company, which obtained a loan from the Colorado Water Conservation Board for the purposes of completing the ditch improvements described above that will improve the capacity and reliability of the Fisher Ditch. As a major shareholder of the Fisher Ditch Company, PSCo contributed substantially to the repayment obligations pursuant to this loan during the diligence period. 5.7. During the diligence period, PSCo participated as an objector in numerous Division 1 water court cases in order to protect its existing water rights on the South Platte River and its tributaries, including Clear Creek. Some of these cases have concluded, and others are ongoing. Some of the cases on Clear Creek in which PSCo has participated as an objector during the diligence period include Case Nos. 05CW112, 11CW237, 15CW3179, 16CW3186, 17CW3105, 17CW3177, 17CW3210, 18CW3007, 18CW3090, 18CW3159, 18CW3225, 19CW3037, 19CW3055, 21CW3020, and 21CW3038. 6. Names and Addresses of 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. Clear Lake Dam and Upper and Lower Cabin Creek Reservoirs have been undergoing modifications. Clear Lake Dam is located on land owned by a subsidiary of Applicant, Public Service Company of Colorado. Upper and Lower Cabin Creek Reservoirs are located on land owned by the USFS. The address for the USFS Clear Creek Ranger District is P.O. Box 3307, Idaho Springs, CO 80452. WHEREFORE, PSCo requests that the Court enter a decree finding that PSCo has satisfied the statutory standard of steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances and that reasonable diligence was performed during the diligence period in development of the Subject Water Right, and that the conditional portion of the Subject Water Right should continue.

21CW3114 NICHOLAS AND LETITIA RIGGIO, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Nicholas and Letitia Riggio, 26132 Chief Hosa Road, Golden, CO 80401; Email: nriggio@logicalsysinc.com; Telephone: (303) 808-1871; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND**

PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT

2. Names of Well and Permit Number: Riggio Well No. 1, Well Permit No. 166254. a. Legal Description of the Well: Riggio Well No. 1 is located in the NW1/4 NE1/4 Section 23, Township 4 South, Range 71 West of the 6th P.M., in Jefferson County Colorado, 720 feet from the North section line and 1,500 feet from the East section line, as shown on the map attached as **Exhibit A**. b. Source: Groundwater tributary to an unnamed tributary to Cold Spring Creek, tributary to Bear Creek, tributary to the South Platte River. c. Date of Appropriation: September 15, 1992. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: September 15, 1992. f. Amount Claimed: 7 gpm, ABSOLUTE. g. Depth: 320 feet. h. Uses: Household use and watering of domestic animals. i. Names and Addresses of Owners of Land on which the Wells are Located: Co-Applicant, the Riggios. j. Remarks: Applicants will seek a new well permit for the Riggio Well No. 1 consistent with the final decree entered in this case. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE**

3. Names of Structures to be Augmented: Riggio Well No. 1 and Riggio Well No. 2. Riggio Well Nos. 1 and 2 will divert groundwater on approximately 20 acres lying in the N1/2 NE1/4, Section 23, Township 4 South, Range 71 West of the 6th P.M., Jefferson County, Colorado. It is in the drainage of an unnamed tributary to Cold Spring Creek, tributary to Bear Creek, tributary to the South Platte River. The rate of diversion for each well will not exceed 15 gallons per minute. An application to construct Riggio Well No. 2 will be submitted to Colorado Division of Water Resources when the property described herein is developed and the well is needed. The Riggio property on which Riggio Well Nos. 1 and 2 will be located is shown on the map attached as **Exhibit A**. The exact location of Riggio Well No. 2 will be determined as the properties within the area described above are developed and described in the well permit issued. The uses described and augmented below may be provided by either well in the future, or a combination of the two. 4. Water Rights to be Used for Augmentation Purposes: The Riggios have entered into a contract with North Fork Associates, LLC to purchase 2.3 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.072 of an acre-foot to satisfy the present and anticipated future replacement needs, attached as **Exhibit B**. These shares were removed from Water Court Case No. 18CW3140 application which was dismissed. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

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

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

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

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lake Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch.

iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant said plan, Mountain Mutual’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application. 5. Statement of Plan for Augmentation: The Riggios are the owners of a 20-acre parcel of property located in the N1/2 NE1/4, Section 23, Township 4 South, Range 71 West of the 6th P.M., Jefferson County, which property is in the Cold Spring Creek basin, tributary to Bear Creek, tributary to the South Platte River. Riggio Well Nos. 1 and 2 are intended to serve in-house domestic uses for one single family residence, an auxiliary unit, horse watering, and fire protection. This augmentation plan will replace out-of-priority depletions associated with the Riggio Wells No. 1 and No. 2, for both indoor and outdoor uses, as described below. a. The water requirements for Riggio Well No. 1 and No. 2 are for one single-family dwelling, with an

average occupancy of 3.5 persons per house and one auxiliary unit, with an average occupancy of 2.0 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use for each well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. In addition, the “Outdoor Uses” consist of two horses (or equivalent animal) using 10 gallons per day with 100% consumption. This plan will require 0.072 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	1	0.3140	10%	0.0314	0.0157	0.0157
Auxiliary Unit	80 gl/cap/dy (2.0 cap)	1	0.1790	10%	0.0179	0.00895	0.00895
Horse Watering	10 gl/hd/dy	2	0.0224	100%	0.0224	0.0112	0.0112
Total			0.515		0.072	0.036	0.036

The monthly depletions are as follows in acre-feet:

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

This equates to a maximum stream depletion of 0.04 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. c. The total consumptive use water requirement will be 0.072 of an acre-foot of the annual firm yield of 39.0 acre-feet of the Bear Creek/Turkey Creek water rights. These requirements are needed at the point of depletion in the N1/2 NE1/4, Section 23, Township 4 South, Range 71 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. 6. Water Exchange Project: Since the point of depletion associated with the augmented structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West thence up Bear Creek to the confluence with Cold Springs Gulch in the NW1/4 NW1/4, Section 31, Township 4 South, Range 70 West, thence up Cold Springs Gulch to the confluence with an unnamed stream in the NE1/4 SW1/4, Section 23, Township 4 South, Range 71 West, thence up the unnamed stream to the point of depletion in the NE1/4, Section 23, Township 4 South, Range 71 West, all from the 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of July 28, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.04 of a gallon per minute. 7. Administration of Plan: Appropriate accounting forms will be established for

reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicants, the Riggios. WHEREFORE, Applicants request the entry of a decree approving this application, specifically (1) granting the appropriation sought in this application, (2) authorizing use of the augmentation supplies described in this application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for the Riggio Well Nos. 1 and 2 consistent with the final decree entered in this case. (11 pgs., 2 Exhibits)

21CW3115 (Prior Case Nos.: 96CW1117, 05CW154, 13CW3142) COORS BREWING COMPANY (“Coors”), c/o Benjamin Moline, Senior Manager, Water Resources and Environmental Compliance, P.O. Box 4030, Golden, Colorado 80401, Tele: (303) 277-3342; City of Golden (“Golden”), c/o Dan Hartman, Public Works Director, 1445 10th Street, Golden, Colorado 80401, Tele: (303) 384-8151. Please direct communications related to this application to counsel for Co-Applicants: Attorneys for Co-Applicant Coors: Stephen H. Leonhardt, April D. Hendricks, BURNS, FIGA & WILL, P.C., 6400 S. Fiddlers Green Cir., Suite 1000, Greenwood Village, Colorado, 80111, Tele: (303) 796-2626; Fax: (303) 796-2777, Email: sleonhardt@bflaw.com, ahendricks@bflaw.com; Attorneys for Co-Applicant Golden: Steven J. Bushong, Cassidy L. Woodard, PORZAK BROWNING & BUSHONG LLP, 2120 13th Street, Boulder, Colorado 80302, Tele: (303) 443-6800, Fax: (303) 443-6864, E-mail: sjbushong@pbblaw.com, cwoodard@pbblaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK AND JEFFERSON COUNTIES.** 2. **Name of Structures/Exchanges:** 2.1. **Structures.** Structures used in the decreed exchanges include: The Agricultural Ditch; the Coors Industries Ditch; the Croke Canal; the Farmers’ High Line Canal; the Wannamaker Ditch, the Rocky Mountain Ditch; the Church Ditch; Golden Water Works; Lindstrom No. 2 Ditch and First Enlargement; Golden Diversion Dam and Pipeline; Golden Reservoir Nos. 1, 2, and 3 (a.k.a. Guanella Reservoir); the Upper Urad Reservoir; and the Lower Urad Reservoir. 2.2. **Conditional Exchange Rights.** The named structures listed above are utilized in the exercise of one or more of the following appropriative rights of exchange decreed in Case No. 96CW1117 by the Division 1 Water Court on June 15, 1999, that remain in whole or in part conditional as of this date: 2.1.1. Coors/Farmers’ High Line Canal Exchange; 2.1.1. Coors/Croke-Standley Exchange; and 2.1.1. Golden/Church Ditch Exchanges. 2.3. **Bookover Exchange.** The conditional right of exchange decreed in Case No. 96CW1117 for Thornton’s delivery of water known as the FRICO Bookover Exchange is not the subject of this Application. A portion of the FRICO Bookover Exchange was made absolute in Case No. 05CW159 and the remaining conditional portion of that exchange is the subject of a separate application that is now pending in Case No. 21CW3076, Water Division 1. 3. **Description of Conditional Appropriative Rights of Exchange:** The conditional water exchange rights for which findings of continued diligence are sought in this case were originally decreed by the Water Court in Case No. 96CW1117 with an appropriation date of April 2, 1987 (with the exception of Golden’s exchanges to the Urad reservoirs, which have an appropriation date of August 31, 1989). By the decree entered in Case No. 05CW154 dated November 30, 2007, and as summarized in Paragraph 3.3 below, certain of Golden’s exchange rights decreed in Case No. 96CW1117 were made fully absolute. By the decree entered in Case No. 13CW3142 dated July 7, 2015, an additional portion of the Coors/Croke-Standley Exchange was made absolute. In both Case Nos. 05CW154 and 13CW3142, the Court entered findings of continued diligence for all of the remaining conditional rights of exchange decreed to Coors and Golden. The water exchange rights that are the subject of this Application are more specifically described as follows: 3.1. **Coors Exchanges:** The exchanges decreed to Coors in Case No. 96CW1117 that are the subject of this Application are described as follows: 3.1.1. **Coors/Farmers’ High Line Canal (“FHLC”) Exchange:** 3.1.1.1. **Exchange-from Point:** From the augmentation station on the

Farmers' High Line Canal on the North Bank of Clear Creek in the NW 1/4 of the SW 1/4 of the NE 1/4 of the SW 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. 3.1.1.2. Exchange-To Points (Points of Diversion by Exchange): The points of diversion are: 3.1.1.2.1. The Agricultural Ditch, with a point of diversion in the City of Golden, Jefferson County, Colorado, located on the south bank of Clear Creek in the SW 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. 3.1.1.2.2. The Coors Industries Ditch, with a point of diversion on the southern bank of Clear Creek at a point which is South 25°6'12" East, 1525.92 feet from the NW corner of the SW 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. 3.1.1.3. Amount Decreed: 31 c.f.s. (conditional). 3.1.1.4. Description of Exchange: The Coors/Farmers' High Line Canal Exchange can take place whenever water is lawfully divertible from Clear Creek into the Farmers' High Line Canal on the priorities decreed thereto, by Thornton causing the rate of flow of those diversions to which it is entitled under the Thornton-FHLC Interest to be delivered to Clear Creek through the Farmers' High Line Canal augmentation station thereon so that Coors can make simultaneous diversions of that amount of water by exchange at any one or combination of the points of diversion described in paragraph 3.1.1.2 above.

3.1.2. The Coors/Croke-Standley Exchange: 3.1.2.1. Exchange-From Point: The point of diversion of the Croke Canal which diverts on the north bank of Clear Creek in the NW 1/4 of the NE 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M. in Jefferson County Colorado, at a point which is approximately 2700 feet East and 250 feet South of the Northwest corner of said section. 3.1.2.2. Exchange-To Points (Points of Diversion by Exchange): The points of diversion are: 3.1.2.2.1. The Agricultural Ditch, as described in paragraph 3.1.1.2.1, above. 3.1.2.2.2. The Coors Industries Ditch, as described in paragraph 3.1.1.2.2, above. 3.1.2.2.3. The Farmers' High Line Canal, which diverts from Clear Creek on the north bank of Clear Creek in the NW 1/4 of the SW 1/4 of Section 27, Township 3 South, Range 70 West, of the 6th P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado at a point approximately 950 feet East and 1,500 feet North of the Southwest corner of said section. 3.1.2.2.4. The Wannamaker Ditch, with a point of diversion located on the north bank of Clear Creek in the NE 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. in Jefferson County, whence the NE corner of Section 27, Township 3 South, Range 70 West of the 6th P.M. bears North 38°17'17.5" East, a distance of 2099.64 feet. 3.1.2.2.5. The Rocky Mountain Ditch, with a point of diversion located on the south side of Clear Creek which is on the south side of the Croke Dam in the NE 1/4 of the NE 1/4 of the NW 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M. and which bears South 18°12'25" West, a distance of 401.11 feet from the North 1/4 corner of said Section 26. 3.1.2.3. Amount Decreed: 7.91 c.f.s. absolute; 60.09 c.f.s. conditional. 3.1.2.4. Description of Exchange: The Coors/Croke-Standley exchange can take place whenever water is lawfully divertible from Clear Creek into the Croke Canal on the priorities decreed thereto, by Thornton causing the rate of flow of those diversions to be reduced, whether by use of the FRICO Bookover Exchange (separately decreed in Case No. 96CW1117) or otherwise, by the amount of the deliveries it is obligated to make to Coors so that Coors can make simultaneous diversions of that amount of water by exchange at any one or combination of the points of diversion described in paragraph 3.1.2.2 above.

3.2. Golden Conditional Exchanges. The exchanges decreed to Golden in Case No. 96CW1117 that are the subject of this Application are described as follows: 3.2.1. Golden/Church Ditch Exchanges: 3.2.1.1. Exchange from Points (Points of substitution and exchange): An augmentation station from the Church Ditch to Clear Creek located at a point on the North Bank of Clear Creek in the NE 1/4 of the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M. 3.2.1.2. Exchange to Points: The points of diversion are: 3.2.1.2.1. Golden Water Works, with a point of diversion located at a point in the NW 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M. on the north bank of Clear Creek, whence the northeast corner of said Section 32 bears North 60° 57' East a distance of 2,060 feet. 3.2.1.2.2. Lindstrom No. 2 Ditch and First Enlargement, with a point of diversion located in the SW 1/4 of the NE 1/4 of Section 30, Township 3 South, Range 74 West of the 6th P.M. on the right (south) bank of the West Fork of Clear Creek at a point whence the Southeast corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears South 66° 20' East a distance of 7,900 feet. 3.2.1.2.3. Golden Diversion Dam and Pipeline, the point of

diversion of which is located in the SE 1/4 of the NE 1/4 of Section 30, Township 3 South, Range 74 West of the 6th P.M. on the right (south) bank of the West Fork of Clear Creek at a point whence the Southeast corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears South 64° 20' East a distance of 6,400 feet. 3.2.1.2.4. Golden Reservoir Nos. 1, 2 and 3 a/k/a Guanella Reservoir, located adjacent to the West Fork of Clear Creek in the South 1/2 of Section 29 and the SE 1/4 of Section 30, Township 3 South, Range 74 West of the 6th P.M. and filled by the Lindstrom No. 2 Ditch and First Enlargement and the Golden Diversion Dam and Pipeline. 3.2.1.2.5. The Upper Urad Reservoir, located in an unsurveyed area which appears to be in the SW 1/4 of Section 36, Township 3 South, Range 76 West of the 6th P.M., the source of which is Woods Creek, a tributary of Clear Creek. 3.2.1.2.6. The Lower Urad Reservoir, is located in an unsurveyed area which appears to be in the NW 1/4 of Section 29 and the NE 1/4 of Section 30, Township 3 South, Range 75 West of the 6th P.M., the source of which is Woods Creek, a tributary of Clear Creek. 3.2.1.3. Amount Decreed: 5 c.f.s. conditional. 3.2.1.4. Description of Exchange: The Golden/Church Ditch exchanges can take place whenever water is lawfully divertible from Clear Creek into the Church Ditch on the priorities decreed thereto, by Thornton causing the rate of flow of Thornton's then entitlement under the Thornton Church Ditch Company Interest to be delivered to Clear Creek through the Church Ditch augmentation station thereon so that Golden can make simultaneous diversions of that amount of water by exchange at any one or a combination of the points of diversion described in paragraph 3.2.1.2 above. 3.3. Golden Exchanges Previously Made Absolute. The following appropriative rights of exchange that were decreed in Case No. 96CW1117 were made fully absolute by decree in Case No. 05CW154 and are thus not the subject of this Application: 3.3.1. The Golden/Farmers' High Line Exchanges (Coors Cooling Water Return). 3.3.2. Golden/Farmers' High Line Exchanges (Direct). 3.3.3. The Golden/Croke-Standley Exchange. A complete description of the above exchanges is provided in the decrees entered in Case Nos. 96CW1117 and 05CW154. **4. Outline of work done during the diligence period toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures**: 4.1. Coors Diligence Activities. During the diligence period from July 2015 through July 2021, Coors has undertaken the activities described in this paragraph 4.1 that demonstrate ongoing diligence in perfecting the remaining conditional exchange rights. 4.1.1. Diligence Activities Directly Related to 96CW1117 Exchanges. During the diligence period, Coors has operated deliveries and exchanges of water pursuant to Case No. 96CW1117 (including the Coors/Croke-Standley Exchange) to the extent water has been available for such deliveries and exchanges. Total annual deliveries of water to Coors pursuant to Case No. 96CW1117 during the diligence period have been as follows: Sept. 2015 – April 2016 = 1108.27 acre-feet; Sept. 2016 – April 2017 = 1101.05 acre-feet; Sept. 2017 – April 2018 = 1214.93 acre-feet; Sept. 2018 – April 2019 = 1200 acre-feet; Sept. 2019 – April 2020 = 1192.7 acre-feet; Sept. 2020 – April 2021 = 1200 acre-feet. Total water delivered to Coors: 7016.95 acre-feet. 4.1.2. Diligence Activities Related to Coors's Unified Water System. Coors owns and operates an integrated water system on Clear Creek. During the diligence period, Coors and its affiliated entities, including Molson Coors Beverage Company, MillerCoors LLC, and Rocky Mountain Water Company, have engaged in the following activities as part of the continued development of Coors's integrated water system, of which the Coors/Farmers' High Line Canal Exchange and the Coors/Croke-Standley Exchange, and several structures used for operation of these exchanges, are integral features. 4.1.2.1. This Court found, in paragraph 9.4 of the decree entered in Case No. 05CW154, that continued development and maintenance of Coors's unified water system constitutes diligence for the individual water rights associated with that system. Other components of the unified water system include: the Straight Creek Tunnel Drainage and Effluent System (Case Nos. W-1665 in Water Division No. 5 and W-7097 in Water Division No. 1); Jefferson Storage System (Case Nos. W-152, 88CW206, and 18CW3225); Coors Golden Milling Right (Civil Action No. B-9675, Jefferson County District Court); Coors's Underground Springs (Case Nos. W-7809-74, 90CW064 and 95CW081); Augmentation Plan Springs (Case No. 81CW110); Idaho Springs Reservoir (Case No. 84CW671); the nontributary wells that are the subject of Case No. 85CW051; Coors Industries Ditch (Case Nos. W-224 and W-7585); the Coors Augmentation Plans I, II, III, and IV, decreed in Case Nos. W-8036(75), W-8256(76), 88CW271, 89CW234, 99CW236, and 17CW3177; the Cosmic

Decree (Case No. 88CW271), and related exchanges decreed in Case Nos. 88CW268, 88CW272 and 96CW1117 (all cases are decrees entered in Water Division No. 1, except where otherwise noted); as well as a complete water treatment, cooling, and distribution system at the plant site in Golden, Colorado.

4.1.2.2. Coors has continuously operated its integrated water system, including use of the structures and water rights associated with this Application, to support its commercial operations. During this diligence period, Coors has expended at least \$2,800,000 for the development and maintenance of Coors's unified water supply system. Coors has continued in the planning, design, and exploration of the physical and business problems associated with the construction and use of the diversion facilities and water rights involved. Specific activities and expenditures that Coors has undertaken include engineering relating to Coors's water rights and water supply system; operation, maintenance, and improvements to ditch facilities supporting Coors's unified water system; pump installation and replacement, operation, maintenance, and repairs to Coors's underground springs; and other capital projects in support of Coors's unified water system.

4.1.2.3. Coors has also been engaged in the legal development, defense, and protection of said water rights by participating in a number of water cases adjudicating matters required for the production of water used in Coors's integrated water system, including Case No. 15CW3179 (application and related appeal to amend Coors's Augmentation Plans); Case No. 17CW3177 (change of Miles and Eskins Ditch for Coors's Augmentation Plan IV, with appropriative right of exchange); Case No. 18CW3225 (Jefferson Storage System storage realignment); Case Nos. 19CW3055, 20CW3087, and 21CW3076 (diligence on exchanges relating to the Cosmic Agreement); Case No. 20CW3028 (diligence on Coors's Augmentation Plan II exchanges); Case No. 20CW3137 (diligence on Coors's Augmentation Plan III Exchanges); Case No. 19CW3037 (diligence on Coors's Jefferson Storage System); Case No. 20CW2060 (diligence on Coors's Underground Springs); and Case No. 21CW3020 (diligence on Coors's Idaho Springs Reservoir Exchange), all of which water rights are part of Coors's integrated water system. Coors has also filed statements of opposition to a number of water court applications to prevent injury to Coors's water rights, including those that are the subject of this Application. During the diligence period, Coors expended approximately \$1,300,000 in legal expenses in pursuing these applications and filing statements of opposition to continue and protect the integrated system water rights.

4.1.2.4. During the diligence period, Coors has also made substantial refinements to its accounting for its Augmentation Plans and exchanges decreed in the above described cases, in coordination with the Division Engineer's Office. Coors believes that its revised accounting will improve the basis for its operations pursuant to the Decree in Case No. 96CW1117, including the exchange at issue in this application.

4.2. Golden Diligence Activities. During the diligence period, Golden has undertaken the activities described in this paragraph 4.2 that demonstrate ongoing diligence in perfecting the remaining conditional exchange rights.

4.2.1. Diligence Activities Directly Related to 96CW1117 Exchanges. In each year during the diligence period, Golden has continued to exercise the appropriative rights of exchange decreed in Case No. 96CW1117. Annual deliveries of water pursuant to Golden's 96CW1117 exchanges totaled 5,287 acre-feet during the diligence period and are more specifically described as follows: Sept. 2015 – April 2016 = 882 acre-feet; Sept. 2016 – April 2017 = 998 acre-feet; Sept. 2017 – April 2018 = 707 acre-feet; Sept. 2018 – April 2019 = 900 acre-feet; Sept. 2019 – April 2020 = 900 acre-feet; Sept. 2020 – April 2021 = 900 acre-feet.

4.2.2. Diligence Activities Related to Golden's Municipal Water Supply System. Golden operates an integrated and unified municipal water supply system involving components that Golden continues to maintain and upgrade, including diversion and storage structures utilized in applying the water made available under the Golden/Church Ditch Exchanges to beneficial use. During the relevant diligence period, Golden expended significant resources on the following activities that demonstrate ongoing diligence in perfecting the remaining conditional rights that are subject of this Application:

4.2.2.1. During this diligence period, Golden expended approximately \$100,000 on maintenance activities associated with the sources of water delivered to Golden for the Case No. 96CW1117 exchanges.

4.2.2.2. Golden has expended approximately \$540,000 on the maintenance and improvement of its storage reservoirs and approximately \$20,000 on maintenance and improvements of its municipal headgate, all of which are used in conjunction with the Golden/Church Ditch Exchanges.

4.2.2.3. Expenditure of approximately \$3.5 million on other water supply infrastructure improvements and maintenance,

including ongoing utility replacement expenses. 4.2.2.4. In Case No. 17CW3070, in the District Court in and for Water Division 1, State of Colorado, decreed on May 28, 2018, Guanella Reservoir was made fully absolute for its full as-built capacity of 2,325 acre-feet for its original fill and its associated refill right. 4.2.2.5. During the diligence period, Golden expended approximately \$210,000 on daily water rights administration tasks, which include, but are not limited to, accounting, water rights meetings, drought planning, and forecasting. 4.2.2.6. Ongoing monitoring of Water Court applications and active involvement in Water Court cases as an Objector where appropriate to protect Golden's water rights. 5. **Claim to Make Absolute**: Not applicable. 6. **Request for Findings of Reasonable Diligence**: Co-Applicants seek findings that they have exercised reasonable diligence in the development of the conditional appropriative rights of exchange described in Section 3, above, for all decreed uses and all remaining conditional amounts. Application is 13 pages.

21CW3116 (14CW3047, 05CW293, 97CW368). District Court, Water Division No. 1, State of Colorado, Weld County Courthouse, 909 9th Ave. / P.O. Box 2038, Greeley, Colorado 80631, (970) 351-7300. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF SODA CREEK PROPERTY OWNERS' ASSOCIATION IN JEFFERSON COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE.** 1. Name and address of Applicant: Soda Creek Property Owners' Association ("Applicant"), P.O. Box 1323, Evergreen, CO 80437-1323. Copies of all pleadings to: Steve Bushong, Gunnar Paulsen, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Description of Conditional Appropriative Right of Exchange ("Subject Exchange"): a. Original Decree: November 18, 1999, Case No. 97CW368, District Court, Water Division No. 1 ("Water Court"). The Subject Exchange operates in conjunction with the change of water rights and plan for augmentation decreed in Case No. 97CW368. Decrees confirming reasonable diligence and making the Subject Exchange partially absolute were entered on April 2, 2008, in Case No. 05CW293, and July 1, 2015, in Case No. 14CW3047, both in Water Court, b. Points of Exchange: i. Downstream Terminus: The Subject Exchange involves the exchange of water from the point of discharge from the Lewis Gulch turnout from the Farmers High Line Canal into Clear Creek, at a point 450 feet north of the south section line and 2,650 feet west of the east section line of Section 23, Township 3 South, Range 70 West of the 6th P. M. to: ii. Upstream Termini: (1) wells within the Soda Creek development, as described in **Exhibit A**, attached hereto and incorporated herein by this reference, and the plan for augmentation previously decreed on September 8, 1975, in Case No. W-7940, Water Court, as supplemented by orders dated June 3, 1977, May 21, 1979, and decree in Case No. 80CW82, Water Court, entered on May 20, 1981; and (2) the Soda Creek Pond, located on Soda Creek, a tributary of Beaver Brook in the NE1/4 NE1/4, Section 18, Township 4 South, Range 71 West, 6th P.M., Jefferson County, Colorado, as adjudicated in Case No. 79CW66, Water Court. The left dam abutment bears South 87°48' 33" West 857. 94 feet from the NE Corner of said Section 18, c. Source: The source of water used in the Subject Exchange is water available to the Applicant by virtue of its ownership of 0.4 shares of stock of the Farmers High Line Canal Company. Water is released from the Farmers High Line Canal through the Lewis Gulch turnout and exchanged up Clear Creek, Beaver Brook, and Soda Creek, d. Amounts of Exchange: After accounting for transportation charges and credits assessed by the Division Engineer, the following amounts of water may be exchanged from the Lewis Gulch turnout into Clear Creek, thence upstream along Clear Creek, thence upstream along Beaver Brook, thence upstream along Soda Creek to the Soda Creek Pond and to points on Soda Creek, Beaver Brook, and their tributaries affected by the depletions resulting from the livestock use of wells within the Soda Creek development: i. Livestock Use: Up to 1.344 acre-feet per year to wells used for livestock purposes. Unless the wells are within 100 feet of a stream, the exchange will not operate directly to the wells, but rather to the uppermost part of Beaver Brook, Soda Creek, or their tributaries where the depletions resulting from pumping the wells for livestock use impact a live stream. This component of the exchange was made absolute in the amount of 0.62 acre-feet by the decrees in Case Nos. 05CW293 and 14CW3047, ii. Pond Evaporation: Up to 3.27 acre-feet per year for storage and replacement of evaporation loss in the Soda Creek Pond. This component of the exchange was made absolute in the amount of 2.98 acre-feet by the decrees in Case

Nos. 05CW293 and 14CW3047, iii. Storage and Diversion: The remaining yield of Applicant's 0.4 share of FHL water (up to a maximum of 17.8 acre-feet in any one year, not to exceed 274 acre feet during any consecutive 20-year period) for storage and diversion at the Soda Creek Pond and used for irrigation, stock watering, augmentation, recreation and fishery purposes. Such exchange may occur only at times when the quantity of water available for exchange exceeds Applicant's contemporaneous depletions for livestock use and out-of-priority pond evaporation. This component of the exchange was made absolute in the amount of 5.43 acre-feet in Case No. 14CW3047, e. Appropriation Date: October 14, 1997, f. Rate of Exchange Flow: The rate of flow at which the appropriate right of exchange may occur will be determined by the rate at which Applicant's interest in the FHL water rights is released at the Lewis Gulch turnout, less its return flow obligations, up to a maximum of 0.18 c.f.s., of which 0.13 c.f.s. was made absolute by the decree in Case No. 05CW293. 3. Claim for Finding of Reasonable Diligence: The Subject Exchange is part of the water supply associated with the Soda Creek development near Evergreen, Colorado. During the relevant diligence period from July 1, 2015, through July 30, 2021, the Applicant engaged in the following activities and performed the following work to develop and beneficially use the Subject Exchange: a. The Applicant diverted and consumed water for beneficial uses decreed in Case No. 97CW368 each year, including storage and maintenance of water levels in the Soda Creek Pond and livestock watering in the Soda Creek development, b. The Applicant caused water to be released from the Lewis Gulch Turnout of the Farmers Highline Canal into Clear Creek for augmentation and exchange purposes under the decrees in Case Nos. W-7940 and 97CW368, c. The Applicant paid the annual assessments for the 0.4 shares of the Farmers Highline Canal Associated with the Subject Exchange, d. The Applicant performed regular annual maintenance and repair of the Soda Creek Pond, including dredging the pond to maintain its decreed storage capacity and protect its water quality, e. The Applicant terminated all third party storage rights in Soda Creek Pond to assure the availability of storage capacity for Applicant's water supply, f. In 2015, the Applicant treated the Soda Creek Pond to control algae and improve water quality in the pond, g. In 2016 and 2019, the Applicant re-stocked Soda Creek Pond with a variety of fish and grass carp for piscatorial and recreational purposes, as well as algae control and water quality enhancement, h. The Applicant actively monitored the number of livestock within the Soda Creek development to assure compliance with the livestock limits imposed in Case No. 97CW368, i. The Applicant performs annual noxious weed control measures around Soda Creek Pond to enhance water quality, j. The Applicant undertook community outreach efforts to inform homeowners of various limits and ensure compliance with the plan for augmentation decreed in Case No. 97CW368, k. The Applicant continued to work with the Water Commissioner to ensure compliance with all orders regarding augmentation replacement releases. In conjunction therewith, Applicant retained a third-party water consultant to coordinate and perform these release activities, l. The Applicant undertook brush removal activities annually to maintain the outflow channel from Soda Creek Pond into Soda Creek to minimize water losses, m. The Applicant's out-of-pocket expenses for the above-listed diligence activities exceed \$84,000. 4. Land Ownership: The names and addresses of the owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool, are as follows: a. Applicant; and b. Individual homeowners within the Soda Creek development, who are represented by the Applicant in this proceeding. WHEREFORE Applicant respectfully requests that the Water Court issue a final decree finding that (1) the Applicant exercised reasonable diligence during the preceding diligence period in the development of all water rights that are the subject of this Application, and all portions thereof are continued as conditional in full force and effect for all remaining conditional amounts and uses; and (2) granting such other and further relief as may be appropriate.

(6 pages + Exhibit)

21CW3117 APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE in PARK, TELLER, JEFFERSON, AND DOUGLAS COUNTIES I. Name, Address, and Telephone Number of Applicants. a. **CENTER OF COLORADO WATER CONSERVANCY DISTRICT**. P.O. Box 1747, Fairplay, CO 80440, (303) 838-0302 (“CCWCD”). b. **UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT**, P.O. Box 612, Fairplay, CO 80440, (719) 836-9848 (“USPWCD”). Attorneys for Center of **COLORADO WATER CONSERVANCY DISTRICT**: David M. Shohet, #36675, Ryan W. Farr, #39394, Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921, Phone Number: (719) 471-1212, Fax Number: (719) 471-1234, E-mail: dms@cowaterlaw.com rwf@cowaterlaw.com. Attorneys for Upper South Platte Water Conservancy District: Madoline Wallace-Gross, #32255, Anthony J. Basile, #43782, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C., P.O. Box 978, Longmont, CO 80502-0978, Phone Number: (303) 776-9900, Fax Number: (303) 413-1003, E-mail: mwg@lyonsgaddis.com, abasile@lyonsgaddis.com II. Summary of Application. Applicants seek to make absolute portions of several exchanges adjudicated in Case No. 12CW50, District Court, Water Division No. 1 (“Decree”) at varying rates based on operation during the subject diligence period. Applicants also seek a finding of reasonable diligence for all the exchanges not made absolute. a. Reach, Termini, Decreed Rates Conditional. The following table describes the reach and rates of the conditional exchanges awarded in the Decree for replacement of depletions for participating diversions, delivery to storage vessels, and/or delivery to the Country Road 59 Pump.

	Column (1)	Column (2)	Column (3)	Column (4)
	<i>Stream</i>	<i>Upper Terminus</i>	<i>Lower Terminus</i>	<i>Exchange Rate Conditional</i>
Row (A)	South Fork South Platte River	S1 T11S R79W 6 PM	Confluence Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 c.f.s
Row (B-1)	Middle Fork South Platte River	S8 T8S R78W 6 PM	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 c.f.s., cumulative with Row (B-2)
Row (B-2)	Middle Fork South Platte River	CR 59 Pump, in SE/4 S10 T12S R75W 6 PM (pursuant to Case No. 12CW214, pending)	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	0.25 c.f.s., cumulative with Row (B-1)
Row (C)	Tarryall Creek	S11 T8S R77W 6 PM	Confluence South Platte River in S16 T11S R71W 6 PM	0.25 c.f.s.
Row (D)	Michigan Creek	S7 T7S R76W 6 PM	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W 6 PM	0.25 c.f.s.
Row (E)	Jefferson Creek	S4 T7S R76W 6 PM	Confluence Michigan Creek at lat 39 19 40N long 105 46 07W	0.25 c.f.s
Row (F)	North Fork South Platte River	S14 T6S R76W 6 PM	Confluence South Platte River in SW/4 SE/4 S25 T7S R70W 6 PM	0.25 c.f.s.
Row (G)	South Platte River	Confluence South Fork and Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	Chatfield Reservoir described in ¶ 8.1.D.xi	0.43 c.f.s.

Row (H)	Horse Creek	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W 6 PM	Confluence South Platte River in NW/4 NE/4 S21 T9S R70W 6PM	0.25 c.f.s
Row (I)	Twin Creek	S30 T12S R71W 6 PM	Confluence South Platte River in S30 T12S R71W 6 PM	0.25 c.f.s.
Row (J)	Mosquito Creek	S36 T8S R79W 6 PM	Confluence Middle Fork South Platte River in SW NW S18 T9S R77W 6PM	0.25 c.f.s.
Row (K)	Elk Creek	S9 T6S R73W 6 PM	Confluence North Fork South Platte River in NE SE S 27 T7S R71W 6 PM	0.25 c.f.s.
Row (L)	Deer Creek	S2 T6S R74W 6 PM	Confluence North Fork South Platte River in NE/4 S36 T7S R72W	0.25 c.f.s.
Row (M)	Fish Creek	S9 T14S R72W 6PM	Confluence Twin Creek in NW/4 S3 T13S R71W 6PM	0.16 c.f.s.
Row (N)	Crystal Creek	S12 T12S R71W 6PM	Confluence South Platte River in E/2 S5 T12S R71W 6PM	0.16 c.f.s.
Row (O)	Agate Creek	S5 T15S R74W 6PM	Confluence South Fork South Platte River in SW/4 S14 T12S R76W 6PM	0.16 c.f.s.
Row (P)	Pine Gulch	SE/4 S1 T7S R72W	Confluence with North Fork South Platte River in SW/4 S27 T7S R71W	0.16 c.f.s.
Row (Q)	Turkey Creek	SE/SE 25 T11S R71W 6PM	Cheesman Lake in the vicinity of S13 T10S R71W 6PM	0.16 c.f.s.
Row (R)	Buffalo Creek	Confluence of Freeman Creek and Rolling Creek in NE/4 S30 T8S R71W 6PM	Confluence North Fork South Platte River in S31 T7S R70W 6PM	0.16 c.f.s.
Row (S)	Trout Creek	Teller County line in SW/4 SW/4 S34 T10S R69W 6 PM	Confluence Horse Creek and Trout Creek in NW/4 SW/4 S36 T9S R70W 6 PM	0.25 c.f.s.
Row (T)	Buckskin Creek	Lake Emma at lat 39 19 47N long 106 08 20W	Confluence Middle Fork South Platte River in N2 S12 T9S R78W 6 PM	0.16 c.f.s.
(U)	West Creek	Teller County line in SW/4 SW/4 S31 T10S R69W 6 PM	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W 6 PM	0.16 c.f.s
Row (V)	Grape Creek	NW/4 SE/4 S21, T13S, R70W 6PM	Confluence with Twin Creek in NE/4 SW/4 S2	0.16 c.f.s.

			T13S R71W 6PM	
Row (W)	Payne Creek	NE/4 SW/4 S12 T8S R73W 6PM	Confluence with North Fork of the South Platte in SW/4 NE/4 T7S R73W 6PM	0.16 c.f.s.
Row (X)	Sacramento Creek	NE/4 NW/4 S25 T9S R79W 6PM	Confluence with Middle Fork South Platte in the SE/4 of SW4 of S29 T9S R77W 6PM	0.25 c.f.s.
Row (Y)	Little Turkey Creek	NE/4 NE/4 S19 T11S R70W 6PM	Confluence with Turkey Creek in NW/4 NE/4 § 30 T10S R70W 6PM	0.16 c.f.s.
Row (Z)	Indian Gulch	NW/4 SE/4 S27 T9S R75W 6PM	Confluence with Tarryall Creek in SE/4 NE/4 S10 T9S R75W 6PM	0.16c.f.s.

The following table describes the reaches and rates of the conditional exchanges for delivery from a downstream reservoir to an upstream reservoir.

	Column (1)	Column (2)	Column (3)	Column (4)
	<i>Stream</i>	<i>Upper Terminus</i>	<i>Lower Terminus</i>	<i>Exchange Rate Conditional</i>
Row (A)	Middle Fork South Platte River	Smelter Pipeline Reservoir and Gloria Z Reservoir	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	9.0 c.f.s.
Row (B)	Tarryall Creek	Confluence of Michigan Creek and Tarryall Creek for storage in James Tingle Reservoir	Confluence South Platte River in S16 T11S R71W 6 PM	7.0 c.f.s.
Row (C)	Michigan Creek	Session Ditch for storage in James Tingle Reservoir	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W 6 PM	7.0 c.f.s.
Row (D)	South Platte River	James Tingle Reservoir, Spinney Mountain Reservoir, Gloria Z Reservoir, Smelter Pipeline Reservoir	Chatfield Reservoir or Spinney Mountain Reservoir	13.0 c.f.s.
Row (E)	Mosquito Creek	London Mining and Smelter Ditch for storage in Smelter Pipeline Reservoir	Confluence Middle Fork South Platte River in SW NW S18 T9S R77W 6PM	2.0 c.f.s.
Row (F)	Sacramento Creek	CCWCD Sacramento Creek Ditch No. 1 for storage in Gloria Z Reservoir	Confluence with Middle Fork South Platte in the SE/4 of SW4 of S29 T9S R77W 6PM	2.0 c.f.s.

b. Date of Original Decree. July 7, 2015, Case No. 12CW50, District Court, Water Division 1. c. Sources of Substitute Supply. 1. Randall Ditch. The Randall Ditch water rights were decreed for irrigation purposes as Priority Nos. 91 and 133 in Water District 23 by decree of the District Court of Park County dated October 18, 1889, Case No. 341, as amended by decree of the District Court of Park County dated July 30, 1896. The source of the Randall Ditch water right is Michigan Creek, tributary to the South Platte River. The Randall Ditch was changed by the Center District and the Centennial Water and Sanitation District in Case No. 05CW111 to new uses, including for augmentation, and for diversion at new points. The original point of diversion for the Randall Ditch was located in the SE1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, of the 6th P.M., Park County, Colorado. The decree in Case No. 05CW111 authorized the following additional points of diversion and places of storage for the Center District for the Randall Ditch water rights: i. Gloria Z Reservoir. The Gloria Z Reservoir will be located in the S1/2 of the S1/2 of Section 29 and the N1/2 of the N1/2 of Section 32, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado. ii. CCWCD Sacramento Creek Ditch No. 1. The CCWCD Sacramento Creek Ditch No. 1 is located in the SE1/4 of the SW1/4 of Section 29, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado. iii. CCWCD Westerman Ditch Diversion. The CCWCD Westerman Ditch Diversion is located in the NE1/4 of the SW1/4 of Section 30, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado. iv. Johnson Reservoir No. 1. The Johnson Reservoir No. 1 is located in the SW1/4 of the NW1/4 of Section 31, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado. v. Jefferson Creek Ditch No. 1. The Jefferson Creek Ditch No. 1 is located in the NW1/4 of the NW1/4 of Section 31, Township 9 South, Range 75 West of the 6th P.M., Park County, Colorado. vi. Smelter Pipeline Reservoir. The Smelter Pipeline Reservoir is located in the NE1/4 of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado. vii. London Mining and Smelter Ditch. The London Mining and Smelter Ditch is located on the left bank of Mosquito Creek at a point whence the E1/4 corner of Section 13, Township 9 South, Range 78 West of the 6th P.M., Park County, Colorado, bears South 58 30' East 1892 feet. viii. Spinney Mountain Reservoir. Spinney Mountain Reservoir is located in the S1/2 of Section 25, Township 12 South, Range 74 West of the 6th P.M., Park County, Colorado; the left abutment of said dam is located at a point whence the southwest corner of Section 36, Township 12 South, Range 74 West of the 6th P.M., bears South 23 26' West 8314.3 feet, Park County, Colorado. ix. Baker Reservoir. Baker Reservoir is located in Section 29, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado. x. Tarryall Reservoir. The dam for Tarryall Reservoir is located in the NE1/4 of the SE1/4 of Section 36, Township 9 South, Range 74 West of the 6th P.M., Park County, Colorado. xi. Chatfield Reservoir. The reservoir formed by Chatfield Dam, an existing structure located on the mainstem of the South Platte River. The right abutment is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M.; the left abutment is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West of the 6th P.M. The Center District cannot divert or release the Randall Ditch water rights from the CCWCD Westerman Ditch Diversion, Johnson Reservoir No. 1, Jefferson Creek Ditch No. 1, Baker Reservoir or Tarryall Reservoir for replacement of depletions under the Decree. In Case No. 12CW214, the Center District obtained an additional point of diversion for the Randall Ditch water rights at the County Road 59, which is a pump at the bridge on County Road 59 over the Middle Fork of the South Platte River located in the SE1/4 of Section 10, Township 12 South, Range 75 West, 6th P.M., Park County, Colorado. 2. Parmalee Ditch No. 2 and Parmalee Ditch No. 3. The Parmalee Ditch Nos. 2 & 3 water rights were originally adjudicated for irrigation in Civil Action 1678, District Court, Park County, entered May 22, 1913. The source for the Parmalee Ditch Nos. 2 & 3 is Deer Creek, tributary to the North Fork of the South Platte River. The headgate of the Parmalee Ditch No. 2 was decreed on Deer Creek in Section 5, Township 7 South, Range 72 West of the 6th P.M., at a point whence the S1/4 corner of Section 32, Township 6 South, Range 72 West bears North 9°4' West 2,613 feet. The headgate of the Parmalee Ditch No. 3 was decreed on Deer Creek in Section 5, Township 7 South, Range 72 West, at a point whence the S1/4 corner of Section 32, Township 6 South, Range 72 West bears North 14°55' West 2,700 feet. Parmalee Ditch No. 2 was awarded 0.83 c.f.s., with an appropriation date of May 1, 1867. Parmalee Ditch No. 3 was awarded 0.58 c.f.s., with an appropriation

date of May 1, 1867. On June 28, 2006, in Case No. 03CW231, District Court, Water Division No. 1 (“03CW231 Decree”), the Court approved a change of water rights 0.63 c.f.s. of the Parmalee Ditch No. 2 (“Ditch No. 2”) and 0.58 c.f.s. of the Parmalee Ditch No. 3 (“Ditch No. 3”) and abandoned 0.84 c.f.s. of the Parmalee Ditches’ water rights to the stream. Applicants currently own 0.256 c.f.s. of the 0.37 c.f.s. of the Parmalee Ditches’ water rights changed in the 03CW231 Decree. In Case No. 06CW270, District Court, Water Division No. 1, the Applicants changed their interest in the Parmalee Ditches, for municipal, industrial, recharge, recreational, and augmentation purposes. The decree in Case No. 6CW270 authorized additional points of diversion and places of storage for Applicants’ interest in the changed Parmalee Nos. 2 and 3 Ditch water rights as follows: Chatfield Reservoir, Spinney Mountain Reservoir, London Mining and Smelter Ditch, Smelter Pipeline Reservoir, Lake Ditch, which is used to fill the Silver Tip Lodge Reservoirs Nos. 1 – 5, and is located at a point on the northeast bank of the North Fork of the South Platte River whence the Southwest corner of Section 7, Township 7 South, Range 73 West bears North 21’ East 851 feet, and the Silver Tip Lodge Reservoirs Nos. 1 – 5, which are located in the NW1/4 of Section 18, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado. In Case No. 12CW214, the Applicants obtained an additional point of diversion for the Parmalee Ditch Nos. 2 & 3 water rights at the County Road 59 pump.

3. Flume Ditch. The Flume Ditch was originally adjudicated in Civil Action 1678, District Court, Park County, entered May 22, 1913, for irrigation. The headgate of the Flume Ditch was decreed on Deer Creek in the SE Corner of Section 4, Township 7 South, Range 72 West of the 6th P.M., at a point whence the SE Corner of Section 4, Township 7 South, Range 72 West bears South 89°30’ East 4,791 feet. The Flume Ditch was awarded 4.41 c.f.s., with an appropriation date of May 1, 1867. In Case No. 03CW231, District Court, Water Division No. 1, 0.48 c.f.s of the 4.41 c.f.s originally decreed to the Flume Ditch water right was changed, 0.29 c.f.s of the Flume Ditch was quantified and 0.19 c.f.s was abandoned to the stream. Applicants own 0.201 c.f.s of the 0.29 c.f.s of the Flume Ditch water right changed in the 03CW231 Decree. In Case No. 06CW270, District Court, Water Division No. 1, the Applicants changed their interest in the Flume Ditch to municipal, industrial, recharge, recreational, and augmentation purposes. The decree in Case No. 06CW270 authorized the same additional points of diversion and places of storage for Applicants’ interest in the changed Flume Ditch water rights as the Parmalee Nos. 2 and 3 Ditch water rights listed above. In Case No. 12CW214, the Applicants obtained an additional point of diversion for the Flume Ditch water right at the County Road 59 pump.

4. London Mining and Smelter Ditch, 1st Enlargement and Smelter Pipeline Reservoir, 1st Enlargement. In Case No. 09CW145, District Court, Water Division No. 1, the Center District adjudicated a conditional enlargement of the Smelter Pipeline Reservoir and the London Mine and Smelter Ditch, which is the filling source for the Smelter Pipeline Reservoir for augmentation, substitution, exchange, domestic, commercial, industrial, irrigation, livestock, recreation, fish and wildlife propagation and fire protection. The source for the Smelter Pipeline Reservoir and the London Mine and Smelter Ditch Mosquito Creek, tributary to the Middle Fork of the South Platte River. The Smelter Pipeline Reservoir and the London Mine and Smelter Ditch Mosquito Creek was awarded 1.5 c.f.s. and 50 acre-feet of storage in the Smelter Pipeline Reservoir, with an appropriation date of September 2, 2009.

5. James Tingle Reservoir. The James Tingle Reservoir was adjudicated in Case No. 09CW180, District Court, Water Division No. 1 for municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, substitution, exchange and replacement. The dam centerline is located approximately 920 feet from the East section line and 960 feet from the South section line in the SE1/4 of the SE1/4 of Section 18, Township 8 South, Range 75 West, 6th P.M., Park County, Colorado. The source for James Tingle Reservoir is Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. The James Tingle Reservoir is adjudicated for 235 acre-feet, with an appropriation date of April 22, 2009. The James Tingle Reservoir is filled through the Sessions Ditch, which has a capacity of 13 c.f.s. and is located in the NW1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West, 6th P.M., at a point approximately 2,056 feet from the East section line and 1,557 feet from the South section line of said Section 13, Park County, Colorado.

6. Chatfield Reservoir. The Center District is a participant in the reallocation of storage space in Chatfield Reservoir (“Reallocation Project”) and has the right to 131 acre-

feet of storage space in Chatfield Reservoir. In Case No. 13CW3148, District Court, Water Division 1, the Center District was awarded 131 acre-feet, conditional, for storage in Chatfield Reservoir, plus the right of one refill, with an appropriation date of May 9, 2013, for domestic, commercial, industrial, irrigation and augmentation. The source of Chatfield Reservoir is the South Platte River. As required by the Decree, Applicants shall serve *via* ICCES a written notice of the availability of the Chatfield Reservoir water storage right as an augmentation source under the Decree.

7. Storage Structures. Applicants own, have the right to store water, or will acquire the right to store water in the following structures. The following structures are included as decreed sources for the conditional exchanges awarded in the Decree:

- i. Smelter Pipeline Reservoir. The Center District's Randall Ditch, and Sessions Ditch water rights, and the Applicants' Parmalee Ditch No. 2 and 3 and Flume Ditch water rights are adjudicated for storage in the Center District's capacity in the Smelter Pipeline Reservoir. Such water rights and the water right for the Smelter Pipeline Reservoir decreed in Case No. 09CW145 may be subsequently exchanged pursuant to the Decree.
- ii. James Tingle Reservoir. The Center District's Randall Ditch and Sessions Ditch water rights are adjudicated for storage in the Center District's capacity in the James Tingle Reservoir. Such water rights and the Center District's water right for the James Tingle Reservoir decreed in Case No. 09CW180 may be subsequently exchanged pursuant to the Decree.
- iii. Chatfield Reservoir. See ¶ 8.7. The Center District's Randall Ditch, and Sessions Ditch water rights, and the Applicants' Parmalee Ditch No. 2 and 3 and Flume Ditch water rights are adjudicated for storage in the Center District's capacity in Chatfield Reservoir. Such water rights and the water right for Chatfield Reservoir decreed in Case No. 13CW3148 may be subsequently exchanged pursuant to the Decree.
- iv. Spinney Mountain Reservoir. The Center District's Randall Ditch, and Sessions Ditch water rights, and the Applicants' Flume Ditch and Parmalee Ditches No. 2 and 3 water rights are all adjudicated for storage in the Upper South Platte District's capacity in Spinney Mountain Reservoir. Such water rights may be exchanged pursuant to the Decree.
- v. Gloria Z Reservoir. The Gloria Z Reservoir is an adjudicated place of storage for the Center District's Randall Ditch and Sessions Ditch Water Rights. Applicants will not use the Gloria Z Reservoir to store augmentation water described until such time as Applicants obtain a decree authorizing such storage or Applicants obtain administrative approval to exchange water into the reservoir. At such time, Applicants' augmentation water rights may be stored and subsequently exchanged pursuant to the Decree.

d. Appropriation Date. February 1, 2012.

III. Outline of Work Done Towards Completion of Appropriation and Application of Water to Beneficial Use. In the Decree, Applicants were awarded a blanket plan for augmentation to replace all out of priority depletions from participating diversions within the Applicants' service areas. Applicants independently and through a water authority created to manage their operations, Headwater Authority of the South Platte, completed the following work during the diligence period at a cost in excess of \$1,515,200.00. The conditional water rights approved in the Decree are component parts of Applicants' integrated water supply system, which consists of storage water rights, plans for augmentation, appropriative rights of exchange, and surface water rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system.

a. Applicants operated several of the exchanges in varying amounts for the decreed uses as listed below and have made such amounts absolute.

Stream	Total Rate (cfs)	Amount Claimed Absolute (cfs)	Dates Absolute Rate Exchanged
South Fork South Platte River	0.25	0.003	6/1/20-7/31/20
Middle Fork South Platte River	0.25 cumulative with Row B-2	0.028	6/1/20-6/30/20
Tarryall Creek	0.25	0.018	9/1/19-9/30/19
Michigan Creek	0.25	0.002	8/1/20-8/31/20
North Fork South Platte River	0.25	0.015	6/1/20-7/31/20
South Platte River	0.43	0.037	6/1/20-6/30/20
Horse Creek	0.25	0.019	6/1/20-6/30/20
Twin Creek	0.25	0.003	7/1/17-8/31/17
Fish Creek	0.16	0.003	8/1/17-8/31/17
Crystal Creek	0.16	0.002	7/1/17-7/31/17, 6/1/18-6/30/18, 5/1/20-9/30/20, 5/1/21-5/31/21
Buffalo Creek	0.16	0.001	7/1/17-10/31/17, 6/1/18-6/30/18, 8/1/18-8/31/18, 4/1/19-4/30/19, 8/1/19-10/31/19, 5/1/20-11/31/20, 4/1/21-5/31/21
Trout Creek	0.25	0.019	6/1/20-6/30/20

b. Applicants pursued an Application for Approval of Plan for Augmentation including Appropriative Rights of Exchange in Case No. 03CW19, District Court, Water Division No. 2 (“03CW19”), which was decreed on June 29, 2016. 03CW19 is a blanket augmentation plan for the Applicants to provide augmentation water to areas of Park County located in Water Division No. 2. c. CCWCD obtained storage in Chatfield Reservoir, pursuant to the Chatfield Reallocation Project and pursued an Application for Water Storage Right in Chatfield Reservoir in Case No. 13CW3148, District Court, Water Division No. 1, which was decreed on November 5, 2015. d. USPWCD pursued an Application for Water Storage Right in Spinney Mountain Reservoir in Case No. 16CW3179, District Court, Water Division No. 1, which was decreed on September 16, 2017. e. Applicants pursued an Application for Conditional Surface Water Right in Case No. 15CW3146, District Court, Water Division No. 1 for County Road 59 pump station and State Highway 9 pump station, which was decreed on March 24, 2018. f. Applicants pursued an Application for Finding of Reasonable Diligence in Case No. 17CW3072, District Court, Water Division No. 1, which was decreed on November 27, 2017. g. CCWCD obtained a storage lease in Lininger Lake and pursued an Application for Conditional Water Storage Right and Conditional Exchanges in Case No. 17CW3214, District Court, Water Division No. 1, which was decreed on August 11, 2020. h. Applicants paid annual assessments to Mountain Mutual Reservoir Company and Twin Lakes Reservoir and Storage Company associated with their water rights represented by shares. i. Applicants filed a preliminary injunction motion in Case No. 18CW3102 related to measurement on Deer Creek. Applicants designed and constructed the Deer Creek gage and entered into agreements with water users regarding the same. j. Applicants included 50 additional Participating Diversions to their plans for augmentation during the diligence period, of which 12 were added to the plan for augmentation authorized by the Decree. k. Applicants have operated the plan for augmentation and completed accounting for approximately 93 customers during the diligence period. l. Applicants have filed statements of opposition to numerous Water Court applications including Case Nos. 15CW3123, 15CW3125, 16CW3025, 16CW3050, 16CW3127, 16CW3197, 16CW3184, 17CW3168, 18CW3100, 18CW3188, 18CW3128 and 19CW2154, to protect Applicants’ water rights, including the exchanges that

are subject of this case. IV. Claim to Make Water Rights Absolute and to Maintain as Conditional. Applicants seek to make absolute the exchanges fully set forth in Section III.a. above. Evidence supportive of the absolute claims is set forth in the attached Exhibit A letter report prepared by W.W. Wheeler & Associates. Applicants seek a finding of reasonable diligence for any amounts not made absolute in this Application. V. Landowners. a. Spinney Mountain Reservoir: Spinney Mountain Reservoir, City of Aurora, c/o Director of Utilities, 1470 S. Havana, Aurora, CO 80012. b. Smelter Pipeline Reservoir: CCWCD. The London Mining and Smelter Ditch, which is used to fill the Smelter Pipeline Reservoir, is located on lands owned by Mama Gias R&D, LLC, 5219 Constitution Ave., Colorado Springs, CO 80915. c. James Tingle Reservoir: CCWCD and Centennial Water and Sanitation District, c/o General Manager, 62 Plaza Drive, Highlands Ranch, Colorado 80129. The Sessions Ditch headgate used to fill the James Tingle Reservoir is located on lands owned by Willhoit C & G Family Trust Dated 4/19/02, 246 Race St., Denver, CO 80206. d. Gloria Z Reservoir: South Park Aggregates LLC, Po Box 1660, Frisco, CO 80443. The CCWCD Sacramento Creek Ditch No. 1 used to fill the Gloria Z Reservoir is also located on lands owned by South Park Aggregates. e. Chatfield Reservoir: U.S. Army Corps of Engineers, Omaha District, 9307 South Wadsworth, Littleton, CO. 80128.

21CW3118 CLYDE CARMODY, CATHY KIRK, DENNIS KIRK, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Clyde Carmody, Cathy Kirk, and Dennis Kirk, 13353 Piute Dr., Pine, CO 80470; Email: cdelyn@hotmail.com; Telephone: (720) 938-3800; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN PARK AND JEFFERSON COUNTIES. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 2. Name of Well and Permit Number: Carmody Well No. 1, Well Permit No. 48045. 3. Legal Description of Wells: The Carmody Well No. 1 is located in the SE1/4 NW1/4, Section 1, Township 7 South, Range 72 West of the 6th P.M. in Park County, as shown on the map attached as **Exhibit A**, at a point 1,650 feet from the North section line and 2,585 feet from the West section line. 4. Source of Water: Groundwater that is tributary to Pine Gulch, tributary to the North Fork of the South Platte River. 5. Date of Appropriation: September 17, 1971. 6. How Appropriation was Initiated: By drilling of the well and applying water to beneficial use. 7. Dates Water Applied to Beneficial Use: September 17, 1971. 8. Amount Claimed: 1 gpm, ABSOLUTE. 9. Depth: 100 feet. 10. Uses: Domestic. 11. Name and Address of Owner of Land on Which Well is Located: Co-Applicant Clyde J. Carmody. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 12. Names of Structure to be Augmented: Carmody Well No. 1 is located on a 0.80 acre parcel of land located in the SE1/4 NW1/4, Section 1, Township 7 South, Range 72 West of the 6th P.M., also known as 13353 Piute Dr., Pine, Colorado 80470, Park County (“Carmody Property”). The Carmody Property is shown on the map attached as **Exhibit A**. Applicants will seek a new permit consistent with the decree entered in this case. 13. Water Rights to be Used for Augmentation Purposes: Cathy Kirk and Dennis Kirk have entered into a contract with North Fork Associates, LLC to purchase 1.6 shares of Mountain Mutual Reservoir Company (“MMRC”) stock in Clyde Carmody’s name, which represents a firm annual yield of 0.049 of an acre-foot to satisfy their present and anticipated future replacement needs associated with Carmody Well No. 1. a. The water rights associated with the MMRC shares described above in paragraph 13 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 water right was changed to augmentation, replacement and storage purposes. In Case No. 81CW253, the point of diversion for 0.008 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, 81CW143, 81CW298, and 89CW081, at a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872 as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58°15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these

water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC's diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the "Nickerson Ditch Rights." The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to 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 physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971 with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaght Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following decrees:

Adjudication 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. 14. Statement of Plan for Augmentation: The water requirements to replace out-of-priority depletions for Carmody Well No. 1 are for one single-family dwelling, with an average occupancy of 3.5 persons per house and one auxiliary unit, with an average occupancy of 2.0 persons. The estimated water requirements for these uses is 80 gallons per capita per day (gcpd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. This plan will require 0.049 of an acre-foot of replacement water as is shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	1	0.3140	10%	0.0314	0.0157	0.0157
Auxiliary Unit	80 gl/cap/dy(2.0 cap)	1	0.1794	10%	0.0179	0.0085	0.0084
Tran. Chg	0.13%/Mi	14	0.0002	100%	0.0002	0.0001	0.0001
Total			0.494		0.049	0.025	0.024

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.002	0.004	0.004	0.004	0.004	0.004	0.004	0.004	0.005	0.004	0.004	0.004

a. The total consumptive use water requirement will be met with 0.049 of an acre-foot of the annual yield from the Slaughter/Mack Ditch as described above and 0.024 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 0.025 of an acre-foot at the point of depletion on Pine Gulch in the SE1/4 NW1/4, Section 1, Township 7 South, Range 72 West of the 6th P.M. The calculated requirements for release from storage from November through April is 0.024 of an acre-foot at the same location. The point of delivery of this water will be the headgate of the Slaughter Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SW1/4 SE1/4, Section 21, all in Township 7 South, Range 73 West of the 6th P.M. The total requirement at the points of exchange at the

confluence of Pine Gulch and the North Fork of the South Platte River in the SW1/4 SW1/4, Section 27, Township 7 South, Range 71 West is 0.049 of an acre-foot of replacement water. MMRC also seeks the right to use the Nickerson Ditch Rights and/or Lower Sacramento Creek Reservoir as an alternate supply to make replacements pursuant to this augmentation plan. The distance from the headgate of the Slight Ditch on the North Fork of the South Platte River to its point of replacement is approximately 14 miles with a transportation rate of 0.13% per mile will result in a depletion of 0.0001 of an acre-foot. The distance from the outlet of the Maddox Reservoir to the point of depletion is also 14 miles. With the same rate of loss, the transportation loss from November through April is 0.0001 of an acre-foot. b. 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. 15. Water Exchange Reach: Since the point of depletion associated with the augmented structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of said exchange shall extend from the confluence of Pine Gulch and the North Fork of the South Platte River in the SW1/4 SW1/4, Section 27, Township 7 South, Range 71 West thence up Pine Gulch to the point of depletion in the SE1/4 NW1/4, Section 1, Township 7 South, Range 71 West, all in the 6th P.M. In the event that there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. 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, 2021 at a maximum flow rate of 0.001 of a cubic foot per second and a maximum average depletion of 0.03 of a gallon per minute. 16. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Co-Applicant Clyde Carmody. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue a well permit for the construction and use of, or any replacement well permits as applicable, for Carmody Well No. 1. (12 pgs., 3 Exhibits)

21CW3119 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN EL PASO COUNTY. I. Name, Address, and Telephone Number of Applicant: **COLLIN BRONES**, 6665 Walker Road, Colorado Springs, Colorado 80908, 719-229-9376. Name, Address, and Telephone Number of Attorneys: Ryan W Farr, #39394. **MONSON, CUMMINS & SHOHET, LLC**, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921, (719) 471-1212. II. Summary of Application. Applicant seeks to quantify the Denver Basin groundwater underlying the Applicant's Property and approval of a plan for augmentation for the use of not-nontributary Dawson aquifer to provide water service to a six-lot subdivision. III. Application for Underground Water Rights. A. Property Information. 1. Property Description. Applicant owns an approximately 40-acre property to be subdivided into six lots of 6.5 +/- acres each. Applicant's property is depicted on the attached Exhibit A map comprising the NE1/4 of the SW1/4 of Section 18, Township 11 South, Range 65 West of the 6th P.M., County of El Paso, State of Colorado and referred to as 6665 Walker Road, Colorado Springs, Colorado 80908 ("Applicant's Property"). 2. Existing Wells. There is an existing domestic well with Division of Water Resources Permit No. 130940 ("Brones Well"). The Brones Well is drilled to a total depth of 290 feet to the Dawson aquifer. Upon approval of this plan for augmentation, this well will be re-permitted. B. Water Source. 1. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying Applicant's Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for

wells in the Dawson aquifer requires the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant's Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for the wells will vary according to aquifer conditions and well production capabilities. Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any wells to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying Applicant's Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code § 8.4.7(C)(1) which is more stringent than the State of Colorado's 100-year life requirement pursuant to § 37-90-137(4), C.R.S. Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	477	3,819	38.19	12.73
Denver (NT)	486	3,303	33.03	11.01
Arapahoe (NT)	255	1,731	17.31	5.77
Laramie Fox Hills (NT)	203	1,216	12.16	4.05

Decreed amounts may vary from the above to conform with the State's Determination of Facts. Pursuant to § 37-92-305(11), C.R.S., Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. D. Requested Uses. Applicant requests the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of § 37-90-137(9)(b), C.R.S., that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S. E. Well Fields. Applicant requests that he be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. F. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. G. Owner of Land Upon Which Wells are to Be

Located. The land upon which the wells are to be located as well as the underlying groundwater is owned by Applicant.

IV. Application for Plan for Augmentation. A. Structures to be Augmented. The structures to be augmented are the Brones Well along with other Dawson aquifer wells supplying water to the proposed subdivision, including any replacement or additional wells as needed that are constructed to the Dawson aquifer underlying the Applicant's Property as requested and described herein ("Brones Wells"). B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Brones Wells, together with water rights from the nontributary Denver aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Uses. The Brones Wells will pump a maximum of 6.0 acre-feet of water per year from the Dawson aquifer with each lot pumping a maximum of 1.0 acre-feet per year from the Dawson aquifer. Such use shall be for domestic, irrigation, commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation. 2. Depletions. Pursuant to § 37-90-137(9)(c.5)(C), C.R.S., replacement obligations for withdrawal from the Dawson aquifer requires the replacement of actual stream depletions, which such maximum depletion amounting to 22.19% of withdrawal. With total pumping of 6.0 acre-feet per year, 22.19% replacement annually amounts to 1.332 acre-feet. 3. Augmentation of Depletions During Pumping. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for a non-evaporative septic system is 10% per year. Therefore, at an in-house use rate of 0.25 acre feet per year per lot, replacement amounts to 1.35 acre-feet to the stream system annually. Thus, during pumping, stream depletion replacement requirements will be adequately met. 4.

Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Brones Wells, Applicant will utilize non-evaporative septic return flows and irrigation return flows from the subsequent usage of the Denver aquifer. Additionally, Applicant may utilize water directly from the Denver aquifer or water from the Arapahoe or Laramie-Fox Hills aquifers as a replacement source if needed. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. Upon entry of a decree in this case, Applicant will be entitled to apply for and receive a new well permit for the Brones Wells for use in accordance with this Application and otherwise in compliance with § 37-90-137, C.R.S. V. Remarks. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter with the pending Division 2 application in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. A. Applicant requests a finding that they have complied with § 37-90-137(4), C.R.S., and that the groundwater requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to § 37-90-137(9)(c.5), C.R.S. B. The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. C. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well

drilling or test holes. D. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. E. The well shall be installed and metered as reasonably required by the State Engineer. The well will be equipped with a totalizing flow meter and Applicant, or its successor and assigns, shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. Applicant, or its successors and assigns, shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. F. Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. G. Applicant will comply with any lienholder notice provisions set forth in § 37-92-302(2)(b) and §37-90-137(4)(b.5)(I), C.R.S., and such notice will be sent within 14 days of the filing of this application.

21CW3120 DAMIAN AND JILL COX, 1288 S. Peak View Drive, Castle Rock, CO 80109. Scott A. Clark, Esq., April D. Hendricks, Esq.; BURNS, FIGA & WILL, P.C.; 6400 S. Fiddlers Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626; Emails: sclark@bfiwlaw.com, ahendricks@bfiwlaw.com. **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER IN DOUGLAS COUNTY.**

2. **Summary of Application.** By this Application, the Applicants seek to adjudicate the Denver Basin groundwater underlying their 18.37 acre property in Douglas County, Colorado. This includes nontributary groundwater in the Laramie-Fox Hills aquifer and not-nontributary groundwater in the Denver and Arapahoe 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. **Legal Description of Subject Property.** Applicants seek to adjudicate the Denver Basin groundwater underlying their property, which consists of approximately 18.37 acres of land located in the Northeast 1/4 of the Southeast 1/4 of Section 20, Township 8 South, Range 67 West of the 6th Principal Meridian, in Douglas County, Colorado, with a street address of 1288 S. Peak View Drive, Castle Rock, Colorado 80109, and otherwise described as Lot 9 of Castle Mesa South ("Subject Property"). The Subject Property is depicted on the map attached to the Application as Exhibit A. B. **Proposed Wells.** Wells that will withdraw the groundwater sought to be decreed by this Application have not yet been constructed, nor have well permits been filed. Prior to constructing any well to withdraw the subject groundwater, Applicants will apply to the State Engineer for a well permit. Any wells necessary for the withdrawal of ground water adjudicated pursuant to this application will be located on the Subject Property pursuant to C.R.S. § 37-90-137(4). C. **Source of Water.** The groundwater to be withdrawn from the Laramie-Fox Hills aquifer underlying the Subject Property is nontributary, as defined in 37-90-103(10.5), C.R.S., and the Denver Basin Rules, 2 C.C.R. 402-6. The groundwater to be withdrawn from the Denver and Arapahoe aquifers underlying the Subject Property is not-nontributary, as defined in C.R.S. § 37-90-103(10.7) and the Denver Basin Rules, 2 C.C.R. 402-6. The not-nontributary Denver and Arapahoe aquifers are located greater than one mile from contact with any stream system and, therefore, pursuant to C.R.S. 37-90-137(9)(c), the augmentation requirements for wells in these aquifers require the replacement of four percent of annual pumping to the affected stream system to prevent injury. D. **Estimated Ground Water Available and Rates of Withdrawal.** Applicants request the right to withdraw all the legally available groundwater from nontributary and not nontributary sources underlying the Subject Property at rates of flow necessary to withdraw the entire amount permitted under any decree granted pursuant to this application. The actual pumping rates for each of Applicants' wells will vary according to aquifer conditions and well production capabilities. Applicants will withdraw all of the groundwater in all aquifers through wells to be located anywhere on the Subject Property, and will waive the 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Subject Property. Applicants may also withdraw an amount of groundwater in excess of the total allowed average annual amount of withdrawal pursuant to Rule 8.A of the Statewide Nontributary Ground Water Rules, 2 C.C.R. 402-7. The estimated average annual amounts of withdrawal from the subject aquifers, as indicated below, are based upon the Denver Basin

Rules, 2 C.C.R. 402-6. Applicants estimate that the following values are representative of the aquifers underlying the Subject Property:

Aquifer	Net Sand (feet)	Estimated Annual Amount (AF)
Denver	327	10.7
Arapahoe	288.7	9.0
Laramie-Fox Hills	176	4.8

The average annual amounts available for withdrawal from each aquifer will depend upon the hydrogeology of those aquifers underlying the Subject Property. The decreed amounts may vary from the above to conform with the State’s Determination of Facts. E. **Well Fields.** The Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the Subject Property through any combination of wells. The Applicants request that these wells be treated as a well field. As the Applicants’ wells are constructed, well permit applications will be filed in accordance with C.R.S. § 37-90-137(10). F. **Proposed Uses.** Domestic and ordinary household purposes, livestock watering, irrigation of lawns and gardens, swimming pools and recreation, aesthetic ponds and features, fish and wildlife propagation, fire protection purposes, and augmentation and replacement purposes. The Applicants also request that the water may be used, reused, and successively used to extinction, both on and off the Applicant’s Property, to any replacement or augmentation requirement. Applicants shall only be allowed to construct wells or use water from the not-nontributary aquifers adjudicated herein pursuant to a court-approved plan for augmentation covering the stream depletions from such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c). 5. **Name and Address of Landowner:** Applicants are the owners of the Subject Property at issue in this Application. The Application is 5 pages.

21CW3121 THE ESTATE OF ALLEN MITCHEK c/o J. Curt Penny, P.C. P.O. Box 71 Sterling, CO 80751 (970) 425-7092 curt.penny@jcurtpenny.com Title to the water that is the subject of the Application was transferred to the Estate of Allen Mitchek. Notice of such transfer was filed in Case No. 14CW3075 on July 21, 2021. Serve all pleadings on: Scott E. Holwick, Anthony J. Basile, Attorneys for Applicant, The Estate of Allen Mitchek, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC P.O. Box 978 Longmont, CO 80502-0978 Telephone: (303) 776-9900 E-mail: sholwick@lyonsgaddis.com; abasile@lyonsgaddis.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE FOR CONDITIONAL WATER RIGHT IN LOGAN COUNTY.** 2) **Name of Structure:** Mitchek Well 1-5860 (formerly Conklin Well 1-5860). Permits 1-5860-F and 78418-F (the “Well”). 3) **Description of Conditional Water Rights:** a) **Date of Original Decree:** The original decree for the Well was entered January 25, 1974; Water Case W-3789, Water Division 1. i) **Legal description:** SW 1/4 of the NE 1/4, Section 15, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, at a point 2,625 feet South and 2,616 feet West of the NE Corner of said Section 15. See **Exhibit A.** ii) **Appropriation Date:** July 31, 1964. iii) **Amount:** 4.62 cubic feet per second absolute. iv) **Uses:** Irrigation. b) **Date of Subsequent Decree:** The decree for additional conditional rights for which this Application seeks a finding of reasonable diligence was entered by the District Court for Water Division No. 1 on July 9, 2015, in Case No. 2014CW3075. i) **Legal description:** (1) Per Paragraph 2.2 under Findings of Fact of the Decree in Case No. 14CW3075, “(according to Decree). Three (3) miles northeast of Sterling, Colorado; SW 1/4 of the NE 1/4, Sect. 15. Twp. 8 North, Range 52 West, 6th P.M., Logan County Colorado. 2625 feet South of the North Section line and 2616 feet West of the East Section line. And according to Applicant’s surveyor, in the SW 1/4 of the NE 1/4 of Section 15, and according to the current Well Permit (78418-F) in the SE 1/4 of the NW 1/4 of the Section 15.” (2) Per the Summary of Consultation filed in Case. No. 14CW3075 on September 30, 2014, and paragraph 5.1 under Findings of Fact of the Decree in Case No. 14CW3075, the Division of Water Resources used a GPS unit to locate the well and determined the well is located in the SE 1/4 of the NW 1/4 of Section 15, Township 8 North, Range 52 West of the 6th P.M. at a point 2,585 ft from the North section line and 2,646 ft from the West

section line (UTM 13T; N4502925, E654340), which is within 200 ft of the decreed location. (3) Per paragraph 5.2 under Findings of Fact of the Decree in Case No. 14CW3075, “The Court finds these admissions by the Division of Water Resources binding and a waiver of any objection the Division of Water Resources or State of Colorado may have now or in the future regarding regulation or administration of the well based on any discrepancies over the location of the original decree or their description in State documents.” ii) **Appropriation Date:** June 26, 2014. iii) **Amount:** 4.62 cubic feet per second conditional for the uses listed below in Section 3.b.iv. iv) **Uses:** Additional conditional uses decreed as feedlot, storage, livestock watering, dust control, commercial, and industrial. c) **Subsequent decrees awarding findings of diligence:** None. d) **Source of Water:** Groundwater. e) **Depth:** Permitted for 80 feet. f) **Remarks:** Case No. 14CW3075 added the Well to the Lowline Ditch Augmentation Plan, decreed in Case. No. 03CW94. 4) **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period from July 2015 to July 2021:** Applicant has continued to plan for the use of, divert and use portions of the subject water rights for their decreed purposes and has no intention to abandon same. Per CDSS records, Applicant diverted water from the Well in the following amounts in the corresponding water years: 19.01 acre feet in August, September, and October of water year 2015; 76.92 acre feet in 2016; 37.96 acre feet in 2017; 44.16 acre feet in 2018; 45.82 acre feet in 2019; and 93.66 acre feet in 2020. Depletions from the Well were augmented under the Lowline Ditch Augmentation Plan, which Applicant paid assessments into, decreed in Case. No. 03CW94, for both irrigation and the conditional uses listed in Section 3.b.iv. Per Lowline Ditch Augmentation Plan records, portions of the Well depletions were attributable to application towards the conditional uses. Applicant has continued to develop its water system and water rights, including development of facilities necessary to divert, store and use the subject conditional water rights. Applicant spent approximately \$70,000 to commission a new recharge pond. Applicant spent approximately \$2,063.72 to install new metering equipment for tracking and splitting the subject water rights to the various decreed uses. Applicant paid property taxes on the land the subject water rights are used upon. Applicant expended money on legal fees and costs in connection the subject water rights, including transfer of ownership. 5) **Name and address of owner or reputed owner of land upon which any new diversion structure or storage structure, or modification to an 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.** Mitchek Cattle Company #1 LLC P.O. Box 512, Sterling, CO 80751 WHEREFORE, APPLICANT requests the Court to enter a decree finding and determining that APPLICANT has exercised reasonable diligence in the development of the conditional uses decreed to the Well in Case No. 14CW3075, and to continue the conditional portions of the subject water rights in full force and effect for an additional diligence period. DATED: August 5, 2021. Number of pages in application: 5, excluding exhibit.

21CW3122 TIMBRO RANCH & CATTLE COMPANY, LLC P.O. Box 368 Littleton, CO 80120 Telephone: 303.955.2534. Please address all correspondence to Steven O. Sims and Dulcinea Z. Hanuschak at 410 Seventeenth Street, Suite 2200 Denver, Colorado 80202-4437, Phone Number: 303-223-1100, FAX Number: 303-223-8006, E-mails: ssims@bhfs.com; dhanuschak@bhfs.com **APPLICATION TO AMEND CONDITIONAL UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION DECREED IN CONSOLIDATED CASES 13CW3144 AND 14CW3134 IN WELD COUNTY** Applicant, Timbro Ranch & Cattle Company, LLC (“Timbro or Applicant”) through its attorneys, Brownstein Hyatt Farber Schreck states this application to amend Conditional Underground Water Rights and Plan for Augmentation decreed in consolidated cases 13CW3144 and 14CW3134 (“Decree”). The Decree provides that Timbro could divert up to 1,500 AF/yr and a total of 5,475 AF by December 31, 2020 unless the Timbro Wells were included in a new or amended augmentation plan. As of the date of this application the Timbro Wells only diverted 3,082 AF. Timbro seeks to amend paragraphs 12 and 53 of the Decree to allow Timbro to divert 2,393 AF which is the

remaining amount of the 5,475 AF allowed in the Decree. Timbro seeks to amend the annual pumping limitation to allow Timbro to divert up to 550 AF in any year to and including December 31, 2033 or until 2,393 AF have been diverted whichever comes first. **CLAIM 1-AMENDMENT OF CONDITIONAL UNDERGROUND WATER RIGHTS 2) Description of Wells: The Timbro Wells 1-6 (“Timbro Wells”) Decreed in consolidated cases 13CW3144 and 14CW3134:** a) Timbro Well No. 1. i) Permit Number: 78058-F ii) Legal Description: (1) UTM format: UTM Zone 13; NAD83; Easting: 588968 meters; Northing: 4512507 meters. (2) PLSS format: SE1/4 of SW 1/4, Section 11, Township 9 North, Range 59 West, 6th P.M., 216 feet from South section line, 2449 feet from West section line, Weld County, Colorado. iii) Depth of well: 1,550 feet. iv) Source: Upper Pierre Aquifer. v) Amount claimed: 300 gpm, 300 acre-feet per year, conditional. vi) Date of appropriation: November 27, 2013. vii) How was appropriation initiated: By filing the application in 2013. viii) Date water applied to beneficial use: NA, conditional right. ix) Proposed Uses: Agricultural, irrigation, stock watering, industrial, oil and gas development, augmentation, replacement and substitution, recharge, storage and exchange. b) Timbro Well No. 2. i) Permit Number: 77932-F ii) Legal Description: (1) UTM format: UTM Zone 13; NAD83; Easting: 587389 meters; Northing: 4512561 meters. (2) PLSS format: SE 1/4 of SW 1/4, Section 10, Township 9 North, Range 59 West, 6th P.M., 487 feet from South section line, 2554 feet from West section line, Weld County, Colorado. iii) Depth of Well: 1,700 feet. iv) Source: Upper Pierre Aquifer. v) Amount claimed: 300 gpm, 300 acre-feet per year, conditional. vi) Date of appropriation: November 27, 2013. vii) How was appropriation initiated: By filing this application in 2013. viii) Date water applied to beneficial use: NA, conditional right. ix) Proposed Uses: Agricultural, irrigation, stock watering, industrial, oil and gas development, augmentation, replacement and substitution, recharge, storage and exchange. c) Timbro Well No. 3. i) Permit Number: 78824-F ii) Legal Description: (1) UTM format: UTM Zone 13; NAD83; Easting 585,296 meters; Northing 4,512,748 meters. (2) PLSS format: SW 1/4of the SW 1/4of Section 9, Township 9 North, Range 59 West, 6th P.M., 1,258 feet from the South section line, 879 feet from the West section line, Weld County, Colorado. iii) Depth of Well: 1700 feet. iv) Source: Upper Pierre Aquifer. v) Amount claimed: 300 gpm, 300 acre-feet per year, conditional. vi) Date of appropriation: November 13, 2014. vii) How was appropriation initiated: By filing this application in 2014. viii) Date water applied to beneficial use: NA, conditional right. ix) Proposed Uses: Agricultural, irrigation, stock watering, industrial, oil and gas development, augmentation, replacement and substitution, recharge, storage and exchange. d) Timbro Well No. 4. i) Permit Number: 78825-F ii) Legal Description: (1) UTM format: UTM Zone 13; NAD83; Easting 583,516 meters; Northing 4,512,462 meters. (2) PLSS format: SW 1/4of the SW 1/4of Section 8, Township 9 North, Range 59 West, 6th P.M., 390 feet from the South section line, 281 feet from the West section line, Weld County, Colorado. iii) Depth of well: 1700 feet. iv) Source: Upper Pierre Aquifer. v) Amount claimed: 300 gpm, 300 acre-feet per year, conditional. vi) Date of appropriation: November 13, 2014. vii) How was appropriation initiated: By filing this application in 2014. viii) Date water applied to beneficial use: NA, conditional right. ix) Proposed Uses: Agricultural, irrigation, stock watering, industrial, oil and gas development, augmentation, replacement and substitution, recharge, storage and exchange. e) Timbro Well No. 5. i) Permit Number: 81168-F (1) Legal Description: UTM format: UTM Zone 13; NAD83; Easting 590,651 meters; Northing 4,512,674 meters. PLSS format: SW 1/4of the SE 1/4of Section 12, Township 9 North, Range 59 West, 6th P.M., 630 feet from the South section line, 2,519 feet from the East section line, Weld County, Colorado. ii) Depth of well: 1700 feet. iii) Source: Upper Pierre Aquifer. iv) Amount claimed: 300 gpm, 300 acre-feet per year, conditional. v) Date of appropriation: November 13, 2014. vi) How was appropriation initiated: By filing this application in 2014. vii) Date water applied to beneficial use: NA, conditional right. viii) Proposed Uses: Agricultural, irrigation, stock watering, industrial, oil and gas development, augmentation, replacement and substitution, recharge, storage and exchange. f) Timbro Well No. 6. i) Permit Number: 296695. ii) Legal Description: (1) UTM format: UTM Zone 13; NAD83; Easting 583,470 meters; Northing 4,513,894 meters. (2) PLSS format: NW 1/4of the NW 1/4of Section 8, Township 9 North, Range 59 West, 6th P.M., 179 feet from the North section line, 69 feet from the West section line, Weld County, Colorado. iii) Depth of well: 1700 feet. iv) Source: Upper Pierre Aquifer. v) Amount claimed: 300 gpm,

300 acre-feet per year, conditional. vi) Date of appropriation: November 13, 2014. vii) How was appropriation initiated: By filing this application in 2014. viii) Date water applied to beneficial use: N/A, conditional right. ix) Proposed Uses: Agricultural, irrigation, stock watering, industrial, oil and gas development, augmentation, replacement and substitution, recharge, storage and exchange. **3) Outside Designated Basin.** All Timbro Wells divert groundwater, located outside the boundaries of any designated groundwater basins. **4) Total Pumping limitations for Timbro Wells.** The Decree provided that Timbro could divert up to 1,500 AF/yr and a total of 5,475 AF by December 31, 2020 unless the Timbro Wells were included in a new or amended augmentation plan. a) As of the date of this application the Timbro Wells only have diverted 3,082 AF. b) Timbro seeks to amend paragraphs 12 and 53 of the Decree to allow Timbro to divert 2,393 AF which is the remaining amount of the 5,475 AF allowed in the Decree. c) Timbro seeks to amend the annual pumping limitation to allow Timbro to divert up to 550 AF in any year to and including December 31, 2033 or until 2,393 AF has been diverted whichever comes first. **CLAIM 2-APPROVAL OF PLAN FOR AUGMENTATION 5) Plan for Augmentation.** a) The Plan for Augmentation approved in the Decree included the replacement of out of priority diversions from the Timbro wells and replacement of deep percolation return flows from the 8 Weldon Shares changed in the Decree not replaced with the 8 Weldon Shares. The Plan for Augmentation also included a Recharge Plan and an Appropriative Right of Exchange, but this application does not seek to amend the Recharge Plan or the Appropriative Right of Exchange. This application also does not seek to change or amend any term of the Change of Water rights approved in the Decree. b) This application to amend the plan for augmentation will change the URFs described in Exhibit B attached to the Decree to reflect the new pumping limitations sought in paragraph 4 of this application. Timbro does not seek to change the “annual bump” included in Exhibit B or the additional 7 AF of water required in paragraph 28 (c) of the Decree. Timbro also will not claim the use of recharge accretions from Riverside Reservoir and Land Company case 02CW0086 because the Decree limited use of that source after December 30, 2020. c) Names of structures to be augmented: Timbro Well No. 1 through No. 6, as described above in section 2 and unreplaced return flow obligations associated with the change of water rights for the 8 Weldon Shares. d) Water rights to be used for augmentation: Water leased/acquired from the Riverside Reservoir and Land Company recharge plan decrees in 88CW239, and 89CW027; 8 Weldon Valley Ditch Company shares including Timbro’s right as a Weldon Valley stockholder to use its pro-rata share of the recharge accretions attributed to 02CW377, the recharge accretions and conditional surface water rights decreed in this case. The augmentation replacement sources are more thoroughly described as follows. i) Riverside 88CW239 accretions. (1) Type of water right: Recharge accretions. (2) Legal description: The three (3) recharge structures are described in 89CW239. The point of diversion for all structures is the Riverside Canal which has a capacity of 1000 cfs and has a point of diversion located on the north bank of the South Platte River in the SW 1/4SW 1/4of Section 20 T5N R63W of the 6th PM in Weld County, Colorado. (3) Source: South Platte River. (4) Appropriation date: March 3, 1988 for each right. (5) Amount: Diversions pursuant to the recharge rights are limited to 100 cfs for each structure; however, the total filling rate for all structures cannot exceed a combined total maximum of 100 cfs at any given time. (6) Decreed uses: Recharge and augmentation, wildlife, recreation and aesthetic, and irrigation. ii) Riverside 89CW027 accretions. (1) Date and case number of original and subsequent decrees: 89CW027. (2) Type of water right: Recharge accretions. (3) Legal description: The twenty-one (21) recharge structures are described in 89CW027. The point of diversion for all structures is the Sublette Canal Inlet, which is located approximately 265 feet west of the east section line and 1670 feet north of the south section line in Section 9, T4N, R61W of the 6th PM in Weld County, Colorado. (4) Source: South Platte River. (5) Appropriation date: March 11, 1985 for all structures. (6) Amount: A total of 664 acre-feet absolute and 151 acre-feet conditional. (7) Decreed uses: Augmentation and recharge, exchange, and substitution, irrigation. iii) 8 Weldon Shares of stock in the Weldon Valley Ditch (1) Date of original and all relevant subsequent decrees: (2) Original Decree: Case No. 433, entered November 21, 1895, Weld County District Court. (3) Change Decree for the 8 Weldon Shares: 04CW90, entered June 13, 2008, Water Division 1. (4) Legal description of structure as described in most recent decree that adjudicated the location: north bank of the South Platte River in the SW 1/4, NW 1/4, SE 1/4of Section 13, Township 4

South, Range 61 West of the 6th P.M., Weld County, Colorado. (5) Decreed source of water: South Platte River (6) Appropriation Date: October 26, 1881. (7) Total amount decreed to structure: 165 cubic feet per second (cfs). Existing decreed use or uses: Augmentation, replacement, recharge and exchange, as well as the irrigation use decreed in Case No. 433, entered November 21, 1895, Weld County District Court, with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. None, some or all of the 8 Weldon Shares may be used for the changed uses in any given year. Augmentation use will be by delivery to the South Platte River of the shares via an existing augmentation station adjacent to the Hawkins property, or via any other structure as approved by the Weldon Valley Ditch Company, as long as deliveries are made upstream of the calling water right. Recharge use will be by delivery of the shares to or at any recharge pond identified in 04CW90 or any new or modified recharge pond provided that Timbro gives notice to the objectors and the Division Engineer in the manner described in paragraph 12 of the 04CW90 decree and the Division Engineer approves the modification of the existing pond or the use of the new pond. iv) Weldon Valley Ditch 02CW377 Recharge Accretions. (1) Date and case number of original and subsequent decrees: 02CW377. (2) Type of water right: Recharge accretions. (3) Legal description of diversion structure as described in most recent decree that adjudicated the location: north bank of the South Platte River in the SW 1/4, NW 1/4, SE 1/4 of Section 13, Township 4 South, Range 61 West of the 6th P.M., Weld County, Colorado. (4) Source: South Platte River. (5) Appropriation date: December 13, 2002. (6) Amount: 165 c.f.s., conditional, to continuously fill and refill the recharge sites whenever water is legally and physically available for diversion, up to a total volume of diversions of 25,000 acre feet in any consecutive five-year period and not to exceed 6,000 acre feet in any single year, as measured at the headgate of the Weldon Valley Ditch on the South Platte River. (7) Decreed uses: The recharge credits may be used for augmentation, irrigation, replacement and exchange. Recharge credits will be used primarily by Weldon Valley shareholders to replace stream depletions associated with use of wells owned by said shareholders pursuant to augmentation plans decreed by the Division 1 Water Court and/or substitute water supply plans approved by the State Engineer pursuant to § 37-92-308 and/or successor statutes. With the prior permission of the water commissioner, the Weldon Valley Ditch Company may exchange unused recharge credits generated pursuant to this decree not used for augmentation from the point of accrual on the South Platte River upstream to the headgate of the Weldon Valley Ditch for diversion and delivery to the shareholders for irrigation or to recharge sites. e) Statement of Plan for Augmentation. Timbro will limit the period of use of Timbro Well No.1 through No.6 and will plug and abandon these wells at the end of 2033 unless the Timbro Wells are included in SWSP or new or amended plan for augmentation. Timbro shall calculate the delayed depletions from Timbro Well No.1 through No.6 using the Alluvial Water Accounting System (AWAS) method. Timbro determined that the nearest point of hypothetical stream depletion is approximately 30 miles south of the Timbro Well No.1 through No.6 near Weldona, Colorado, and the South Platte River (“Depletion Point”). Timbro will continue to aggregate the well depletions for Timbro Well No.1 through No.6 in a manner similar to Exhibit B to the original decree as described in paragraph 5 b above. Timbro shall also calculate the amount of any return flow obligations due to the 8 Weldon Shares that are owed the river and not otherwise replaced. Timbro will cause the augmentation sources to be released at or above the Depletion Point to augment the depletions attributed to Timbro Well No. 1 through No. 6 and to replace its unreplaced return flow obligations due to the use of the 8 Weldon Shares, as necessary to prevent injury to other vested water users and owners of conditional water rights. 6) **Ownership Information.** On information and belief, the Weldon Valley Ditch headgate is located on an easement held by, and the headgate structure itself is owned by, the Weldon Valley Ditch Company, P.O. Box 626, Weldona, Colorado. On information and belief, some recharge sites and augmentation structures are located on lands owned by Joe Hawkins, 22411 Dunreath Ave, Orchard, CO 80649; Christensen Bros., Inc, Kerry Woods, President, 24951 Road 9.5 Weldona, CO 80653; DT Ranch, Inc., 1103 Oak Park Drive, Suite 110. Fort Collins, Colorado 80525; L.D. Groves, 1998 MCR X, Orchard, CO 80649; Mrs. Lucille Shaver, 8421 Hwy 144, Weldona, CO 80653; Orchard Ranch L.L.C., Dale Knapp, 1998 MCR W 7/10, Orchard, CO 80649; Larry and Ricky Lorenzini, 10222 MCR Y, Weldona, CO 80653; and, Gary and Beverly

Carmin, 12801 MCR X.5, Weldona, CO 80653. On information and belief, the augmentation structure identified in 04CW90 is owned in part by Joe Hawkins, 22411 Dunreath Ave, Orchard, CO 80649, Arapahoe County Water and Wastewater Authority, c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111, United Water and Sanitation District and the United Water and Sanitation District ACWWA Enterprise, c/o Robert Lembke, 8301 E. Prentice Avenue, Suite 100 Greenwood Village, Colorado 80111, East Cherry Creek Valley Water and Sanitation District and the East Cherry Creek Valley Water and Sanitation District Water Utility Enterprise Inc., 6201 S. Gun Club Road, Aurora, CO 80016, Town of Wiggins, 304 Central Avenue, Wiggins, CO 80654. Timbro shall not use any structure, recharge facility or augmentation station without the legal right to do so. WHEREFORE, TIMBRO RANCH CATTLE COMPANY, LLC, requests a ruling and decree granting the application herein. Application is ten pages.

21CW3123 (13CW3110, 07CW86, 98CW473) ALBERT FREI & SONS, INC., a Colorado Corporation, P.O. Box 700, 7321 East 88th Avenue, Henderson, Colorado 80640, Telephone: 303-289-1837. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART in CLEAR CREEK COUNTY.** Please address all correspondence to: Geoffrey M. Williamson, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, Telephone: 303-402-1600. 2. Names of Structures: Walstrum Quarry Pipeline No. 2 and Walstrum Quarry Reservoir No. 1. 3. Description of Conditional Water Rights: A. Structure: Walstrum Quarry Pipeline No. 2 i. Source: Mainstem of Clear Creek. ii. Amount: 7.85 cfs (3,525 gpm), CONDITIONAL. iii. Legal Description – Original Decree: NE 1/4 SW 1/4 of Section 34, T3S, R72W, 6th P.M., Clear Creek County, CO, at a point approximately 2,860 feet from the East line and 1,770 feet from the South line of said Section 34. The pipeline will reach the reservoir near the center of the SE 1/4 of Section 34 at a point approximately 1,690 feet from the East line and 1,630 feet from the South line of said Section 34. See map attached as Exhibit A. iv. Legal Description – Actual: NE 1/4 SW 1/4 of Section 34, T3S, R72W, 6th P.M., Clear Creek County, CO, more particularly described as follows: commencing at the center of said Section 34 from the which the E 1/4 of said Section 34 bears N 83 degrees 37'28"E, a distance of 2,583.05 feet, thence S 21 degrees 24'45"W, a distance of 958.85 feet to the actual point of diversion. See Exhibit A. The actual point of diversion is located approximately 89 feet from the decreed point of diversion. B. Structure: Walstrum Quarry Reservoir No. 1 i. Source: Mainstem of Clear Creek by Walstrum Quarry Pipeline No. 2. ii. Amount: 310 acre-feet with the right to fill and one refill per year while in priority, CONDITIONAL. iii. Legal Description: SE 1/4 of Section 34, T3S, R72W, 6th P.M., Clear Creek County, CO, with a point of survey on the South boundary of the reservoir high water line being approximately 1,300 feet from the South line and 1,400 feet from the East line of said Section 34. The property address is 33500 State Highway 6, Idaho Springs, CO 89542. See map Exhibit A. C. Date of original decree: Originally decreed on April 16, 2001, in Case No. 98CW473, Water Division 1. D. Previous findings of reasonable diligence: Findings of reasonable diligence on the conditional water rights were entered by decree of the District Court, Water Division 1 in Case No. 07CW86, entered on September 18, 2007; and Case No. 13CW3110, entered on July 23, 2015. E. Appropriation dates: March 25, 1998 for both structures. F. Decreed Uses: Industrial, commercial, mining, wash water, dust suppression, environmental mitigation, domestic and irrigation. Water will be used at an existing quarry operation and throughout approximately 1,669 acres of land owned or controlled by Applicant in Clear Creek and Gilpin Counties. Further, this Court determined in Case No. 98CW473 that Applicant's uses of water from the subject conditional water rights may be one hundred percent (100%) consumptive as a first use. 4. Request for Finding of Reasonable Diligence: Applicant has undertaken activities since the Court's entry of the decree in Case No. 13CW3110 to beneficially use the subject water rights and to complete the appropriations of the full amounts of the subject water rights, including but not limited to the following specific work: Applicant continues to mine the Walstrum Quarry, which Applicant has mined continuously since 1983. The quarry elevation will need to be lowered an additional amount in order to reach the proper elevation for Walstrum Quarry Reservoir No. 1. From May 25, 2015 to May 14, 2021, Applicant produced approximately 964,701 cubic yards of quarry

material from the area where Walstrum Quarry Reservoir No. 1 will be located. Applicant continues to mine the reservoir area. On June 6, 2021, Applicant installed a new pipeline from which its water rights can be diverted from Clear Creek to the Walstrum Quarry. The new pipeline is a larger diameter than that previously used, in part to allow for use of the Walstrum Quarry Pipeline No. 2 water right. From July 2015 through May 2021, Applicant spent approximately \$109,751.00 to maintain and improve its water infrastructure that diverts water from Clear Creek. The subject conditional water rights are included by agreement with Central City, Colorado in the city's augmentation and exchange plan decreed in Case No. 92CW168. On January 14, 2021, Applicant entered into a new agreement with the city to continue to have the subject conditional water rights included in that augmentation plan. 5. Claim to Make Absolute in Part: On September 17, 2019, Applicant applied 1.23 cfs of the Walstrum Quarry Pipeline No. 2 water right to beneficial use for the decreed purposes at the Walstrum Quarry. Applicant's diversion records for September 2019 are attached as Exhibit B. Applicant hereby claims to make absolute in part the Walstrum Quarry Pipeline No. 2 water right in the amount of 1.23 cfs, with 6.62 cfs of the decreed amount remaining conditional. 6. Owner of Land Upon Which Structures are Located: Applicant WHEREFORE, Applicant respectfully requests that this Court enter a decree finding the Applicant has exercised reasonable diligence toward completion of the appropriation for the decreed uses and made absolute the Walstrum Quarry Pipeline No. 2 water right in part in the amount of 1.23 cfs, and continuing the conditional portions of the conditional water rights described herein in full force and effect for another six years, and granting such other relief as the Court deems just and proper. (7 pages, including 2 exhibits)

21CW3124 (14CW3073; 06CW176; 98CW471) CENTENNIAL LIMITED LIABILITY CO. III

Name, Address, and Telephone Number of Applicant: Centennial Limited Liability Co. III ("Centennial LLC"), Tabor Center, 1200 – 17th Street, Suite 850, Denver, CO 80202, (303) 572-6990. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, Esq., James M. Noble, Esq., Jens Jensen, Esq., WELBORN SULLIVAN MECK & TOOLEY, P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 830-2500. Introduction. Applicant owns approximately 2,395.57 acres of land in Douglas County, Colorado located in portion of Sections 16, 17, 20, 21, 22, 27, 28, 29 and 33, Township 8 South, Range 68 West of the 6th P.M. in Douglas County, Colorado (the "Property"). This is a diligence application for some of the water rights decreed for use on the Property: a direct flow right and multiple storage rights conditionally decreed in Case No. 98CW471 (the "Original Decree"). Findings of diligence were entered in Case No. 06CW176 on June 3, 2008 and in Case No. 14CW3073 on July 16, 2015. Following entry of the diligence decree in Case No. 06CW176, on Oct. 5, 2009, the Water Court entered a decree in Consolidated Case Nos. 00CW018, 00CW111 and 00CW129 (the "Change Decree"), which changed, in some aspects, the water rights that were originally decreed in 98CW471. The Original Decree: Adjudicated a 10 cfs conditional direct flow right for the West Plum Creek Diversion; and Adjudicated two storage structures, Pond #2B and Pond #13 totaling 800 acre feet per year; and Adjudicated additional conditional uses and sources of water for Ponds #1, #2A, #3A, #3, #4, #5, #6, #7, #8, #9, #10, #11 and #12, which were originally decreed in Case No. 97CW193; and Adjudicated conditional enlargement storage rights total 300 acre feet per year in three ponds previously decreed in Case No. 97CW193, Pond #1, Pond #2A and Pond #4. With regard to the water rights that are the subject of this diligence application, the Change Decree: Allowed the conditional storage rights decreed in Case Nos. 97CW193 and 98CW471 to be stored anywhere on the Property in ponds of any configuration, size and location so long as the total amount stored does not exceed 1,922.8 acre feet. The portion of the storage rights that is the subject of this Application is the 300 acre feet enlargement right and the 800 acre feet conditional storage right decreed in the Original Decree, both with an appropriation date of Dec. 15, 1998. Adjudicated an alternate point of diversion for the 10 cfs West Plum Creek Diversion direct flow right. These changes are reflected in this Application. 2. Name of Structures and Facilities Associated with the Conditional Water Right: A. West Plum Creek Diversion; B. West Plum Creek Alternate Diversion; C. Centennial Ponds. 3. Description of Conditional Water Rights: 3.1. West Plum Creek Diversion. A. Original Point of

Diversion: West Plum Creek Diversion was originally decreed to be located in the NE1/4 NW1/4 of Section 23, and/or in the SE1/4 SW1/4 of Section 14, Township 8 South, Range 68 West of the 6th P.M., at a point approximately on the north section line and approximately 2250 east of the NW corner of said Section 23. B. Alternate Point of Diversion: In Consolidated Case Nos. 00CW18, 00CW111 and 00CW129, West Plum Creek Diversion was decreed an alternate point of diversion to be located at a point beginning at the east quarter corner of Section 27, Township 8 South, Range 68 West of the 6th P.M., thence South 89°11'41" East along the South line of the Plum Creek Estate Subdivision in Douglas County, Colorado, approximately 1450.0 feet to the center line of West Plum Creek. C. Date of Appropriation: December 15, 1998. D. Amount: 10 cfs (conditional). E. Source: West Plum Creek, tributary to the South Platte River. F. Uses: Irrigation, recreation, commercial, domestic, and augmentation, including reuse, on the Applicant's Property consisting of approximately 2,395.57 acres of land in Douglas County, Colorado located in portion of Sections 16, 17, 20, 21, 22, 27, 28, 29 and 33, Township 8 South, Range 68 West of the 6th P.M. in Douglas County, Colorado; Denver Basin aquifer recharge, storage, and subsequent withdrawal through wells decreed and described in Case No. 97CW076, District Court, Water Division 1; storage in the Centennial Ponds, originally decreed in Case No. 97CW193 and 98CW471, as changed in Consolidated Case Nos. 00CW18, 00CW111 and 00CW129. Reuse is for irrigation on Applicant's Property, excluding domestic, and the subject right will be used to extinction to the extent possible, but no plan for such reuse is approved herein. Any reuse shall be only pursuant to subsequent Water Court approval including but not limited to approval of the timing, location and amount of return flows accruing to the surface stream, the methodology for capturing and reusing the return flows and the accounting procedures applied to such reuse. Applicant shall not divert water stored under this Decree or return flows from the first use or successive uses of water stored under this Decree (1) at a well or wells except pursuant to a subsequent decree for a plan for augmentation that authorizes diversion of such water at such well or wells, or (2) into a recharge facility except pursuant to a subsequent decree that authorizes diversion of such water into such recharge facility. No augmentation use shall occur except pursuant to a decreed augmentation plan or substitute water supply plan approved by the State Engineer pursuant to C.R.C. 37-92-308(4). No Denver Basin aquifer recharge, storage and subsequent withdrawal shall occur except pursuant to a decree approved by the Water Court. 3.2. Pond #2B and Pond #13 Storage Rights. A. Legal Descriptions. 1. Pond #2B was originally decreed to be located in the NE1/4 of Section 21 and the NW1/4 of Section 22, Township 8 South, Range 68 West of the 6th P.M. at a point approximately 1250 feet from the west and 300 feet from the north section line of said Section 21. 2. Pond #13 was originally decreed be located in the S½ of Section 28, Township 8 South, Range 68 West of the 6th P.M. at a point approximately 2440 feet from the east and 2590 feet from the south section line of said Section 28. 3. In Consolidated Case Nos. 00CW018, 00CW111 and 00CW129 all of the Centennial Ponds, including Pond #2B and Pond #13 were decreed to be located anywhere on the Property with no specific size or location; provided that the total storage volume of all Centennial Ponds shall not exceed 1,922.8 acre feet per year. B. Date of Appropriation: December 15, 1998. C. Amounts: 1. Pond #2B: originally decreed 410.0 acre feet and refill (conditional). 2. Pond #13: originally decreed 390 acre feet and refill (conditional) 3. The 800 acre feet of storage and refill decreed to Pond #2B and Pond #13 is subject to the total volumetric limitation of 1,922.8 acre feet per year for all Centennial Ponds decreed in Consolidated Case Nos. 00CW018, 00CW111 and 00CW129. D. Sources: 1. Jackson Creek, a tributary of West Plum Creek, through the Jackson Creek Highline Ditch, the Houston Ditch, the Upper Diversion, the Middle Diversion, and the Lower Diversion, all described in the decreed entered in Consolidated Case Nos. 00CW018, 00CW111, 00CW129; West Plum Creek, a tributary of the South Platte River, through the West Plum Creek Diversion and West Plum Creek Alternate Point of Diversion; and not nontributary Denver, Arapahoe and Laramie-Fox Hills aquifer groundwater as decreed in Case No. 97CW076, District Court, Water Division 1. The ponds will be located off channel and will be lined with impervious material. 2. To the extent that wastewater treatment plant return flows associated with the commercial and in-house use of not nontributary groundwater decreed in Case No. 97CW076 are used as a source of storage water, such water will only be stored in ponds to be designated by Centennial LLC at the time the ponds are constructed and water from those ponds will only be used for irrigation

purposes. E. Uses: Irrigation, recreation, commercial, domestic, and augmentation, including reuse, on the Property. In addition, Denver Basin aquifer recharge, storage, and subsequent withdrawal through wells decreed and described in Case No. 97CW076, District Court, Water Division 1. Reuse is for irrigation on Applicant's Property, excluding domestic, and the subject right will be used to extinction to the extent possible, but no plan for such reuse is approved herein. Any reuse shall be only pursuant to subsequent Water Court approval including but not limited to approval of the timing, location and amount of return flows accruing to the surface stream, the methodology for capturing and reusing the return flows and the accounting procedures applied to such reuse. Applicant shall not divert water stored under this Decree or return flows from the first use or successive uses of water stored under this Decree (1) at a well or wells except pursuant to a subsequent decree for a plan for augmentation that authorizes diversion of such water at such well or wells, or (2) into a recharge facility except pursuant to a subsequent decree that authorizes diversion of such water into such recharge facility. No augmentation use shall occur except pursuant to a decreed augmentation plan or substitute water supply plan approved by the State Engineer pursuant to C.R.C. 37-92-308(4). No Denver Basin aquifer recharge, storage and subsequent withdrawal shall occur except pursuant to a decree approved by the Water Court.

3.3. Centennial Ponds: Additional Storage Amounts and Additional Uses: A. Amounts. 1. Pond #1 Enlargement: 52.0 acre feet per year (conditional); 2. Pond #2A Enlargement: 88.0 acre feet per year (conditional); 3. Pond #4 Enlargement: 160 acre feet per year (conditional); 4. The 300 acre feet of enlarged storage decreed to Pond #'s 1, 2A and 4 is subject to the total volumetric limitation of 1,922.8 acre feet per year for all Centennial Ponds decreed in Consolidated Case Nos. 00CW018, 00CW111 and 00CW129. B. Sources: Jackson Creek, a tributary of West Plum Creek, through the Jackson Creek Highline Ditch, the Houston Ditch, the Upper Diversion, the Middle Diversion, and the Lower Diversion, all described in the decreed entered in Consolidated Case Nos. 00CW018, 00CW111, 00CW129; West Plum Creek, a tributary of the South Platte River, through the West Plum Creek Diversion and West Plum Creek Alternate Point of Diversion; and not nontributary Denver, Arapahoe and Laramie-Fox Hills aquifer groundwater as decreed in Case No. 97CW076, District Court, Water Division 1. The ponds will be located off channel and will be lined with impervious material. C. Uses: Additional uses were decreed to all of the Centennial Ponds in Case No. 98CW471. The decreed uses are: irrigation, recreation, commercial, domestic and augmentation, including reuse, on the Property. In addition, Denver Basin aquifer recharge, storage and subsequent withdrawal through wells decreed and described in Case No. 97CW076, District Court, Water Division 1. Reuse is for irrigation on Applicant's Property, excluding domestic, and the subject right will be used to extinction to the extent possible, but no plan for such reuse is approved herein. Any reuse shall be only pursuant to subsequent Water Court approval including but not limited to approval of the timing, location and amount of return flows accruing to the surface stream, the methodology for capturing and reusing the return flows and the accounting procedures applied to such reuse. Applicant shall not divert water stored under this Decree or return flows from the first use or successive uses of water stored under this Decree (1) at a well or wells except pursuant to a subsequent decree for a plan for augmentation that authorizes diversion of such water at such well or wells, or (2) into a recharge facility except pursuant to a subsequent decree that authorizes diversion of such water into such recharge facility. No augmentation use shall occur except pursuant to a decreed augmentation plan or substitute water supply plan approved by the State Engineer pursuant to C.R.C. 37-92-308(4). No Denver Basin aquifer recharge, storage and subsequent withdrawal shall occur except pursuant to a decree approved by the Water Court. D. Date of Appropriation of additional storage amounts, sources and uses: December 15, 1998. 4. Evidence of Reasonable Diligence towards Completing Appropriation: Centennial LLC has expended time, money and effort over the diligence period towards development and beneficial use of the subject conditional water rights. The direct flow and water storage rights conditionally decreed in Case No. 98CW471 and continued in Case No. 06CW176 and Case No. 14CW3073 are part of an integrated system of water rights to supply water to the Property near Sedalia, Colorado. 4.1. Centennial LLC worked with the Water Commissioner for District 8 to prepare to install automatic water volume monitoring equipment. 4.2. Centennial LLC has repaired storm damage to existing structures that are to be used to divert the water rights at issue herein. 4.3. Centennial LLC has re-dug the Houston ditch to improve flows and

enable delivery of water where needed. 4.4. Centennial LLC has negotiated for the purchase of additional land to reroute the conveyance of the water at issue herein to deliver it to its point of use more efficiently. 4.5. Centennial LLC has spent \$30,000 on equipment needed for the diversion project for the water rights at issue herein, and to repair existing equipment that is needed. 4.6. Centennial has applied for and obtained a decree in Case No. 15CW3181 for a new conditional appropriation of 666 acre-feet of water to be stored in the Centennial Ponds that are part of the same integrated system and wherein the rights decreed herein are to be stored as well. 4.7. Centennial LLC has diligently monitored stream conditions and priority calls on the Jackson Creek and West Plum Creek to measure and document in-priority diversions and stream flows, and engaged both legal and engineering consultants to provide expert assistance to protect and develop Centennial LLC's integrated water rights. 5. Names and Addresses of Owners of the Land Upon Which any New Diversion or Storage Structure, or Modification to any Existing Diversion or Storage Structure is or will be Constructed or upon Which Water is or will be Stored, Including any Modification to the existing Storage Pool. The structures are located or to be located on land owned by Centennial LLC, except for the Alternate Point of Diversion for the West Plum Creek Diversion which is owned by Robert and Bonnie Snodgrass, 4880 Tall Horse Trail, Sedalia, CO, and is subject to an Easement Agreement dated August 25, 1999. WHEREFORE, Centennial LLC requests that the Court enter a decree finding that Centennial LLC has satisfied the statutory standard of steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in development of the subject water rights, and that the remaining conditional portion of the water right should continue.

2021CW3125 (Previous Case No. 03CW428) PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Dr., Parker, CO 80134 (Please address all correspondence and inquiries regarding this matter to Applicant's attorney: Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in DOUGLAS COUNTY** Name of Structures: Parker Iliff Intake and Parker Powell Intake. 3. Describe conditional water rights giving the following from the Referee's Ruling and Judgment and Decree: **a. Date of Original Decree:** July 20, 2015, Case 03CW428, Water Division No. 1. **b. List all subsequent decrees** awarding findings of diligence (all in this Court): not applicable as the present application is the first diligence proceeding for the subject water rights. **c. Legal description of points of diversion** (see also maps attached as Exhibit A): **i. Parker Iliff Intake:** in the SE/4NW/4 Section 25, T 9 North, Range 52 West of the 6th P.M. in Logan County, at a point 2310 feet from the west line and 2100 feet from the North line of said Section 25. **ii. Parker Powell Intake:** in the NW/4SE/4 Section 1, T. 9 North, R. 51 West of the 6th P.M. in Logan County at a point 1580 feet from the east line and 2500 feet from the south line of said Section 1. **d. Source:** South Platte River **e. Date of Initiation of Appropriation:** December 9, 2003. **f. Amount:** 40 cfs (conditional) total combined diversions at the Parker Iliff Intake and the Parker Powell Intake, subject to a total volumetric limit of 18,000 in any Water Year (April 1 to March 31). Total annual combined diversions on the Parker Water Rights shall not exceed 94,000 acre-feet over any consecutive period of ten Water Years. These volumetric limits apply irrespective of whether diversions occur pursuant to a call or under free river conditions. **g. Use:** **i. The Parker Water Rights will be transported** via suitable stream channels, reservoirs, pumps and pipelines for all municipal purposes of Parker Water and Sanitation District including domestic, industrial, commercial, manufacturing, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production, and will also be used for exchange, replacement, and augmentation. Parker will use and re-use water diverted under the Parker Water Rights to extinction. The Decree in 03CW428 did not adjudicate a water storage right, and the mention therein of reservoirs as part of the project of which the water rights decreed therein will be components, was not intended to imply that a water storage right was adjudicated therein. **ii. The place of use** is within the boundaries of Parker Water and Sanitation District as those boundaries may from time to time be changed, and any locations of out-of-District service pursuant to contracts and the District's Rules

and Regulations. The service area of the District is presently in portions of Township 6 South, Range 65 West, Township 6 South, Range 66 West, Township 6 South, Range 67 West, Township 7 South, Range 65 West Township 7 South, Range 66 West and Township 7 South, Range 67 West, in Douglas County, Colorado. **iii. Although the 03CW428 Decree established** that the subject water may be used for exchange, replacement and augmentation, no exchange or plan for augmentation was sought or approved by that decree. Accordingly, the subject water may not be used for exchange, replacement or augmentation except pursuant to a subsequent decree or an approved Substitute Water Supply Plan. **4. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** **a. During the diligence period** the following capital improvements were made to Parker's water system for a total of over \$ 137 million: Ridgeway 42" water main, Canyons 36" water main, water treatment plant and various other building improvements, Canyons Well Facility, Ridgeway Well Facility and numerous water main, fire hydrant and other infrastructure components. All of these improvements increased Parker's ability to use the subject conditional water rights. **b. The subject water rights** have always been a part of a larger project concept in order to deliver the yield of the subject water rights to Parker in an efficient and cost effective manner. During the diligence period, Parker conducted numerous engineering, economic, geotechnical investigations, discussions and negotiations as part of planning the project which ultimately culminated in the cooperative and joint Water Court application of Parker and Lower South Platte Water Conservancy District in Case 19CW3253. The subject water rights are an integral part of that Project. **c. Professional investigations and reports** conducted for Parker during the diligence period included: Long-Term Water Supply Plan report by Providence Infrastructure Consultants 2015; CH2M Technical Memo January-May 2018 Long Term Water Supply Strategic Plan; Jacobs Technical Memo December 2019 Long Term Water Supply Strategic Plan; RJH Consultants Inc. August 2020 Feasibility Report for Long Term Water Supply in Washington and Logan Counties, with focus on geotechnical aspects; Lytle Water Solutions LLC ("LWS") Ditch Flow Measurement Report regarding the Iliff & Platte Valley Ditch and the Powell and Blair Ditch August 24, 2020; the LWS development, operation and continual improvement of a point flow model for the project; Environmental Permitting Assessment report by E.O. Resources Corporation, August 6, 2020; report by Harvey Economics "Need for and Financial Feasibility of the PWSD-LSPWCD Joint Development" August 31, 2020; PWSD and LSPWCD Water Court Application Regulatory and Permitting Analysis by Jacobs, August 24, 2020; and LWS Preliminary Engineering Report for case 19CW3253, August 31, 2020. **d. Parker conducted negotiations** with and became a member of the Northeast Colorado Water Cooperative in establishing the project as a cooperative project with a local entity. Lower South Platte Water Conservancy District subsequently became the cooperating entity as its authorizing statute is more appropriate for project development. **e. In addition, Parker has participated** as an opposer in various water court applications of others as necessary to protect ability to operate the project of which the subject water rights are a part. **f. Parker has spent** over \$ 800,000 on engineering, other professional reports and legal services as part of developing the project represented by pending case 19CW3253 which is essential to placing the subject conditional water rights to beneficial use. **g. All of these activities and expenditures** were and are essential to the proper development and use of the subject water rights. Parker has in all respects diligently worked toward placing these water rights to beneficial use. **5. Names and addresses of 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: As a stockholder in the Iliff and Platte Valley Ditch Company and the Proctor Water Company (also known as Powell and Blair Ditch Company), Parker owns or has the right to use the sites upon which all structures associated with this matter will be located. In addition, the following information is provided: **a. The diversion works of the Iliff and Platte Valley Ditch** are believed to be owned by: Iliff and Platte Valley Ditch Company, c/o Johnson & Associates, CPA, 400 S. Division Ave., PO Box 1723, Iliff, CO 80751, Based on examination of Logan County Assessor records, the land around said diversion works (Parcel ID 1089002) is believed to be owned by: Michael & Jeannette Cannon, PO Box 214 Fowler, CO 81039. **b. The diversion works of**

the Powell & Blair Ditch are believed to be owned by: Proctor Water Company, c/o Johnson & Associates, CPA, 400 S. Division Ave., PO Box 1723, Iliff, CO 80751, Based on examination of Logan County Assessor records, the lands around said diversion works (Parcel IDs 723000 and 93048501) are believed to be owned by: Golden Eagle Ranch, 600 Grant Street, Suite 620, Denver, CO 80203.

21CW3126 COLT AND KATHRYN HAUGEN, 18885 Brown Road, Colorado Springs, CO 80908. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver 80202. **APPLICATION FOR PLAN FOR AUGMENTATION. EL PASO COUNTY.** Subject Property: 61.55 acres generally located in the SW1/4, NW1/4, and the NW/1/4, SW1/4, Section 7, Township 11 South, Range 65 West of the 6th P.M., also known as 18885 Brown Rd, Colorado Springs, CO, El Paso County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Prior Decree: Case No. 2005CW260, decreed on May 16, 2006, quantified the groundwater underlying the Subject Property. Applicants are the owners of the following amounts of groundwater as decreed in Case No. 2005CW260:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)	51.16
Denver (NT)	50.04
Arapahoe (NT)	27.78
Laramie-Fox Hills (NT)	18.96

Well Permits: There is one existing Dawson Aquifer domestic well on the Subject Property under Well Permit Number 280006. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. 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 Proposed Amended Plan for Augmentation: Groundwater to be Augmented: 2.35 acre-feet per year of Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, commercial, stockwatering, and fire protection, including storage, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements Applicants request the Court approve the above requested augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 2 pages.

21CW3127 CHRISTOPHER E. AND KAREN S. BRUNETTE, 11333 Steel Ave, Elbert, CO 80106. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER. DOUGLAS COUNTY.** Subject Property: 35.84 acres generally located in the S1/2 SW1/4, Section 33, Township 9 South, Range 65 West of the 6th P.M.,

also known as 11333 Steele Ave, Elbert, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing domestic well on the Subject Property under Well Permit Number 61866. This well will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	16.40*
Lower Dawson (NT)	13.83
Denver (NT)	15.05
Arapahoe (NT)	16.95
Laramie-Fox Hills (NT)	10.22

*The total estimated amount of Upper Dawson Aquifer water is 18.40 acre-feet annually. 2 acre-feet is being withheld from this adjudication for use by existing exempt Well Permit Number 61866, and any future exempt purposes. Proposed Use: Domestic, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Water 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). Remarks: Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the court approve the above underground water right, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or person entitled to use water under any vested water right or decreed conditional water right, and grant other and further relief as is appropriate. 2 pages.

21CW3128 MICHELLE MARION-LAYTON AND PATRICK LAYTON, 40273 County Road 13, Elizabeth, CO 80107. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NON-TRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NON-NONTRIBUTARY UPPER DAWSON AQUIFER. ELBERT COUNTY.** Subject Property: 35 acres generally located in the SW1/4, SE1/4, Section 12, Township 7 South, Range 65 West of the 6th P.M., also known as 40255 County Road 13, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing Upper Dawson Aquifer domestic well on the Subject Property under Well Permit Number 182972. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	10.36
Lower Dawson (NT)	2.82
Denver (NT)	16.73
Arapahoe (NT)	17.81
Laramie-Fox Hills (NT)	9.15

Proposed Uses: Domestic, commercial, irrigation, stockwatering, fire protection, 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: 2.225 acre-feet per year of Upper 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 Upper Dawson Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, commercial, stockwatering, and fire protection, including storage, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Running Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 2 pages.

21CW3129 APPLICATION INCORRECT; CASE # REFILED AS 21CW3132

21CW3130 CHRISTOPHER AND ELIZABETH SCOTT, 1116 Yarnell Drive, Larkspur, CO 80118. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NON-TRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NON-NONTRIBUTARY UPPER DAWSON AQUIFER in DOUGLAS COUNTY.** Subject Property: 2 contiguous parcels totaling 5 acres generally located in the NE1/4, SE1/4, Section 29, Township 10 South, Range 67 West of the 6th P.M., Lots 35 and 18, Spruce Mountain Estates, also known as 1116 and 1134 Yarnell Dr, Larkspur, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing Upper Dawson Aquifer domestic well on the Subject

Property under Well Permit Number 238826. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper 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). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	4.35
Denver (NT)	3.5
Arapahoe (NT)	3.68
Laramie-Fox Hills (NT)	1.36

Proposed Uses: Domestic, commercial, irrigation, stockwatering, fire protection, 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: 2.1 acre-feet per year of Upper 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 Upper Dawson Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, commercial, stockwatering, and fire protection, including storage, through one or more wells, both on and off the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the East Plum Creek stream system and return flows accrue to that creek system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 2 pages.

21CW3131 THE CITY OF FORT COLLINS, c/o Theresa Connor, Interim Utilities Executive Director, and Donnie Dustin, Water Resources Manager, P.O. Box 580, Fort Collins, CO 80522; Email: tconnor@fcgov.com; ddustin@fcgov.com; Telephone: (970) 221-6671; (970) 416-2053. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. and Alison I.D. Gorsevski, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: sbc@vrlaw.com; adg@vrlaw.com; Telephone: (303) 443-6151; and Eric R. Potyondy, Esq., Fort Collins City Attorney’s Office, 300 LaPorte Avenue, Fort Collins, CO 80521; Email: epotyondy@fcgov.com; Telephone: (970) 416-2126. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN LARIMER**

AND WELD COUNTIES. Fort Collins is a Colorado municipal corporation with home-rule authority. It owns and operates a municipal water supply system to provide potable water supplies to customers located within its municipal water service area, and also a wastewater treatment system to collect and treat wastewater resulting from water use by customers located within its municipal wastewater service area. Fort Collins also owns lands that require non-potable water supplies for uses pertaining to Fort Collins' activities on these lands. 2. Prior Decree. The appropriative rights of exchange described in this application (collectively the "WSSC Shares Exchanges") were originally decreed in Case No. 2011CW265, Water Court, Water Division 1 on November 9, 2015 (*nunc pro tunc* July 17, 2015) ("11CW265 Decree"). This is the first application for findings of diligence for the WSSC Shares Exchanges. 3. Names of structures. The following structures are involved in the WSSC Shares Exchanges as described in the 11CW265 Decree, either as exchange-from or exchange-to points, or as locations where water diverted by exchange would be stored: a. Arthur Ditch, located 200 feet N and 440 feet E of the SW corner of Sec. 34, T8N, R69W, 6th P.M., Larimer County. b. Black Hollow Reservoir, located in portions of Sec. 34, T8N, R67W, 6th P.M., and Sec. 3, T7N, R67W, 6th P.M., Weld County. c. Box Elder Ditch, located in the SE1/4 NE1/4 of Sec. 20, T7N, R68W, 6th P.M., Larimer County. d. Cameron Pass Ditch, located in the NW1/4 SE1/4 of Sec. 2, T6N, R76W, 6th P.M., Larimer County. e. Chambers Lake, located in portions of Sec. 6 and 7, T7N, R75W, 6th P.M., and Sec. 31, T8N, R75W, 6th P.M., Larimer County. Chambers Lake is an on-stream reservoir. f. City of Fort Collins Pipeline, located in the SE1/4 of Sec. 32, T9N, R70W, 6th P.M., Larimer County, being more particularly described as follows: Considering the East line of said SE1/4 as bearing N 7°49'9" E, and with all bearings contained therein relative thereto; commencing at the SE corner of said Sec. 32: thence N 4°32'46" E, 1,335.13 feet to the center of said pipeline intake. g. City of Greeley Pipeline, located 1,790 feet S and 1,970 feet W of the NE corner of Sec. 15, T8N, R70W, 6th P.M., Larimer County. h. Claymore Lake, located in the SE1/4 of Sec. 31 and the SW1/4 of Sec. 32, T8N, R69W, 6th P.M., Larimer County. i. Claymore Lake Outlet, the present location where the Claymore Lake outlet discharges to the Cache La Poudre River is in the SW1/4 SW1/4 of Sec. 29, T8N, R69W, 6th P.M., Larimer County. j. Cobb Lake, located in portions of Sec. 14, 23, 24, 25, and 26, T8N, R68W, 6th P.M., Larimer County. k. Curtis Lake, located in portions of Sec. 16 and 17, T8N, R69W, 6th P.M., Larimer County. l. Douglas Reservoir, located in portions of Sec. 26, 35, and 36, T9N, R69W, 6th P.M., and Sec. 2, T8N, R69W, 6th P.M., Larimer County. m. Fort Collins Wastewater Treatment Plant No. 1 (a/k/a Fort Collins Mulberry Water Reclamation Facility), a facility that discharges wastewater, located in the S1/2 SE1/4 of Sec. 12, T7N, R69W, 6th P.M., Larimer County. n. Fort Collins Wastewater Treatment Plant No. 2 (a/k/a Fort Collins Drake Water Reclamation Facility), a facility that discharges wastewater, located in the E1/2 SE1/4 of Sec. 20, T7N, R68W, 6th P.M., Larimer County. o. Fossil Creek Reservoir, located in portions of Sec. 9, 10, 15, 16, and 17, T6N, R68W, 6th P.M., Larimer County. p. Fossil Creek Reservoir Outlet, located in the NE1/4 SW1/4 of Sec. 11, T6N, R68W, 6th P.M., Larimer County. q. Glade Reservoir, as proposed to be constructed, located in portions of Sec. 18, 19, 30 and 31, T9N, R69W, 6th P.M., and Sec. 6, T8N, R69W, 6th P.M., and Sec. 1, 2, 11, and 12, T8N, R70W, 6th P.M., and Sec. 25, 26, 35, and 36, T9N, R70W, 6th P.M., Larimer County. r. Glade Reservoir Outlet, to be constructed and located in Secs. 11, 12, and 13, T8N, R70W, 6th P.M., Larimer County, near the base of the dam. s. Grand River Ditch, located in the SW1/4 NW1/4 of Sec. 21, T6N, R75W, 6th P.M., Grand County. t. Halligan Reservoir (a/k/a North Poudre Reservoir No. 16), located in portions of Sec. 29, 32, 33, and 34, T11N, R71W, 6th P.M., Larimer County. Halligan is an on-stream reservoir. u. Jackson Ditch (a/k/a Dry Creek Ditch), located on a slough of the Cache La Poudre River at a point 1,795 feet North and 1,003 feet East of the Southwest corner of Sec. 30, T8N, R69W, 6th P.M., Larimer County. v. Joe Wright Reservoir, located in portions of Sec. 24 and 25, T7N, R76W, 6th P.M., Larimer County. w. Kluver Reservoir, located in portions of Sec. 14, 15, 22, and 23, T8N, R69W, 6th P.M., Larimer County. x. Larimer County Canal, located 610 feet N and 1,540 feet E of the SW corner of

Sec. 13, T8N, R70W, 6th P.M., Larimer County. y. Larimer County Canal No. 2, located 70 feet N and 295 feet E of the SW corner of Sec. 29, T8N, R69W, 6th P.M., Larimer County. z. Laramie Poudre Tunnel release to Tunnel Creek, located in the NE1/4 NE1/4 of Sec. 16, T8N, R75W, 6th P.M., Larimer County. aa. Larimer and Weld Canal (a/k/a Eaton Ditch), located 460 feet N and 2,150 feet E of the SW corner of Sec. 34, T8N, R69W, 6th P.M., Larimer County. bb. Lindenmeier Lake, located in portions of Sec. 31, T8N, R68W, 6th P.M., and Sec. 6, T7N, R68W, 6th P.M., Larimer County. cc. Lindenmeier Lake Outlet, located in the SW1/4 NE1/4 of Sec. 6, T7N, R68W, 6th P.M., Larimer County. dd. Long Draw Reservoir, located in portions of Sec. 10, 11, and 15, T6N, R75W, 6th P.M., Larimer County. Long Draw Reservoir is an on-stream reservoir. ee. Munroe Gravity Canal (a/k/a North Poudre Supply Canal), located on the east bank of the Cache La Poudre River in the SW1/4 NE1/4 of Sec. 5, T8N, R70W, 6th P.M., Larimer County, at a point whence the SE corner of said Sec. 5 bears S 37°27'30" E 3,647.5 feet. ff. New Mercer Ditch, located 70 feet N and 295 feet E of the SW corner of Sec. 29, T8N, R69W, 6th P.M., Larimer County. gg. North Poudre Canal, located on the North Fork of the Cache La Poudre River at a point 1,080 feet west and 170 feet north of the SE corner of Sec. 12, T10N, R71W, 6th P.M., Larimer County. hh. North Poudre Reservoir No. 1 (a/k/a Miners Lake), located in portions of Sec. 21, T9N, R69W, 6th P.M., Larimer County. ii. North Poudre Reservoir No. 2, located in portions of Sec. 24 and 25, T9N, R69W, 6th P.M., and Sec. 19 and 30, T9N, R68W, 6th P.M., Larimer County. jj. North Poudre Reservoir No. 3, located in portions of Sec. 18 and 19, T9N, R68W, 6th P.M., Larimer County. kk. North Poudre Reservoir No. 4, located in portions of Sec. 29, T9N, R68W, 6th P.M., Larimer County. ll. North Poudre Reservoir No. 5, located in portions of Sec. 31, T9N, R68W, 6th P.M. and Sec. 5 and 6, T8N, R68W, 6th P.M., Larimer County. mm. North Poudre Reservoir No. 6, located in portions of Sec. 5, 6, 7, and 8, T8N, R68W, 6th P.M., Larimer County. nn. North Poudre Reservoir No. 15, located in portions of Sec. 33, T10N, R69W, 6th P.M., and Sec. 4, T9N, R69W, 6th P.M., Larimer County. oo. Overland Trail Reservoirs, a series of lined gravel pits, located in portions of Sec. 32 and 33, T8N, R69W, 6th P.M., and Sec. 3 and 4, T7N, R69W, 6th P.M., Larimer County. pp. Overland Trail Gravel Pits Outlet No. 1, located in Sec. 34, at a point approximately 240 feet N and 940 feet E of the SW corner of Sec. 34, T8N, R69W, 6th P.M., Larimer County. qq. Overland Trail Gravel Pits Outlet No. 2, located in Sec. 3, at a point approximately 700 feet S and 2,420 feet E of the NW corner of Sec. 3, T7N, R69W, 6th P.M., Larimer County. rr. Overland Trail Gravel Pits Outlet No. 3, located in Sec. 33, at a point approximately 1,401 feet N and 2,401 feet W of the SE corner of Sec. 33, T8N, R69W, 6th P.M., Larimer County. ss. Overland Trail Gravel Pits Outlet No. 4, located in Sec. 34, at a point approximately 521 feet N and 1,951 feet E of the SW corner of Sec. 34, T8N, R69W, 6th P.M., Larimer County. tt. Overland Trail Gravel Pits Outlet No. 5, located in Sec. 3, at a point approximately 2,364 feet South and 929 feet W of the Northeast corner of Sec. 3, T7N, R69W, 6th P.M., Larimer County. uu. Park Creek Reservoir, located in portions of Sec. 7, 17, and 18, T10N, R69W, 6th P.M., Larimer County. vv. Pleasant Valley and Lake Canal, located 1,570 feet E and 1,720 feet N of the SW corner of Sec. 14, T8N, R70W, 6th P.M., Larimer County. ww. Portner Reservoir, located in the NE1/4 and the N1/2 of the SE1/4 of Sec. 12, T6N, R69W, 6th P.M., and in the SW1/4 of the NW1/4 of Sec. 7, T6N, R68W, 6th P.M., Larimer County. xx. Poudre Valley Canal, located 1,020 feet N and 160 feet E of the SW corner of Sec. 10, T8N, R70W, 6th P.M., Larimer County. yy. Richards Lake, located in portions of Sec. 30, T8N, R68W, 6th P.M., and Sec. 25, T8N, R69W, 6th P.M., Larimer County. zz. Rigden Reservoir, located in portions of Sec. 27 and 28, T7N, R68W, 6th P.M., Larimer County. aaa. Rigden Reservoir Outlet, located in the SW1/4 SW1/4 of Sec. 27, T7N, R68W, 6th P.M., Larimer County. bbb. Seaman Reservoir (a/k/a Milton Seaman Reservoir), located in portions of Sec. 28 and 33, T9N, R70W, 6th P.M., Larimer County. Seaman Reservoir is an on-stream reservoir. ccc. Sherwood Lake (a/k/a Nelson Reservoir), located in the N1/2 of Sec. 30, T7N, R68W, 6th P.M., Larimer County. ddd. Skyline Ditch, located in the NE1/4 of Sec. 5, T8N, R76W, 6th P.M., Larimer County. eee. Timnath Reservoir, located in portions of Sec. 23, 24, 25 and 26, T7N, R68W, 6th P.M., Larimer County.

fff. Timnath Reservoir Inlet Ditch, located on the north bank of the Cache La Poudre River in the SW1/4 NE1/4 of Sec. 18, T7N, R68W, 6th P.M., Larimer County. ggg. Warren Lake Reservoir, located in the W1/2 of Sec. 31, T7N, R68W, 6th P.M., and in Sec. 36, T7N, R69W, 6th P.M., Larimer County. hhh. Water Supply and Storage Reservoir No. 1 (a/k/a Rocky Ridge Reservoir), located in portions of Sec. 10, 11, and 14, T8N, R69W, 6th P.M., Larimer County. iii. Water Supply and Storage Reservoir Nos. 2 and 3, located in portions of Sec. 10, 11, 14, and 15, T8N, R69W, 6th P.M., Larimer County. jjj. Water Supply and Storage Reservoir No. 4, located in portions of Sec. 14 and 23, T8N, R69W, 6th P.M., Larimer County. kkk. Water Supply and Storage Reservoir No. 5 (a/k/a Long Pond), located in portions of Sec. 25 and 36, T8N, R69W, 6th P.M., and Sec. 30 and 31, T8N, R68W, 6th P.M., Larimer County. lll. Windsor Reservoir, located in portions of Sec. 27, 28, 33, and 34, T7N, R67W, 6th P.M., Weld County. The general location of these structures is shown on **Exhibit B** to this application. Although water diverted by exchange could be delivered to the storage structures described in this Paragraph 3, Fort Collins does not seek by this diligence application any new storage rights in, or rights to enlarge, these storage structures.

4. Description of Conditional Water Rights. a. The WSSC Shares Exchanges are described in detail in the 11CW265 Decree. The exchange matrix attached as **Exhibit A** to this application provides a summary of the WSSC Shares Exchanges (this matrix is Exhibit H to the 11CW265 Decree). **Exhibit B** provides information about the exchange reaches, based on the locations of the structures involved in the WSSC Shares Exchanges. b. At such times when substitute supply is available and stream conditions allow, and in accordance with the provisions of the 11CW265 Decree, Fort Collins will release all or a portion of the substitute supply identified in Paragraph 4.h, below, at the structures and locations listed in Paragraphs 4.c and 4.e (“Exchange-from Points”), and will divert water pursuant to the WSSC Shares Exchanges at the structures identified in Paragraphs 4.d. and 4.e. (“Exchange-to Points”), subject to the maximum rates of exchange identified in conjunction with the identified Exchange-from Points and Exchange-to Points. c. Exchange-from Points and Release Structures (Locations where water is provided for substitution and exchange). (1) Cameron Pass Ditch, as described in Paragraph 3.d. Maximum decreed exchange rate: 1.2 cubic feet per second (“c.f.s.”). (2) Claymore Lake Outlet, as described in Paragraph 3.i. Maximum decreed exchange rate: 10 c.f.s. (3) Fort Collins Wastewater Treatment Plant No. 1 (a/k/a Fort Collins Mulberry Water Reclamation Facility), as described in Paragraph 3.m. Maximum decreed exchange rate: 7 c.f.s. (4) Fort Collins Wastewater Treatment Plant No. 2 (a/k/a Fort Collins Drake Water Reclamation Facility), as described in Paragraph 3.n. Maximum decreed exchange rate: 26 c.f.s. (5) Fossil Creek Reservoir Outlet, as described in Paragraph 3.p. Maximum decreed exchange rate: 250 c.f.s. (6) Grand River Ditch, as described in Paragraph 3.s. Maximum decreed exchange rate: 23.3 c.f.s. (7) Glade Reservoir Outlet, as described in Paragraph 3.r. Maximum decreed exchange rate: 350 c.f.s. (8) Laramie Poudre Tunnel release to Tunnel Creek, as described in Paragraph 3.z. Maximum decreed exchange rate: 11.5 c.f.s. (9) Lindenmeier Lake Outlet, as described in Paragraph 3.cc. Maximum decreed exchange rate: 15 c.f.s. (10) Overland Trail Gravel Pits Outlet No. 1, as described in Paragraph 3.pp. Maximum decreed exchange rate: 50 c.f.s. (11) Overland Trail Gravel Pits Outlet No. 2, as described in Paragraph 3.qq. Maximum decreed exchange rate: 50 c.f.s. (12) Overland Trail Gravel Pits Outlet No. 3, as described in Paragraph 3.rr. Maximum decreed exchange rate: 50 c.f.s. (13) Overland Trail Gravel Pits Outlet No. 4, as described in Paragraph 3.ss. Maximum decreed exchange rate: 50 c.f.s. (14) Overland Trail Gravel Pits Outlet No. 5, as described in Paragraph 3.tt. Maximum decreed exchange rate: 50 c.f.s. (15) Rigden Reservoir Outlet, as described in Paragraph 3.aaa. Maximum decreed exchange rate: 50 c.f.s. (16) Skyline Ditch, as described in Paragraph 3.ddd. Maximum decreed exchange rate: 13.3 c.f.s. (17) Timnath Reservoir Inlet Ditch, as described in Paragraph 3.fff. Maximum decreed exchange rate: 200 c.f.s. (d) Exchange-to Points (Locations where water is diverted by exchange). (1) Munroe Gravity Canal (a/k/a North Poudre Supply Canal), as described in Paragraph 3.ee. Maximum decreed exchange rate: 250 c.f.s. (2) City of Fort Collins Pipeline,

as described in Paragraph 3.f. Maximum decreed exchange rate: 32 c.f.s. (3) City of Greeley Pipeline, as described in Paragraph 3.g. Maximum decreed exchange rate: 18 c.f.s. (4) Pleasant Valley and Lake Canal, as described in Paragraph 3.vv. Maximum decreed exchange rate: 80 c.f.s. (5) New Mercer Ditch, as described in Paragraph 3.ff. Maximum decreed exchange rate: 27 c.f.s. (6) Arthur Ditch, as described in Paragraph 3.a. Maximum decreed exchange rate: 36 c.f.s. (7) Box Elder Ditch, as described in Paragraph 3.c. Maximum decreed exchange rate: 150 c.f.s. e. Exchange-to and Exchange-from Points (Locations where water can be either diverted by exchange or provided in substitution and exchange): (1) Chambers Lake, as described in Paragraph 3.e. Maximum decreed exchange rate: 350 c.f.s. (2) Halligan Reservoir (a/k/a North Poudre Reservoir No. 16), as described in Paragraph 3.t. Maximum decreed exchange rate: 350 c.f.s. (3) Jackson Ditch, as described in Paragraph 3.u. Maximum decreed exchange rate: 50 c.f.s. (4) Larimer County Canal, as described in Paragraph 3.x. Maximum decreed exchange rate: 350 c.f.s. (5) Larimer County Canal No. 2, as described in Paragraph 3.y. Maximum decreed exchange rate: 81 c.f.s. (6) Larimer and Weld Canal (a/k/a Eaton Ditch), as described in Paragraph 3.aa. Maximum decreed exchange rate: 350 c.f.s. (7) Long Draw Reservoir, as described in Paragraph 3.dd. Maximum decreed exchange rate: 350 c.f.s. (8) North Poudre Canal, as described in Paragraph 3.gg. Maximum decreed exchange rate: 150 c.f.s. (9) Poudre Valley Canal, as described in Paragraph 3.xx. Maximum decreed exchange rate: 350 c.f.s. (10) Seaman Reservoir (a/k/a Milton Seaman Reservoir), as described in Paragraph 3.bbb. Maximum decreed exchange rate: 350 c.f.s. (11) Joe Wright Reservoir, as described in Paragraph 3.v. Maximum decreed exchange rate: 350 c.f.s. f. Exchange Reaches. The WSSC Shares Exchanges will operate on the Cache La Poudre River and certain of its tributaries within the reaches for the Exchange-from Points and Exchange-to Points described above, from the farthest upstream Exchange-from Points at the Grand River Ditch and Cameron Pass Ditch, and the farthest downstream Exchange-from Point at the Fossil Creek Reservoir Outlet, to the farthest upstream Exchange-to Points at Halligan Reservoir on the North Fork of the Cache La Poudre River, Long Draw Reservoir on the Cache La Poudre River, and Joe Wright Reservoir on Joe Wright Creek. g. Source. The physical source of water diverted at the Exchange-to Points is water flowing in the Cache La Poudre River and its tributaries. h. Source of Substitute Supply. The source of substitute supply for the WSSC Shares Exchanges is Fort Collins' pro-rata interest in the water rights associated with Fort Collins' 26.667 shares of capital stock in the Water Supply and Storage Company ("WSSC"), excepting WSSC's interests in the Jackson Ditch Company and the Colorado-Big Thompson Project, that were changed by the application filed in Case No. 11CW265 and the 11CW265 Decree ("WSSC Shares"). Water available to the WSSC Shares consists of water native to the Cache La Poudre River and transmountain water imported from the basins of the Laramie River, Michigan River, and Colorado River. A summary of the decrees for the WSSC water rights is provided in Exhibit A to the 11CW265 Decree. That decree describes the terms and conditions governing the use of the WSSC Shares, and also describes in detail how the WSSC Shares are used as sources of substitute supply in the WSSC Shares Exchanges. i. Date of Appropriation. December 23, 2011 j. Amounts. (1) The maximum flow rates for the Exchange-from Points and Exchange-to Points are provided in Paragraphs 4.c, 4.d, and 4.e, and are also shown on **Exhibit A**. (2) Cumulative instantaneous diversions by the WSSC Shares Exchanges at all Exchange-to Points described in Paragraphs 4.d and 4.e shall not exceed 350 c.f.s. Fort Collins shall not exchange more than 8,509 acre-feet total in any year using all structures described in Paragraphs 4.c, 4.d, and 4.e. k. Uses. The decreed uses for the WSSC Shares Exchanges are identified and described in the 11CW265 Decree, and no additional changes or uses are sought by the diligence application filed in this case. In general, and not as a limitation, Fort Collins' type, place, and manner of use of water diverted pursuant to the WSSC Shares Exchanges will include use directly, by storage and subsequent release, and by exchange for all municipal uses within Fort Collins' service area as it now exists or may from time to time be expanded including, but not limited to, domestic, irrigation (including, without limitation, agricultural irrigation), storage, commercial, industrial,

recreation, fishery, piscatorial, and wildlife, including any use for municipal purposes pursuant to or in connection with the change of water rights, exchange operations, and agreements described and approved in the 11CW265 Decree. Fort Collins will also reuse, successively use, and dispose of and fully consume the water diverted pursuant to the WSSC Shares Exchanges for the decreed uses. The use, reuse, successive use, and disposition to extinction of the water available through operation of the WSSC Shares Exchanges will also include use for augmentation, replacement, substitution in other exchanges, and for contract exchanges or water trades made by mutual agreement with other water users, both within and outside of Fort Collins' current or future service areas, provided these uses are in accordance with a decree that authorizes the use, or pursuant to a substitute water supply plan approved under C.R.S. §37-92-308 or interruptible water supply agreement approved under C.R.S. §37-92-309, or successor statutes.

1. Fort Collins does not own all of the structures involved in the WSSC Shares Exchanges, and shall operate the exchanges in accordance with the requirements of paragraph 40 of the 11CW265 Decree. 5. Amounts Claimed as Absolute. Fort Collins is not seeking to make any of the WSSC Shares Exchanges absolute, and only seeks findings of diligence and continuation of the conditional water rights. 6. Activities undertaken by Fort Collins toward completion of the appropriations and application of water to beneficial use during the diligence period, including expenditures. a. Fort Collins is a municipal entity that operates a complex and interrelated system for water delivery to its constituents and other entities and related wastewater treatment and water reuse. The majority of its system operations are integrated. During the subject diligence period from December 24, 2011, through the date of filing the application in this case, Fort Collins engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 6, concerning or related to its municipal water system, use of the WSSC Shares, and the development of the WSSC Shares Exchanges. The activities and costs identified in this application are not all inclusive, and Fort Collins reserves the right to provide evidence of other work done and costs incurred during the subject diligence period during the proceedings for this application. b. Fort Collins has actively worked on the Halligan Water Supply Project ("Halligan Project"). As described in Paragraph 4.e.(2), Halligan Reservoir is an Exchange-from Point and an Exchange-to Point for the WSSC Shares Exchanges. As part of the Halligan Project, Fort Collins has been working to obtain the necessary federal, state, and local permits and authorizations to enlarge Halligan Reservoir, including an individual permit under Section 404 of the Clean Water Act. During this permitting process, Fort Collins has and continues to analyze alternatives for the Halligan Project that will involve the use of several structures included in the WSSC Shares Exchanges. A draft environmental impact statement for the Halligan Project was released on November 22, 2019. Fort Collins has also been working to acquire the real property rights needed for the design, construction, and operation of the enlarged Halligan Reservoir. In total, Fort Collins spent nearly \$12.7 million dollars on the aforementioned activities during the subject diligence period. c. During the subject diligence period Fort Collins spent over \$11.5 million dollars on land acquisition, design, and construction of Rigden Reservoir. As described in Paragraph 4.c.(15), the outlet of Rigden Reservoir is an Exchange-from Point for the WSSC Shares Exchanges, and this structure will be part of the exchange operations. The development and construction of this reservoir was a needed component of the exchanges. d. Fort Collins spent approximately \$2.1 million dollars to design and construct a pre-sedimentation basin at the head of the Pleasant Valley Pipeline. The WSSC Shares Exchanges involve deliveries to this pipeline, and the pre-sedimentation basin was a needed improvement to allow for quality control of water diverted from the Cache La Poudre River. e. Fort Collins spent significant time and resources on planning activities to integrate the WSSC Shares and WSSC Shares Exchanges into its overall water supply system for the city, including preparing operational models that rely on use of the WSSC Shares Exchanges for the delivery of water. f. Fort Collins has been involved in discussions with the City of Greeley concerning Seaman Reservoir, its proposed enlargement, and Fort Collins' use of Seaman Reservoir. As described in Paragraph 4.e.(10), Seaman Reservoir is an Exchange-

from Point and Exchange-to Point for the WSSC Shares Exchanges. g. Fort Collins has met several times during the subject diligence period with WSSC and other WSSC shareholders with changed shares to discuss the WSSC system operations and ongoing water deliveries for both irrigation use and use under the changed shares. h. Fort Collins was the applicant in the following water court cases that are related to the development of the WSSC Shares Exchanges or which involve Exchange-From Points or Exchange-to Points associated with these exchanges: Case Nos. 13CW3185, 14CW3158, 15CW3053, 15CW3062, 16CW3169, and 19CW3225. i. Fort Collins participated in proceedings before the Colorado Water Quality Control Commission with respect to effluent discharged from the structures described in Paragraphs 3.m and 3.n, which effluent is and/or will be comprised in part of water derived from Fort Collins' use of the WSSC Shares and which can be used as a source of substitute supply in the WSSC Shares Exchanges. j. Fort Collins participated in various water court cases and proceedings before the State Engineer's Office as an opposer to monitor the impact of the rights claimed in those cases and to protect the use of the WSSC Shares and the WSSC Shares Exchanges from injury, including the following: Case Nos. 08CW277, 13CW3015, 13CW3037, 13CW3071, 13CW3141, 13CW3159, 13CW3166, 13CW3186, 14CW3008, 14CW3144, 15CW3095, 15CW3157, 15CW3162, 15CW3163, 15CW3167, 15CW3169, 15CW3172, 16SE04, 16CW3073, 16CW3093, 16CW3170, 16CW3172, 16CW3173, 16CW3174, 16CW3194, 16CW3195, 16CW3196, 17CW3046, 17CW3057, 17CW3160, 17CW3094, 17CW3160, 17CW3194, 17CW3198, 17CW3199, 17CW3203, 18CW3064, 18CW3076, 18CW3126, 19CW3007, 19CW3019, 19CW3059, 19CW3165, 19CW3169, 19CW3239, 20CW30, 20CW3000, 20CW3009, 20CW3041, 20CW3054, 20CW3157, 20CW3174, and 20CW3208. k. Fort Collins incurred \$145,000 in outside legal and engineering costs for work on water court applications in which Fort Collins was the applicant or opposing the water rights applications of others, including but not limited to related court expenses. Fort Collins' staff also spent time and resources during the prosecution of these applications.

7. Continuing Need and Intent for WSSC Shares Exchanges. Fort Collins has a continuing need for the WSSC Shares Exchanges up to the full exchange rates and annual volume decreed in Case No. 11CW265 to serve its customers and projected growth within its service area. Fort Collins maintains the intent to develop these exchanges and put the water diverted pursuant to the exchanges to the decreed beneficial uses, up to the annual volumetric limit.

8. Names and addresses of 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. The list below includes Fort Collins' current understanding of the owners of land upon which the structures identified in Paragraph 3 are located, and also the owners of the primary water rights that are diverted at, or stored in, the identified structures.

a. Arthur Ditch: (1) Arthur Irrigation Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550 (2) Martin Marietta Materials Inc., P.O. Box 8040, Fort Wayne, IN 46898-8040

b. Black Hollow Reservoir: Water Supply and Storage Company, P.O. Box 2017, Fort Collins, CO 80522-2017

c. Box Elder Ditch: (1) Box Elder Ditch Company, 207 Windflower Way, Severance, CO 80550 (2) City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580

d. Cameron Pass Ditch: (1) United States of America, Rocky Mountain National Park Service, 2150 Centre Avenue E, Fort Collins, CO 80526 (2) Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017

e. Chambers Lake: (1) United States of America, Rocky Mountain National Park Service, 2150 Centre Avenue E, Fort Collins, CO 80526 (2) Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017

f. City of Fort Collins Pipeline: City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580

g. City of Greeley Pipeline: City of Greeley, 1000 10th Street, Greeley, CO 80631

h. Claymore Lake: Pleasant Valley and Lake Canal Co., 160 W. Mountain Avenue, P.O. Box 421, Fort Collins, CO 80522-0421

i. Claymore Lake Outlet: Harry and Michelle Nequette Family Trust, 4009 Green Ridge Dr., Laporte, CO 80535

j. Cobb Lake: WRCC, Inc., 106 Elm Street, Eaton, CO 80615

k. Curtis Lake: Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017

l. Douglas

Reservoir: WRCC Inc., 106 Elm St., Eaton, CO 80615 m. Fort Collins Wastewater Treatment Plant No. 1 (a/k/a Fort Collins Mulberry Water Reclamation Facility) and Fort Collins Wastewater Treatment Plant No. 2 (a/k/a Fort Collins Drake Water Reclamation Facility): City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 n. Fossil Creek Reservoir: North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80549 o. Fossil Creek Reservoir Outlet: Kehn Don Construction, Inc., 6550 S. County Road 5, Fort Collins, CO 80528 p. Glade Reservoir and Glade Reservoir Outlet: The landowners identified for Glade Reservoir and its outlet are based on Fort Collins' current understanding of the proposed location and extent of the reservoir. (1) Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, CO 80513 (2) Weaver Cattle Co Inc., 260 Boattail Dr., Fort Collins, CO 80524 (3) Heidi Olinger and Lewis J. Striggow, P.O. Box 7812, Loveland, CO 80537 (4) Amanda and Brad Baldwin, 89720 N. Highway 287, Laporte, CO 80535 (5) Demetrios, Traci, and Thomas Mellos, 9481 Arapahoe Valley Road, Laporte, CO 80525 (6) Zachary R. Lantz, 9540 Arapahoe Valley Road, Laporte, CO 80535 (7) Degood Family Trust, 3800 E. 15th Street, Loveland, CO 80538 (8) Kurt E. and Laura Brubaker, 2755 Longbranch Rd., Eagle Point, OR 97524 (9) Donald J. and Kathleen K. Mroczko, 609 Cordial Road, Fort Collins, CO 80524 (10) Craig W. Mayer and Richard W. Penland, 1317 S. Fairfax Street, Denver, CO 80222 (11) Dustin and Corrine Lovell, 6197 Carmon Ct., Windsor, CO 80550 (12) State Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, CO 80203 (13) Doyle Kent and Gina K. Stewart, 3202 Rifle Road, Laporte, CO 80535 (14) Patrick D. Maguire, 8720 Arapahoe Valley Road, Laporte, CO 80535 (15) SBA Structures, Inc., 8051 Congress Avenue, Boca Raton, FL 33487 (16) Tokata Ranch LLC, 506 E. Mulberry Street, Fort Collins, CO 80524 (17) Susan R. Peterson, 1737 Little Ponderosa Way, Livermore, CO 80536 (18) Daniel Ispen, 8022 Arapaho Valley Rd., Laporte, CO 80535 (19) William E. Ashley and Jordan D. Cable, 3006 Colt Ct., Fort Collins, CO 80526 (20) Elizabeth A. Durnin, 7895 Kremers Ln., Laporte, CO 80535 (21) Jeffrey H. Wimsatt and Karen E. Innes, 218 Rivercrest Dr., Morgantown, WV 26508 (22) Mitchell B. Catron, 7751 Dakota Valley Dr., Laporte, CO 80535 (23) Holcim (US) Inc., 6211 N. Ann Arbor Rd., Dundee, MI 48131 (24) James T. White and Sandra Bruner, 7443 Kremers Ln., Laporte, CO 80535 (25) Vincent and Nancy Cowley, 7477 Dakota Valley Dr., Laporte, CO 80535 (26) Pupman Living Revocable Trust, 795 Sedge Way, Lafayette, CO 80026 (27) United States of America, Bureau of Land Management, General Delivery, Washington, DC 20090 (28) Robert M. Newton, 7137 Kremers Ln., Laporte, CO 80535 (29) Roy A. and Mary E. Schoen, 7321 Kremers Ln., Laporte, CO 80535 (30) 4826 Totonka Trail Trust, 1281 E. Magnolia St., Unit D203, Fort Collins, CO 80524 (31) George A. Logan and Cindy A. Sharpe, 6605 Kremers Lane, Laporte, CO 80535 (32) Cole P. and Dyan C. Thompson, 4780 Totonka Trail, Laporte, CO 80535 (33) Erik and Kim Whitin, 4747 Totonka Trail, Laporte, CO 80535 (34) Delores J. Barger, 11585 N. Highway 287, Laporte, CO 80535 (35) 11585 North US Highway 287 LLC, 5000 Northpark Dr., Colorado Springs, CO 80918 (36) State School Board of Land Commission, 1313 Sherman Street, Denver, CO 80203 (37) Robert L. and Sherry E. Graves, 5821 W. County Road 54E, Bellvue, CO 80512 (38) Gaile R. Mink and Edgar G. Allen, 413 White Mountain Meadows Dr., Ruidoso, NM 88345 q. Grand River Ditch: (1) Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 (2) United States of America, Rocky Mountain National Park, General Delivery, Washington, DC 20090 r. Halligan Reservoir (a/k/a North Poudre Reservoir No. 16): (1) The City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 (2) Geo. A. Henderson Co. Inc., a Colorado Corporation, and Chris Vandemoer, P.O. Box 668, Sterling, CO 80751 (3) United States of America, Bureau of Land Management, 1313 Sherman St., Denver, CO 80203 (4) Free Enterprises Inc., c/o Lee Stark, 1803 N. Garfield Avenue, Loveland, CO 80538 (5) State of Colorado, Colorado Parks and Wildlife, 6060 Broadway, Denver, CO 80216 (6) Landowners Association for Phantom Canyon Ranches, 1738 Bonny Dr., Loveland, CO 80538 (7) Gary C. Packard and Mary J. Packard Revocable Trust, 865 Three Corner Gate Road, Livermore, CO 80536 (8) Meadow Creek Cabin Association LLC, c/o Sandy Beardmore, 2212 Kiowa Ct., Fort Collins, CO 80525 s. Jackson Ditch: (1)

Jackson Ditch Company, P.O. Box 2017, Fort Collins, CO 80522-2017 (2) Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 t. Joe Wright Reservoir: (1) City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522 (2) United States of America, Rocky Mountain National Park Service, 2150 Centre Avenue E, Fort Collins, CO 80526 u. Kluver Reservoir: Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 v. Larimer County Canal: Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 w. Larimer County Canal No. 2: (1) Larimer County Canal No. 2 Irrigation Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550 (2) Harry and Michelle Nequette Family Trust, 4009 Green Ridge Dr., Laporte, CO 80535 (3) James S. Brinks Trust, P.O. Box 710, Laporte, CO 80535-0710 x. Laramie Poudre Tunnel release to Tunnel Creek: United States of America, Rocky Mountain National Park, 2150 Centre Avenue, Bldg. E, Fort Collins, CO 80526 y. Larimer and Weld Canal (a/k/a Eaton Ditch): Larimer and Weld Irrigation Co., 106 Elm Ave., Eaton, CO 80615 z. Lindenmeier Lake: (1) Lindenmeier Homeowners Association, 3424 Stanford Road, Fort Collins, CO 80525 (2) Lindenwood Homeowners Association, Inc., 1600 Lindenwood Drive, Fort Collins, CO 80524 aa. Lindenmeier Lake Outlet: Lindenwood Homeowners Association, Inc., 1600 Lindenwood Drive, Fort Collins, CO 80524 bb. Long Draw Reservoir: (1) Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 (2) United States of America, Rocky Mountain National Park, General Delivery, Washington, DC 20090 cc. Munroe Gravity Canal (a/k/a North Poudre Supply Canal): (1) North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80549 (2) Northern Colorado Water Conservancy, District; 220 Water Avenue, Berthoud, CO 80513 dd. New Mercer Ditch: (1) New Mercer Ditch Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550 (2) Harry and Michelle Nequette Family Trust, 4009 Green Ridge Dr., Laporte, CO 80535 ee. North Poudre Canal: (1) North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80549 (2) Landowners Association for Phantom Canyon Ranches, 1738 Bonny Dr., Loveland, CO 80538 ff. North Poudre Reservoir No. 1 (a/k/a Miners Lake): North Poudre Reservoir No. 2; North Poudre Reservoir No. 3; North Poudre Reservoir No. 4; North Poudre Reservoir No. 5; North Poudre Reservoir No. 6; and North Poudre Reservoir No. 15: North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80549-0100 gg. Overland Trail Reservoirs: (1) City of Greeley, 1000 10th Street, Greeley, CO 80631 (2) Fort Collins-Loveland Water District, 5150 Snead Dr., Fort Collins, CO 80525 (3) North Weld County Water District, 32825 Co Rd 39, Lucerne, CO 80646 (4) East Larimer County Water District, 232 S. Link Lane, Fort Collins, CO 80524 hh. Overland Trail Gravel Pits Outlet No. 1: Martin Marietta Materials, Inc., P.O. Box 8040, Fort Wayne, IN 46898 ii. Overland Trail Gravel Pits Outlet No. 2: Western-Mobile Northern Inc., P.O. Box 8040, Fort Wayne, IN 46898 jj. Overland Trail Gravel Pits Outlet No. 3: (1) City of Greeley, 1000 10th Street, Greeley, CO 80631 (2) Fort Collins-Loveland Water District, 5150 Snead Dr., Fort Collins, CO 80525 (3) North Weld County Water District, 32825 Co Rd 39, Lucerne, CO 80646 (4) East Larimer County Water District, 232 S. Link Lane, Fort Collins, CO 80524 kk. Overland Trail Gravel Pits Outlet No. 4: Martin Marietta Materials, Inc., P.O. Box 8040, Fort Wayne, IN 46898 ll. Overland Trail Gravel Pits Outlet No. 5: City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 mm. Park Creek Reservoir: North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80549 nn. Pleasant Valley and Lake Canal: (1) Pleasant Valley and Lake Canal Co., 160 W. Mountain Avenue, P.O. Box 421, Fort Collins, CO 80522 (2) City of Greeley, 1000 10th Street, Greeley, CO 80631 oo. Portner Reservoir: City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522 pp. Poudre Valley Canal: State of Colorado, Colorado Parks and Wildlife, 6060 Broadway, Denver, CO 80216 qq. Richards Lake: Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 rr. Rigden Reservoir: City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 ss. Rigden Reservoir Outlet: City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 tt. Seaman Reservoir (a/k/a Milton Seaman Reservoir): (1) The City of Fort Collins, Water Department, P.O. Box 580, Fort Collins, CO 80522 (2) City of Greeley Water Dept., Seaman Dam, 1000 10th Street, Greeley, CO 80631 (3) City of Greeley, 1000 10th St., Suite

300, Greeley, CO 80631 (4) State Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, CO 80203 (5) State of Colorado, Department of Natural Resources, 6060 Broadway, Denver, CO 80216 (6) United States of America, Rocky Mountain National Park, 2150 Centre Avenue East, Fort Collins, CO 80526 (7) United States of America, Rocky Mountain National Park, General Delivery, Washington, DC 20410 (8) United States Department of Agriculture, Forest Service, c/o Inspector General, 2850 McClelland Drive, Fort Collins, CO 80525 (9) Overview Business Holdings LLC, 2361 Genoa Lansing Towline Rd., King Ferry, NY 13081 (10) County of Larimer, 200 W. Oak Street, Fort Collins, CO 80521 (11) Linda A. McMurry Trust and Murry R. McMurry Trust, 3673 Bradford Street NE, Grand Rapids, MI 49525-3322 (12) Colorado State University, c/o State School Land Board of Land Commissioners, 1313 Sherman Street, Denver, CO 80203-2236 (13) James R. Kahn, 6065 Obenchain Road, Laporte, CO 80535 uu. Sherwood Lake (a/k/a Nelson Reservoir): Lake Sherwood Homeowners Association, 2850 McClelland Dr., Suite 1000, Fort Collins, CO 80525 vv. Skyline Ditch: Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 ww. Timnath Reservoir: Cache la Poudre Irrigation Company, P.O. Box 356, Greeley, CO 80631-0356 xx. Timnath Reservoir Inlet Ditch: City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 yy. Warren Lake Reservoir: Warren Lake Reservoir Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550 zz. Water Supply and Storage Reservoir No. 1; Water Supply and Storage Reservoir Nos. 2 and 3; Water Supply and Storage Reservoir No. 4; and Water Supply and Storage Reservoir No. 5 (a/k/a Long Pond): Water Supply and Storage Co., P.O. Box 2017, Fort Collins, CO 80522-2017 aaa. Windsor Reservoir: WRCC, Inc., 106 Elm Street, Eaton, CO 80615 WHEREFORE, Fort Collins seeks entry of a decree that: 1) includes findings of reasonable diligence for the conditional appropriative rights of exchange for the WSSC Shares Exchanges; 2) confirms Fort Collins' right to complete the appropriations for the WSSC Shares Exchanges and divert water under those water rights at the full exchange rates and up to the annual volume in accordance with the provisions of the 11CW265 Decree; and 3) continues the conditional water rights for the WSSC Shares Exchanges for another diligence period. (29 pgs., 2 Exhibits)

21CW3132 MICHELLE MARION-LAYTON AND PATRICK LAYTON, 40273 County Road 13, Elizabeth, CO 80107. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NON-TRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NON-NONTRIBUTARY UPPER DAWSON AQUIFER. ELBERT COUNTY.** Subject Property: 37 acres generally located in the SE1/4, SW1/4, Section 12, Township 7 South, Range 65 West of the 6th P.M., also known as 40273 County Road 13, Elizabeth, Elbert County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). Applicants are the sole owners of the Subject Property. Well Permits: There is one existing domestic well on the Subject Property under Well Permit Number 182973. This well will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is non-tributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	7.27*
Lower Dawson (NT)	2.98

Denver (NT)	18.49
Arapahoe (NT)	18.45
Laramie-Fox Hills (NT)	9.73

*The total estimated amount of Upper Dawson Aquifer water is 11.27 acre-feet annually. 4 acre-feet is being withheld from this adjudication for use by existing exempt Well Permit Number 182973, and any future exempt purposes. Proposed Use: Domestic, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Water 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). Remarks: Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the court approve the above underground water right, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or person entitled to use water under any vested water right or decreed conditional water right, and grant other and further relief as is appropriate. 2 Pages.

21CW3133 GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS” or “Applicant”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Bradley C. Grasmick, Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970)622-8181; **APPLICATION TO ADD WELLS TO AUGMENTATION PLAN IN WELD COUNTY**

2. Augmentation Plan. Applicant operates an augmentation plan decreed in Case No. 02CW335 (“GMS Plan”). ¶14.5 of the decree in Case No. 02CW335 (“Decree”) allows the addition of wells to the GMS Plan subject to notice and terms and conditions.

3. Structures to be Added and Augmented (“Added Wells”).

3.1. Name of Structure to be Added and Augmented: Reeve Well 1-11961-R-R; Well Permit No. 11961-R-R; WDID No. 0207743.

3.1.1. Name and Address of Owner of Well: Glenn D. Erickson and Linda Erickson, 21775 County Road 45, LaSalle CO 80645. (970) 396-8415.

3.1.2. Location of Well: SW 1/4 NE 1/4 Section 15, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, more particularly described as 1,247 feet North from pin located in the center of said Section 15. UTM Zone 13: 529892.1 Easting, 4462881.4 Northing.

3.1.3. GMS Contract No. 1287: Irrigation use. See Attachment 5 of **Exhibit 1**.

3.1.4. Prior Decree: A decree was entered in Case No. W-2188 on February 28, 1973 with an appropriation date of May 31, 1939 for irrigation of land located in the SW 1/4 of the NE 1/4 of Section 15, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. See **Exhibit 2**.

3.2. Name of Structure to be Added and Augmented: Reeve Well 2-11962-R; Well Permit No. 11962-R; WDID No. 0207744.

3.2.1. Name and Address of Owner of Well: Glenn D. Erickson and Linda Erickson, 21775 County Road 45, LaSalle CO 80645. (970) 396-8415.

3.2.2. Location of Well: SW 1/4 NE 1/4 of Section 15, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado, more particularly described as being 1,313 feet East of the SE 1/4 corner of said Section 26.

3.2.3. GMS Contract No. 1287: Irrigation use. See Attachment 5 of **Exhibit 1**.

3.2.4. Prior Decree: A decree was entered in Case No. W-2188 on February 28, 1973 with an appropriation date of May 31, 1955 for irrigation of land located in the SE 1/4 of the NE 1/4 of Section 15, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. See **Exhibit 2**.

4. Proposed Terms and Conditions.

4.1. Consumptive Use Factors. The terms and conditions for the Added Wells will be the same as for the other Member Wells in the Decree. The consumptive use factor will be 60% for flood irrigated acres, 80% for sprinkler irrigated acres and 100% for industrial and commercial uses. The

method for determining future well depletions will be those set out in the Decree at ¶17.3.3.2. The Added Wells will be subject to all the terms and conditions for operation as for other Member Wells in the Decree. 4.2. Net Stream Depletions. Depletions resulting from the use of groundwater and accretions resulting from deep percolation of groundwater applied for irrigation will be lagged back to the Beebe Draw using the Glover alluvial aquifer method and the following aquifer characteristics:

WDID	Distance to Stream from Aquifer Boundary (ft)	Distance to Stream from Well (ft)	Harmonic Mean Transmissivity (gpd/ft)	Specific Yield
0207743	5,410	1,640	215,000	0.2
0207744	5,115	330	216,000	0.2

5. These wells have not been operated since 2003. Due to their proximity to the Beebe Draw, there are no post pumping depletions associated with these wells. 6. A report from White Sands Water Engineers supporting this application is attached as **Exhibit 1**. 7. Names and addresses of owners of land on which structure is located: Glenn D. Erickson and Linda Erickson, 21775 County Road 45, LaSalle CO 80645. (970) 396-8415. This Application consists of four (4) pages.

21CW3134 CHERRY CREEK PROJECT WATER AUTHORITY, c/o Richard Krulish, 5242 Old Schoolhouse Rd., Parker, CO 80134; Email: rkrulish@pinerywater.com; Telephone: (303) 841-2797 x201. Please direct all correspondence concerning this Application to: Gabe Racz, Esq., Aaron S. Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Email: gr@vrlaw.com; asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151.

APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS AND ARAPAHOE COUNTIES.

2. Names of Structures. a. Vessel QAL-3 Well – Permit No. 45029-F (expired) b. Franktown QAL-3 Well – Permit No. 10721-AD (application denied) 3. Prior Decrees. a. Original Decree. The original decree for the conditional water rights described below was entered on April 28, 1989, in Case No. 84CW680, Water Court for Water Division No. 1 (“84CW680 Decree”) (“Subject Water Rights”). b. Change Decrees. Change decrees were entered on February 9, 1998, in Case No. 95CW280, Water Court for Water Division No. 1 (“95CW280 Decree”), and on August 24, 2015 in Case No. 10CW318, Water Court for Water Division No. 1 (“10CW318 Decree”). c. Diligence/Absolute Decrees. A decree continuing the Subject Water Rights was entered on September 18, 1996, in Case No. 95CW78, Water Court for Water Division No. 1 (“95CW78 Decree”). Subsequent diligence decrees were entered on June 10, 2005, in Case No. 02CW206, Water Court for Water Division No. 1 (“02CW206 Decree”) and on July 14, 2015, in Case No. 11CW120, Water Court for Water Division No. 1 (“11CW120 Decree”). 4. Description of Water Rights. The location of the points of diversions, alternate points of diversion, and places of storage described below are shown on the map attached as **Exhibit A**. a. Decreed Legal Description of the Structures. i. Vessel QAL-3 Well is located in the SE1/4 NW1/4 of Section 3, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 1,450 feet from the North line and 1,330 feet from the West line. ii. Franktown QAL-3 Well is located in the NE1/4 NW1/4 of Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point approximately 1,260 feet from the North Section line and 1,800 feet from the West Section line of said Section 27. b. Alternate points of diversion. In the 10CW318 Decree, the Subject Water Rights were changed to add the following alternate points of diversion: i. Hewins Well No. 2, located at a point in the SW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, whence the SE Corner of said Section 34 bears South 70° 06’ East a distance of 2,181 feet. ii. Kelty Well No. 1, located at a point in the NW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, whence the SE Corner of said Section 34 bears South 59° 21’ East a distance of 2,600 feet. iii. Franktown Well No. 1, located at a point 140 feet North and 1,400 feet East of the SW

Corner of Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado. iv. Franktown Well No. 2, located in the SE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 1,250 feet from the South section line and 2,320 feet from the West section line of said Section 22. v. Walker Well No. 1, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 2,515 feet from the North section line and 1,490 feet from the East section line of said Section 34. vi. Walker Sump No. 1, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 2,590 feet from the North section line and 2,160 feet from the East section line of said Section 34. vii. Franktown Well QAL-3, located in the NE1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point approximately 1,260 feet from the North section line and 1,800 feet from the West section line of said Section 27. viii. Walker Reservoir Well No. 1, located in the NE1/4 NW1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,080 feet from the North section line and 2,530 feet from the West section line. ix. Walker Reservoir Well No. 2, located in the SW1/4 NE1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,400 feet from the North section line and 2,200 feet from the East section line. x. Walker Reservoir Well No. 3, located in the SW1/4 NE1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,760 feet from the North section line and 2,240 feet from the East section line. xi. Walker Reservoir Well No. 4, located in the SW1/4 NE1/4, Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,100 feet from the North section line and 2,130 feet from the East section line. xii. Walker Reservoir Well No. 5, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,500 feet from the North section line and 2,000 feet from the East section line. xiii. Walker Reservoir Well No. 6, located in the SW1/4 NE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,620 feet from the North section line and 2,540 feet from the East section line. xiv. Walker Reservoir Well No. 7, located in the SE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., 2,550 feet from the North section line and 2,180 feet from the West section line. xv. Walker Reservoir Well No. 8, located in the SE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,570 feet from the North section line and 1,820 feet from the West section line. xvi. Walker Reservoir Well No. 9, located in the SE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,170 feet from the North section line and 1,880 feet from the West section line. xvii. Walker Reservoir Well No. 10, located in the SE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,730 feet from the North section line and 1,820 feet from the West section line. xviii. Walker Reservoir Well No. 11, located in the SE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,430 feet from the North section line and 1,900 feet from the West section line. xix. Walker Reservoir Well No. 12, located in the NE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,100 feet from the North section line and 2,030 feet from the West section line. xx. Walker Reservoir Well No. 13, located in the NE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 800 feet from the North section line and 2,150 feet from the West section line. xxi. Walker Reservoir Well No. 14, located in the NE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,200 feet from the North section line and 2,200 feet from the West section. xxii. Walker Reservoir Well No. 15, located in the SE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,800 feet from the North section line and 2,200 feet from the West section line. xxiii. Walker Reservoir Well No. 16, located in the SE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,300 feet from the North section line and 2,200 feet from the West section line. xxiv. Walker Reservoir Well No. 17, located in the NE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,500 feet from the South section line and 2,150 feet from the West section line. xxv. Walker Reservoir Well No. 18, located in the NE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,000 feet from the South section line and 2,100 feet from the West section line. xxvi. Walker Reservoir

Well No. 19, located in the SE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,000 feet from the South section line and 1,900 feet from the West section line. xxvii. Walker Reservoir Well No. 20, located in the SE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 550 feet from the South section line and 1,650 feet from the West section line. xxviii. Walker Reservoir Well No. 21, located in the NE1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 400 feet from the North section line and 1,400 feet from the West section line. xxix. Walker Reservoir Well No. 22, located in the NE1/4 SW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,500 feet from the South section line and 2,050 feet from the West section line. xxx. Walker Reservoir Well No. 23, located in the NE1/4 SW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,000 feet from the South section line and 2,000 feet from the West section line. xxxi. Walker Reservoir Well No. 24, located in the NE1/4 SW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,450 feet from the South section line and 2,000 feet from the West section line. xxxii. Walker Reservoir Well No. 25, located in the SE1/4 SW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 950 feet from the South section line and 2,100 feet from the West section line. xxxiii. Walker Reservoir Well No. 26, located in the SE1/4 SW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 500 feet from the South section line and 2,200 feet from the West section line. xxxiv. Walker Reservoir Well No. 27, located in the NE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 100 feet from the North section line and 2,300 feet from the West section line. xxxv. Walker Reservoir Well No. 28, located in the NE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 600 feet from the North section line and 2,350 feet from the West section line. xxxvi. Walker Reservoir Well No. 29, located in the NE1/4 NW1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,100 feet from the North section line and 2,400 feet from the West section line. xxxvii. Walker Reservoir Well No. 30, located in the NW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,200 feet from the South section line and 2,250 feet from the East section line. xxxviii. Walker Reservoir Well No. 31, located in the NW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,800 feet from the South section line and 1,950 feet from the East section line. xxxix. Walker Reservoir Well No. 32, located in the NW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,450 feet from the South section line and 1,700 feet from the East section line. xl. Walker Reservoir Well No. 33, located in the SW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,050 feet from the South section line and 1,400 feet from the East section line. xli. Walker Reservoir Well No. 34, located in the SE1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 550 feet from the South section line and 1,250 feet from the East section line. xlii. Walker Reservoir Well No. 35, located in the SE1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 50 feet from the South section line and 1,250 feet from the East section line. xliii. Walker Reservoir Well No. 15W, located in the SE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,800 feet from the North section line and 1,800 feet from the West section line. xliv. Walker Reservoir Well No. 16W, located in the SE1/4 NW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,300 feet from the North section line and 1,800 feet from the West section line. xlv. Walker Reservoir Well No. 17W, located in the NE1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 2,500 feet from the South section line and 1,950 feet from the West section line. xlvi. Walker Reservoir Well No. 31W, located in the NW1/4 SE1/4 Section 34, Township 7 South, Range 66 West, 1,800 feet from the South section line and 2,350 feet from the East section line; and xlvii. Liberty Village Well No. 1, located in the SW1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,280 feet from the South section line and 800 feet from the West section line. xlviii. Liberty Village Well No. 2, located in the SW1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 800 feet from the South section line and 1,000 feet from the West section line. xlix.

Liberty Village Well No. 3, located in the SW1/4 SW1/4 Section 22, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 300 feet from the South section line and 700 feet from the West section line. i. Liberty Village Well No. 4, located in the NW1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 550 feet from the North section line and 1,100 feet from the West section line. ii. Liberty Village Well No. 5, located in the NW1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,100 feet from the North section line and 1,300 feet from the West section line. iii. Liberty Village Well No. 6, located in the NE1/4 NW1/4 Section 27, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, 1,150 feet from the North section line and 2,340 feet from the West section line. liii. In addition to the alternate points of diversion described above, Vessel Well No. 1, Lemen Ditch, Barnes Ditch, Christiansen Well No. 3, and Christiansen Well No. 4 are changed to add the following additional alternate points of diversion: (1) Vessel Well No. 1, located in the SE1/4 NW1/4 Section 3, Township 7 South, Range 66 West, Douglas County, Colorado, at a point 2,450 feet from the North section line and 1,600 feet from the West section line of said Section 3. (2) Christiansen Well No. 3, located in the NE 1/4 SW1/4 Section 3, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 1,600 feet from the South section line and 1,720 feet from the West section line. (3) Christiansen Well No. 4, located in the NE1/4 SE1/4 Section 3, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado. (4) Christiansen Well No. 2, (permit no. 16061-R), located in the SW1/4 SW1/4 Section 3, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 850 feet from the South section line and 1,310 feet from the West section line. (5) Newlin Gulch Aqueduct No. 2, a diversion structure which intersects the thread of Cherry Creek in the SE1/4 NW1/4 Section 3, Township 7 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point approximately 2,090 feet south of the North section line of said section 3, and approximately 1,870 feet east of the West section line of said Section 3. c. Source. Groundwater tributary to Cherry Creek. d. Appropriation Dates and Amounts. i. Dates of appropriation: (1) Vessel QAL-3 Well: April 19, 1984 (2) Franktown QAL-3 Well: April 19, 1984 ii. Amounts decreed: (1) Vessel QAL-3 Well: 3.34 cfs conditional, with an allowed annual withdrawal of 720 acre-feet. (2) Franktown QAL-3 Well: 3.34 cfs, conditional, with an allowed annual withdrawal of 720 acre-feet. (3) In the 10CW318 Decree, the Court determined that the combined annual contemplated draft for the Subject Water Rights shall be 488 acre-feet per year, and that the monthly limits on the contemplated draft for the Subject Water Rights shall be the amounts shown in Table 2 to the 10CW318 Decree. e. Use: i. Type of use: All municipal purposes, including domestic, irrigation, stock watering, industrial, commercial, recreation, piscatorial, augmentation, wildlife and fire protection purposes. In the 10CW318 Decree, the types of use of the Subject Water Rights were changed to include all existing decreed uses, and all municipal purposes including domestic, agricultural, industrial, commercial, irrigation, augmentation, stock watering, recreation, fish and wildlife, mining, mine reclamation and continuing mine depletions from the exposure of groundwater, and fire protection uses. Water may be produced for: immediate application to beneficial use; for storage, including the locations described below or by aquifer storage and recovery in the Denver Basin aquifers, and subsequent application to beneficial use or release and rediversion to storage; for exchange purposes; for replacement of depletions resulting from the use of water from other sources; and for all other augmentation and replacement purposes, including augmentation of not nontributary groundwater diversions. The historical depletions or contemplated draft associated with the Changed Water Rights may be used under the alternate points of diversion as described in section 2.2.1 of the 10CW318 Decree followed by direct use, or use by storage, augmentation, rediversion, or exchange. Water may be used, reused, and successively used to extinction. The right to reuse and successively use the water will be conditioned on CCPWA or its Members' ability to maintain legal dominion and control over the water and the terms and conditions of Section 6.6 of the 10CW318 Decree. ii. Places of storage. Prior to storing any water at any place of storage listed below pursuant to the 10CW318 Decree, Applicant will provide evidence to the Division Engineer of the right to use the storage structure and obtain approval by the Division Engineer for the proposed methods of reservoir accounting and measurement of water diverted into storage. Water may be stored at the following locations: (1) Walker Reservoir. Located in Section 34,

Township 7 South, Range 66 West of the 6th P.M., Douglas County, Colorado. (2) Rueter-Hess Reservoir. The axis of the dam of Rueter-Hess Reservoir intersects the thread of Newlin Gulch at a point in the SE1/4 SW1/4 Section 30, Township 6 South, Range 66 West, 6th P.M., Douglas County, Colorado, which point is approximately 98 feet north of the South section line and 2,348 feet east of the West section line of said Section 30. The northwest abutment of the dam is in the SE1/4 SE1/4 Section 25, Township 6 South, Range 67 West, 6th P.M., approximately 1,026 feet west of the East section line, and approximately 708 feet north of the South section line of said Section 25. The southeast abutment of the dam is in the NE1/4 SE1/4 Section 31, Township 6 South, Range 66 West, 6th P.M., approximately 4,227 feet east of the West section line and 2,950 feet south of the North section line of said Section 31. CCPWA will provide evidence to the Division Engineer that it has obtained written permission from the reservoir owner, Parker Water and Sanitation District (“PWSD”), before storing water in Rueter-Hess Reservoir. (3) Inverness Reservoir. Located in the NW1/4 SE1/4 and the SW1/4 SE1/4 Section 35, Township 5 South, Range 67 West, 6th P.M., Arapahoe County, Colorado. (4) Cherry Creek Reservoir. An on-channel reservoir located in Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, and 24, Township 5 South, Range 67 West, 6th P.M.; Sections 31 and 32, Township 4 South, Range 66 West, 6th P.M.; and Sections 7, 18 and 19, Township 5 South, Range 66 West, 6th P.M., Arapahoe County, Colorado. The initial point of survey of the high water line of the reservoir is located at a point whence the SW corner of Section 34, Township 4 South, Range 67 West, 6th P.M., bears North 54°54’ West a distance of 5,856.8 feet. The outlet works are located in the NW1/4 NE1/4 Section 2, Township 5 South, Range 67 West, 6th P.M., with an approximate latitude of 39°39’08” North and approximate longitude of 104°51’20” West. The initial point of survey of the high water line of the reservoir is located at a point whence the SW corner of Section 34, Township 4 South, Range 67 West, 6th P.M. bears North 54°54’ West a distance of 5,856.8 feet. Before storing water in Cherry Creek Reservoir, CCPWA will supply to the Division Engineer evidence that it has obtained written permission from both the reservoir owner, which is currently the United States Army Corps of Engineers, and Colorado Parks and Wildlife, to store water in Cherry Creek Reservoir specifically for CCPWA’s proposed purposes. (5) Chambers Reservoir. Located in Section 8, Township 6 South, Range 66 West, 6th P.M., Douglas County, Colorado. The centerline of the Chambers Reservoir dam crosses an unnamed tributary of Happy Canyon Creek in the NW1/4 NW1/4 Section 8, Township 6 South, Range 66 West, 6th P.M., Douglas County, Colorado, at a point 340 feet from the North line and 630 feet from the West line of said Section 8. iii. Places of use: (1) In the 84CW680 Decree, the original decreed places of use of the Subject Water Rights were as follows: The Subject Water Rights diverted water from the Cherry Creek alluvium for all municipal purposes within the service area, located on three non-contiguous parcels of land in Douglas County situated along Cherry Creek. These three parcels include the Vessel parcel which is 224 acres; the Franktown parcel which is approximately 277 acres; and the Parker parcel which is approximately 47 acres. The legal descriptions for each parcel are more particularly described in Exhibit B of the 84CW680 Decree. (2) In the 95CW280 Decree, the places of use of the Subject Water Rights were changed to include the following: As to Parker No. 1 Well, Vessel No. 1 Well, Franktown No. 1 Well, Franktown No. 2 Well, Franktown QAL-3 Well, Vessel QAL-3 Well and Parker QAL-2 Well, from the places of use in the 84CW680 decree; to the lands described in Exhibits A, B, C, D and E of the 95CW280 Decree and the historic or currently decreed places of use. The currently decreed places of use of water from Parker No. 1 Well, Vessel No. 1 Well, Franktown No. 1 Well, Franktown No. 2 Well, Franktown QAL-3 Well, Vessel QAL-3 Well and Parker QAL-2 Well are described in the 84CW680 Decree. (3) In the 10CW318 Decree, the places of use of the Subject Water Rights were changed to include the previously-decreed places of use and all areas within the current and future boundaries and service areas of the Members, all areas within the current and future boundaries and service areas of PWSD and the Town of Castle Rock, and all parcels owned by CCPWA. f. Depths. i. Vessel QAL-3 Well: 70 feet ii. Franktown QAL-3 Well: 70 feet 5. Amounts Claimed Absolute. The Applicant does not seek to make any amounts of the Subject Water Rights absolute in this case. 6. 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, including expenditures. a. The Cherry Creek Project Water Authority (“CCPWA”) is a body corporate and politic, a political subdivision of the

State of Colorado, and a water authority as defined in C.R.S. § 29-1-204.2, created by agreement of the members of CCPWA dated October 14, 2005. The purpose of CCPWA is to develop and operate a stable and efficient water system for its members. The current members of CCPWA are Inverness Water and Sanitation District (“Inverness”); the Town of Castle Rock (“Castle Rock”); Denver Southeast Suburban Water and Sanitation District (the “Pinery”); and Cottonwood Water and Sanitation District (“Cottonwood”), all of which are political subdivisions of the State of Colorado responsible for supplying water for municipal purposes within their respective service areas and boundaries (collectively, the “Members”). This list reflects the recent change in membership wherein Arapahoe County Water and Wastewater Authority (ACWWA) transferred its interest in the CCPWA to Castle Rock, which transaction closed in early 2021. CCPWA owns water rights in the Cherry Creek basin, and each member of CCPWA has a right to use a percentage of the water produced by the water rights owned by CCPWA. In November 2005, CCPWA purchased the water rights for a water supply project known as the Cherry Creek Project, including the subject water rights, from Western Water Company. The Decree entered in Case No. 10CW318 decreed the subject water rights as part of an integrated system of water rights and structures pursuant to C.R.S. § 37-92-301(4)(b), along with the other water rights and structures owned by CCPWA, stating that work performed and effort and costs expended on any of the water rights or structures that are part of its integrated water system shall, for the purposes of demonstrating reasonable diligence in future proceedings involving all water rights described in the Decree entered in Case No. 10CW318 be considered to be diligence on all features of CCPWA’s entire integrated water supply system. Decree for 10CW318 at Para. 7. CCPWA employs a manager and other staff to oversee the management and development of CCPWA’s integrated water supply, including the subject water rights, expending in excess of \$250,000 for said services. b. During the diligence period, CCPWA also obtained the decree in Case No. 10CW318, changing the Subject Water Rights, *inter alia*, (i) to be diverted at alternate points of diversions, (ii) for new types of uses, and (iii) to include storage in Walker Reservoir and other places of storage. c. CCPWA expended time and effort, including expenditures exceeding \$28,780, to begin revising and updating its water rights master plan in 2020 and 2021. This effort included modeling of CCPWA’s wells to support filling of Walker Reservoir. d. With respect to Walker Reservoir, a cornerstone of CCPWA’s integrated system and decreed place of storage for the Subject Water Rights, CCPWA: (1) completed reservoir design at a cost in excess of \$300,000; (2) obtained a necessary Clean Water Act Section 404 permit at a cost of \$11,006; (3) performed significant work to obtain floodplain permitting at the cost of \$44,230; (4) secured a funding grant from the CWCB to construct the reservoir; (5) solicited bids and awarded a bid for construction. e. CCPWA also rehabilitated the Christiansen Well No. 3 to supply water to the CCPWA members at a cost of \$15,500 and has supplied water to the Pinery during the diligence period, through which CCPWA can divert several of its water rights, along with management fees in excess of \$30,000. CCPWA also rehabilitated the McLain Arapahoe Well and equipped it with SCADA at a combined cost of \$208,773. f. CCPWA entered into an annual agreement with USGS for stream gage monitoring and calibration at a total cost of \$9,956. g. CCPWA has also contracted with HRS Water Consultants for accounting services at a cost of \$75,263. h. CCPWA has also contracted with Douglas County for the purchase of water rights in connection to the integrated system at a cost of \$128,228. i. During the diligence period, CCPWA spent more than \$360,000 on attorney’s fees related to the development of its integrated system, including projects described above and for the protection and development of its water rights. During that period CCPWA also spent more than \$100,754 on water rights engineering services to develop and protect its water rights. These legal and engineering services included the filing of statements of opposition to various water court applications within the Cherry Creek basin. j. CCPWA reserves the right to identify additional diligence activities or provide additional details as may be necessary. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The owners of land on which wells and structures listed herein are located is provided as **Exhibit B**. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has been reasonably diligent under all the facts and circumstances

concerning the development of the Subject Water Rights, and continuing the Subject Water Rights for another diligence period. (17 pgs., 2 Exhibits)

21CW3135 THE LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT WATER ACTIVITY ENTERPRISE (“Lower” or “Applicant”), 100 Broadway Plaza, Suite 12, Sterling, Colorado 80751. Telephone: (970) 522-1378. Ryan M. Donovan , Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970)622-8181; **APPLICATION FOR NEW GROUNDWATER RIGHT; NEW RECHARGE RIGHTS; AND FOR THE ADDITION OF TWO WELLS AND THE RECHARGE RIGHTS TO PLAN FOR AUGMENTATION DECREED IN 02CW320** in **SEDGWICK COUNTY**. 2. **Summary of Application.** Applicant operates a plan of augmentation decreed in Case No. 02CW320, Water Division No. 1, April 11, 2007 (“02CW320 Decree” or “Lower Plan”). This Application includes three claims by Lower. The first is a claim for two new groundwater rights on behalf of well owners who have authorized Lower to claim such rights in this Application on their behalf (collectively, the “Wells”). The second is a claim for a new recharge right. The last claim is to add the Wells and new recharge right to the Lower Plan pursuant to paragraphs 21.6 and 23.3 of the 02CW320 Decree, respectively. **APPLICATION FOR GROUNDWATER RIGHTS** 3. **Name of Structure:** TGR Recharge Well No. 1 (formerly known as Herbert Well 68656-F Headgate). 3.1. Name and Address of Well Owner: TGR Farms C/O Anton Rainold, P.O. Box 2149, Silverthorne, CO 80498. 3.2. Location of Well: Northeast 1/4 Northeast 1/4 of Section 27, Township 12 N, Range 44 W of the 6th P.M., Sedgwick County, Colorado, at a point more particularly described as 725 feet from the North section line and 50 feet from the East section line. UTM Coordinates (NAD 83 Zone 13) Easting 733026, Northing 4541967. 3.3. Source: Groundwater tributary to the South Platte River. 3.4. Appropriation Date: July 30, 2021. 3.5. How Appropriation Was Initiated: By formation of intent to appropriate and the filing of this Application. 3.6. Amount Claimed: 3,000 g.p.m. 3.7. Use: Wildlife, recreation, and recharge for replacement and augmentation, either directly or by exchange, of structures included in the Lower Plan. 3.8. Monthly Unit Response Factors: Month 1 = 0.9753, Month 2 = 0.0191, Month 3 = 0.0056. The URFs were developed using the following aquifer parameters: W = 12,115 ft; X = 70 ft; T = 390,000 gpd/ft; lagged to the South Platte River. 4. **Name of Structure:** Julesburg School District Well 4.1. Name and Address of Well Owner: Julesburg School District C/O Shawn Ehnes, 102 W 6th St, Julesburg, CO 80737. 4.2. Location: In the SW 1/4 SE 1/4 of Section 29, Township 12 North, Range 44 West of the 6th P.M. Sedgwick County, Colorado, 650 feet from the South section line and 1,955 feet from the East section line of said Section 29. UTM Coordinates (NAD 83 Zone 13) Easting 729265, Northing 4540595. 4.3. Source: Groundwater tributary to the South Platte. 4.4. Appropriation Date: July 30, 2021. 4.5. How Appropriation Was Initiated: By formation of intent to appropriate and the filing of this Application. 4.6. Amount Claimed: 1,000 gpm. 4.7. Use: Irrigation of 15 acres in the W ½ SE 1/4 of Section 29; fire protection. 4.8. Aquifer Parameters: W = 14,455 ft; X = 7,975 ft; T = 190,000 gpd/ft; lagged to the South Platte River. **APPLICATION FOR RECHARGE WATER RIGHT** 5. **Name of New Recharge Right:** TGR Farms Recharge Project Water Right 5.1. Points of Diversion: TGR Farms Recharge Well No. 1 as described in Paragraph 3 in this Application, located in the NE 1/4 NE 1/4 of Section 27, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, approximately 725 feet from the North section line and 50 feet from the East section line. UTM Coordinates (NAD 83 Zone 13) Easting 733026, Northing 4541967. 5.2. Source: Groundwater tributary to the South Platte River. 5.3. Appropriation Date: July 30, 2021 5.4. How Appropriation Was Initiated: By formation of intent to appropriate and the filing of this Application. 5.5. Amount Claimed: 3,000 g.p.m. 5.6. Use: Wildlife, recreation, and recharge for replacement and augmentation, either directly or by exchange, of structures included in the Lower Plan. 5.7. Monthly Unit Response Factors: Month 1 = 0.9753, Month 2 = 0.0191, Month 3 = 0.0056. The URFs were developed using the following aquifer parameters: W = 12,115 ft; X = 70 ft; T = 390,000 gpd/ft; lagged to the South Platte River. 5.8. Description of Recharge Sites: Water diverted at the TGR Farms Recharge Well No. 1 will be delivered to the TGR Recharge Site Nos. 1-3 and

is allowed to percolate into the underground aquifer for Applicant's beneficial uses. Additional recharge sites may be added to the TRG Farms Recharge Project by filing of an application in Water Court and subsequent approval of the Water Court to add such future recharge sites.

5.8.1. TGR Farms Recharge Site No. 1 (East) 5.8.1.1. *Location*: In the NE 1/4 NE 1/4 of Section 27, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, the centroid of the pond is approximately 450 feet from the North section line and 495 feet from the East section line. UTM Coordinates (NAD 83 Zone 13) Easting 738556, Northing 4542043. 5.8.1.2. *Surface area when full*: 5.0 acres. 5.8.1.3. *Total Active Capacity*: 15 acre-feet with 0 acre-feet dead storage. 5.8.1.4. *Aquifer Parameters*: W = 12,140 ft; X = 570 ft; T = 291,500 gpd/ft; accretions to the South Platte River.

5.8.2. TGR Farms Recharge Site No. 2 (Middle) 5.8.2.1. *Location*: In the NW 1/4 NE 1/4 of Section 27, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, the centroid of the pond is approximately 1,025 feet from the North section line and 2,590 feet from the East section line. UTM Coordinates (NAD 83 Zone 13) Easting 732258, Northing 4541848. 5.8.2.2. *Surface area when full*: 5.0 acres. 5.8.2.3. *Total Active Capacity*: 15 acre-feet with 0 acre-feet dead storage. 5.8.2.4. *Aquifer Parameters*: W = 12,060 ft; X = 1,450 ft; T = 158,400 gpd/ft; accretions to the South Platte River.

5.8.3. TGR Farms Recharge Site No. 3 (West) 5.8.3.1. *Location*: In the SE 1/4 NW 1/4 of Section 27, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, the centroid of the pond is approximately 2,545 feet from the North section line and 1,795 feet from the West section line. UTM Coordinates (NAD 83 Zone 13) Easting 731996, Northing 4541378. 5.8.3.2. *Surface area when full*: 5.0 acres. 5.8.3.3. *Total Active Capacity*: 15 acre-feet with 0 acre-feet dead storage. 5.8.3.4. *Aquifer Parameters*: W = 12,330 ft; X = 1,080 ft; T = 252,100 gpd/ft; accretions to the South Platte River.

APPLICATION TO ADD WELLS AND RECHARGE WATER RIGHT TO AUGMENTATION PLAN

6. Addition of Wells to Augmentation Plan

6.1. Paragraph 21.6 of the 02CW320 Decree allows for the addition of wells to the Lower Plan by filing an application with the Water Court. Applicant seeks approval from the Court to add the Wells in ¶3-5 above to the Lower Plan. **Figure 1**, attached, shows the location of the Wells. 6.2. The Wells will be metered and the amount, timing, and location of depletions from the Wells will be determined and replaced pursuant to the terms of the 02CW320 Decree. The consumptive use factors for each well will be those set out in ¶25.6.3 of the 02CW320 Decree. The consumptive use factors for wildlife and recreation uses will be 100%. Out of priority depletions from use of the Wells that have occurred prior to and after the date the Wells are added to the Lower Plan will be replaced by Applicant pursuant to the Decree in this case. 6.4. Pursuant to ¶21.7 of the 02CW320 Decree, Applicant shall ensure that all member and recharge well permit files are complete, valid, and the uses proposed for the member or recharge wells in this Application are consistent with their decreed and permitted uses. If well permits for any of the members or recharge wells do not meet this standard, valid well permits must be obtained by the well owners identified in this Application. 6.5. The water rights to be used for augmentation will be those water rights approved for augmentation in Case Nos. 02CW320 and 08CW024, the TGR Farms Recharge Project Water Right described herein, and any other source legally available which can be provided as needed to replace out of priority depletions from the Wells.

7. Addition of TGR Farms Recharge Project Water Right to Augmentation Plan

7.1 The 02CW320 Decree at ¶ 23.3 allows for the addition of new water rights to the Lower Plan by filing an application with the Water Court. 7.2 Applicant seeks approval from the Court to add the TGR Farms Recharge Project Water Right to the Lower Plan. 7.3. Diversion of the TGR Farms Recharge Project Water Right shall comply with all terms and conditions of the 02CW320 Decree, including but not limited to ¶¶ 11 and 14.

8. Names and Addresses of Owners of Land on Which Structures are Located.

8.1 TGR Recharge Well No. 1 – See Paragraph 3.1. 8.2 Julesburg School District Well – Town of Julesburg, 100 W 2nd Street, Julesburg, CO 80737. 8.3 The TGR Farms Recharge Sites Nos. 1-3 are located on property owned by TGR Farms, see Paragraph 3.1 for address. This Application consists of seven (7) pages.

*** AMENDED***21CW3098 ARAPAHOE COUNTY. KM INVESTMENTS, L.L.C. c/o David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027;

Phone: (303) 442-1900; Fax: (303) 442-0191; E-mail: dfbower@j-rlaw.com. **APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.6).** 1. **Name, Address, Phone Number, and E-Mail Address of Applicant.** KM Investments, L.L.C., an Illinois limited liability company, c/o Kevin Mize, Manager, 3901 S. Gilpin Street, Cherry Hills Village, Colorado 80113; Phone: (773) 841-5700; E-mail: mizeord@gmail.com. 2. **Description of Water Right for Which Correction is Sought.** (a) **Name of Well Structure.** Rydstrom Well No. 1. (b) **Original Decree.** Case No. W-2763, Water Division 1, dated May 20, 1975. (c) **Decreed Location.** SW1/4 of the NE1/4 of Section 2, Township 5 South, Range 68 West of the 6th P.M., at a point 1,993 feet from the north section line and 2,235 feet from the east section line (Zone 13, NAD83, Easting 502867.7 m, Northing 4388665.9 m). (d) **Source.** Ground water. (e) **Appropriation Date.** May 30, 1940. (f) **Amount.** 0.107 cfs. (g) **Use.** Irrigation of 51/4 acres being all of Tract 4 described as beginning at the SW corner of Block 4 thence easterly 71.44 feet thence north 23°15' West 179 feet thence south 165.8 feet to the point of beginning. Camenisch Gardens, 3901 South Gilpin Street. 3. **Description of Proposed Correction to an Established but Erroneously Described Point of Diversion.** (a) **Complete Statement of Correction.** The Rydstrom Well No. 1 was originally permitted under Permit No. 23401-F, dated March 15, 1978, for the irrigation of 5.25 acres at 3901 South Gilpin Street, pursuant to the decree entered in Case No. W-2763, Water Division 1. On September 3, 2019, the then owner of the subject property obtained a replacement well permit for the Rydstrom Well No. 1, Permit No. 83571-F. Before the replacement well was drilled, that owner sold the property to Applicant. When the property was transferred, on August 21, 2020, Applicant notified the Division of Water Resources that it was the new owner of the subject property and requested an extension of the replacement well permit. Subsequently, Applicant began its efforts to redrill the Rydstrom Well No. 1. At the end of December 2020, Applicant contacted the Division of Water Resources to inquire about some issues that had arisen in the redrilling process. At that time, Applicant learned that the decreed location for the Rydstrom Well No. 1 was incorrect by approximately 120 feet (on a property across the street), that any replacement well needed to be located within 200 feet of the decreed location, and that the preferred location of the new well was approximately 300 feet from the decreed location. Accordingly, this application seeks to correct the decreed location of the Rydstrom Well No. 1 so that Applicant can redrill the well at its preferred location, which is within 200 feet of the established location. Applicant is entitled to a decree granting the correction of the point of diversion for the Rydstrom Well No. 1 because the well has been at the same physical location since the decree in Case No. W-2763 confirmed the water right, is not located at the location specified in the decree, and is located within 200 feet from the location which Applicant intends to divert pursuant to the decree. Furthermore, Applicant became aware of this issue in the spring of 2021, and this application is being filed within three years after the Applicant became aware of the mistake. A map showing the decreed and existing location of the well is attached hereto as **Exhibit A.** (b) **Corrected Location.** SW1/4 of the NE1/4 of Section 2, Township 5 South, Range 68 West of the 6th P.M., at a point 1,986 feet from the north section line and 2,353 feet from the east section line (Zone 13, NAD83, Easting 502744.9m, Northing 4388656.1m). 4. **Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** The Rydstrom Well No. 1 is on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court grant the correction of the erroneously described point of diversion and change the point of the diversion for the Rydstrom Well No. 1 as set forth in paragraph 3(b) above. (4 pages)

WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY 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 2021** (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.