

**DISTRICT COURT, WATER DIVISION 1, COLORADO
JUNE 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 **JUNE 2021** for each County affected.

21CW13 RICHARD R. AND JACQUELINE KERN, 36929 View Ridge Dr., Elizabeth, CO 80107. 720-243-1226; powerhammer50@gmail.com. APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY. This application seeks a decree adjudicating all or part of the nontributary and not nontributary ground water in the Denver Basin aquifers underlying the Subject Property. The Applicant(s) seek to adjudicate the Denver Basin ground water underlying the Subject Property in all of the available aquifers. There is 1 well located on the property. Date of appropriation: August 22, 1966 Those wells are permitted/registered under well permit no(s) of 28564. The application is seeking to adjudicate the existing well(s) located on the property. Legal Description: KERN-28564—A, permit No 28564 UTM Northing 4361610.3 Easting 530039.4, Zone 13, NW 1/4 NE 1/4 S34 T7S R65W 6th PM at a distance from section lines 605 Feet from N and 1714 Feet from E in Subdivision: Ponderosa Park Estates, Lot 68; Source Upper Dawson; total amount claimed pumping rate 12 gpm. Number of single-family dwellings served 1 area of lawns and gardens irrigated 650 square feet, water used for household, lawn, garden, chickens (3-12)

21CW14 (15CW5, 08CW217, 96CW650) SANDRA A GALLEGOS and THOMAS P GALLEGOS, 2951 South Newland Street, Denver, CO 80227-3522 APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY, Date of original decree: 10-09-2002 in case 96CW650, WD1. Subsequent decree: 12-16-2008 in case 08CW217 and 5-27-2015 in case 15CW5 WD1. Gallegos Well located SE1/4 NW1/4, S23, T9S, R75W of the 6th PM in Park County at a point approximately 2620 ft. from North line and 1640 ft. from the West line of said Section 23, Lot 26 Filing 8, Indian Mountain Subdivision, also known as 690 Chief Trail: Groundwater. Appropriation date: 05-31-1973. Amount: 0.033 cfs (15 gpm) for each well, Conditional. Use: Household use only in a single-family dwelling not including irrigation.

21CW15 ARLYN AND SHANNON PARKER, 14505 Shelbe Lane, Sterling CO 80751, 720-937-6242 or 303-246-2901 ajamesp11@gmail.com thefourparkers@yahoo.com . APPLICATION TO MAKE ABSOLUTE IN WHOLE OR IN PART IN LOGAN COUNTY. Date of original decree: October 7, 2016, 2004 for 13CW53 WD1. Parker Well located SW1/4, NW 1/4 S21, T8N, R53W of the 6th PM . UTM coordinates Easting 642655.2 Northing 4500840.1 Zone 13 located 14505 Shelbe Lane, Sterling CO 80751 Subdivision: Sand Creek Estates, Lot 3 Source: domestic. Appropriation date: April 3, 2019. Amount: 15gpm, Depth: 450 ft. Use: Domestic in one single family dwelling. Well has been drilled and water has been placed to beneficial use.

21CW3086. LISEANNS LAND, LLC (“Applicant”), 15380 E. Cherry Creek Road, Larkspur, Colorado 80921, (719) 351-5343. Name, Address, and Telephone Number of Attorneys: Ryan W. Farr, #39394 Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212. II. Summary of Application. Applicant seeks to develop a veterinary clinic on a 40-acre parcel that will include a residence and livestock grazing. Applicant intends to use water from the Dawson aquifer to supply water to the property, which requires augmentation. III. Property Description. Applicant’s property is an approximately 40-acre parcel with current Parcel No. 2775-330-00-012 and is depicted on the attached **Exhibit A map, being the NW1/4 of the SW1/4 of Section**

33, Township 10 South, Range 65 West of the 6th P.M., with address of 15600 S East Cherry Creek Road, Larkspur, Colorado 80118, **DOUGLAS COUNTY, COLORADO** (“Applicant’s Property”). IV. Existing Well. There is an existing domestic well with Division of Water Resources Permit No. 206176 (“Liseanns Well”). It is drilled to a total depth of 160 feet to the Dawson aquifer, and located 1980 feet from the South Section Line, and 666 feet from the West Section Line. Upon approval of this plan for augmentation, this well will be re-permitted. V. Previous Adjudication. The Denver Basin groundwater underlying Applicant’s Property was previously quantified and adjudicated in Case No. 94CW8, District Court, Water Division 1 (“Case No. 94CW8”). The Decree in 94CW8 adjudicated underlying Denver Basin water for a 720-acre parcel of land of which the Applicant’s Property was a part. Such water rights were adjudicated for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose. Applicant is the owner of the following water rights adjudicated in Case No. 94CW8 as set forth in the attached **Exhibit B** deed:

AQUIFER	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson (NNT)	2,960	29.6
Denver (NT)	2,320	23.2
Arapahoe (NT)	1,960	19.6
Laramie Fox Hills (NT)	1,160	11.6

VI. Application for Plan for Augmentation. A. Structure to be Augmented. The structure to be augmented is the Liseanns Well, along with any replacement or additional wells associated therewith as a well field, constructed to the Dawson aquifer underlying the Applicant’s Property. 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 Liseanns Well or any replacement or additional wells, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer underlying the 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 will require the replacement of actual stream depletions. D. 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. i. Household Use Only: 0.25 acre-feet annually within one single family dwelling, with a maximum of 10% consumptive use based on a non-evaporative septic leach field disposal system. The annual consumptive use will therefore be 0.025 acre-feet per year with return flows of 0.225 acre-feet per year. ii. Veterinary Clinic: 0.50 acre-feet annually within a veterinary clinic with a maximum of 10% consumptive use based on a non-evaporative septic leach field disposal system. The annual consumptive use will therefore be 0.05 acre-feet per year with return flows of 0.45 acre-feet per year. iii. Landscape Irrigation: 0.05 acre feet annually per 1,000 square feet with an 85% consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.042 acre feet. Planned irrigation of lawn and garden is 4,000 square feet with an annual consumptive use of 0.168 acre-feet with return flows of 0.032 acre-feet. iv. Livestock: 10 gallons per day for horse or equivalent, 5 gallons per day for sheep or equivalent, and 3 gallons per day for goat or equivalent. All livestock watering is presumed to be 100% consumptive. Planned total livestock watering at any given time amounts to 15

horses, 100 sheep, and 20 goats. Therefore, total annual consumptive use for livestock watering amounts to 0.8 acre-feet. 2. Total Pumping. Maximum annual pumping for the Applicant's Property will be 1.75 acre-feet of water from the Dawson aquifer. 3. Depletions. Applicant's consultant has determined that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 8.16% of pumping. Maximum annual depletions for total pumping will therefore be 0.143 acre-feet in year 100. Should Applicant's pumping be less than the 1.75 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced. 4. Augmentation of Depletions During Pumping. Pursuant to § 37-90-137(9)(c.5), C.R.S., Applicant is required to replace actual stream depletions attributable to pumping from the Dawson aquifer. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential and veterinary clinic return flows from non-evaporative septic systems amounting to 0.675 acre-feet per year. Thus, during pumping, stream depletions will be more than adequately augmented. 5. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the pumping under this plan, Applicant will reserve a portion of the nontributary Laramie-Fox Hills aquifer, accounting for actual stream depletions replaced during the plan pumping period, as necessary to replace any injurious post pumping depletions. 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. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Liseanns Well for the uses in accordance with this Application and otherwise in compliance with § 37-90-137, C.R.S. VII. Remarks. A. 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. B. Applicant requests a finding that it has complied with § 37-90-137(4), C.R.S. and that the groundwater requested herein is legally available for withdrawal by the requested non-tributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). C. The term of this augmentation plan is for 100 years; however, the length of the plan 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. D. 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. E. 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. F. Any well shall be installed and metered as reasonably required by the State Engineer and Division Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer as required to demonstrate compliance under this plan of augmentation. G. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. H. The lienholder notice provisions of §37-92-302(2) are not applicable as this case is not seeking a determination of groundwater rights.

21CW3087 An Application was filed incorrectly in Division 1. Should have been filed in Division 5. There will not be a case created in Division 1 for 21CW3087.

21CW3088 STEPHEN AND BETTY J. O'NEAL 6198 Croke Stick Drive Windsor, CO 80550 (956) 761-1231 Steve77@graysland.us; Horner, Monheiser LLC, c/o Jim Horner, P.O. Box 1431 Sterling, CO 80751, (970) 522-2755;jimh@journalofficesupply.com; Attorney: Brammer Law Office, PC, PO Box 1827, Sterling, CO 80751; 970 521 0700; brammer@brammerlaw.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND MAKING ABSOLUTE IN LOGAN COUNTY II.** Summary of Application. Applicants seek to make absolute the conditional right for Pond 1.5. III. Name of structure. A. STORAGE RIGHTS i) O'Neal/MHK Wetlands Restoration, Pond 1.5 Describe water right: A. Date of Original Decree: August 28, 2008: Case No. 2006CW296 - for all structures and Diligence May 8, 2015 Case No. 2012CW290 B. STORAGE RIGHTS – to Make ABSOLUTE i)O'Neal/MHK Wetlands Restoration, Pond 1.5a. Location: N 1/2 NE1/4 Section 8 , Township 10 North, Range 49 West, 6th P.M., near Crook, Colorado in Logan County, b. Source: gravity flow from Pond No. 1.2 at the maximum rate of 2 c.f.s.; c. Appropriation Date: October 31, 2004; d. Surface Area: 5.0e. Maximum Capacity: 12.5 acre feet Conditional; f. Length:800 ; g. Height: 4;h. Capacity: Active: 12.5 ; Dead: 0; i. Use: The water right is used for wildlife, recreation, wetlands mitigation/development, and storage. The Applicants developed a wetlands mitigation area that supplies water and vegetation during times of the year that migratory birds are in the area and benefit from the availability of water and wetlands vegetation. The pond has the right to fill and refill when water is legally available. j. Detailed Description: Water is gravity filed from Pond 1.2, for wildlife, creation wetlands mitigation / development and storage with the right to fill and refill when water is legally available. k. Date water applied to beneficial use: November 2008 Amount: 12.5 acre feet ABSOLUTE Use: The water right is used for wildlife, recreation, wetlands Mitigation /development, and storage with the right to fill and refill when water is legally available. See Attached Map 1. Description of place of use where water is applied to beneficial use. N 1/2 NE1/4 Section 8 Township 10 North, Range 49 West, 6th P.M., near Crook, Colorado in Logan County. m. This application seeks to make the above claimed right ABSOLUTE for the uses contained herein. 4.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. Applicants. 5. Remarks or any other pertinent information: All water diverted herein has been measured and diverted with the knowledge and consent of the Water Commissioner.

21CW3089 (W-7713, 85CW236, 89CW130, 96CW43, 04CW252, 14CW3156) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to Ema I. G. Schultz 720-508-6307 and Tarn Udall 720-508-6266, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) Application to make water right absolute or in the alternative for findings of reasonable diligence and notice of relinquishment of conditional water rights in **LOGAN COUNTY, COLORADO.** **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife (“CPW”), Attn: Ed Perkins, Water Rights Administrator, 6060 Broadway, Denver, Colorado 80216, 303-291-7466; ed.perkins@state.co.us. **2. Description of structures and conditional water rights: A. Name of Structures:** i. Tamarack Well No. 4. (Permit No. 047930-F); ii. Tamarack Well No. 5 (Permit No. 047931-F); iii. Tamarack Well No. 6 (Permit No. 047932-F); iv. Tamarack Well No. 7 (Permit No. 047933-F); v. Tamarack Well No. 8 (Permit No. 047934-F); vi. Tamarack Well No. 9 (Permit No. 047935-F); vii. Tamarack Well No. 10 (Permit No. 047936-F). **B. Prior Decrees:** i. Original decree: Case No. W-7713, District Court, Water Division 1, entered on November 10, 1981. ii. Subsequent decrees: Decrees to make partially absolute and for

reasonable diligence were entered in Case Nos. 85CW236, 89CW130, 96CW43, 04CW252, and 14CW3156. The legal descriptions for Tamarack Well Nos. 4, 5, 6, and 9 were corrected in Case No. 87CW135, District Court, Water Division 1. **C. Source:** Groundwater tributary to South Platte River. **D. Appropriation date:** October 1, 1974. **E. Uses:** Irrigation of not more than 100 acres, augmentation, and wildlife. **F. Legal Descriptions, Amounts, Depths:** i. Tamarack Well No. 4 (Permit No. 047931-F): a. Legal Description: NW 1/4 of the SW 1/4 of Section 18, T10N, R48W, 6th P.M., 1,650 feet from the South section line and 1,250 from the West section line. UTM Coordinates: Northing 688640.75 Easting 4523265.62, Zone 13. b. Amount: 4.9 cfs (2,200 gpm), Conditional for all uses, limited to average annual appropriation of 870 af. c. Depth: 214 feet. ii. Tamarack Well No. 5. (Permit No. 047931-F). a. Legal Description: NE 1/4 of the SE 1/4 of Section 18, T10N, R48W, 6th P.M., 2,400 feet from the South section line and 550 from the East section line. UTM Coordinates: Northing 689688.07 Easting 4523532.19, Zone 13. b. Amount: 4.9 cfs (2,200 gpm), Conditional for all uses, limited to average annual appropriation of 870 af. c. Depth: 192 feet. iii. Tamarack Well No. 6. (Permit No. 047932-F). a. Legal Description: SE 1/4 of the NW 1/4 of Section 17, T10N, R48W, 6th P.M., 1,700 feet from the North section line and 2,350 from the West section line. UTM Coordinates: Northing 690565.25 Easting 4523937.35, Zone 13. b. Amount: 4.9 cfs (2,200 gpm), Conditional for all uses, limited to average annual appropriation of 870 af. c. Depth: 147 feet. iv. Tamarack Well No. 7. (Permit No. 047933-F). a. Legal Description: NE 1/4 of the NE 1/4 of Section 17, T10N, R48W, 6th P.M., 1,200 feet from the North section line and 950 from the East section line. UTM Coordinates: Northing 691271.99 Easting 4524134.00, Zone 13. b. Amount: 4.9 cfs (2,200 gpm), Absolute for wildlife, Conditional for irrigation and augmentation, limited to average annual appropriation of 870 af. c. Depth: 147 feet. v. Tamarack Well No. 8. (Permit No. 047934-F). a. Legal Description: SE 1/4 of the SW 1/4 of Section 9, T10N, R48W, 6th P.M., 500 feet from the South section line and 2,600 from the West section line. UTM Coordinates: Northing 692270.00 Easting 4524623.99, Zone 13. b. Amount: 4.28 cfs, Absolute for wildlife; 4.9 cfs (2,200 gpm), Conditional for irrigation and augmentation, limited to average annual appropriation of 870 af. c. Depth: 200 feet. vi. Tamarack Well No. 9. (Permit No. 047935-F). a. Legal Description: SW 1/4 of the SE 1/4 of Section 10, T10N, R48W, 6th P.M., 900 feet from the South section line and 2,200 from the East section line. UTM Coordinates: Northing 694065.49 Easting 4524860.94, Zone 13. b. Amount: 4.9 cfs (2,200 gpm), Conditional for all uses, limited to average annual appropriation of 870 af. c. Depth: 172 feet. vii. Tamarack Well No. 10. (Permit No. 047936-F). a. Legal Description: NE 1/4 of the SE 1/4 of Section 10, T10N, R48W, 6th P.M., 2,500 feet from the South section line and 700 from the East section line. UTM Coordinates: Northing 694056.99 Easting 4524857.00, Zone 13. b. Amount: 4.9 cfs (2,200 gpm), Conditional for all uses, limited to average annual appropriation of 870 af. c. Depth: 200 feet. **3. Claim to make absolute:** A. Tamarack Well No. 9. (Permit No. 047935-F). i. Date water applied to beneficial use: August 22, 2007. ii. Amount: 4.49 cfs. iii. Uses: Wildlife. iv. Remarks: CPW pumped Tamarack Well No. 9 for wildlife purposes on August 22, 2007. Out-of-priority depletions from pumping the Tamarack Well No. 9 are augmented. **4. Outline of work completed toward diligence:** A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period (June 2015 through June 2021) follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CPW operates the Tamarack State Wildlife Area where the wells are located. CPW currently operates three wells (Nos. 7, 8, and 9) and three lined wildlife ponds as part of the Tamarack Hill Well Project decreed in Case No. W-7713. Tamarack Well Nos. 7 and 8 are pumped to the three ponds for wildlife purposes. B. CPW has ensured that the constructed wells comply with local well measurement rules and conducted regular meter readings and reporting and expended approximately \$600 on well, wildlife pond, and equipment maintenance during the diligence period. C. CPW staff met and corresponded on multiple occasions during the diligence period to identify, organize, and plan continued development of the Tamarack Wells. CPW also met and corresponded with external entities including the South Platte Water Related Activities Program

(SPWRAP) regarding historical operations, accounting, and potential development plans for the Tamarack Wells. D. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 1, including the Tamarack Wells. **5. Notice of Relinquishment:** A. During the diligence period, CPW determined that the cost of constructing and completing development of the following water rights originally decreed in Case No. W-7713 is not feasible. CPW has decided not to pursue continuation of the following water rights and hereby notifies the court of CPW's intent to relinquish the conditional water rights: B. Tamarack Well No. 4. i. Amount: 4.9 cfs. ii. Uses: Irrigation of not more than 100 acres, augmentation, and wildlife. C. Tamarack Well No. 5. i. Amount: 4.9 cfs. ii. Uses: Irrigation of not more than 100 acres, augmentation, and wildlife. D. Tamarack Well No. 6. i. Amount: 4.9 cfs. ii. Uses: Irrigation of not more than 100 acres, augmentation, and wildlife. E. Tamarack Well No. 7. i. Amount: 4.9 cfs. ii. Uses: Irrigation of not more than 100 acres, augmentation. iii. Notes: CPW does not intend to abandon any amount of the water right made absolute for Tamarack Well No. 7 as decreed in Case No. 14CW3156. F. Tamarack Well No. 8. i. Amounts: 0.62 cfs for wildlife uses and 4.9 cfs for uses in paragraph 5.F.ii. ii. Uses: Irrigation of not more than 100 acres, augmentation. iii. Notes: CPW does not intend to abandon any amount of the water right made absolute for Tamarack Well No. 8 as decreed in Case No. 14CW3156. G. Tamarack Well No. 9. i. Amount: 4.9 cfs. ii. Uses: Irrigation of not more than 100 acres, augmentation. iii. Notes: CPW does not intend to relinquish or abandon any amount of the water right claimed absolute for Tamarack Well No. 9 described in this application. H. Tamarack Well No. 10. i. Amount: 4.9 cfs. ii. Uses: Irrigation of not more than 100 acres, augmentation, and wildlife. **6. Alternative claim for findings of reasonable diligence:** CPW claims to make a portion of the Tamarack Well No. 9 water right absolute by this application. In the event the Court declines to make the claimed right absolute, CPW requests the Court enter a finding of diligence and continue the conditional water right, for wildlife uses only, based upon the actions set forth in Paragraph 4 above. **7. Name of owners of land upon which structures are located:** Applicant. WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has made the Tamarack Well No. 9 water right absolute for wildlife purposes or in the alternative has exercised reasonable diligence in the development of the conditional water right for wildlife purposes, and to continue the conditional water right for wildlife purposes in full force and effect as decreed, and for such other relief as this Court deems just and proper. Application is 7 pages.

21CW3090 APPLICATION FOR FINDING OF REASONABLE DILIGENCE in PARK AND TELLER COUNTIES. I. Name, Address, and Telephone Numbers of Applicant: Highland Lakes Water District, 3136 Blue Mesa Dr. Divide, CO 80814, (719) 687-7937. Attorneys for Applicant: David M. Shohet, #36675 Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Dr., Suite 250, Colorado Springs, CO 80921, Phone Number: (719) 471-1212, Fax Number: (719) 471-1234. E-mail: dms@cowaterlaw.com. II. Name of Conditional Water Right: Highland Lakes Water District Exchange. III. Description of conditional water rights: A. Type of Conditional Water Right: Conditional exchange. B. Decree No.: 85CW363, District Court, Water Division No. 1. C. Date of Original Decree: April 7, 1995. D. Previous Diligence Cases: Case No. 03CW409, District Court, Water Division No. 1, decreed on October 17, 2008; Case No. 14CW3122, District Court, Water Division No. 1, decree on June 22, 2015. E. Amount of Conditional Exchange: 7.7 annual acre feet. F. Sources of Exchange Water: The source of exchange water is from 28 acre-feet of the "Anschutz Exception Water" owned by Highland Lakes Water District ("District"). The Anschutz Exception Water is a portion of the water that was adjudicated in Case No. W-7936-75 by the City of Aurora ("Aurora") and its description and utilization is set forth in that Decree. The exchange is limited to a maximum of 28 acre-feet per year. The District has previously made 20.3 of this 28 acre-feet absolute with 7.7 acre-feet remaining conditional. The 28 acre-feet of Anschutz Exception Water utilized as the source of exchange water in the Decree is part of the water derived, without limitation, from the following water rights and consumptive use flow rates (in c.f.s.):

Water Right	Priority Date	April	May	June	July	August
Burns & Sessions Ditch	10-01-1874	0.12	4.10	5.41	3.79	1.90
Randall & Nicholas Ditch	10-14-1874	0.00	1.01	1.46	1.16	0.36
Brubaker Ditch	05-15-1875	0.00	0.38	0.65	0.53	0.11
Ohler Gulch Ditch	04-01-1878	0.00	1.01	1.47	0.77	0.84
O'Neil Ditch	05-10-1879	0.26	1.84	4.76	2.37	0.96
Anchor Ditch	05-20-1879	0.23	2.66	4.98	4.43	0.00
Cincinnati Ditch	06-20-1879	0.00	0.43	0.58	0.24	0.08
Whitten Ditch	03-15-1880	0.01	0.12	0.12	0.04	0.02
Sessions Ditch	07-31-1880	0.04	0.49	0.75	0.39	0.15
Skelton Ditch	11-01-1880	0.16	1.98	3.05	1.56	0.63
Craig Ditch	05-05-1882	0.02	0.62	1.00	0.86	0.00
Litmer Ditch	06-15-1882	0.02	0.32	0.46	0.25	0.00
Schattinger Ditch	06-01-1883	0.00	0.17	0.17	0.11	0.09
Ohler Ditch	06-25-1888	0.03	1.68	2.92	1.72	0.00
TOTALS		0.89	16.81	27.78	18.22	5.14

Should any portion of the 28 acre-feet of consumptive use Anschutz Exception Water be denominated by Aurora as coming from additional allowed diversions from the Brubaker, Craig, or Litmer Ditches, and be available to Aurora, all in accordance with the provisions of Case No. W-7936-75, the consumptive use flow rates from those ditches are increased as follows (in c.f.s.):

Water Right	Priority Date	April	May	June	July	August
Brubaker Ditch	05-15-1875	0.00	1.09	1.86	1.51	0.31

Craig Ditch	05-05-1882	0.03	0.92	1.48	1.27	0.00
Litmer Ditch	06-15-1882	0.03	0.48	0.70	0.38	0.00

G. Priority Date and Rate of Exchange of the Conditional Exchange: The exchange is decreed with two different appropriation dates. The applicability of either appropriation date depends on the time period in which the exchange is operated and the flow rate of water that is being exchanged. The first appropriation date of November 28, 1985 applies for the following flow rates and time periods:

May	June	July	August 1-10
1.01 c.f.s	1.46 c.f.s	1.16 c.f.s	0.36 c.f.s.

The second appropriation date of March 31, 1992 applies to the following additional flow rates and time periods:

April	May	June	July	August 1-10
0.89 c.f.s.	15.8 c.f.s.	26.32 c.f.s.	17.04 c.f.s.	4.78 c.f.s.

Any exchange pursuant to additional flow rates from the Brubaker, Craig, and Litmer Ditches as described in Paragraph 15 of the Decree entered in Case No. 85CW363 also has an appropriation date of March 31, 1992. H. Uses of the Exchange Water: Augmentation purposes. I. Exchange Reach. The reach of the exchange is from the South Platte River at a point from which the Northeast corner of Section 30, T7S, R69W of the 6th P.M. bears North 46 degrees, 6 minutes East a distance of 3,700 feet (the proposed outlet works of the Two Forks Dam and Reservoir) upstream to the confluence of Twin Creek and the South Platte River at Lake George, Colorado, then upstream to the confluence of Twin Creek and an unnamed tributary thereto (Deer Creek) in Section 6, T13S, R70W of the 6th P.M., then upstream on the unnamed tributary to the terminus of the exchange Elk Lake Reservoir Dam No. 1, which is located in the SE1/4 of Section 4, T13S, R70W of the 6th P.M. at a point from which the center of Section 4 bears North 25 degrees, 3 minutes, and 14 seconds West a distance of 852.64 feet. IV. Description of work performed toward completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: The Highland Lakes Water District Exchange is part of a unified and integrated system for the collection, treatment, and distribution of water operated by the District. For the purposes of showing diligence as to the completion of the appropriative rights of exchange decreed in Case No. 85CW363, diligence as to any part of the District's water rights system used to operate and benefit from the exchange shall be diligence as to the completion of the Highland Lakes Water District Exchange. During this diligence period, the District has performed significant work within its service boundaries and its municipal water system to develop the Highland Lakes Water District Exchange as part of its integrated municipal supply system. This work, without limitation, includes construction of a new central water treatment plant with a waste concentrator and waste evaporation tank, including pumps, pump houses, controls, process equipment, meters, chlorination equipment, evaporative ponds, generators, and other

appurtenances. A new water storage tank has been installed adjacent to the new water treatment plant, along with new raw and potable water mains to collect and convey raw and treated water. The District has also replaced or repaired numerous well pumps, distribution lines, cisterns, and meters during this diligence period. The District and the property owners association located within the District have also spent significant efforts towards managing, maintaining, and repairing ponds located within the District. The District has expended approximately \$2,800,000.00 on the work associated with improving and repairing its municipal water system during this diligence period. The District has also incurred legal, engineering, operation, and administrative fees related to its water supply system. The District expended a total of approximately \$350,000.00 on professional fees associated with its municipal water system during this diligence period. Therefore, during this diligence period, the District has devoted substantial efforts toward the development of the integrated system, the present and further application of water Highland Lakes District Exchange to beneficial use. 5. **Claim to Make Absolute:** No part of the conditional water right is claimed to be made absolute at this time. 6. **Name and address of the owners of land on which structure is located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** All of the structures are located on the District's land.

21CW3091 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 ADAMS 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:** Cimyott Well 16122-R; Well Permit No. 16122-R; WDID No. 0205713.

3.1.1. **Name and Address of Owner of Well:** A. Bradley Unruh, 13235 Lanewood Street, Brighton, CO 80603. (720) 375-3408.

3.1.2. **Location of Well:** SE 1/4 NW 1/4 Section 26, Township 1 South, Range 65 West of the 6th P.M., Adams County, Colorado, more particularly described as at a point whence the N 1/4 Corner of said Section 26 bears N3°0’ East a distance of 1347.0 feet.

3.1.3. GMS Contract No.1282: Irrigation use approved May 24, 2021. See Attachment 2 of **Exhibit 1**.

3.1.4. Prior Decree: A decree was entered in Case No. W-1372 on November 9, 1972 with an appropriation date of March 1, 1949 for irrigation of 170 acres of land located in the NW 1/4 and 10 acres being in the SW 1/4 of Section 26, Township 1 South, Range 65 West of the 6th P.M., Adams County, Colorado. See **Exhibit 2**.

3.2. **Name of Structure to be Added and Augmented:** Cimyott Well 16124-R; Well Permit No. 16124-R; WDID No. 0205715.

3.2.1. **Name and Address of Owner of Well:** A. Bradley Unruh, 13235 Lanewood Street, Brighton, CO 80603.

3.2.2. **Location of Well:** NE 1/4 SW 1/4 of Section 26, Township 1 South, Range 65 West of the 6th P.M., Adams County, Colorado, more particularly described as being 40 feet West of N-S Centerline and 100 feet South of E-W Centerline of Section 26.

3.2.3. GMS Contract No.1282: Irrigation use approved May 24, 2021. See Attachment 2 of **Exhibit 1**.

3.2.4. Prior Decree: A decree was entered in Case No. W-1372 on November 9, 1972 with an appropriation date of August 25, 1956 for irrigation of 170 acres of land located in the NW 1/4 and 10 acres being in the SW 1/4 of Section 26, Township 1 South, Range 65 West of the 6th P.M., Adams County, Colorado. See **Exhibit 2**.

4. Proposed Terms and Conditions.

4.2. **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 South Platte River using the Glover alluvial aquifer method and the following aquifer characteristics:

WDID	Distance to River (ft)	Distance to Boundary (ft)	Transmissivity (gpd/ft)	Specific Yield
0205713	7,560	4,020	114,600	0.2
0205715	8,174	4,249	128,400	0.2

5. A report from White Sands Water Engineers supporting this application is attached as **Exhibit 1**. 6. Names and addresses of owners of land on which structure is located: A. Bradley Unruh, 13235 Lanewood Street, Brighton, CO 80603; 720-375-3408. This application consists of four (4) pages.

21CW3092 CITY OF AURORA, Acting by and through its Utility Enterprise, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012, 303.739.7370. Please direct all pleadings to: Austin Hamre, Teri L. Petitt, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite Street, #500, Denver, Colorado 80237, 303.779.0200, e-mail: mail@hrodlaw.com, and Stephanie Neitzel, Aurora City Attorney’s Office, address above, email: sneitzel@auroragov.org; **APPLICATION FOR CHANGE OF WATER RIGHTS IN IN ADAMS, ARAPAHOE, DOUGLAS and WELD COUNTIES**. 2. Change of Water Rights. 2.1. Decreed water rights for which change is sought: The water rights represented by the 16.0 shares of stock currently owned by Aurora in the New Brantner Extension Ditch Company (“New Brantner”), in addition to those it previously changed in Case No. 14CW3177. The water rights represented by these shares are referred to hereinafter as the “Subject Water Rights.” 2.1.1. Name of Structure: Brantner Ditch. 2.1.2. Original Decree: 2.1.2.1. Case No. CA 6009; Arapahoe County District Court, entered April 28, 1883. 2.1.3. Relevant Subsequent Decrees: 2.1.3.1. Civil Action 46217, District Court for City & County of Denver, entered April 5, 1920 following the Supreme Court opinion in New Brantner Extension Ditch Co. v. Kramer et al., 66 Colo. 429, 182 P. 17 (1919). 2.1.3.2. Civil Action 8690, Weld County District Court, decree entered July 3, 1935, requiring New Brantner to deliver water for irrigation of 90 acres located above the Brantner Ditch (part of the acreage historically irrigated by the Subject Water Rights). 2.1.3.3. Case No. 79CW236, consolidated with Cases No. W-8445-76, 79CW233, 79CW234, 79CW235, 82CW056 and 82CW057, entered February 10, 1988, upon the application of the City of Northglenn, which quantified augmentation credits available from three shares of “Old Brantner” which comprise a portion of the same four priorities at issue in this case. 2.1.3.4. Case No. 05CW164, entered October 6, 2014 upon the application of the Adams County Board of Commissioners, changing 22.3 “Old Brantner” shares. 2.1.3.5. Case No. 08CW165, entered March 10, 2015, upon the application of the Todd Creek Village Metropolitan District, changing 17.0 “Old Brantner” shares. 2.1.3.6. Case No. 14CW3177, entered (as amended) April 26, 2018, upon the application of Aurora, quantifying the historical deliveries to all of the “Old Brantner” shares and changing 53.6125 shares of New Brantner owned by Aurora. 2.1.4. Decreed point of diversion: In Township 2 South, Range 67 West, in Arapahoe (now part of Adams) County. More specifically, the actual point of diversion is located on the west bank of the South Platte River at a point in the NE1/4 of the SW1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M. at a point approximately 2,550 feet from the South section line and 2,150 feet from the West section line of said Section 4. This location is identified on Exhibit A hereto. 2.1.5. Source: South Platte River. 2.1.6. Appropriation Dates and Rates of Diversion (all priorities are decreed absolute): Priority No. 1: April 1,

1860: 29.77 cfs; Priority No. 4: May 1, 1863: 5.93 cfs; Priority No. 27: July 1, 1872: 12.18 cfs; Priority No. 52: January 15, 1881: 63.30 cfs. 2.1.7. Decreed uses: Irrigation. 2.1.8. Amount of water to be changed: That portion of the diversions pursuant to the Brantner Ditch priorities identified above to which Aurora is lawfully entitled based on its ownership of the 16 New Brantner shares at issue in this case, after the demands of the "Old Brantner" shareholders were satisfied. Aurora intends to quantify the historical use of the Subject Water Rights on a monthly volumetric basis. 2.2. Description of proposed changes: 2.2.1. Change to alternate types of use: In addition to the existing decreed uses, Aurora is adding the following uses: Municipal, domestic commercial and industrial purposes including, but not limited to: fire protection; energy production; irrigation of lawns, gardens, parks, private and municipal facilities; sanitary; manufacturing; mechanical use; recreational purposes; creation and maintenance of wetlands; stock watering; fish and wildlife propagation; reclamation; revegetation; dust suppression; storage for such uses and maintenance of storage reserves; reservoir evaporation replacement; use as a substitute supply for augmentation, replacement and exchanges whether decreed or undecreed and substitute supply plans. Such uses include reuse for successive uses, disposition following initial use, and reuse until extinction. 2.2.2. Change to alternate places of use: In addition to irrigation use on lands within the Brantner Ditch System, Aurora seeks to add the following place(s) of use: Aurora's current and future service areas served by its municipal water supply and water reuse systems, including areas served by its connections with other systems, and by any current and future water supply contracts or obligations of Aurora. Aurora may also use the water to meet replacement or delivery obligations in Water Division 1. Aurora's service area has changed from time to time and will continue to do so. Aurora's current municipal boundaries are generally depicted on Exhibit B. 2.2.3. No change in Point of Diversion. Aurora will continue to divert the Subject Water Rights through the Brantner Ditch headgate as has occurred historically. 2.2.4. Change from Direct Flow to Direct Flow or Storage: After diversion and prior to initial use by Aurora, water diverted pursuant to the Subject Water Rights may be stored at any of the locations set forth below. Such water may be delivered to storage by means of natural stream channels, and/or component facilities of Aurora's South Platte diversion and conveyance system consisting of facilities of which Aurora is the owner in whole or in part, or in privity with the owner, component facilities of Aurora's Prairie Waters System, and/or any points of diversion authorized in the respective decrees for those storage structures. Reusable effluent resulting from the historical consumptive use component of the water diverted pursuant to the Subject Water Rights may be stored in any reservoir Aurora is authorized to use. The locations for storage of water attributable to the Subject Water Rights prior to beneficial use or prior to release to the stream to meet return flow obligations are depicted on Exhibit B and are described as: 2.2.4.1. Gilcrest Reservoir. An off-channel reservoir to be constructed within part of Section 2, T3N, R67W and parts of Sections 23, 26, 34, and 35, T4N, R67W of the 6th P.M., Weld County, Colorado. 2.2.4.2. Gravel Pit Reservoir A and Aquifer Recharge and Recovery Facility A ("ARR-A"), located on all or portions of the following quarter-sections, all located in T1N, R67 W, 6th P.M.: the S1/2 of Section 13, and the N1/2 of the NW1/4 of Section 24, in Weld County Colorado. 2.2.4.3. Aurora-Everist (Fort Lupton) Reservoir Complex No. 1. This reservoir complex is a group of interconnected gravel pits that located on a portion of the NE1/4 of Section 25, T2N, R67W, 6th P.M., and portions of the NW/4 and portions of the SW1/4 of the NE1/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. 2.2.4.4. Aurora-Everist (Fort Lupton) Reservoir Complex No. 2. This reservoir complex is a group of interconnected gravel pits located on portions of the SE1/4 and SE1/4 of the SW1/4 of Section 25, T2N, R67W, 6th P.M., and portions of the SW1/4 Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. 2.2.4.5. Stillwater Ranch Reservoir ("Walker North"). Walker North is located in the S1/2 NE1/4 of Section 36, T1N, R67W of the 6th P.M., in Weld County, Colorado. 1.2.4.6. Robert

W. Walker Reservoir ("Walker South"). Walker South is located on portions of the SE1/4 of Section 36, T1N, R67W of the 6th P.M. in Weld County, Colorado. 2.2.4.7. Kirby-Dersham Gravel Pit Reservoir. The Kirby-Dersham Gravel Pit Reservoir is located on portions of the NW1/4 of the SE1/4, the SW1/4 of the SE1/4, and the NE1/4 of the SE1/4, of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. 2.2.4.8. Challenger Gravel Pit Reservoir. The Challenger Gravel Pit Reservoir is located on a portion of the E1/2 of the NW1/4 of Section 1, T1S, R67W, 6th P.M., in Adams County Colorado. 2.2.4.9. Aurora Tucson South Storage Facility ("Tucson South") and Aquifer Recharge and Recovery Facility B ("ARR-B"). These facilities will occupy all or portions of the N1/2 of the SE1/4, the SW1/4 of the SE1/4, and the SW1/4, all in Section 1, T1S, R67W, 6th P.M., in Adams County, Colorado. 2.2.4.10. East Reservoir Complex. The East Reservoir will be located in one or more of the following off-channel locations: 2.2.4.10.1. Site 1A: In Sections 14 and 23 and the N1/2 of Section 26, T4S, R65W, 6th P.M. in Arapahoe County, Colorado. 2.2.4.10.2. Site 2B: In Section 26 and 27 and N1/2 of Sections 34, 35 and 36, T4S, R65W, 6th P.M., in Arapahoe County, Colorado. 2.2.4.11. Aurora Reservoir. The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Sections 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., Arapahoe County, Colorado. The east-end of the dam (right) abutment is located at a point from whence the northwest corner of Section 15, T5S, R65W, 6th P.M. bears north 45° west a distance of 2,970 feet, which point is also described as a point in the SE1/4 of the NW1/4 of Section 15, T5S, R65W, 6th P.M. that lies 2,110 feet from the north line and 2,105 feet from the west line of Section 15. The approximate (right) abutment is latitude 39°37'06" north, and longitude 104°39'11" west. 2.2.5. Historical use information: A map showing the approximate locations of the specific parcels of land historically irrigated by the Subject Water Rights is attached as Exhibit A. Aurora does not intend to quantify the lawful historical use of the Brantner water rights on all lands under the Brantner Ditch, but rather only the use attributable to the Subject Water Rights. A summary of the historical diversions for beneficial use pursuant to the priorities described in Paragraph 2.1.6. is attached as Exhibit C. **3. Replacement of Return Flows** **3.1.** In connection with the change of water rights described above, Aurora will have return flow replacement obligations resulting from the historical use of the Subject Water Rights ("Replacement Obligations"). Return flows historically accrued in the following stream reaches: 3.1.1. Big Dry Creek - Upstream Point: Near the point at which the Brantner Ditch crosses Big Dry Creek in the NE/4 of Section 28, T1N, R67W. 2.1.2. Big Dry Creek - Downstream Point: At the confluence of Big Dry Creek and the South Platte River in the SW/4 of Section 6, T1N, R66W. 3.1.3. Little Dry Creek - Upstream Point: Approximately 2 miles northeast of where the Brantner Ditch crosses Little Dry Creek in the SE/4 of Section 35, T2N, R67W. 3.1.4. Little Dry Creek - Downstream Point: At the confluence of Little Dry Creek and the South Platte River in the NE/4 of Section 12, T2N, R67W. 3.1.5. South Platte River - Upstream Point: At the confluence of Big Dry Creek and the South Platte River in the SW1/4 of Section 6, T1N, R66W. 3.1.6. South Platte River - Downstream Point: At the confluence of Little Dry Creek and the South Platte River in the NE1/4 of Section 12, T2N, R67W. **3.2.** Water rights to be used for replacement: In addition to water diverted pursuant to the priorities identified in Paragraph 2.1.6., Aurora may substitute any fully consumable water derived from the exercise of the rights identified on Exhibit D hereto, including without limitation treated municipal effluent and lawn irrigation return flows resulting from a previous use of such water, to meet its Replacement Obligations. **3.3.** Water to meet Replacement Obligations will be released at or upstream from the downstream calling water right(s) entitled to divert such replacement water. To the extent water is released to meet Replacement Obligations upstream from the location at which return flows historically accrued to the stream, appropriate transit losses will be assessed. To the extent fully consumable water derived from water rights other than the Subject Water

Rights is released to meet Replacement Obligations, an equivalent amount of water diverted pursuant to the Subject Water Rights and attributable to historical return flow will become fully consumable and may be used by Aurora for the Changed Uses. **3.4.** The locations from which Aurora may release water pursuant to this plan are the following: 3.4.1. The Outfall of the Aurora Sand Creek Wastewater Treatment Plant, also known as the Sand Creek Water Reuse Facility, located on Sand Creek in the NW1/4 SE1/4 of Section 26, Township 3 South, Range 67 West, 6th P.M., Adams County, Colorado. 3.4.2. The Outfall of the Robert W. Hite Wastewater Treatment Plant, the location of which is described as: SE1/4 SW1/4, Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. 3.4.3. The Outfall of the North Wastewater Treatment Plant, the location of which is described as: SE1/4 SW1/4, Section 31, Township 1 North, Range 66 West, 6th P.M., Weld County, Colorado. 3.4.4. The outlet for the Walker North, Walker South, Kirby-Dersham, Challenger and Tucson South storage facilities, located near the point at which South Platte River crosses from SW1/4 to the NW1/4 of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado. 3.4.5. The South Platte River outlet for Aurora-Everist Reservoir Complexes No. 1 and 2, located in the SW1/4 NE1/4 of Section 30, T2N, R66W, 6th P.M., Weld County, Colorado. 3.4.6. Other points of release located within the reaches defined in Paragraph 3.1. above, to be specified during the pendency of this case. **4.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool. 4.1. Aurora is the owner of, or the holder of a contractual right to purchase, each of the storage structures identified in Paragraph 2.2.4. except the East Reservoir. On information and belief, other owners of interests in the lands on which said structures are located or will be constructed are those set forth below. 4.2. East Reservoir sites: See attached Exhibit E. 4.3. Walker North: Carl F. Eiberger, 303 S. Broadway Ste 200, Denver, Colorado 80209. 4.4. Walker South: HIBE, LLC, 301 Centennial Drive, Milliken, Colorado 80543. 4.5. Tucson South site: Aggregate Industries - WCR, Inc., 1687 Cole Boulevard, Suite 300, Golden, Colorado, 80401. (Application: 10 pages, Exhibits: 25 pages)

21CW3093 TOWN OF WINDSOR, COLORADO (“Windsor”), 301 Walnut Street, Windsor, CO 80550; and the Kern Reservoir and Ditch Company (“Kern”) c/o Windsor. Please send correspondence and pleadings to: Bradley C. Grasmick, Wesley S. Knoll, and David L. Strait, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, Co 80534; Phone: (970) 622-8181; brad@lcwaterlaw.com; wes@lcwaterlaw.com; dstrait@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHTS, IN LARIMER AND WELD COUNTIES.**

1. Name, Address and Telephone Number of Applicants. Town of Windsor (“Windsor”), 301 Walnut Street, Windsor, Colorado 80550, (970) 674-2400. Kern Reservoir and Ditch Company (“Kern”) c/o Windsor. Windsor owns all 100 of the outstanding shares in the Kern Reservoir and Ditch Company. **CLAIM FOR CHANGE OF WATER RIGHTS AND APPROPRIATION OF RETURN FLOWS** **2. Summary of the Water Rights to be Changed.** Applicants seek a change in the type and place of use for (a) 42.25 total shares out of 2,500 outstanding shares in the New Cache la Poudre Irrigating Company (“Applicants’ New Cache Shares”); (b) 27.5 total shares out of 3,000 outstanding shares in the Cache la Poudre Reservoir Company (“Applicants’ Reservoir Shares”); and (c) one (1) preferred water right from Fossil Creek Reservoir issued by the North Poudre Irrigation Company (“Applicants’ Fossil Creek Right”). Applicants’ New Cache Shares, Applicants’ Reservoir Shares, and Applicants’ Fossil Creek Right may be referred to collectively in this Application as the “Subject Shares.” **2.1. New Cache la Poudre Irrigating Company Certificate Numbers.** Applicants’ New Cache Shares are represented by Stock Certificate Numbers: 4951 (2 shares); 4985 (1.25 shares); 2882 (8 shares); 5047 (4 shares); and 5048 (27 shares). **2.2. Cache la Poudre Reservoir Company Certificate Numbers.** Applicants’ Reservoir Shares are represented

by Stock Certificate Numbers: 4167 (2 shares); 4186 (1.5 shares); 4238 (8 shares) and 4239 (16 shares).

2.3. Fossil Creek Reservoir Preferred Water Right Certificate Number. Applicants' Fossil Creek Right is represented by Serial Number 1722. 3. **Decreed Water Rights for Which a Change of Use is Sought**

3.1. Name of Structure: Greeley Canal No. 2. The Greeley Canal No. 2 Canal is also known as the New Cache la Poudre Irrigating Company Canal, the New Cache la Poudre Canal, the Cache la Poudre Irrigation Ditch, the Greeley No. 2, and the Cache la Poudre Irrigating Ditch. 3.1.1. *Previous Decrees*. Case No. 320, Water District No. 3, Larimer County District Court, State of Colorado, decreed April 11, 1882; Case No. W-8059-75, District Court, Water Division No. 1, State of Colorado, decreed June 13, 1977. 3.1.2. *Decreed Point of Diversion*. Located in the SW1/4 of the SE1/4 of the NE1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.1.3. *Source*. Cache la Poudre River. 3.1.4. *Appropriation Dates and Amounts*.

<u>Date</u>	<u>Amount</u>
October 25, 1870	110 cfs
September 15, 1871	170 cfs
November 10, 1874	184 cfs
September 15, 1877	121 cfs
May 27, 1974	65 cfs

3.1.5. *Decreed Use*. Irrigation and Domestic 3.2. Name of Structure: Cache la Poudre Reservoir. The Cache la Poudre Reservoir is also known as the Timnath Reservoir. 3.2.1. *Previous Decrees*. Previous Decrees. Case No. 1591, Larimer County District Court, Water District 3, Water Division No. 1, State of Colorado, decreed December 9, 1904, revised on October 28, 1909; Case No. 2031, Larimer County District Court, Water District 3, Water Division No. 1, State of Colorado, decreed April 22, 1922; Case No. 11217, Larimer County District Court, Water District 3, Water Division No. 1, State of Colorado, decreed September 10, 1953; Case No. W-1103, District Court, Water Division No. 1, State of Colorado, decreed March 21, 1972 *nunc pro tunc* June 8, 1971; and Case No. 80CW415, District Court, Water Division No. 1, State of Colorado, decreed September 3, 1982. 3.2.2. *Decreed Location and Points of Diversion*. The Cache la Poudre Reservoir is located in portions of Sections 23, 24, 25, and 26 in Township 7 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. The inlet ditch headgate for the Cache la Poudre Reservoir is located on the northeast bank of the Cache la Poudre River in the NE1/4 of Section 18, Township 7 North, Range 68 West of the 6th P.M. in Larimer County, Colorado, at a point 1,618 feet South and 35 feet East of the quarter corner between Sections 7 and 18 in Township 7 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. Case No. W-1103 adjudicates points of diversion for seepage and wastewater inflow into the Cache la Poudre Reservoir from the "West Drainage," "Middle Drainage," and "East Drainage." The decreed point of diversion for the West Drainage outlet is the SW1/4 of Section 24, Township 7 North, Range 68 West of the 6th P.M., at a distance of 2,030 feet North and 1,400 feet East of the SW corner of said Section 24. The decreed point of diversion for the Middle Drainage outlet is the SE1/4 of Section 24, Township 7 North, Range 68 West of the 6th P.M., at a distance of 1,350 feet North and 3,290 feet East of the SW corner of said Section 24. The decreed point of diversion for the East Drainage outlet is the NE1/4 of Section 25, Township 7 North, Range 68 West of the 6th P.M., at a distance of 1,340 feet South and 60 feet West of the NE corner of said Section 25. Case No. 80CW415 decrees two additional points of diversion for the Cache la Poudre Reservoir. The First Diversion is located in the NE1/4 of Section 25, Township 7 North, Range 68 West of the 6th P.M. The Second Diversion is located in the SW1/4 of Section 36, Township 7 North, Range 68 West of the 6th P.M. 3.2.3. *Sources*. Cache la Poudre River and its tributaries, Dry Creek, Ames Slough, Cooper Slough, and Box Elder Creek. The source of supply for the West Drainage, Middle Drainage, and East Drainage is waste, seepage, and surface runoff waters tributary to the South Platte River arising from Sections 6, 7, 8, 17, 18, 19, and 30 in Township 7 North, Range 67 West of the 6th P.M.; Sections 1, 2, 11, 12, 13, 14, and 24 in Township 7 North, Range 68 West of the 6th P.M.; and Section 36 in Township 8 North, Range 68 West of the 6th P.M., all in Larimer and

Weld Counties, Colorado. The source of supply for the First Diversion is runoff from natural precipitation, seepage water, and irrigation water runoff from Sections 19 and 30 in Township 7 North, Range 67 West of the 6th P.M. and Sections 24 and 25 in Township 7 North, Range 68 West of the 6th P.M., all in Larimer and Weld Counties, Colorado. The source of supply for the Second Diversion is runoff from natural precipitation, seepage water, and irrigation water runoff from Sections 22, 23, 26, 27, and 35 in Township 7 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. 3.2.4. *Appropriation Dates and Amounts.*

<u>Date</u>		<u>Amount</u>
March 17, 1892		8,379 acre feet
December 1, 1902		1,740 acre feet
December 31, 1923		5,948 acre feet (refill)
December 31, 1923		4,171 acre feet (refill)
March 17, 1892	West Drainage	110 cfs
	Middle Drainage	50 cfs
	East Drainage	90 cfs
March 17, 1892	First Diversion	15 cfs
July 31, 1893	Second Diversion	10 cfs

3.2.5. *Decreed Use.* Irrigation. 3.3. Name of Structure. Fossil Creek Reservoir 3.3.1. *Previous Decrees.* Civil Action 1591, Larimer County District Court, Water District 3, Water Division 1, State of Colorado, decreed December 9, 1904, revised October 28, 1909; Civil Action 2031, Larimer County District Court, Water District 3, Water Division 1, State of Colorado, decreed April 22, 1922; Civil Action 11217, Larimer County District Court, Water District 3, Water Division 1, State of Colorado, decreed September 10, 1953. 3.3.2. *Decreed Location.* Located in portions of Sections 9, 10, 15, 16, and 17, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.3.3. *Source.* Cache la Poudre River and its tributaries, Fossil Creek, and waste and seepage water. 3.3.4. *Appropriation Dates and Amounts.* March 5, 1901, for 12,052 acre-feet; June 1, 1904 (first enlargement), for 1,545 acre-feet; and March 5, 1901 (second filling), for 12,052 acre-feet. 4. **Historic Use.** Applicants' Subject Shares were historically used to irrigate crops on lands depicted on the map attached as **Exhibit 1**. 4.1. Lorenz Farm. Two (2) of Applicant's New Cache Shares and two (2) of Applicant's Reservoir Shares were used to irrigate the Lorenz Farm located east of Windsor in the E1/2 of the NE1/4 of Section 23, Township 6 North, Range 67 West of the 6th P.M. in Larimer County. 4.2. Sanchez Farm. One and one-quarter (1.25) of Applicant's New Cache Shares and one and one-half (1.5) of Applicant's Reservoir Shares were used to irrigate the Sanchez Farm located in the W1/2 of the NE1/4 of the NE1/4 of Section 3, Township 5 North, Range 64 West of the 6th P.M. in Weld County. 4.3. Kern Service Area Shares. There are 100 outstanding shares in Kern, all of which are owned by Windsor. Kern owns eight (8) New Cache Shares, which are included as Subject Shares in this Application. Water from the 8 New Cache Shares were delivered by Kern to its shareholders, and were used to irrigate lands served by the Kern Reservoir (aka Windsor Lake). Kern Reservoir is filled from the Greeley No. 2 Canal and through drainage inflows from lands surrounding the reservoir. In Case No. 02CW301, Windsor changed the use of all 100 Kern shares based upon a ditch-wide analysis of the Kern system. The ditch-wide analysis used in 02CW301 to quantify the Kern Reservoir senior storage right included an analysis of the New Cache la Poudre Irrigating Company water used under the Kern system, including the eight subject shares owned by Kern and included in this Application. 4.4 Broe East and West Broe West Farms. 23 of Applicants' New Cache Shares were used to irrigate properties referred to as the Broe East Farm and the West Broe West Farm. The Broe East Farm is located in the W1/2 of the NE1/4 of Section 26, Township 6 North, Range 67 West of the 6th PM in Weld County and West Broe West Farm is located in the N1/2 of Section 27, Township 6 North, Range 67 West of the 6th P.M. in Weld County. 4.5. Winder Farm. Four (4) of Applicants' New Cache Shares and sixteen (16) of Applicants' Reservoir Shares were used to irrigate the Winder Farm located in part in NW1/4 of Section 25 and in part SE1/4 of

the SE1/4 of Section 23, all in Township 6 North, Range 67 West of the 6th P.M. in Weld County. 4.6. Weinmeister Farm. Four (4) of Applicants' New Cache Shares, eight (8) of Applicants' Reservoir Shares, and Applicants' Fossil Creek Right were used to irrigate the Weinmeister Farm located in E1/2 of the NE1/4 of Section 26, Township 6 North, Range 67 West of the 6th P.M. in Weld County. 5. **Proposed Change.** 5.1. Company Approval. The Companies have provided Windsor with approval to file this application with the Water Court, but have not provided full approval of the change in accordance with the Companies' bylaws. Windsor acknowledges it must obtain such approval from the Companies prior to any decree being entered in this matter. 5.2. Use. In addition to retaining the presently decreed irrigation use for the Subject Shares, Applicants seek to add the following uses to the Subject Shares: commercial, industrial, municipal, augmentation, exchange, and domestic uses within Applicant's service area and by those with whom Windsor contracts to provide water, and fish, wildlife and recreation uses within and around Kyger Reservoir and Kern Reservoir. Applicants also seek to change the Subject Shares to include the right to store water in Kyger Reservoir and Kern Reservoir and any additional places of storage on any ditch or diversion structure described in this decree, consistent with C.R.S. 37-87-101(3). 5.3. Places of Delivery. Applicants may take delivery of the Subject Shares at any of the following points of delivery: 5.3.1. Kyger Reservoir. The Subject Shares may be delivered to and stored in Kyger Reservoir, directly or via exchange. Kyger Reservoir is described in the decree entered on June 28, 2016 in Case No. 14CW3074, located in the SE1/4 of Section 13, Township 6 North, Range 68 West, 6th P.M., Larimer County, Colorado. 5.3.2. Kern Reservoir. (Also known as Windsor Lake). The Subject Shares may be delivered to and stored in Kern Reservoir, either directly or via exchange. Kern Reservoir is filled via the Greeley No. 2 Canal which diverts from the Cache la Poudre River at the point of diversion which is located in the SE1/4 1/4 of the NE1/4 1/4 of Section 11, Township 6 North, Range 68 West, 6th P.M., Larimer County, Colorado. Kern Reservoir is described in the decree entered on June 8, 2015 in Case No. 02CW276, located in portions of Section 16, Township 6 North, Range 67 West, 6th P.M., Weld County, Colorado. 5.3.3. Law Ditch. Located in the NE1/4 of the SE1/4 of Section 15, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.3.4. Historical Farm Headgates. At the locations described in 4.1 through 4.6 of this Application. 5.3.5. Lone Tree Creek Augmentation Station. Located in the NE1/4 of the NW1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado. 5.3.6. Crow Creek Augmentation Stations. (a) Upper Crow Creek Augmentation Station Located in the SW1/4 of the NW1/4 of Section 16, Township 6 North, Range 63 West of the 6th P.M., Weld, County, Colorado; and (b) Lower Crow Creek Augmentation Station located in the NW1/4 of the SW1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. 5.3.7. Sand Creek Augmentation Stations. (a) Upper Sand Creek Augmentation Station located in the NW1/4 of the NE1/4 of Section 16, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado; and (b) Lower Sand Creek Augmentation located in the SE1/4 of the NW1/4 of Section 27, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado. 5.4. Storage of the Subject Shares. Applicants are seeking approval to store the Subject Shares in the following locations: 5.4.1. Kyger Reservoir. See 5.2.1 above. 5.4.2. Kern Reservoir See 5.2.2 above. 5.4.3. Any additional places of storage on any ditch or diversion structure described in this decree, consistent with C.R.S. 37-87-101(3) 6. **Dry-Up**. Applicant has dry-up covenants associated with the Lorenz Farm (9.8 acres); Sanchez Farm (14.967 acres); Broe East Farm (49.7 acres); West Broe West Farm (151.6 acres); Winder Farm (66.0 acres); and Weinmeister Farm (17.1 acres). Additionally, Applicant is claiming dry-up from development occurring on the Broe East, Winder, and Weinmeister Farms of approximately 87.7 acres. The total amount of dry-up identified is 363.9 acres, which is in excess of the 326.2 acres of dry-up Applicant has identified as necessary. 7. **Return Flows**. 7.1. Appropriation of Return Flows. Applicant is changing all of the water represented by the Shares. In order to prevent injury, Applicant will replace the historical return flow portion of the Subject Shares any time there is an active call for water at or below the point of historical return senior to the date of Applicant's change application. Applicant hereby appropriates the use of the historical return flows for the uses set forth in paragraph 5.1

above when the same are in priority. Historical return flows associated with the Subject Shares will be replaced when there is a call senior to the date of the filing of this Application above any downstream calling water right. To the extent the return flows are replaced by other sources or are otherwise not required to be replaced pursuant to the terms of the decree to be entered, Applicant will beneficially use said return flows for the changed uses either directly, by substitution or exchange and/or following storage.

7.2. Sources. Water sources available to Applicants for purposes of replacing return flows include any fully consumable supplies available to Applicants, which include but are not limited to those decreed in Case Nos. 02CW301, 14CW3074, 02CW276, 03CW46, and pending in Case No. 18CW3042. Conveyance losses between the point of replacement source delivery and the point of return flow obligation will be assessed as reasonably determined by the Water Commissioner or Division Engineer.

7.3. Lorenz and Winder Farms. Consistent with the decree in consolidated Case Nos. 04CW025 and 06CW295, the return flows for the Lorenz and Winder Farms are assumed to be 100% subsurface because these farms are located more than one-mile from the river. The timing of lagged return flows will be determined using AWAS parameters and the Glover equation. Return flows for these the Lorenz and Winder farms historically accrued to the Cache la Poudre River at a point below the Jones Ditch headgate and above the headgate for the Greeley No. 3 Ditch.

7.4. Broe East and Weinmeister Farms. Consistent with the decree in consolidated Case Nos. 04CW025 and 06CW295, the return flows for the Broe East and Weinmeister Farms are assumed to be 100% subsurface because these farms are located more than one-mile from the river. The timing of lagged return flows will be determined using AWAS parameters and the Glover equation. Return flows for the Broe East and Weinmeister Farms historically accrued to the Cache la Poudre River at a point below the Whitney and B.H. Eaton Ditch headgates and above the Jones Ditch headgate.

7.5. Sanchez Farm. Consistent with the decree in consolidated Case Nos. 04CW025 and 06CW295, the return flows for the Sanchez are assumed to be 100% subsurface because these farms are located more than one-mile from the river. The timing of lagged return flows will be determined using AWAS parameters and the Glover equation. Return flows for the Sanchez Farm historically accrued to Crow Creek, which is tributary to the South Platte River downstream of its confluence with the Cache la Poudre River. There are no intervening water rights on Crow Creek between the Sanchez Farm return flow point and the Crow Creek-South Platte River confluence, therefore, return flows from the Sanchez Farm are assumed to accrue and be owed to the South Platte River at its confluence with Crow Creek.

7.6. Kern Service Area. Consistent with the decree in Case No. 02CW301, return flows for Subject Shares used within the Kern Service Area were determined to be 30% surface and 70% subsurface. Surface return flows are assumed to accrue to the river within the same month that water is applied for irrigation. The timing of lagged return flows will be determined using AWAS parameters and the Glover equation. Return flows for the Kern service area accrued at a point just upstream of the Lorenz Farm point of return flow accretion, and below the river headgates for the Whitney and BH Eaton Ditches.

7.6.1. *Return Flow Credit for Deliveries of Applicants' New Cache Shares used within the Kern Service Area and Delivered through the Kern Lateral.* Windsor proposes to claim a credit for canal losses that accrue to the Cache la Poudre River from delivery of Kern's eight (8) New Cache shares when such shares are delivered through the Kern lateral by multiplying the delivery amounts by fourteen percent (14%). Such credits will be lagged using AWAS parameters and the Glover Equation.

7.7. West Broe West Farm. Consistent with the decree in Case No. 02CW301, return flows for Subject Shares used on the West Broe West Farm were determined to be 30% surface and 70% subsurface. Surface return flows are assumed to accrue to the river within the same month that water is applied for irrigation. The timing of lagged return flows will be determined using AWAS parameters and the Glover equation. Return flows for the West Broe West Farm historically accrued to the Cache la Poudre River at a point below the river headgates for the Whitney and BH Eaton Ditches.

8. Names and Addresses of Owners of Structures. The following entities own land or structures involved in this Application:

8.1. The Greeley Canal No. 2 and the Cache la Poudre Reservoir are owned by the New Cache la Poudre irrigating Company and the Cache la Poudre Reservoir Company, whose address is 33040 Railroad Avenue, Lucerne, Colorado 80646,

Attn: Dale Trowbridge. 8.2. Fossil Creek Reservoir is owned and operated by the North Poudre Irrigation Company, whose address is 3729 Cleveland Avenue, Wellington, Colorado 80549. 8.3. Kern Reservoir is owned by the Kern Reservoir and Ditch Company whose address is 301 Walnut Street, Windsor, Colorado 80550. 8.4. Kyger Reservoir is owned by the Town of Windsor whose address is 301 Walnut Street, Windsor, Colorado 80550.

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

21CW3094 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT (“ECCV”), c/o Dave Kaunisto, 6201 South Gun Club Road, Aurora, Colorado 80015, Telephone: (303) 693-3800; **ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (“ACWWA”)**, c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830; **UNITED WATER AND SANITATION DISTRICT (“UNITED”)**, c/o Robert Lembke, 8301 East Prentice, Avenue, Suite 100, Greenwood Village, CO 80111, Telephone: (303) 775-1005. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE AMOUNTS ABSOLUTE in ADAMS, ARAPAHOE, DENVER, DOUGLAS, ELBERT, MORGAN AND WELD COUNTIES** Please send all pleadings and correspondence to: Brian M. Nazareus, Sheela S. Stack, William D. Wombacher, Stacy L. Brownhill, NAZAREUS STACK & WOMBACHER LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, (Attorneys for ACWWA); Tod J. Smith, LAW OFFICE OF TOD. J. SMITH, LLC, 5777 Central Ave., Suite 228, Boulder, Colorado 80301, (Attorney for United); Ann M. Rhodes, ANN RHODES, LLC, 5777 Central Ave., Suite 228, Boulder, Colorado 80301, (Attorney for United). 2. **Original Decree.** The original decree was entered by the Water Court, Water Division 1, on June 8, 2015, in Case No 13CW3165 (“3165 Decree”). 3. **Description of the Ground Water Rights.** The water rights confirmed in the 3165 Decree for the wells included in the ACWWA/ECCV Well Field decreed in Case No. 02CW403 (“403 Decree”), Case Nos. 02CW404/03CW442 (404/442 Decree), and Case No. 10CW306 (“306 Decree”) (“Water Rights”) are described below. 3.1. **Legal Description of the Wells.** 3.1.1. Well P-6 (Permit No. 64478-F), located in the SE1/4 of the SW1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 940 feet from the south section line and 1,420 feet from the west section line of said Section 1. 3.1.2. Well E-7A (Permit No. 64477-F), located in the SW1/4 of the SW1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1,075 feet from the south section line and 825 feet from the west section line of said Section 1. 3.1.3. Well P-8 (Permit No. 64476-F), located in the NW1/4 of the NW1/4 of Section 12, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 74 feet from the north section line and 1,237 feet from the west section line of said Section 12. 3.1.4. Well P-11 (Permit No. 64475-F), located in the SW1/4 of the SW1/4 of Section 12, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 2,625 feet from the north section line and 487 feet from the west section line of said Section 12. 3.1.5. Well P-12 (Permit No. 64473-F), located in the SW1/4 of the NW1/4 of Section 12, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1,605 feet from the north section line and 118 feet from the west section line of said Section 12. 3.1.6. Well P-13 (Permit No. 64474-F), located in the SE1/4 of the NE1/4 of Section 11, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 2,485 feet from the north section line and 572 feet from the east section line of said Section 11. 3.1.7. Well P-2 (Permit No. 75063-F), located in the NE1/4 of the NE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1,229 feet from the north section line and 318 feet from the east section line of said Section 1. 3.1.8. Well P-3 (Well Permit No. 75064-F), located in the SE1/4 of the NE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1,823 feet from the north section line and 848 feet from the east section line of said Section 1. 3.1.9. Well P-4 (Well Permit No. 75065-F), located in the NW1/4 of the SE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point

2,341 feet from the south section line and 1,441 feet from the east section line of said Section 1. 3.1.10. Well P-5 (Well Permit No. 75066-F), located in the NE1/4 of the SW1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1,442 feet from the south section line and 1,944 feet from the west section line of said Section 1. 3.1.11. Well P-15 (Well Permit No. 75067-F), located in the SW1/4 of the NE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 2,053 feet from the north section line and 2,016 feet from the east section line of said Section 1. 3.1.12. Well P-18 (Well Permit No. 75068-F), located in the NE1/4 of the NE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1,072 feet from the north section line and 976 feet from the east section line of said Section 1. 3.1.13. Well No. E-1 (Well Permit No. 78197-F), located in the SW1/4 of the NE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 2,115 feet from the north section line and 2,453 feet from the east section line of said Section 1. 3.1.14. Well No. P-14 (Well Permit No. 78198-F), located in the NE1/4 of the SE1/4 of Section 11, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1 foot from the east section line and 1,440 feet from the south section line of said Section 11. 3.1.15. Well No. P-19 (Well Permit No. 78199-F), located in the NE1/4 of the SW1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 2,402 feet from the west section line and 2,458 feet from the south section line of said Section 1. 3.1.16. Well No. P-20 (Well Permit No. 78200-F), located in the NW1/4 of the SE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 1,952 feet from the east section line and 1,685 feet from the south section line of said Section 1. 3.1.17. Well No. P-21 (Well Permit No. 78201-F), located in the SW1/4 of the SE1/4 of Section 1, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, at a point 2,594 feet from the east section line and 810 feet from the south section line of said Section 1. 3.2. Source. Ground water within the Beebe Draw alluvial aquifer, tributary to the South Platte River. 3.3. Depth. 75 feet. 3.4. Appropriation Date. May 31, 2013, by resolutions of the Board of Directors of ECCV and ACWWA and by ground water modeling and hydrogeologic analysis. 3.5. Decreed Amounts. **Table 1** below summarizes the decreed amounts for the wells described in paragraph 3.1, above, subject to the volumetric limitations set forth in paragraph 15 of the 3165 Decree.

TABLE 1			
Well Name	Permit No.	Decree	Amount
P-6	64478-F	403	2000 gpm (conditional)
E-7A	64477-F	403	2000 gpm (conditional)
P-8	64476-F	403	2000 gpm (conditional)
P-11	64475-F	403	2000 gpm (conditional)
P-12	64473-F	403	2000 gpm (conditional)
P-13	64474-F	403	2000 gpm (conditional)
P-2	75063-F	404/442	2000 gpm (conditional)
P-3	75064-F	404/442	2000 gpm (conditional)
P-4	75065-F	404/442	2000 gpm (conditional)
P-5	75066-F	404/442	2000 gpm (conditional)
P-15	75067-F	404/442	2000 gpm (conditional)
P-18	75068-F	404/442	2000 gpm (conditional)
E-1	78197-F	306	2000 gpm (conditional)
P-14	78198-F	306	2000 gpm (conditional)
P-19	78199-F	306	2000 gpm (conditional)
P-20	78200-F	306	2000 gpm (conditional)
P-21	78201-F	306	2000 gpm (conditional)

3.6. Use of Water. The Water Rights decreed herein are for use by ACWWA and separate use by ECCV for all municipal uses, including replacement, recharge, and substitute supply, as described in paragraphs 7 and 42 of the 306 Decree, within their separate respective service areas located in Arapahoe and Douglas Counties (ACWWA) and Arapahoe County (ECCV), as those service areas now exist or may exist in the future. When ACWWA and ECCV are replacing all depletions associated with pumping from the wells in the ACWWA/ECCV Well Field, ACWWA and ECCV shall have the right to use, reuse, and successively use the pumped water within their respective service areas to extinction, subject to the limitations of paragraph 9.1 of the 3165 Decree. 4. **Detailed outline of work done for the completion of the conditional appropriation for reasonable diligence.** ECCV's unified, integrated system for the diversion, accretion, collection, storage, transmission, and treatment of water rights (the "Water Supply Project") was originally designed to provide ECCV with a long-term, sustainable municipal water supply for its service area. In order to implement the Water Supply Project, ECCV, United, and the Farmers Reservoir and Irrigation Company entered into a Water Supply Agreement, dated December 18, 2003, which was amended in May 2007. On December 15, 2009, ACWWA, United, and ECCV entered into an Intergovernmental Agreement to provide for ACWWA's participation with ECCV and United in the Water Supply Project ("Flow Project"). The Water Supply Project is now designed to provide ECCV and ACWWA with a long-term, sustainable municipal water supply for their respective service areas located in Arapahoe and Douglas Counties, Colorado. The conditional water rights confirmed in the 3165 Decree and claimed herein are part of the Water Supply Project, which provide water within ECCV's and ACWWA's present and future service area. Pursuant to C.R.S. § 37-92-301(4)(b), for purposes of demonstrating diligence, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein and shall constitute diligence toward the development of each of the conditional water rights decreed herein. During the diligence period ECCV and ACWWA have done, at a minimum, the following work towards completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed (expenditure numbers are rounded to the nearest \$1,000): 4.1. Legal Fees. Legal fees in the amount of \$4,000,000.00 were expended during the diligence period in ECCV's and ACWWA's adjudicatory proceedings for the appropriation of new water rights and changes to existing water rights for the Water Supply Project and Flow Project, and water rights protection and opposition. 4.2. Engineering Costs. Engineering costs in the amount of \$2,141,000.00 were expended during the diligence period in connection with ECCV's Water Supply Project and \$1,894,000.00 in connection with ACWWA's Flow Project, to perform water rights modeling, exchange potential modeling, appropriation of new water rights, changes to existing water rights, water rights protection and opposition, and water rights accounting. 4.3. Additional Replacement Supplies. ECCV and ACWWA have filed applications and obtained decrees in the cases listed below to increase the replacement supplies available under its augmentation plan decrees and facilitate increased diversions in the ACWWA/ECCV Well Field, to add storage facilities and recharge locations, and to add exchanges to aid in moving its replacement water to its places of beneficial use. 4.3.1. Case No. 03CW200, amended application filed January 3, 2012; decree entered September 23, 2016. 4.3.2. Case No. 06CW40, original application filed February 20, 2006; decree entered July 5, 2016. 4.3.3. Case No. 11CW151, original application filed August 31, 2011; decree entered November 26, 2018. 4.3.4. Case No. 12CW73, original application filed March 30, 2012; decree entered February 26, 2016. 4.3.5. Case No. 13CW3026, original application filed April 26, 2013; decree entered October 31, 2017. 4.3.6. Case Nos. 13CW3171 and 13CW3172, application filed December 30, 2013; decrees entered June 20, 2017. 4.3.7. Case No. 14CW3164, application filed December 30, 2014; decree entered December 29, 2016. 4.3.8. Case Nos. 16CW3195 and 16CW3196, applications filed December 29, 2016; cases currently pending. 4.3.9. Case No. 16CW3200, application filed December 29, 2016; decree entered March 28, 2021. 4.3.10. Case Nos. 19CW3074 and 19CW3075, applications filed April 27, 2019; cases currently pending.

4.3.11. Case No. 19CW3084, application filed May 15, 2019; decree entered May 10, 2021. 4.3.12. Case No. 20CW3096, application filed July 13, 2020; case currently pending. 4.3.13. Case No. 20CW3117, application filed August 21, 2020; case currently pending. 4.3.14. Case No. 20CW3188, application filed November 30, 2020; case currently pending. 4.3.15. Case No. 20CW3142, application filed September 30, 2020; case currently pending. 4.3.16. Case Nos. 20CW3146 and 20CW3147, applications filed September 30, 2020; cases currently pending. 4.3.17. Case Nos. 20CW3160 and 20CW3161; applications filed October 30, 2020; cases currently pending. 4.4. Water System Development. During the diligence period, United, on behalf of ECCV and ACWWA, has developed and acquired infrastructure for Phase II of the Water Supply Project (“Phase II”), including but not limited to mining United Reservoir No. 3; acquiring Milliken Reservoir in August 2015; completing construction of 70 Ranch Reservoir in July 2019; acquiring Holton Lake in September 2019 and completing construction of Holton Lake in June 2021; commenced construction of the Serfer Augmentation Station in 2021; in and securing easement deeds and agreements for structures necessary to deliver water to ECCV and ACWWA. During this diligence period ECCV and ACWWA have been working on Phase II, which will allow ECCV to deliver up to 14.75 million gallons of renewable water to customers each day and ACWWA to deliver up to 5.25 million gallons of renewable water to customers each day, whereby reducing dependency on non-renewable wells. Phase II also included expansion of the Northern Water Treatment RO Plant (2018-2020) and the North and South Booster Pump Stations (2018-2019), and construction of Deep Injection Well II (2018). The total estimated cost of the Phase II infrastructure is \$60 million for an additional 10 million gallons of pumping and treatment capacity. The Booster Pump Stations are approximately \$25 million and the NWTP Expansion is approximately \$35 million. ACWWA has purchased an additional 3 million gallons of capacity from these facilities, totaling about \$18 million in capital expenditure. 4.5. Substitute Water Supply Plans. During this diligence period, ECCV and ACWWA have filed joint substitute water supply plans (“SWSP”) in order to use additional replacement supplies to replace out-of-priority depletions from the ACWWA/ECCV Well Field to facilitate the efficient operation of the Water Supply Project and Flow Project. SWSPs were filed in 2014 (approved April 15, 2015), 2015 (approved April 6, 2016), 2016 (approved May 19, 2017), 2017 (approved March 30, 2018), 2018 (approved March 27, 2019), 2019 (approved April 6, 2020), and 2020 (approved April 22, 2021, April 29, 2021, and June 25, 2021). 4.6. Protection of Water Rights. Applicants have regularly monitored the filings of other water users. They have filed statements of opposition to and has incurred legal and engineering costs in connection with numerous cases to protect its water rights. Legal fees in the amount of \$300,000.00 were expended during the diligence period in water rights protection and opposition on behalf of ECCV for its Water Supply Project and ACWWA for its Flow Project. 4.7. Opposition of Detrimental Legislation. Applicants have been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges. 4.8. ECCV and ACWWA continue to rely upon and develop the conditional water rights described herein and have no intent to abandon them. 5. Claim to Make Absolute. During this diligence period, Applicants have pumped water in priority and made the following amounts described in **Table 2**, below, absolute:

TABLE 2		
Well	Max Rate (GPM)	Date of Max Rate
P-2	1,000	2/6/2019
P-3	1,051	6/11/2018
P-4	1,105	7/9/2015
P-5	755	6/13/2016
P-6	729	4/15/2020
P-8	1,203	1/31/2017

P-11	1,324	7/18/2016
P-12	1,213	7/18/2016
P-13	1,261	7/15/2016
P-18	1,096	6/22/2017
E-7A	600	5/27/2020
P-15	980	6/26/2017
P-14	1,950	9/19/2020

6. **Names and addresses of owners of the land on which the Wells are or will be located.** Co-Applicant United owns the land on which the wells of the ACWWA/ECCV Well Field are located. WHEREFORE, Applicants respectfully request that this Court enter an order finding that reasonable diligence has been exercised in the development of these conditional water rights and that the following amounts for each well in **Table 3**, below be recognized as absolute and continued as conditional, and in the alternative, any amounts not made absolute, Applicants request that a finding of reasonable diligence has been exercised in the development of the subject conditional rights claimed herein.

TABLE 3		
Well	Absolute Rate (GPM)	Remaining Conditional Rate (GPM)
P-2	1,000	1,000
P-3	1,051	949
P-4	1,105	895
P-5	755	1,245
P-6	729	1,271
P-8	1,203	797
P-11	1,324	676
P-12	1,213	787
P-13	1,261	739
P-18	1,096	904
E-7A	600	1,400
P-15	980	1,020
P-14	1,950	50
E-1	0	2,000
P-19	0	2,000
P-20	0	2,000
P-21	0	2,000

(11 pages, 0 exhibits)

21CW3095 TODD FREEMAN AND MOUNTAIN MUTUAL RESERVOIR COMPANY; Todd Freeman, 150 Summit Drive, Bailey, CO 80421; Email: freeman.todd1211@gmail.com; Telephone: (360) 961-1211 and Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932. 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 PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN PARK AND JEFFERSON COUNTIES. APPLICATION FOR APPROVAL OF A PLAN FOR**

AUGMENTATION INCLUDING EXCHANGE 2. Names of Structures to be Augmented: Freeman Well No. 1 and Freeman Well No. 2, located on the “Freeman Property” which is approximately 25 acres, lying predominately in the W1/2 SE1/4 of Section 17, Township 7 South, Range 72 West of the 6th P.M., Park County, also known as 150 Summit Drive, Bailey, CO 80421, as shown on **Exhibit A**. The Freeman Property is located in the drainage of an unnamed stream, tributary to an unnamed stream, which is tributary to Deer Creek. Water use from the Freeman Well No. 1 and Freeman Well No. 2 on the Freeman Property will be for one existing single-family dwelling along with one of the following three options: (1) livestock watering (cows or equivalent animal, up to 5 head) during the irrigation season only; (2) horse watering (horses or equivalent animals, up to 2 head) year-round; or (3) for in-house domestic use for a second single-family dwelling to be constructed on the Freeman Property. The present water supply will be from Freeman Well No. 1, located on the Freeman Property and diverts at a maximum rate of 15 gallons per minute; provided however, the Freeman Well No. 2 will be constructed to serve the second single-family dwelling to be located on the Freeman Property following necessary land use approvals. Freeman Well No. 1 is presently associated with Exempt In-House Only Permit No. 308571; however, following entry of this decree Co-Applicant Freeman will obtain a new permit for the Freeman Well No. 1 consistent with the decree entered in this case. The specific location of the Freeman Well is UTM Zone 13, NAD83, 459183.0 Easting, 4365314.0 Northing. 3. Water Rights to be Used for Augmentation: Freeman owns two shares of stock in the Mountain Mutual Reservoir Company (“MMRC”) to satisfy his current and future augmentation needs. The two shares represent the right to receive 0.063 acre-feet firm yield annually from the water rights in the Mountain Mutual Water Rights as described below. a. The water rights associated with the MMRC shares described in paragraph 3 are described as follows: i. 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. ii. 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. iii. 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 Section 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. iv. 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 Slaughter 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 Slaughter 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 Slaughter 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. 2003CW238 and 0.727 will be transferred in Case No. 2016CW3197. v. 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 is 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 degrees 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 degrees 30 seconds East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. vi. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. vii. 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 ownerships in the reservoir have transferred

water rights to Lower Sacramento Creek Reservoir No. 1 in which MMRC has no interest. b. 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 are published in the Water Resume, or such storage is approved by the State Engineer pursuant to Sections 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. c. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as “Slaght Ditch Rights.” The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation 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 pro rata 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. d. Co-Applicant Freeman’s two shares entitle it to 0.063 acre-feet firm yield annually in the Nickerson Ditch Rights as reflected in the allocation of firm yield for the Nickerson Ditch Rights attached as **Exhibit B**, and 0.036 acre-feet of storage in Maddox Reservoir, as reflected in the allocation of storage in Maddox Reservoir attached as **Exhibit C**. MMRC also seeks the right to use the Slaght Ditch Rights and/or Lower Sacramento Creek Reservoir to make replacements pursuant to this augmentation plan as alternate or supplemental replacement supplies. 4. Statement of Plan for Augmentation: Freeman water demands consist of in-house use for one single-family dwelling and one of the following three options: (1) livestock watering (cows or equivalent animal, up to 5 head) during the irrigation season only; (2) horse watering (horses or equivalent animals, up to 2 head) year-round; or (3)

for in-house domestic use for a second single-family dwelling to be constructed on the Freeman Property. For option one and two, Freeman Well No. 1 would be augmented pursuant to this plan for augmentation. For option three, Freeman will construct Freeman Well No. 2 to serve the second single-family dwelling.

a. The in-house water requirements assume an average occupancy of 3.5 capita. Estimated water requirements are 80 gallons per capita per day (gcpd) for one-single-family dwelling, with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. Watering of large animals assumes 100% consumption of 10 gallons per animal per day. Table 1 summarizes the water uses for the existing single-family house and each of the three alternatives:

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	0.315	10%	.0315	0.01575	0.01575
Alt 1: Livestock watering 5 months*	10 gl/hd/dy	5	0.0235	100%	0.0276	0.0276	0.000
Tran. Chg	0.13%/Mi	14 miles (winter only)	0.0003	100%	0.0003	0.000	0.0003
Total			0.339		0.0594	0.04335	0.01578
Alt 3: Secondary Single-Family In-house Use*	80 gl/cap/dy(3.5 cap)	1	0.315	10%	0.0315	0.01575	0.01575
Alt 2: Horses year-round*	10gl/hd/dy	2	0.0224	100%	0.0224	0.0112	0.0112

*Only one of these three options will occur at a time.

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.007	0.007	0.007	0.007	0.007	0.007

This equates to a maximum stream depletion of 0.03 of a gallon per minute.

b. During the months of May through October, the primary augmentation supply will be to leave HCU credits associated with the Nickerson Ditch Rights in Deer Creek to offset out-of-priority depletions. During the non-irrigation season during the months of November through April, and at times when the Nickerson Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. MMRC also seeks the right to use the Slaughter Ditch Rights and/or Lower Sacramento Creek Reservoir to make replacements pursuant to this augmentation plan. c. Because the point of depletion on Deer Creek is immediately downstream from the historical headgate of the Nickerson Ditch, no transportation losses are necessary for replacements made using the Nickerson Ditch rights. The distance from Maddox Reservoir to the point of depletion is 14 miles, resulting in a transportation loss of 0.004 during the non-irrigation season of November through April. Other transportation charges will be assessed at 0.13% per mile. d. 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. 5. Water Exchange Reach: Since the point of depletions 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 the exchange shall extend from the confluence of Deer Creek and the North Fork of the South Platte River in the NE1/4 NE1/4, Section 36, Township 7 South, Range 72 West, thence up Deer Creek to the confluence of an unnamed tributary and Deer Creek in the W1/2 of the NW1/4, Section 15, Township 7 South, Range 72 West, thence up an unnamed tributary to the point of depletion in the SE1/4, Section 17, Township 7 South, Range 72 West, all in the 6th P.M. In the event there is an intervening senior water right that precludes operation of the exchange, Applicants can have replacement water delivered by truck to the point of depletions or have an on-site container from which replacement water may be released. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The exchange project right will be operated and administered with a priority date of June 30, 2021 at a maximum flow rate of 0.001 of a cubic foot per second. 6. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 7. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicant, Freeman. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) authorizing the appropriations sought herein, (2) authorizing use of the augmentation supplies described in this Application and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue a well permit for the Freeman Well No. 1 and Freeman Well No. 2 consistent with the decree entered in this case. (12 pgs., 3 Exhibits)

21CW3096 ADAMS COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE

1. Name and Address of Applicant: **SUNCOR ENERGY (U.S.A.) INC. (“SUNCOR”)**, 717 17th Street, Suite 2900, Denver, Colorado 80202, Telephone: 303-793-8000. 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. Summary of Application: Suncor seeks a finding of reasonable diligence on the conditional portion of the underground water right for the Suncor Remediation Wellfield as originally decreed in Case No. 12CW183 (“Suncor Remediation Wellfield Water Right”). The Suncor Remediation Wellfield includes, under a single water right, all of the wells and sumps used in the groundwater recovery and treatment system that Suncor and its predecessors have operated since the early 1990s to address groundwater contamination under Suncor’s Commerce City Refinery. 3. Name of Structure: Suncor Remediation Wellfield, consisting of the wells described in Paragraph 4 below. 4. Description of Conditional Water Right: The Suncor

Remediation Wellfield Water Right was decreed on July 6, 2015, *nunc pro tunc* June 2, 2015, Case No. 12CW183, Water Division 1. This is the first diligence application following entry of the decree in Case No. 12CW183. The Suncor Remediation Wellfield is located within a 147-acre area referred to in this Application as the "Remediation Area" at Suncor's Commerce City Refinery, 5801 Brighton Boulevard, Commerce City, Colorado 80022. The Remediation Area and refinery are depicted on the map attached as Exhibit A and are located in Section 12, Township 3 South, Range 68 West, Adams County, Colorado. The Suncor Remediation Wellfield Water Right includes (a) wells to be constructed in the future within the Remediation Area ("Future Wells"); (b) existing wells and sumps that were decreed as part of the Suncor Remediation Wellfield in Case No. 12CW183, some of which had previously been decreed in Case No. 91CW051, Water Division 1. Suncor has not constructed any new Future Wells within the Remediation Area since the Court entered the decree in Case No. 12CW183, although has replaced two existing wells as described in Section 5 below.

4.1. Future Wells

4.1.1. Legal Description: Future groundwater wells within the Remediation Area, depicted on the map attached as Exhibit A and located within Section 12, Township 3 South, Range 68 West, Adams County, Colorado.

4.1.2. Depth of Wells: Maximum depth of 45 feet.

4.2 Existing Wells

4.2.1 Well R-31 (Permit No. 76056-F)

a. Legal Description: Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1500 feet from the North section line and 2270 feet from the East section line of said Section 12.

b. Depth of Well: 22 feet

c. Maximum well capacity: 80 gpm

4.2.2. Well R-32 (Permit No. 76057-F)

a. Legal Description: Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1460 feet from the North section line and 2390 feet from the East section line of said Section 12.

b. Depth of Well: 20 feet

c. Maximum well capacity: 80 gpm

4.2.3. Well R-33 (Permit No. 76058-F)

a. Legal Description: Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1390 feet from the North section line and 2510 feet from the East section line of said Section 12.

b. Depth of Well: 20 feet

c. Maximum well capacity: 80 gpm

4.2.4. Emergency Sump #1 (Permit No. 76200-F)

a. Legal Description: Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1570 feet from the North section line and 2530 feet from the East section line of said Section 12.

b. Depth of Well: 12 feet

c. Maximum well capacity: 80 gpm

4.2.5. Emergency Sump #2 (Permit No. 76201-F)

a. Legal Description: Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1510 feet from the North section line and 2320 feet from the East section line of said Section 12.

b. Depth of Well: 14 feet

c. Maximum well capacity: 80 gpm

4.2.6. Emergency Sump #3 (Permit No. 76202-F)

a. Legal Description: Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1620 feet from the North section line and 2070 feet from the East section line of said Section 12.

b. Depth of Well: 14 feet

c. Maximum well capacity: 80 gpm

4.2.7. Emergency Sump #4 (Permit No. 76203-F)

a. Legal Description: Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1810 feet from the North section line and 1710 feet from the East section line of said Section 12.

b. Depth of Well: 14 feet

c. Maximum well capacity: 80 gpm

4.2.8. Recovery Wells Originally Decreed in Case No. 91CW051, Water Court Division 1. Suncor's predecessor-in-interest, ConocoPhillips Company ("Conoco"), constructed these recovery wells to pump tributary groundwater from the alluvium of Sand Creek, tributary to the South Platte River. The previously decreed pumping rate for each of the recovery wells is 100 gpm, and the previously decreed maximum operation pumping rate from all of the recovery wells is 1200 gpm. All of these wells are located within the Remediation Area.

4.2.8.1. Conoco Well R-1 (Permit No. 37174-F). Located in the SW1/4 of the NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 2150 feet from the North section line and 2300 feet from the East section line of said Section 12.

4.2.8.2. Conoco Well R-2 (Permit No. 37175-F). Located in the SW1/4 of the NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 2150

feet from the North section line and 2370 feet from the East section line of said Section 12. 4.2.8.21. Conoco Well R-18-3 (Permit No. 042438-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1545 feet from the North section line and 2460 feet from the East section line of said Section 12. 4.2.8.22. Conoco Well R-18 A (Permit No. 043283-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1590 feet from the North section line and 2320 feet from the East section line of said Section 12. 4.2.8.23. Conoco Well R-18 B (Permit No. 043284-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1540 feet from the North section line and 2450 feet from the East section line of said Section 12. 4.2.8.24. Conoco Well R-18 C1 (Permit No. 043285-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1505 feet from the North section line and 2520 feet from the East section line of said Section 12. 4.2.8.25. Conoco Well R-18 C2 (Permit No. 043286-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1505 feet from the North section line and 2525 feet from the East section line of said Section 12. 4.2.8.26. Conoco Well R-19 (Permit No. 042439-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1700 feet from the North section line and 2520 feet from the East section line of said Section 12. 4.2.8.27. Conoco Well R-19-1 (Permit No. 042440-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1640 feet from the North section line and 2570 feet from the East section line of Section 12. 4.2.8.28. Conoco Well R-19-2 (Permit No. 042441-F). Located in the SE1/4 NW1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1555 feet from the North section line and 2550 feet from the East section line of said Section 12. 4.2.8.29. Conoco Well R-19-3 (Permit No. 042442-F). Located in the SE1/4 NW1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1475 feet from the North section line and 2500 feet from the East section line of said Section 12. 4.2.8.30. Conoco Well R-20 (Permit No. 042432-F; replaced under Permit No. 042432-F-R). Located in the SE1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 2400 feet from the North section line and 870 feet from the East section line of said Section 12. 4.2.8.31. Conoco Well R-22 (Permit No. 042434-F; replaced under Permit No. 042434-F-R). Located in the SE1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 2260 feet from the North section line and 1070 feet from the East section line of said Section 12. 4.2.8.32. Conoco Well R-23 (Permit No. 043287-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 2060 feet from the North section line and 1610 feet from the East section line of said Section 12. 4.2.8.33. Conoco Well R-24 (Permit No. 043288-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 2110 feet from the North section line and 1530 feet from the East section line of said Section 12. 4.2.8.34. Conoco Well R-25 (Permit No. 043289-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1710 feet from the North section line and 2160 feet from the East section line of said Section 12. 4.2.8.35. Conoco Well R-26 (Permit No. 043290-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1870 feet from the North section line and 1940 feet from the East section line of said Section 12. 4.2.8.36. Conoco Well R-27 (Permit No. 37180-F-R). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams 11 County, Colorado, at a point 1960 feet from the North section line and 1800 feet from the East section line of said Section 12. 4.2.8.37. Conoco Well R-28 (Permit No. 76053-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1640 feet from the North section line and 1900 feet from the East section line of said Section 12. 4.2.8.38. Conoco Well R-29 (Permit No. 76054-F). Located in the SW1/4

NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1610 feet from the North section line and 2030 feet from the East section line of said Section 12. 4.2.8.39. Conoco Well R-30 (Permit No. 76055-F). Located in the SW1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 1550 feet from the North section line and 2140 feet from the East section line of said Section 12. 4.2.8.40. Conoco Well R-36 (Permit No. 042433-F-R) (replacement for well previously decreed as Conoco Well R-21). Located in the SE1/4 NE1/4, Section 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 2180 feet from the North section line and 1240 feet from the East section line of said Section 12. 4.3. Decreed Source of Water.

The source of water for all wells included in the Suncor Remediation Wellfield is groundwater tributary to Sand Creek, tributary to South Platte River. 4.4. Appropriation. Date May 23, 2013 4.5. Amount Decreed. 1,500 gpm total from all wells within the Suncor Remediation Wellfield, which includes the wells listed in paragraphs 4.1 through 4.2 above with no individual well to exceed 100 gpm and of which 580 gpm were decreed absolute in Case No. 12CW183, with the remaining 920 gpm decreed as conditional. 4.6. Well Operations. The wells that are part of the Suncor Remediation Wellfield are not exempt from administration under the priority system and are operated in accordance with the plan for augmentation decreed in Case No. 12CW183, Water Division 1. 4.7. Decreed Use. The Suncor Remediation Wellfield is used for industrial purposes as part of groundwater remediation operations at Suncor's Commerce City Refinery. The proposed area of use is depicted on Exhibit A. 5. Request for Finding of Reasonable Diligence: Suncor has undertaken numerous activities since the Court's entry of the decree in Case No. 12CW183 to beneficially use the subject water right and to complete the appropriation of the full amount of the subject water right. Suncor has continuously worked to maintain, repair, and improve specific wells and the refinery's groundwater treatment system ("GWTS") and industrial wastewater treatment system ("IWTS") to ensure consistent operation of the Suncor Remediation Wellfield both now and in the future, including, but not limited to, the following specific work: 5.1. In 2015, Suncor replaced two existing wells, Conoco Wells R-20 and R-22, under Permit Nos. 042432-F-R and 042434-F-R, respectively. Suncor also constructed new piping conveyances for the replacement wells that allow pumped groundwater to be conveyed to either the GWTS or IWTS for treatment. 5.2. In 2016, Suncor installed new groundwater pumping equipment, electrical connections, and transmission lines for Conoco Wells R-20 and R-22. 5.3. In December 2017, Suncor consolidated Outfalls 002 and 003 into a single outfall to Sand Creek as required by Suncor's discharge permit (Permit No. CO0001147). One purpose of this project is to allow for treatment of greater amounts of groundwater from the Suncor Remediation Wellfield. 5.4. In early 2018, Suncor began construction activities to recommission Conoco Wells R-1 through R-5, including updates to existing piping and installation of new piping conveyances that allows pumped groundwater to be conveyed to either the GWTS or IWTS. These activities also included the replacement of pumps, motors, and drop pipes for those wells. Later in 2018, Suncor commenced pumping groundwater from Conoco Wells R-1 through R-5. 5.5. In September and November 2018, Suncor mechanically re-developed 18 wells to improve well efficiency. This included screen scrubbing, sand bailing, and pumping. 5.6. In 2019 and 2020 Suncor has engaged in ongoing repairs of the pumps and motors of wells in the Suncor Remediation Wellfield. Suncor has also continued to clean and improve membranes in the IWTS to increase flow through the system and increase the amount of groundwater from the Suncor Remediation Wellfield that can be treated. 5.7. Suncor also intends to undertake additional work in the near future to re-develop and improve the efficiency and flow from multiple Suncor Remediation Wellfield wells, particularly as Suncor will need to increase pumping to treat emerging contaminants. Suncor has performed engineering evaluations during the diligence period in preparation for this work. 5.8. During the diligence period (June 2015 through June 2021) Suncor has engaged Applegate Group, Inc. at a cost of approximately \$16,200.00 to assist with the accounting and projection requirements associated with the Suncor Remediation Wellfield

Water Right and plan for augmentation decreed in Case No. 12CW183. 5.9. During the diligence period Suncor has also engaged attorneys and consultants to assist with water quality discharge permitting. The terms and conditions of Suncor's discharge permit directly impact the amounts of water from the Suncor Remediation Wellfield that can be discharged to Sand Creek. These activities constitute reasonable diligence in the development of the conditional portion of the Suncor Remediation Wellfield Water Right. Suncor intends to place this water right to its decreed beneficial use. 6. Owner of Land Upon Which Structures are Located: Applicant. WHEREFORE, Suncor respectfully requests the Court to enter findings and a decree confirming that Suncor has exercised diligence toward completion of the appropriation for the decreed use and continuing the conditional portion of the Suncor Remediation Wellfield Water Right in full force and effect for another six-year diligence period, and granting such other relief as the Court deems just and proper. (15 pages incl. exhibit)

21CW3097 NORTH STERLING IRRIGATION DISTRICT, c/o James T. Yahn, Manager, P.O. Box 103, Sterling, Colorado 8051. Please send all pleadings and correspondence to P. Fritz Holleman and Bradley N. Kershaw, Buchanan Sperling & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302. **APPLICATION FOR FINDING OF DILIGENCE**, in **LOGAN, MORGAN AND WASHINGTON COUNTIES**. 2. Names of water rights: North Sterling Recharge Water Right; North Sterling Recharge Water Right, First Enlargement (collectively the "North Sterling Recharge Water Rights"); and North Sterling Substitution and Exchange. 3. Description of conditional water rights: A. North Sterling Recharge Water Rights: (1) Date of Original Decree, Case No. and Court: July 21, 2006, in Case No. 1996CW1034, by the District Court for Water Division No. 1 ("96CW1034 Decree"). (2) Subsequent decrees awarding findings of diligence and/or making absolute in whole or in part: Case No. 2012CW186, entered on June 15, 2015, by the District Court for Water Division No. 1. (3) Legal description of structures: (i) North Sterling Reservoir Inlet Ditch. The headgate of the North Sterling Reservoir Inlet Ditch is located at a point whence the corner common to Sections 28, 29, 32 and 33, in Township 5 North, Range 55 West of the 6th P.M. bears north 4077 feet, in Morgan County, Colorado. (ii) North Sterling Reservoir. North Sterling Reservoir is located on parts of Sections 2, 3, 4, 5, 6, 8, 9, 10, 15, 16, and 17, all in Township 9 North, Range 53 West of the 6th P.M., and Sections 27, 28, 29, 33, 34, and 35, all in Township 10 North, Range 53 West of the 6th P.M., in Logan County, Colorado. (iii) North Sterling Outlet Canal. The North Sterling Outlet Canal extends from the dam on the east side of the North Sterling Reservoir, Northeastly along the north boundary of the North Sterling Irrigation District for a distance of approximately 63 miles. (4) Source of water: South Platte River. (5) Appropriation dates: (i) North Sterling Recharge Water Right: May 8, 1996. (ii) North Sterling Recharge Water Right, First Enlargement: December 31, 2002. (6) Amounts: (i) North Sterling Recharge Water Right: 600 c.f.s. total, with 294 c.f.s. decreed ABSOLUTE in the 96CW1034 Decree, and 306 c.f.s. CONDITIONAL. Subject to a maximum volume of 7,800 acre-feet in a single water year, not to exceed a maximum of 46,600 acre-feet over any 20 consecutive water years. (ii) North Sterling Recharge Water Right, First Enlargement: 600 c.f.s. total, with 510 c.f.s. decreed ABSOLUTE in Case No. 2012CW186, and 90 c.f.s. CONDITIONAL. Subject to a maximum volume of 24,000 acre-feet in a single water year, not to exceed a maximum of 138,600 acre-feet over any 20 consecutive water years. (7) Uses: The North Sterling Recharge Water Rights have been and will continue to be delivered to and used to recharge the groundwater alluvium of the South Platte River, or its tributaries. Water diverted into the structures described in the Plan for Augmentation section of the 96CW1034 Decree and paragraph 3.A(3) above has been and will continue to be allowed to seep into the underlying alluvial aquifer of the South Platte River, with such accretions being used either directly, by exchange, or for augmentation to offset out-of-priority depletions resulting from the operation of wells covered by the Plan for Augmentation section of the 96CW1034 Decree. To the extent there is water available under the North Sterling Recharge Water Rights in excess of that amount necessary for such uses, North Sterling may use such Excess Recharge Credits for augmentation, replacement, exchange and

substitute supply for out-of-priority uses both inside and outside of the boundaries of the District, subject to the terms and conditions of the paragraph entitled Excess Recharge Credits in the Plan for Augmentation section of the 96CW1034 Decree. Wells or other diversions to be so augmented or supplied are decreed for irrigation, stock watering, domestic, commercial, industrial and municipal purposes. B. North Sterling Substitution and Exchange: (1) Date of Original Decree, Case No. and Court: 96CW1034 Decree. (2) Subsequent decrees awarding findings of diligence and/or making absolute in whole or in part: Case No. 2012CW186, entered on June 15, 2015, by the District Court for Water Division No. 1. (3) Legal description of structures: (i) Point of diversion by exchange (exchange-to point): North Sterling Reservoir Inlet Ditch, described above in paragraph 3.A.(3)(i). (ii) Point of introduction of substitute supply (exchange-from point) and exchange reach: The water delivered to the South Platte River will be delivered within a reach of the South Platte River, consisting of an upstream point of the North Sterling Inlet Ditch headgate and downstream point of the confluence of the South Platte River and the boundary line between Logan County, Colorado and Sedgwick County, Colorado, which is the line between Section 36, Township 11 North, Range 48 West of the 6th P.M., and Section 1, Township 11 North, Range 47 West of the 6th P.M. (4) Source of water diverted by exchange: South Platte River. (5) Substitute supply: Water delivered to the South Platte River pursuant to the operation of the augmentation plan approved in the 96CW1034 Decree that is in excess of the Replacement Obligations set forth in the 96CW1034 Decree. The decreed sources of such water are: (1) the North Sterling Recharge Water Rights described above in paragraph 3.A; (2) the Changed Amount of the North Sterling Reservoir Water Right, as changed in the 96CW1034 Decree, and as defined in Paragraph 12.d of the 96CW1034 Decree as the portion of the North Sterling Reservoir Storage Water Right changed in use pursuant to the 96CW1034 Decree, being 15,000 acre-feet of the North Sterling Reservoir Storage Water Right measured at the North Sterling Inlet Ditch Headgate Flume; and (3) other sources of water that may be authorized for use in the plan for augmentation pursuant to the 96CW1034 Decree. (6) Appropriation date: December 31, 2002. (7) Amount: 600 c.f.s., CONDITIONAL. (8) Uses: The water diverted pursuant to the subject substitution and exchange will be used for the same uses as the North Sterling Recharge Water Rights described above in paragraph 3.A.(7). 4. 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: The subject water rights and associated structures and sources are part of a unified water supply system for the benefit of landowners within the boundaries of the North Sterling Irrigation District. During the diligence period, North Sterling has continued to plan for the use of, divert and use portions of the subject water rights for their decreed purposes. North Sterling's efforts to develop and complete the subject appropriations during the diligence period include, but are not limited to, the following: A. North Sterling 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. During the diligence period, North Sterling spent approximately \$5,373 to commission a new recharge pond in the beginning reach of the North Sterling Inlet Canal, and approximately \$31,570 on upgrading the headgate at outlet Headgate 26, including installation of an automated headgate and associated measurement structure for accurate operation and measurement of the subject water rights. North Sterling also commissioned studies and analysis related to the replacement of the diversion point and inlet measurement structure, as further described below in paragraph 4.B. B. North Sterling expended approximately \$832,000 on system-wide improvements to develop its unified water supply system, including the following: approximately \$521,063 for the automation of all irrigation headgates to improve delivery efficiency and reduce labor costs; and approximately \$311,882 for the initial costs of the replacement of the river diversion and inlet measurement structure. The total cost of the diversion and inlet measurement structure replacement is estimated to be \$3.5 million. These expenditures are necessary for the continued development of North Sterling's integrated water supply system, including the subject water rights. C. During the diligence period, North Sterling spent significant amounts on legal fees and costs in connection with applications in which the subject water rights are used or are proposed to be used to replace depletions

from well pumping and participating as an objector in various water court cases to protect its water rights, including the subject water rights, from injury due to claims of other water users. North Sterling continues to rely upon the subject conditional water rights and has no intention to abandon same. 5. Names and addresses of owners or reputed owners of the 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: The new recharge pond described above in paragraph 4.A. was constructed on land owned by B.B. Peterson & Son, Inc., 24456 County Road 32, Hillrose, Colorado 80733. The land on which North Sterling's diversion and measurement structure replacement project is located is owned by North Sterling. WHEREFORE, North Sterling requests the Court to enter a decree (1) finding that North Sterling has proceeded with reasonable diligence toward the completion of the subject conditional water rights; and (2) continuing the remaining conditional portions of the subject water rights in full force and effect for an additional diligence period. (6 Pages).

21CW3098 WELD 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)

21CW3099 MIKE AND JIM KRUSE PARTNERSHIP, 72 Cascade Ave., Alamosa, CO 81101
Douglas M. Sinor, Mirko L. Kruse, Trout Raley, 1120 Lincoln St, Suite 1600, Denver, CO 80203, (303) 861-1963, dsinor@troutlaw.com, mkruse@troutlaw.com. **CONCERNING THE APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN ADAMS COUNTY**. 1. Name, Address, Telephone Number and E-mail Address of Applicant: Mike and Jim Kruse Partnership, 72 Cascade Ave., Alamosa, CO 81101, (303) 941-8522, mblmkruse@msn.com 2. Groundwater to be Augmented: Not-nontributary Denver Aquifer groundwater as decreed in Case No. 97CW374, Water Division 1, and underlying approximately 482 acres as shown on **Exhibit A**. Pursuant to the decree in Case No. 97CW374, Applicant may withdraw an average of 92 acre-feet of Denver Aquifer groundwater annually for 100 years, including the right to withdraw more than 92 acre-feet annually so long as that amount does not exceed the product of the number of years since the date of issuance of the decree on June 19th, 1998 and the annual volume of water which Applicant is entitled to withdraw from the Denver Aquifer. Applicant is the owner of the groundwater which is the subject of this Application. 3. Water Rights to be Used for Augmentation: The Denver Basin groundwater rights decreed in Case No. 97CW374, including from the Denver Aquifer, Upper Arapahoe Aquifer, Lower Arapahoe Aquifer, and Laramie-Fox Hills Aquifer. 4. Intention to Change a Water Right to Provide a Source of Augmentation: Applicant Does Not Intend to Change a Water Right. 5. Statement of Plan for Augmentation: Pursuant to Section 37-90-137(9)(c.5)(I)(C), C.R.S., and as shown on the map in **Exhibit A**, Applicant must replace to the affected stream system an amount equal to 4% of the annual amount withdrawn from the not-nontributary Denver Aquifer groundwater right decreed in Case No. 97CW374. Applicant will use water from the groundwater rights decreed in Case No. 97CW374, including from one or more of the Denver, Upper Arapahoe, Lower Arapahoe, or Laramie-Fox Hills Aquifers to provide this 4% replacement. Applicant will withdraw this water and recharge it on the overlying property, ensuring that the amount of water accreting to the affected stream is sufficient to meet the 4% replacement requirement by accounting for recharge and losses. Additional nontributary groundwater from either the Upper Arapahoe Aquifer, Lower Arapahoe Aquifer, or Laramie-Fox Hills Aquifer as decreed in Case No. 97CW374 will be reserved to meet post pumping augmentation requirements. 6. Names and Addresses of Owners of Land Upon Which Any New Diversion Will be Constructed: Applicant. (2 pages).

21CW3100 CHADWICK ROACH, PO Box 1043, Castle Rock, CO 80104. 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 AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY**. Subject Property: 79.97 acres generally located in the SW1/4 SE1/4, Section 34, Township 7

South, Range 65 West of the 6th P.M., also known as 741 County Road 146, Elizabeth, CO, 80107, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is under contract to purchase the Subject Property and has permission from the current landowners to file this application. Well Permits: There is one existing Upper Dawson Aquifer domestic well on the Subject Property under well permit number 164346. 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)	24.23
Lower Dawson (NT)	12.57
Denver (NT)	25.57
Arapahoe (NT)	33.40
Laramie-Fox Hills (NT)	24.96

Proposed Uses: Domestic, commercial, irrigation, livestock watering, 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: 7.75 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, livestock watering, and fire protection, 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 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. 3 pages.

21CW3101 PAMELA A. SOLLY AND LOUIE M. MILLER, 8635 S Highway 83, Franktown, CO 80116. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver 80202. **APPLICATION FOR AMENDMENT TO PLAN FOR AUGMENTATION IN DOUGLAS COUNTY**. Subject Property: 35.387 acres generally located in the SW1/4, Section 29,

Township 9 South, Range 65 West of the 6th P.M., also known as 8635 S Highway 83, Franktown, CO, 80116, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Decree for Which Amendment is Sought: Case No. 2013CW3097, decreed on April 8, 2014, associated with the Subject Property (“Original Decree”). Applicants are the owners of the groundwater as decreed in Case No. 2013CW3097. Well Permits: There is one existing Upper Dawson Aquifer domestic well on the Subject Property under well permit number 30569. 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 Original Plan for Augmentation: Groundwater to be Augmented: 12.6 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. Original Plan for Augmentation: The Upper Dawson Aquifer groundwater was to be used for in-house use in two single-family residences (0.6 acre-feet), use in a barn (0.3 acre-feet), stock watering of 16 large domestic animals (0.2 acre-feet), storage (1 acre-foot), irrigation of lawn, garden, pasture, hay and trees on the Subject Property (10 acre-feet), and in greenhouses (0.5 acre-feet). Summary of Proposed Amended Plan for Augmentation: Groundwater to be Augmented: 1.75 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 (0.3 acre-feet per year), irrigation (1 acre-foot per year, up to 20,000 square-feet), commercial (0.3 acre-feet per year), livestock watering of up to 12 large domestic animals (0.15 acre-feet per year), and fire protection, through one or more wells, both on and off the Subject Property. The actual depletion at 100 years of pumping is 15.449% of the annual amount withdrawn, and return flows from in-house, irrigation, and commercial use are sufficient to replace the required actual depletion for 100 years. Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system. No other provisions of the original decree will be changed. Applicants request the Court approve the above underground amended augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

21CW3102 (02CW276) KERN RESERVOIR AND DITCH COMPANY, c/o Town of Windsor, Colorado, 301 Walnut Street, Windsor, CO 80550, (970) 674-2400; Please send all future correspondence and pleadings to, Bradley C. Grasmick, Wesley S. Knoll, David L. Strait, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534 Email: brad@lcwaterlaw.com; wes@lcwaterlaw.com; dstrait@lcwaterlaw.com;; **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, in LARIMER AND WELD COUNTIES** 2. Description of Conditional Water Right: 2.1 Name of Structure: Windsor Lake Enlargement 2.2 Summary: Windsor Lake is also known as Kern Reservoir. The Town of Windsor currently owns all 100 shares of the outstanding shares in the Kern Reservoir and Ditch Company. A water right was originally decreed to Windsor Lake on October 4, 1902 in Civil Action 1591, Larimer County District Court, for storage of 1,800 acre feet for irrigation purposes, with an appropriation date of February 10, 1882. The use of that right was changed in Case No. 02CW301, District Court, Water Division No. 1. The Windsor Lake Enlargement was decreed in Case No. 02CW276 on June 8, 2015. The Windsor Lake

Enlargement decreed in Case No. 02CW276 was referred to in Case No. 02CW301 as the “Kern Reservoir Junior Right” or the “Junior Right.” Pursuant to Agreement between the Kern Reservoir and Ditch Company and the New Cache La Poudre Irrigating Company, Windsor Lake has been and is used as a regulating or “equalizer” reservoir by the New Cache La Poudre Irrigating Company. 2.3 Date of Original Decree: June 8, 2015, Case No. 02CW276, District Court, Water Division No. 1. 2.4 Prior Diligence Decrees: None. 2.5 Legal Description: 2.5.1 Legal Description of Location of Dam: In the SE1/4 of the SW1/4 and the SW1/4 of the SE1/4 of Section 16, Township 6 North, Range 67 West, 6th P.M., Weld County, Colorado. 2.5.2 Legal Description of Points of Diversion: 2.5.2.1 New Cache La Poudre Ditch, the point of diversion of which is located in the SE1/4 of the NE1/4 of Section 11, Township 6 North, Range 68 West, 6th P.M., Larimer County, Colorado. 2.5.2.2 Seepage, waste water and storm water runoff from approximately 16 square miles of land located north and northwest of the reservoir, in Sections 3-10, and 16-18, Township 6 North, Range 67 West, Weld County; Sections 29-33, Township 7 North, Range 67 West, Weld County; Sections 1-2, and 11-13, Township 6 North, Range 68 West, Larimer County; and Sections 25-26, and 35-36, Township 7 North, Range 68 West, Larimer County. The runoff will enter the reservoir at the existing inlet/outlet for the New Cache La Poudre Ditch in the NE1/4 of Section 16, Township 6 North, Range 67 West, 6th P.M., Weld County and via the pipeline between Windsor Lake and Osterhout Reservoir located in the NW1/4 of Section 16, Township 6 North, Range 67 West. 2.6 Source: Cache La Poudre River and its tributaries and seepage, waste water and storm water runoff from lands located north of Windsor identified in Paragraph 2.5.2.2 and is either intercepted by the New Cache La Poudre Ditch and conveyed to Windsor Lake or drains to Windsor Lake directly or via the pipe located under Highway 257. 2.7 Appropriation Date: March 1, 2002. 2.8 Rate of Diversion through the New Cache la Poudre Ditch: 600 cfs. 2.9 Amounts: Case No. 02CW276 decreed the Windsor Lake Enlargement appropriation 1,966 acre feet as conditional, with a refill of up to 3,008 acre feet in priority. The total amount diverted under the fill and refill was decreed not to exceed 4,974 acre feet in a water year. 2.10 Uses: Irrigation, commercial, industrial, municipal, and domestic uses within the Town of Windsor service area and by those with whom Windsor contracts to provide water, and fish and wildlife and recreation uses within and around Windsor Lake, and for augmentation and exchange. 3. Outline of Work Toward Completion of Appropriation During the Diligence Period: 3.1 Applicant was decreed the Kern Reservoir Junior Right appropriation on June 8, 2015 in Case No. 02CW276, District Court, Water Division No. 1. 3.2 During the diligence period, Applicant, diverted and stored water in priority under this water right. In addition, Applicant or the Town of Windsor as the sole shareholder in the Kern Reservoir and Ditch Company, expended the following sums in relation to the Kern Reservoir Junior Right: 3.2.1 Applicant spent \$79,230 on the Kern Ditch rider salary. 3.2.2 Applicant spent \$43,122 on improvements and repairs to the non-potable SCADA system. 3.2.3 Applicant has a \$1,465,708 CWCB loan for Kern Reservoir. 3.2.4 In 2018, Applicant spent \$49,841 stabilizing banks for erosion control. 3.2.5 Applicant spent \$6,800 in 2017 to repair a collapsed pipe. 3.2.6 Applicant negotiated and entered into an operating agreement with the New Cache la Poudre Irrigating Company dated June 8, 2016 which, among other things, involved the diversion, operation and storage of water under the Kern Junior Right. 3.2.7 Applicant spent approximately \$276,651.78 on engineering consultants and legal fees related to its water rights. Said engineering costs include fees related to participation in water court cases and monthly decree accounting and administration of return flow obligations. Said legal expenses include fees related to participation in water court cases and completion of the amended operating agreement between Kern Reservoir and Ditch Company and New Cache Irrigating Company referenced in paragraph 3.2.6 above. 3.2.8 Windsor spent \$311,775 to design the Kyger Gravel Pit pump station and \$2,281,887 on the construction of the Kyger Gravel Pit pump station. 3.2.9 Applicant spent \$18,365 installing a new measuring box between the Kern Reservoir and Osterhout Lake. 3.2.10 Applicant spent \$22,084 on designing a splitter box at Chimney Park to facilitate delivery of water from Kern Reservoir. 3.2.11 Applicant or Windsor allocated over \$36,000 for the installation of a new well pump at Covenant Park, as part of its integrated water system. 3.2.12 Windsor spent \$1.8 million

to acquire New Cache Irrigating Company shares to be used as additional supplies within the integrated water system. 3.3 Applicant diverted and beneficially used the following volumes of water under the Kern Reservoir Junior Right during the diligence period. 3.3.1 Under the first fill right, Applicant has stored the maximum of 1,966.0 acre feet every year since 2010. 3.3.2 Under the refill right, Applicant has diverted water for refill every year since 2010. The maximum amount stored under the refill was 1,796.0 acre feet in 2011. 3.3.3. Exhibit A, attached hereto, further details the amounts Applicant has stored under the Kern Junior Right fill and refill since 2010. 4. Claim to Make Water Right Absolute and for Finding of Reasonable Diligence: Pursuant to C.R.S. § 37-92-301(4), Applicant hereby requests a decree making the Kern Reservoir Junior Right, decreed in Case No. 02CW276, absolute in the amount of 1,966 acre feet for the first fill, and absolute for a refill up to 1,796 acre feet. Applicant requests the court find Applicant has been reasonably diligent with respect to completing the appropriation and order the remaining refill amount of 1,212 acre feet continue as a conditional water right. 5. Names and addresses of owners or reputed owners of land/structures: Kern Reservoir and Ditch Company is the owner of the Kern Reservoir. The Town of Windsor owns all 100 shares in the Kern Reservoir and Ditch Company. The Town's address is Town of Windsor, 301 Walnut Street, Windsor, CO 80550. The New Cache La Poudre Irrigating Company is the owner of the New Cache La Poudre Ditch. The New Cache La Poudre Irrigating Company's address is 33040 Railroad Ave. Lucerne, CO 80646. Wherefore, Applicant requests the Court to enter a decree finding as follows: (1) Applicant has been reasonably diligent in the development of the Kern Reservoir Junior Right; (2) that 1,966 acre feet first fill and 1,796 acre feet of the refill, have been stored in Kern Reservoir and are entitled to a decree making that amount of the appropriation absolute; and (3) that the remaining 1,212 acre foot of the refill remain conditional, all pursuant to C.R.S. § 37-92-301(4); and (4) granting such other and further relief as the Court finds just. This Application consists of six (6) pages, 1 exhibit.

21CW3103 APPLICATION FOR CHANGE OF WATER RIGHTS THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE IN ADAMS, ARAPAHOE, DOUGLAS, AND WELD COUNTIES.

1. Name, Address and Telephone Number of Applicant: City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise ("Aurora Water") 15151 East Alameda Parkway, Suite 3600 Aurora, Colorado 80012-1555 Telephone: 303-739-7370. Names and Addresses of Attorneys: Steven O. Sims, #9961 and Dulcinea Z. Hanuschak, #44342 of BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 17th Street, Suite 2200, Denver, CO 80202 Phone Number: (303) 223-1100 Fax Number: (303) 223-1111 Email: ssims@bhfs.com; dhanuschak@bhfs.com. And Stephanie Neitzel, #24868 of CITY OF AURORA 15151 E. Alameda Pkwy., Suite 3600 Aurora, CO 80012-1555 Phone Number: (303) 739-7334 Fax Number: (303) 303-739-7042 Email: sneitzel@auroragov.org

2. Name of Subject Water Rights: Brighton Ditch Company 0.559 shares ("Subject Water Rights"). 3. Name of Structure: Brighton Ditch. 4. Original Decree: The Brighton Ditch was decreed in Case No. CA 6009 on April 28, 1883 with appropriation dates of December 1, 1863 for 22.22 c.f.s. and November 1, 1871 for 22.58 c.f.s. from the South Platte River for irrigation purposes. (a) Aurora previously changed 9.023 shares of the Brighton Ditch in 2007CW037. 5. Point of Diversion. The headgate is located on the west bank of the South Platte River in the SE1/4SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 6. Source. South Platte River. 7. Decreed Uses. Irrigation. 8. Amount of Water Rights to be changed. 0.559 shares of the 20 outstanding Brighton Ditch Company Shares. 9. Historical Use: The Subject Water Rights historically were used to irrigate two farms. Aurora Water only seeks to change the amount of water diverted and used for historical irrigation uses associated with the two farms which are: the Wright Farm (0.393 shares) and the Parkwood Farm (0.166 shares) ("Changed Portion of the Subject Water Rights"), and any amount diverted and used by other water users in the ditch system is not before the court in this case. The historically irrigated lands are shown on Exhibit A to this application. 10. Augmentation Stations. Return flows, replacements and/or water representing the

historical consumptive use of the Changed Portion of the Subject Water Rights shall be measured and returned to the river through any or all of the augmentation stations indicated on Exhibit A and described in paragraphs 10.1 through 10.5 below. Aurora Water shall not use any augmentation station or structure until they have a legal interest to use the land or structure associated with the augmentation station.

10.1 Walker Reservoir Diversion off Brighton Ditch – Southwest Quarter of the Northwest Quarter, Section 36, Township 1 North, Range 67 West, of the 6th PM, Weld County, CO. Approximately 2,630 feet from the North section line and 1,124 feet from the West section line.

10.2 Leon South – Southwest Quarter of the Southeast Quarter, Section 14, Township 1 North, Range 67 West, of the 6th PM, Weld County, CO. Approximately 228 feet from the South section line and 1,486 feet from the East section line.

10.3 Leon North - Southeast Quarter of the Southeast Quarter, Section 14, Township 1 North, Range 67 West, of the 6th PM, Weld County, CO. Approximately 1,261 feet from the South section line and 143 feet from the East section line.

10.4 Rosenbrock – Northwest Quarter of the Southwest Quarter, Section 13, Township 1 North, Range 67 West, of the 6th PM, Weld County, CO. Approximately 2,590 feet from the South section line and 402 feet from the West section line.

10.5 End-of-Ditch - Northwest Quarter of the Southwest Quarter, Section 12, Township 1 North, Range 67 West, of the 6th PM, Weld County, CO. Approximately 2,445 feet from the south section line and 899 feet from the west section line.

11. Diversion Records, Map Of Historically Irrigated Lands, Method of Analysis. Applicant may rely on the summaries of records of actual diversions of the Brighton Ditch water rights attached as Exhibit B to this application. Applicant will use a parcel analysis to determine the historical consumptive use of the Changed Portion of the Subject Water Rights.

12. Proposed Change: Aurora Water only proposes to change the Changed Portion of the Subject Water Rights used to irrigate the historical irrigated acres. Aurora Water does not seek to change the Subject Water Rights historically diverted and used by the Brighton Ditch pursuant to the water delivery functions, operations and historical water allocation practices of the ditch company. Aurora Water will divert the Subject Water Rights through the same river headgates through which the respective water rights have historically been diverted.

12.1 Change to Alternate Types of Use for Changed Portion of the Subject Water Rights.: In addition to existing decreed uses, Aurora Water seeks to add the following uses: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes including, but not limited to: fire protection, irrigation, commercial, recreation, fish and wildlife propagation, reservoir evaporation replacement, creation and maintenance of wetlands, maintenance of storage reserves, stock watering, reclamation, revegetation, dust suppression, water treatment and supply, wastewater treatment, storage for such uses, and use as a supply or substitute supply for augmentation, replacement, exchanges decreed or to be decreed, and substitute supply plans. All uses include reuse and successive reuse to extinction for the above purposes, or disposition of effluent for the above purposes.

12.2 Change to alternate places of use: In addition to irrigation uses on lands within the Brighton Ditch system, which may continue for a time after the entry of this change Decree, Aurora Water seeks to add the following place of use for the Changed Portion of the Subject Water Rights: Aurora Water’s current and future service areas served by its municipal water supply and water reuse systems, including areas served by its connections with other systems, and by any current or future water supply contracts or obligations of Aurora Water. Aurora Water may also use the water to meet its replacement or delivery obligations in Water Division 1. Aurora Water's service area has changed from time to time and will continue to do so.

12.3 Change from Direct Flow to Direct Flow or Storage: After diversion and prior to initial use by Aurora Water, water diverted pursuant to the Changed Portion of the Subject Water Rights may be stored at any of the locations set forth below in 12.3.1. Such water may be delivered to storage by means of the use of natural stream channels, component facilities of Aurora Water’s South Platte diversion and conveyance system in which Aurora is the owner or in privity with the owner, component facilities of Aurora Water’s Prairie Waters System, and/or any points of diversion authorized in the respective decrees for those storage structures including, but not limited to, the points of diversion listed in 12.3.1.1 through 12.3.1.15 below. Reusable effluent or return flows resulting from the initial use for the changed uses of the

historical consumptive use component of the water diverted pursuant to the Changed Portion of the Subject Water Rights may be stored in any reservoir Aurora Water is authorized to use. 12.3.1 The following proposed Aurora Water storage locations are in existing or planned reservoirs that are both decreed and undecreed. Aurora Water shall not use any reservoir for storage until it has a legal right to use the land or structure associated with the reservoir.

12.3.1.1 Gilcrest Reservoir. An off-channel reservoir to be constructed within part of Section 2, T3N, R67W and parts of Sections 23, 26, 34, and 35, T4N, R67W of the 6th P.M., Weld County, Colorado.

12.3.1.2 Gravel Pit Reservoir A and Aquifer Recharge and Recovery Facility A ("ARR-A"), located on all or portions of the following quarter-sections, all located in T1N, R67W, 6th P.M.: the S/2 of Section 13, and the N/2 of the NW/4 of Section 24, in Weld County Colorado.

12.3.1.3 Aurora-Everist (Fort Lupton) Reservoir Complex No. 1. This reservoir complex is a group of interconnected gravel pits that located on a portion of the NE/4 of Section 25, T2N, R67W, 6th P.M., and portions of the NW/4 and portions of the SW/4 of the NE/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado.

12.3.1.4 Aurora-Everist (Fort Lupton) Reservoir Complex No. 2. This reservoir complex is a group of interconnected gravel pits located on portions of the SE/4 and SE/4 of the SW/4 of Section 25, T2N, R67W, 6th P.M., and portions of the SW/4 Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado.

12.3.1.5 Stillwater Ranch Reservoir ("Walker North"). Walker North is located in the S/2 NE/4 of Section 36, T1N, R67W of the 6th P.M., in Weld County, Colorado.

12.3.1.6 Robert W. Walker Reservoir ("Walker South"). Walker South is located on portions of the SE/4 of Section 36, T1N, R67W of the 6th P.M. in Weld County, Colorado.

12.3.1.7 Kirby-Dersham Gravel Pit Reservoir. The Kirby-Dersham Gravel Pit Reservoir is located on portions of the NW/4 of the SE/4, the SW/4 of the SE/4, and the NE/4 of the SE/4, of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado.

12.3.1.8 Challenger Gravel Pit Reservoir. The Challenger Gravel Pit Reservoir is located on a portion of the E/2 of the NW/4 of Section 1, T1S, R67W, 6th P.M., in Adams County Colorado.

12.3.1.9 Aurora Tucson South Storage Facility ("Tucson South") and Aquifer Recharge and Recovery Facility B ("ARR-B"). These facilities will occupy all or portions of the N/2 of the SE/4, the SW/4 of the SE/4, and the SW4, all in Section 1, T1S, R67W, 6th P.M., in Adams County, Colorado.

12.3.1.10 East Reservoir Complex. The East Reservoir will be located in one or more of the following off-channel locations:

12.3.1.10.1 Site 1A: In Sections 14 and 23 and the N/2 of Section 26, T4S, R65W, 6th P.M. in Arapahoe County, Colorado.

12.3.1.10.3 Site 2B: In Section 26 and 27 and N/2 of Sections 34, 35 and 36, T4S, R65W, 6th P.M., in Arapahoe County, Colorado.

12.3.1.11 Aurora Reservoir. The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Sections 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., Arapahoe County, Colorado. The east-end of the dam (right) abutment is located at a point from whence the northwest corner of Section 15, T5S, R65W, 6th P.M. bears north 45° west a distance of 2,970 feet, which point is also described as a point in the SE/4 of the NW/4 of Section 15, T5S, R65W, 6th P.M. that lies 2,110 feet from the north line and 2,105 feet from the west line of Section 15. The approximate (right) abutment is latitude 39°37'06" north, and longitude 104°39'11" west.

12.3.1.12 Werning Reservoir. An off-channel reservoir expected to be located within portions of N1/2 of the NE1/4 and the SW1/4 of the NE1/4 of Section 3 and portions of the NW1/4 NW1/4 of Section 2, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado.

12.3.1.13 Unnamed storage. Off-channel storage cells expected to be located in portions of the SE/4 of Section 34 and the S/2 of Section 35, Township 5 North, Range 66 West of the 6th P.M., Weld County, Colorado, and portions of the SE/4 Section 4 and the NW/4 of the SW/4 Section 3, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado.

13. Return Flow Replacement. In connection with the change of for Changed Portion of the Subject Water Rights, Aurora Water will have return flow replacement obligations resulting from the historical use of the Subject Water Rights. In addition to water diverted pursuant to the priorities identified in Paragraph 4, Aurora Water may use fully consumable water diverted pursuant to the water rights adjudicated or changed as set forth in Exhibit C to this application to meet its obligations ("Replacement Sources"). Aurora Water may also use water derived from water rights in addition to those set forth in Exhibit C provided the water so

released is fully consumable, and provided Aurora Water has given notice of its intent to use such water as required in the decree entered in this case. 13.1 Release Location of Replacement Sources. 13.1.1 Gilcrest Reservoir Outlet located in the SE/4 NE/4 of Section 26, T4N, R67W, 6th P.M., Weld County, Colorado. 13.1.2 The outlet for Aurora-Everist Reservoir Complexes No. 1 and 2, located in the SW/4 NE/4 of Section 30, T2N, R66W, 6th P.M., Weld County, Colorado. 13.1.3 The outlet for the Walker North, Walker South, Kirby-Dersham, Challenger and Tucson South storage facilities, located near the point at which South Platte River crosses from SW/4 to the NW/4 of Section 31, T1 N, R66W, 6th P.M., Weld County, Colorado. 13.1.4 The Outfall of the Robert W. Hite Wastewater Treatment Plant, the location of which is described as: SE/4 SW/4, Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. 13.1.5 The Outfall of the North Wastewater Treatment Plant, the location of which is described as: SE/4 SW/4, Section 31, T1N, R66W, 6th P.M., Weld County, Colorado. 13.1.6 The Outfall of the Aurora Sand Creek Wastewater Treatment Plant, also known as the Sand Creek Water Reuse Facility, located on Sand Creek in the NW1/4 SE1/4 of Section 26, Township 3 South, Range 67 West, 6th P.M, Adams County, Colorado. 13.1.7 The augmentation stations described in Paragraph 10. 13.1.8 In the non-irrigation season, from the ARR-A facility or other approved structure directly to Big Dry Creek. The discharge from ARR-A facility Big Dry Creek is located in the SE 1/4 of the SW 1/4 of Section 13, Township 1 North, Range 67 West, 6th P.M., Weld County, CO. Approximately 927 feet from the South section line and 1,659 feet from the West section line. 13.1.9 Augmentation Stations described in paragraph 14.2.1.1 of the decree entered in 14CW3177, including: 13.1.9.1 Aurora Pump Station 1 Property: A lateral headgate located in the NW 1/4 of the SW 1/4 of Section 1, Township 1 South, Range 67 West, 6th P.M. 13.1.9.2 Lockett: A lateral headgate adjacent to the point at which 168th Avenue (County Road 2) crosses the Brantner Ditch. 13.1.9.3 Paige 1 (South): A lateral headgate located near the North 1/4 corner of Section 26, Township 1 North, Range 67 West, 6th P.M. 13.1.9.4 Zehnder: A lateral headgate located in the SE 1/4 SW 1/4 of Section 22, Township 1 North, Range 67 West, 6th P.M. 13.1.9.5 Brantner – Dry Creek: An augmentation station located at an existing wasteway near the point at which the Brantner Ditch crosses Big Dry Creek in the NE 1/4 of Section 28, Township 1 North, Range 67 West, 6th P.M. 13.1.9.6 Paige 2 (North): A lateral headgate located in the reach of the Brantner Ditch lying in the SW 1/4 , SW 1/4 of Section 14, Township 1 North, Range 67 West, 6th P.M. 13.1.9.7 Rosenbrock: A lateral headgate located in the reach of the Brantner Ditch lying in the SE 1/4 , NE 1/4 , of Section 14, Township 1 North, Range 67 West, 6th P.M. 13.1.9.8 Brantner – Little Dry: Near the point at which the Brantner Ditch crosses Little Dry Creek near the west section line of Section 3, Township 1 North, Range 67 West, 6th P.M. 13.1.10 Augmentation Stations described in paragraphs 10.1 through 10.5 above. 13.2 All releases of Replacement Sources to meet Aurora Water’s return flow replacement obligations will be made by delivering water to the South Platte River or its tributaries at or above the point of diversion of any calling right located downstream of the historical location of such return flows. To the extent fully consumable water derived from water rights other than the Subject Water Rights is released to meet replacement obligations, an equivalent amount of water diverted pursuant to the Subject Water Rights and attributable to historical return flow will become fully consumable by Aurora Water. 14. Lack of Injury. Aurora Water will propose terms and conditions in the final decree so that this change of water right will not injuriously affect the owner of or persons entitled to use of water under a vested water right or a decreed conditional water right. 15. Names(s) and Address(es) of Owner(s) of Structures: 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 are set forth below. Aurora Water shall not use any structure or land to which they do not have legal interest. 15.1 LG Everist, Inc., 350 S. Main Ave., Ste. 400, Sioux Falls, SD 57104-6312 (an owner of the site for Everist No. 1); 15.2 Aggregate Industries-WCR Inc., 1687 Cole Blvd., Ste. 300, Lakewood, CO 80401-3318 (an owner of the site for Walker North and Tucson South a/k/a ARR-B); 15.3 Carl F. Eiberger, 303 S. Broadway, Unite B-200, Denver, CO 80209-1558 (an owner of the site for Walker North); 15.4

Hibe LLC, 301 Centennial Dr., Milliken, CO 80543-3222 (an owner of the site for Walker South); 15.5 Hall Irwin Aggregates, LLC, 301 Centennial Dr. Milliken CO 80543-3222 (an owner of the site for Walker South); 15.6 Burnco Colorado LLC, 301 Centennial Dr., Milliken, CO 80543-3222 (an owner of the Kirby Dersham site); 15.7 Aggregate Industries-WCR Inc., 6211 N. Ann Arbor Rd. Dundee, MI 48131-9527 (an owner of the site for Tucson South a/k/a ARR-B); 15.8 Dixie Water, LLC, 400 Poydras St., Ste. 2100, New Orleans, LA 70130-3282 (Werning Reservoir); 15.9 Owners of real property underlying the East Reservoir Complex described in paragraph 12.3.1.10 above are set forth in Exhibit D. Application is eight pages with four exhibits.

21CW3104 FRONT RANGE FEEDLOTS, LLC (“FRF”), c/o Joe Hoff, P.O. Box 517, Eaton, CO 80615. Please send correspondence and pleadings to: David P. Jones, Wesley S. Knoll, and David L. Strait, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; david@lcwaterlaw.com; wes@lcwaterlaw.com; dstrait@lcwaterlaw.com.

CONCERNING THE APPLICATION FOR (CONDITIONAL) STORAGE WATER RIGHT, in LARIMER COUNTY.

2. Name of Reservoir and Water Right: Horton Ponds East and West. 2.1. Project Description. The Horton Ponds East and West are adjacent off channel reservoirs constructed to supply water to two cattle feedlot operations located in SW 1/4 and West 1/2 of the SE quarter of Section 11, Township 9 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. Water to fill the ponds is diverted at the headgate of the North Poudre Supply Canal (NPSC) and removed from the NPSC for delivery to the Ponds from a newly constructed pump station located in the SE 1/4 of Section 11, Township 9 North, Range 68 West of the 6th P.M. in Larimer County. 2.2. Location of Structures: 2.2.1. Horton Pond East. In the NE 1/4 of the Section 11, Township 9 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. See **Exhibit A.** 2.2.2. Horton Pond West. In the NE 1/4 of the Section 11 and the NW 1/4 of Section 12, Township 9 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. See **Exhibit A.** 2.3. Point of Diversion: 2.3.1. The North Poudre Supply Canal headgate diversion is located on the Cache la Poudre River in the SW 1/4 of the NE 1/4 of Section 5, Township 8 North, Range 70 West, of the 6th P.M. in Larimer County, Colorado. UTM coordinates Easting: 478421, Northing: 4504563.2, Zone: 13. 2.3.2. The North Poudre Supply Canal diversion is located in the SE 1/4 of Section 11, Township 9 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. UTM coordinates Easting: 502889.26142, Northing: 4511996.81803, Zone: 13. 2.4. Source: Cache la Poudre River 2.5. Appropriation: 2.5.1. Date of Appropriation: May 6, 2020 2.5.2. How Appropriation was initiated: the ponds were initially filled through Front Range Feedlots’ diversion off the North Poudre Supply Canal beginning May 6, 2020 through May 17, 2020. 2.5.3. Date Water Applied to Beneficial Use: the water diverted to the Horton Ponds was used for cattle operations beginning June 29, 2020. 2.6. Amount Claimed: 197.99 acre-feet, conditional. 2.6.1. Capacity of Ditch used to fill Reservoir. The North Poudre Supply Canal can divert at a rate up to 10.7 cubic feet per second. 2.6.2. Rate of Fill from NPSC : 4,800 gpm or 10.7 cfs 2.7. Use(s)/Proposed Use(s): commercial and agricultural uses associated with cattle feedlot operations, including watering cattle and dust suppression. FRF currently leases water for irrigation from various shareholders under the North Poudre Irrigation Company. FRF intends to use excess water stored in the Horton Ponds to supplement irrigation needs in the event that the full amount of lease water is not available. All use is claimed and considered to be fully consumptive. 2.8. Surface Area of High Water Line: 2.8.1. Horton Pond East: 9.39 acres 2.8.2. Horton Pond West: 9.69 acres 2.9. Total capacity of reservoir in acre feet: Each Pond has been surveyed and is shown to have the following capacity. 2.9.1. Horton Pond East 2.9.1.1. Active capacity: 98.43 acre-feet 2.9.1.2. Dead storage: 0 acre-feet 2.9.2. Horton Pond West 2.9.2.1. Active capacity: 99.56 acre-feet 2.9.2.2. Dead storage: 0 acre-feet 2.10. Operation. When the water storage right is in priority or there are otherwise free river conditions, water will be diverted at the headgate of the NPSC and will be removed from the NPSC for delivery to the Ponds at a rate of up to 10.7 cfs. Once filled, water from the Ponds will be pumped to the feedlots where it will be used for the uses claimed herein. To the extent water

is available Applicant proposes to fill and refill the ponds up to a maximum of 197.99 acre feet annually under the water storage right claimed herein. 3. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. 3.1. Name of Owner(s) and Mailing Address: 3.2. The land upon which structure is constructed is owned by Sunrise Land, Inc. 4. Remarks or any other pertinent information: Applicant and the owner of the NPSC are in the process of negotiating the terms of a carriage agreement for Applicant’s use of the NPSC.

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

21CW3105 DAVID QUATROCHI and WILLIAM HART, 3855 Mt. View Meadow Circle, Parker, CO, 80138. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION IN ELBERT COUNTY.** Subject Property: 253 acres generally located in the S1/2, Section 19, Township 6 South, Range 64 West of the 6th P.M., Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the owners of the Subject Property. Well Permits: There are no wells on the Subject Property. Well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper Dawson and Lower Dawson aquifers 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). The groundwater in the Denver, Arapahoe, and Laramie-Fox Hills aquifers were quantified in Case No. 2003CW55 on January 14, 2004 (“03CW55 Decree”). The 03CW55 Decree did not quantify any amounts in the Upper Dawson or Lower Dawson aquifers. Applicants are the owners of the following amounts of groundwater quantified in the 2003CW55 Decree:

Aquifer	Annual Amount (acre-feet)
Denver (NT)	128.67
Arapahoe (NT)	117.97
Laramie-Fox Hills (NT)	66.21

03CW55 Decreed Uses: The groundwater will be used, reused, and successively used, sold and leased, and otherwise disposed of for domestic, industrial, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, augmentation, and substitution and exchange, both on or off the Subject Property. Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	43.10
Lower Dawson (NNT)	42.40

Proposed Uses: Domestic, commercial, irrigation, livestock watering, 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: 11.40 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 in-house use, irrigation, commercial, livestock watering, and fire protection, 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 underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

21CW3106 THE KOEHLER FAMILY LIVING TRUST, 5139 Aster Court, Parker, CO 80134. 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 AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: 39.989 acres generally located in the SW1/4 NE1/4, Section 20, Township 9 South, Range 64 West of the 6th P.M., also known as 26703 County Road 21, Elizabeth, CO, 80107, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property. Well Permits: There no wells on the Subject Property. Well permits will be applied for prior to construction of 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: Applicant estimates the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	12.9
Lower Dawson (NT)	7.4
Denver (NT)	16.7
Arapahoe (NT)	14.5
Laramie-Fox Hills (NT)	11.7

Proposed Uses: Domestic, commercial, irrigation, livestock watering, 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: 2.35 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 in 2 single-family residences (0.6 acre-feet annually), irrigation of home lawn, garden, trees, and use in up to 4,800 sq/ft of greenhouses (0.45 af/yr), commercial sanitary usage (0.3 acre-feet annually), livestock watering of up to 20 large domestic animals (1 acre-foot annually), and fire protection, through one or more wells, both on and off the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flows from in-house use will be approximately 90% of that use, and return flows from irrigation use will be approximately 15% of that use. During pumping Applicant 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. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 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 **AUGUST 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.