

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

21CW5 JOHN AND MICHELLE SIMPSON, 8585 W. 66th Circle, Arvada, CO 80004. 303-420-4853. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 5-30-2014 in Case No 14CW37 (08CW15) Date of Subsequent decree: 5-12-08 in case 08CW15 and 97CW20, WD1; Simpson Well located NE1/4, SW1/4, Section 21, Township 9S, Range 75W of the 6th PM at a distance 1500 ft. from S and 1800 ft. from W. 53 Teton Ct., Como, CO, Indian Mountain Subdivision, Lot 22, Filing 3. Source: Groundwater. Appropriation date: 5-31-73. Amount 0.033 cfs, (15 gpm), Conditional. Use: Household use only in a single-family dwelling.

21CW6 CHRISTINE GABLE AND RANDY KING, APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHTS FOR AN EXEMPT WELL IN WELD COUNTY.

Please send all correspondence to Christine Gable and Randy King, 50355 CR 17, Wellington, CO 80549, (970)897-2782 2horseplay@ezlink.com ; The parcel of land consists of 40 acres, more or less, in Weld County, located generally in NE 1/4, SE 1/4 S20, R67W of 6th PM, IN Weld County, Permit No 203832-A; UTM 50783.075 4508789.3400 Zone 13 on 50355 CR 17, Wellington 80549. Date of Appropriation 7-18-1997. Source of Water-Groundwater Amount 15 gpm. Domestic-House, Lawn and Garden, windbreak and Livestock, single family. The claim of Applicant(s) to the water underlying the parcel described previously is based on ownership of the parcel. The Applicant seeks to adjudicate the Denver Basin ground water underlying the Subject Property in all of the available aquifers. Applicant certifies that Applicant owns the Subject Property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the Subject Property. There is one well located on the property.

21CW7 (14CW35) DEAN AND MARY MORGAN, Dean and Mary Morgan, 117 Oak Meadow Trail, Spicewood, TX 78669; dean@switchsup.com (512) 422-2447. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY**, Date of original decree: 6-12-98 in case 96CW802, WD1. Subsequent decree: 8-29-08 in case 04CW239-A, WD1. Smithe FMCR Well No. 200616 located NE1/4 NE1/4, S18, T10S, R77W of the 6th PM at a point approximately 30 ft. from N and 1305 ft. from E, Lot 2 Filing 1, Fourmile Creek Ranch, 2935 CR 18. Source: Groundwater. Appropriation date: 12-27-96. Amount: 0.033 cfs (15 gpm) for each well, Conditional. Use: Domestic including irrigation of less than 1 acre, stock water.

21CW8 STEPHANIE TESKA, 31223 Sugarhill Ln, Evergreen, CO 80439 (630)853-0337; teskas@att.net APPLICATION FOR CHANGE OF WATER RIGHT IN JEFFERSON COUNTY.

Date of Original Decree 1972 in Case No W4572 in Water Division 1, Name of Structure: Person Well No 2; located in the NW 1/4 of the SE 1/4 Section 22, Township 4S, Range 71W of the 6TH pm in Jefferson County, CO at a point 285 feet East and 410 feet South of the W1/4 corner of Section 22. UTM coordinates Easting 471750 Northing 4392938 Zone 13 on 1570 Kerr Gulch Evergreen, CO Decreed source of water: Ground. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs): is absolute 0.00557 cfs . Decreed use is Domestic. Applicant requests Change in Well Location.

21CW9 JERRY E AND CAROLYN J. JULIAN, 7599 S. Argonne St., Centennial, CO 80016. 303-693-5840. jjulianco@aol.com (303)693-5840 **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 03-04-15 in case 97CW21, WD1. Date of subsequent decree: 08-28-08 in case 08CW14, WD1. Julian Well located SE1/4, NW1/4, S21, T9S, R75W of the 6th PM at a distance 1750 ft. from N and 1650 ft. from W. 1233 Teton Tr., Indian Mountain Subdivision, Lot 24, Filing 5. Source: Groundwater. Appropriation date: 05-31-73. Amount: .0033 cfs, Conditional. Use: Household use only inside a single-family dwelling not including irrigation

21CW10 KEITH C. KRACKE, 7446 Highway 144, Weldona, CO 80653. 970-539-4413. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN MORGAN COUNTY. Date of original decree: 06-10-08 in case 98CW225, WD 1. Subsequent Decrees awarding finding of diligence dated March 18, 2015 in case number 14CW26 WD1 Name of Structure: Huntington Slough located NE1/4, NW1/4, S32, T5N, R59W of the 6th PM as a point approximately 630 ft. from the N and 1580 ft. from the W. Source: Drain tiles and natural runoff tributary to the S. Platte river. Appropriation date: 10-07-97. Amount: 10 cfs. Use: Irrigation and flooding of low meadow to provide shallow pond for wildlife habitat.

21CW11 ARTHUR W. JR. AND BETTY SUE PEABODY, 626 Rocky River Rd., Houston, TX 77056. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WHOLE OR IN PART IN TELLER COUNTY. Date of original decree: December 17, 2004 for 04CW87 in WD1 and subsequent decrees dated: March 30, 2015 in 14CW30 in WD 1. Peabody Well, 223736 located SW1/4, NE1/4 S15, T12S, R69W of the 6th PM at a point approximately 1600 ft. from the N. and 2000 ft. from the E. Source: Groundwater. Appropriation date: 12-30-99. Amount: 0.0044 cfs (2 gpm), Decreed Absolute; Seek Additional 2.2 gpm, Absolute. 0.0289 cfs (13 gpm), Conditional. Depth: 500 ft. Use: Domestic in one single family dwelling including irrigation on 41,000 sf of lawns and gardens, stock water, Absolute; Domestic in two additional single-family dwellings and irrigation of an additional 2560 sf, Conditional.

21CW3023 TOWN OF BERTHOUD, P.O. Box 1229, Berthoud, Colorado 80513; Email: sbrothers@berthoud.org; Phone: (970) 532-2643. Please direct all correspondence concerning this Application to: Andrea A. Kehrl, Esq., Peter C. Johnson, Esq., and Alison I. D. Gorsevski, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: aak@vrlaw.com; pcj@vrlaw.com; and adg@vrlaw.com; Phone: (303) 443-6151. **APPLICATION FOR CHANGE OF WATER RIGHTS AND CLAIM FOR AN APPROPRIATIVE RIGHT OF EXCHANGE IN LARIMER AND WELD COUNTIES**. 2. Purpose: Applicant seeks a change of water rights for those water rights associated with thirty-four (34) shares of the one hundred (100) outstanding shares of the Ryan Gulch Reservoir Company, represented by Share Certificate No. 125 ("Ryan Gulch Shares"). Applicant also seeks to adjudicate an appropriative right of exchange for the purpose of exchanging water available under the Ryan Gulch Shares upstream for diversion at the headgate of the Handy Ditch. **Claim for change of water rights**: 3. Names of structures: Ryan Gulch Reservoir. 4. Ryan Gulch Water Rights: A. Ryan Gulch Reservoir: i. Decrees: June 29, 1916, Civil Action No. 4862, District Court, Boulder County; November 14, 1939, Case No. 10077, District Court, Boulder County. ii. Legal description of structure: Ryan Gulch Reservoir is located in portions of Sections 27, Township 5 North, Range 69 West, of the 6th P.M, as shown on **Exhibit A**. iii. Decreed source of water: Ryan Gulch, a tributary of the Big Thompson River, and seepage, waste, and flood waters arising, accumulating, and flowing in Ryan Gulch. iv. Appropriation dates and amounts: 1. First Fill: April 12, 1904 (Reservoir Priority No. 38), 730 acre-feet. 2. Refill: June 18, 1907 (Reservoir Priority No. 43), 730 acre-feet. v. Total amount decreed to structure: 730 acre-feet, with one annual refill. vi. Decreed uses: Agricultural purposes. B. Amount of water that Applicant intends to change: Applicant seeks

to change its pro rata share of the water rights described in paragraph 4.A. based upon its ownership of 34 shares of the 100 outstanding total number of shares in the Ryan Gulch Ditch Company (“Subject Water Rights”). C. Applicant’s use of the Handy Ditch system: Applicant and the Handy Ditch Company entered into a Carriage Agreement, dated September 12, 1989 (“Carriage Agreement”), through which Applicant may, subject to the terms of that agreement, divert its privately-held water rights, including the Subject Water Rights, into the Handy Ditch system for direct delivery or storage and subsequent delivery of water to Applicant’s uses. Applicant will exchange the Subject Water Rights into the Handy Ditch pursuant to the terms of the Carriage Agreement for the uses described in paragraph 5, below, by the operation of the appropriative right of exchange decreed in Case No. W-8418-76, Water Division 1, State of Colorado, dated January 22, 1980. However, Applicant shall not utilize that exchange without prior written approval from the Handy Ditch Company (“Handy Exchange”). If Applicant needs to exchange the Subject Water Rights but it is unable to use the Handy Exchange, then it will exchange the Subject Water Rights into the Handy Ditch pursuant to the appropriative right of exchange described in paragraph 6 below.

5. Detailed description of proposed change: Applicant seeks to change the type of use and the place of use of the Subject Water Rights.

A. Change in place of use: Applicant seeks to change the place of use of the Subject Water Rights to allow use within its service area, as shown on **Exhibit A**, as that service area exists or may exist in the future, extra-territorial areas served by interconnects with other water supply systems, under water supply contracts or obligations of Applicant, and at any location where Applicant has augmentation or replacement obligations. In addition, the Subject Water Rights may continue to be used within and under the Handy Ditch system for irrigation purposes in a manner consistent with the historical operating practices of the ditch.

B. No change in the point of diversion. No change in the point of diversion for the Subject Water Rights is sought herein.

C. Change in type of use: In addition to the continuation of historical irrigation use, Applicant seeks to change the type of use of the Subject Water Rights to include all municipal uses, including but not limited to domestic, irrigation, mechanical, manufacturing, commercial, industrial, augmentation, replacement, recharge, substitution, exchange, fishery, wildlife, piscatorial, recreation, and storage, and including immediate application to such uses and storage for subsequent application to such uses.

i. Place of storage: Applicant will continue to store the Subject Water Rights in the historical storage location and will also store that water in certain additional locations, each as described below and shown on **Exhibit A**.

1. Ryan Gulch Reservoir (historical storage location), located as described in paragraph 4.A.ii, above.
2. Hertha Reservoir (historical storage location), located in parts of Section 7 and 18, Township 4 North, Range 69 West, 6th P.M., and in parts of Section 13, Township 4 North, Range 70 West, 6th P.M., in Larimer County.
3. Welch Reservoir (historical storage location), located in parts of Section 3, 4, 9, and 10, Township 4 North, Range 69 West, 6th P.M., in Larimer County.
4. Berthoud Reservoir, located in portions of the N1/2 of Section 11, Township 4 North, Range 69 West, 6th P.M., in Larimer County.
5. Loveland Lake, which is located in the S1/2 of the SE1/4 of Section 10; the W1/2 of the NW1/4 of Section 14; and the NE1/4 of Section 15, Township 4 North, Range 69 West, 6th P.M., in Larimer County. However, Applicant will not store water in Loveland Lake without prior authorization or written approval from the Loveland Lake and Ditch Company.
6. Heron Lakes Pond, located in the NE1/4 of the SW1/4 of Section 3, Township 4 North, Range 69 West, 6th P.M., 1,505 feet from the west section line and 2,270 feet from the south section line.
7. Any other water storage facilities owned by Applicant in the future or facilities in which Applicant has or obtains written approval to store water.

ii. Use, reuse, and successive use to extinction: Applicant will quantify the historical consumptive use of the Ryan Gulch Shares and will use, reuse, and successively use to extinction all such water for the purposes described in this paragraph 5, so long as all historical return flows have first been replaced. Applicant seeks to decree the methodology by which it will quantify reusable effluent return flows available at its wastewater treatment facility for reuse and successive use to extinction for the purposes described in this paragraph 5. Applicant does not seek in this case to quantify any other types reusable return flows (including but not limited to irrigation return flows) derived from use of the Subject Water Rights but reserves the right to do

so in a future water court application. D. Determination of historical use: As part of this case, Applicant will quantify the time, place, and amount of the consumptive use and return flows associated with use of the Subject Water Rights for their historically decreed purposes through a historical use analysis of Ryan Gulch Shares. Prior to being purchased by Applicant, the Ryan Gulch Shares were owned by the Handy Ditch Company and have historically been used as a supplemental source of irrigation supply under the Handy Ditch system. The approximate locations of historical use of the Subject Water Rights is shown on **Exhibit A**. Said locations on Exhibit A are approximate and shall be subject to future revisions without re-publication of this Application. Applicant will rely on diversion records available from the ditch company and the State Engineer's Office to demonstrate the historical timing, location, and amount of use of the Ryan Gulch Shares under the Handy Ditch system. E. Replacement plan: Applicant will decree the methodology through which it will replace historical return flows in time, amount, and location as necessary to prevent injury to other vested water rights. Based on Applicant's analysis described above, return flows from the Subject Water Rights have historically accrued predominantly to the Little Thompson River. Those historical return flows will be replaced to the Little Thompson River at Applicant's wastewater treatment facility, located within the SE1/4 SW1/4, Section 19, Township 4 North, Range 68 West, 6th P.M., and by the delivery of other replacement supplies available to Applicant that are capable of being released above the downstream calling water right. **Claim for an appropriative right of exchange**: 6. Description of exchange: Applicant seeks to adjudicate an appropriative right of exchange on the Big Thompson River to be used to exchange water available under the Ryan Gulch Shares upstream for diversion into the Handy Ditch. The exchange reach is shown on **Exhibit A**. Applicant will operate the exchange claimed herein to the extent the Handy Exchange is unavailable. Once in the Handy Ditch system, Applicant will take delivery of said water from its ditch turnout for use, reuse, and successive uses in its municipal water supply system and for all other decreed uses. Use of the Handy Ditch system for the diversion, delivery, and storage of the Subject Water Rights will comply with the Carriage Agreement. Applicant also reserves the right to lease said water to the Handy Ditch Company for historic irrigation purposes until such time as it uses it for the other purposes set forth herein. A. Exchange-from points: i. Confluence of Ryan Gulch and the Big Thompson River, located in Section 23, Township 5 North, Range 69 West, 6th P.M., in Larimer County, at a point 2,610 feet from the west section line and 210 feet from the north section line of said Section 5, (UTM: 492,565.2 E; 4,4741,297.8 N); and ii. Confluence of the Little Thompson River and the Big Thompson River, located in Section 2, Township 4 North, Range 67 West, 6th P.M., in Larimer County, at a point 1,575 feet from the east section line and 1,620 from the south section line of said Section 2, (UTM: 512,337.7 E; 4,465.330.8 N). B. Exchange-to points: i. The Handy Ditch headgate, located on the right bank of the Big Thompson River in the SW1/4, Section 3, Township 5 North, Range 70 West of the 6th P.M., in Larimer County. C. Source of supply: Ryan Gulch Shares, as described in paragraph 4, above, including quantified effluent return flows derived from the Subject Water Rights discharged at Applicant's wastewater treatment facility. D. Exchange rate: 20 c.f.s., CONDITIONAL E. Appropriation date: March 3, 2021, the date of filing of this Application 7. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Fairgrounds Business Park, LLC, 8020 S. County Road 5, Suite 200, Windsor, CO 80528; Berthoud Heritage District No. 9, 550 West Eisenhower Blvd., Loveland, CO 80537; Waterfront Development, Inc., 8020 S. County Road 5, Suite 200, Windsor, CO 80528; Windsor Farms Investments, LLC, 1927 Wilmington Drive, Suite 101, Fort Collins, CO 80528; Heron Lakes Investments, LLC, 444 Mountain Avenue, Berthoud, CO 80513; Western Slope Mineral Company, LLC, 8020 S. County Road 5, Suite 200, Windsor, CO 80528; Windsor Plains, LLC, 8020 S. County Road 5, Suite 200, Windsor, CO 80528; Kevin M. Dunnigan, 8273 Park Hill Court, Fort Collins, CO 80528; Town of Berthoud, 807 Mountain Avenue, Berthoud, CO 80513; The Handy Ditch Company, P.O. Box 569, Berthoud, CO 80513; and Loveland Lake and Ditch Company, P.O. Box A, Berthoud, CO 80513.

WHEREFORE, Applicant requests that the Court enter a decree granting the above-proposed change of water rights and such other relief that it deems proper. (11 pages, 1 Exhibit)

21CW3024 (97CW59) BRIAN RIEGEL AND MICHELLE BOYER, Brian Riegel and Michelle Boyer, 1210 Ulysses St, Golden, CO 80401, briegel@gmail.com, 303-907-7976. Please direct all correspondence concerning this Application to: Daniel McAuliffe, Esq., High Country Lawyers, PLLC, PO Box 5091, Frisco, CO 80443; Telephone: (720) 949-1159; Email: dan@highcountry.law **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY**, Structure: Hamil Well located NE 1/4 SW 1/4 of Section 26, Township 9 South, Range 75 West, 6th P.M., Park County, Colorado at a point approximately 2160 feet from the south line and 2220 feet from the west line of said Section 26, in Lot 25, Filing 25, Indian Mountain Subdivision, also known as 397 Quiver Road. Date of Original Decree: 02-28-02 in Case No.: 97CW59 in District Court Water Division One and all subsequent decrees awarding findings of diligence in 97CW59. Source of water: Groundwater. Appropriation Date: May 31, 1973. Amount: 15 gallons per minute, Conditional. Household use only inside a single-family dwelling not including irrigation. The return flow from such use shall be through an individual wastewater disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.

21CW3025 COMPLAINT FOR DECLARATORY RELIEF

21CW3026 PARACHUTE RANCH, INC. AND THE LOWER PLATTE AND BEAVER CANAL COMPANY, Parachute Ranch, Inc, Robert Tuck, 33549 MCR X.5, Hillrose, CO 80733, and Lower Platte & Beaver Canal Company, P.O. Box 190, Hillrose, CO 80733. Please direct all correspondence concerning this application to: Peter J. Ampe, Esq., Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO, 80264; telephone number 303-296-8100, email: peterampe@hillandrobbs.com. **APPLICATION FOR UNDERGROUND WATER RIGHT AND APPLICATION TO ADD WELL TO LOWER PLATTE & BEAVER PLAN FOR AUGMENTATION DECREED IN CASE NO. 03CW443 in MORGAN AND WASHINGTON COUNTIES**. INTRODUCTION: The well that is the subject of this application currently exists and this application will add additional uses to that well by repermitting the well. Applicants have applied to repermit the existing well to include the new uses claimed in this application. Applicants request that the Court require the State Engineer to issue well permits for such well in accordance with the decree to be entered herein. Applicants further request a determination that failure to construct this well within the period of time specified in a well permit will not be deemed to affect or extinguish the underlying water rights as decreed by this Court. Applicants will operate the requested well under the terms and conditions of the plan for augmentation decreed in Case No. 03CW443 when the Court enters a final decree in this case. **PART I: APPLICATION FOR GROUNDWATER RIGHT.** 2. Name of water right: Parachute Well (LP&B ID 44.1). 3. Owners: Parachute Ranch, Inc. 4. Permit No.: None, Applicant Parachute Ranch, Inc. has applied for a permit. 5. Location: The well is located in the SW1/4 NE1/4 of Section 03, T04N, R55W, 6th P.M., Morgan County, Colorado. Places of use of the water are located in the SW1/4 NE1/4 Section 3, T04N, R55W, N1/2 Section 03, T04N, R55W, W1/2 NW1/4 Section 2, T04N, R55W, S1/2 Section 34, T05N, R55W and the E1/2SE1/4 Section 33, T05N, R55W, all within 6th P.M., Morgan County, Colorado. 6. Appropriation Date: March 11, 2021. 7. Amount Claimed: 3.66 c.f.s., and an annual volume of up to 3178 acre-feet for all uses. 8. Source: Groundwater tributary to the South Platte River. 9. Use: Irrigation, Domestic, Augmentation, Commercial, and Livestock Feed Lot. 10. Name and Address of Owners of Land on which Structure Will be Located: Parachute Ranch, Inc. **PART II: APPLICATION TO ADD WELL TO AUGMENTATION PLAN.** 11. Augmentation Plan: Paragraph 14.6 of the Decree for the Lower Platte & Beaver Canal Company (“LPB”) Plan for Augmentation (District Court, in and for Water Division No. 1, Case No. 03CW443) allows the addition of wells to the plan subject to notice

and terms and conditions. Applicant LPB seeks to add the Parachute Ranch Well described in paragraphs 2 through 9, above, to the 03CW443 LPB plan for augmentation. 12. 03CW443 Terms and Conditions: 12.1. Any well added to the 03CW443 plan shall be located on, and be used on lands within, the service area of the LPB Canal. The Parachute Ranch Well will be located on and be used on lands within the LPB service area. 12.2. A well added to the plan shall use the applicable wellhead depletion (consumptive use) factors set out in paragraph 17.2.2, and shall use the methods for determining the time and location of depletions set out in paragraph 17.1, or such other method as is approved by the Court. Applicants will comply with these conditions except that use for feed lot will be assumed to be 100% consumptive. Different uses from the well will be metered separately. 12.3. Out-of-priority depletions resulting from use of any well which Applicant or a well owner requests the Court to add to this plan shall be replaced in accordance with the following: Out-of-priority depletions from use of the well that has occurred prior to the date the Court allows the well to be added to the plan shall be replaced by the Applicant or well owner in compliance with an applicable Water Court decree or substitute water supply plan approved by the State Engineer while said request is pending before the Court; out-of-priority depletions from use of the well that will occur after the Court decree adding the well to the plan, whether or not the depletions result from pumping before or after the date the Court allows the well to be added to the plan, shall be replaced by the Applicant or well owner under the terms and conditions of this decree and any additional terms and conditions ordered by the Court in connection with adding the well. The Parachute Ranch will operate only pursuant to an approved substitute water supply plan or the 03CW443 Decree after to Water Court adds the well to that decree as part of this matter. 12.4. The Parachute Ranch well will be operated, and depletions calculated, in accord with Paragraph 17 of the 03CW443 decree, including but not limited to the required accounting and reporting. 12.5. LPB will replace all depletions resulting from the operation of the Parachute Ranch Well in time, location, and amount as required by the 03CW443 Decree in accordance with paragraph 18 of the 03CW443 Decree. 12.6. LPB will comply with all other terms and conditions of the plan for augmentation decreed in Case No. 03CW443. **5 pages.**

21CW3027 ALAN AND JOLENE MEYER AND THE RIVERSIDE IRRIGATION DISTRICT AND RIVERSIDE RESERVOIR AND LAND COMPANY APPLICATION FOR CONDITIONAL GROUNDWATER RIGHT AND TO ADD WELL TO PLAN FOR AUGMENTATION PURSUANT TO PARAGRAPH 9.3 OF THE 02CW086 DECREE IN MORGAN COUNTY. Please send all correspondence to Peter J. Ampe, Esq., Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO, 80264. (303) 296-8100. INTRODUCTION: The well that is the subject of this application does not currently exist. Applicants have not yet applied for any permits to drill the well that is the subject of this application. A well permit will be applied for prior to the construction of the well. Applicants request that the Court require the State Engineer to issue well permits for any such well in accordance with the decree to be entered herein. Applicants further request a determination that failure to construct this well within the period of time specified in a well permit will not be deemed to affect or extinguish the underlying water rights as decreed by this Court. Applicants will operate the requested well under the terms and conditions of the plan for augmentation decreed in the Second Corrected Findings of Fact, Conclusions of Law, and Decree, Case No. 02CW86 (“02CW86 Decree”) when the Court enters a final decree in this case. 1. **The name and address of the Applicants:** Alan and Jolene Meyer, 21628 County Rd. 23, Fort Morgan, Colorado 80701, Riverside Irrigation District and Riverside Reservoir and Land Company, 221 E. Kiowa Avenue, Fort Morgan, CO 80701. Telephone: 970-867-6586. **PART I: APPLICATION FOR CONDITIONAL GROUNDWATER RIGHT.** 2. **Name of water right:** Meyer Well (Riverside ID 61.5). 3. **Owners:** Alan Meyer and Jolene Meyer. 4. **Permit No.:** None, Applicants will obtain a permit. 5. **Location:** The well will be located in the NE1/4NE1/4 of Section 14, T04N, R57W, 6th P.M., Morgan County, Colorado at approximately UTM coordinates Easting 13609039, Northing 4463789. Acres to be irrigated are located in the N1/2NE1/4, N1/2NW1/4, and SE1/4NW1/4, Section 12 T04N R57W, 6th P.M., Morgan County,

Colorado, comprising approximately 200 acres. 6. **Appropriation Date:** March 31, 2021. 7. **Amount Claimed:** 1.8 c.f.s., for the irrigation of up to 200 acres, CONDITIONAL. 8. **Source:** Groundwater tributary to the South Platte River. 9. **Use:** Irrigation. 10. **Name and Address of Owners of Land on which Structure Will be Located:** Alan Meyer and Jolene Meyer. **PART II: APPLICATION TO ADD WELL TO AUGMENTATION PLAN.** 11. **Augmentation Plan:** Paragraph 9.3 of the 02CW86 Decree allows the addition of wells to the plan subject to application and certain terms and conditions. Applicants Riverside Irrigation District and Riverside Reservoir and Land Company (“Riverside”) seek to add the Meyer well described in paragraphs 2 through 10, above, to the Riverside Irrigation District and Riverside Reservoir and Land Company plan for augmentation. 12. **02CW86 Terms and Conditions:** 12.1. Any well added to the 02CW86 Decree plan for augmentation must be operated and used, and out of priority depletions replaced, on terms and conditions at least as restrictive as decreed. Applicants will comply with the terms and conditions in the 02CW86 Decree for the operation of the Meyer well in the 02CW86 Decree plan for augmentation. 12.2. A well added to the plan shall use the applicable wellhead depletion factors set out in paragraph 11.5.2 of the 02CW86 Decree and shall use the methods for determining depletions from past and future pumping set out in paragraphs 11 through 11.5.4 of the 02CW86 Decree. Applicants will comply with these conditions. 12.3. Out of priority depletions resulting from the use of any well which Applicant requests the Court to add to this plan shall be replaced according to the following: Out of priority depletions resulting from use of the well that has occurred prior to the date the Court allows the well to be added to the plan, shall be replaced by the Applicant in compliance with an applicable water court decree or substitute supply plan approved by the State Engineer. The Meyer well does not yet exist and so there are no out of priority depletions from prior use. The well will not be operated until decreed in this matter. 12.4. Out of priority depletions from the use of the well that will occur after the court decree adding the well to the plan, whether or not the depletions result from pumping before or after the date the Court allows the well to be added to the plan, shall be replaced by the Applicant under the terms and conditions of this decree and any additional terms and conditions ordered by the Court in connection with adding the well. The Meyer well will be operated, and depletions calculated, in accord with the 02CW086 Decree, including but not limited to the required accounting and reporting. 12.5. Riverside will replace all depletions resulting from the operation of the Meyer Well in time, location, and amount as required by the 02CW086 Decree in accordance with terms and conditions of the Decree. 12.6. Riverside will comply with all other terms and conditions of the 02CW086 Decree plan for augmentation. **5 pages**

21CW3028 THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE (“Aurora Water”), 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012-1555, Stephanie J. Neitzel, Assistant City Attorney, City of Aurora, Colorado, 15151 East Alameda Parkway, Suite 5300, Aurora, Colorado 80012. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, DOUGLAS AND WELD COUNTIES. CONDITIONAL WATER RIGHTS: 2. NAME OF THE STRUCTURES (“Water Storage Reservoirs”): 2.1. **Aurora Reservoir (aka Senac Reservoir). 2.2. **Quincy Reservoir.** 2.3. **East Reservoir(s).** 3.0. **DESCRIPTION OF CONDITIONAL WATER RIGHTS (“Subject Water Rights”): 3.1. Decrees:** 3.1.1. Date of Original Decree: Case No. 03CW415, District Court, Water Division 1, dated May 14, 2008 (the “Original Decree”). 3.1.2. Decree for Finding of Reasonable Diligence: Case No. 14CW3065, District Court, Water Division 1, dated March 2, 2015. 3.2. **Location (Legal Descriptions)** See Exhibit 1: 3.2.1. Aurora Reservoir: The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Section 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., Arapahoe County, Colorado. The outlet works is located 1900 feet south, 52 degrees west of the NE corner of Section 16, T5S, R65W, 6th P.M., Arapahoe County, Colorado. 3.2.2. Quincy Reservoir: Quincy Reservoir is an off-channel reservoir located in the following portions of Section 9 and 10, T5S, R66W, 6th P.M. (within the 18300 Block of Quincy Avenue in Aurora, Colorado): The NE1/4, E1/2 NW1/4 and N1/2 SE1/4**

of Section 9, and the S1/2 NW1/4 and N1/2 SW1/4 of Section 10, Arapahoe County, Colorado. The approximate latitude of the outlet works is 39 degrees 38' 13" N and the approximate longitude is 104 degrees 46' 53" W. 3.2.3. **Location of East Reservoir Complex:** The East Reservoir will be constructed in one or more of the following off-channel locations: 3.2.3.1. **Site 1.** 3.2.3.1.1. **Site 1A:** In Sections 14 & 23 and N1/2 of Section 26, T4S, R65W, 6th P.M., in Arapahoe County, Colorado. 3.2.3.1.2. **Site 1B:** In Sections 9, 10 & 15 and S1/2 of Sections 3 & 4 and N1/2 of Section 16, T4S, R65W, 6th P.M. in Arapahoe County, Colorado. 3.2.3.2. **Site 2.** 3.2.3.2.1. **Site 2B:** In Sections 26 & 27 and N1/2 of Sections 34, 35, 36, T4S, R65W, 6th P.M. in Arapahoe County, Colorado. 3.3. **Withdrawal of Structure Decreed in the Original Decree:** Aurora no longer seeks conditional surface storage water rights for Site 1B of the East Reservoir Complex, described in SubParagraph 3.2.3.1.2., above. 3.4. **Location of Points of Diversion from South Platte River.** 3.4.1. **Brighton Ditch:** The headgate of the Brighton Ditch on the west bank of the South Platte River in the SE1/4SE1/4, Section 11, T1S, R67W, 6th P.M. in Adams County, at a point approximately 780 feet north and 1,120 feet west of the SE corner of Section 11. 3.4.2. **Brantner Ditch:** The headgate of the Brantner Ditch on the north bank of the South Platte River in the NE1/4SW1/4, Section 4, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,721 feet south and 2,140 feet east of the NW corner of Section 4. 3.5. **Source:** South Platte River. 3.6. **Appropriation Date:** December 8, 2003. 3.7. **Amounts:** 3.7.1. One annual fill, conditional, for each of the Water Storage Reservoirs, in the following amounts, with the right of one complete refill for each Reservoir each year: 3.7.1.1. Aurora Reservoir: 18,707 acre-feet; 3.7.1.2. Quincy Reservoir: 2,693 acre-feet; 3.7.1.3. East Reservoir: 25,000 acre-feet. 3.7.2. **Diversion flow rates:** 3.7.2.1. Brantner Ditch: 110 c.f.s., Conditional. 3.7.2.2. Brighton Ditch: 60 c.f.s., Conditional. 3.8. **Uses:** All municipal and domestic purposes including without limitation fire protection, irrigation, commercial and industrial use, recreational purposes, fish and wildlife propagation, stock watering, reservoir evaporation replacement, storage and maintenance of storage reserves, exchange and augmentation purposes, for use and reuse until extinction. The location of use will be any area Aurora Water is capable of serving by its diversions and storage points within the existing or future water service area of the City of Aurora located in Adams, Arapahoe and Douglas Counties or any extra-territorial area in which the City of Aurora contracts to provide treated or raw water service or any area in which Aurora Water has augmentation or delayed return flow obligations. 3.9. **Facility Descriptions:** 3.9.1. **Surface area at high water line:** 3.9.1.2. Surface area of Aurora Reservoir at high water line is 820 acres. 3.9.1.3. Surface area of Quincy Reservoir at high water line is 155 acres. 3.9.1.4. Surface area of the East Reservoir(s) at high water line: The final surface area is no yet known. 3.9.2. **Maximum dam heights:** 3.9.2.1. Maximum height of Aurora Reservoir is 131 feet. 3.9.2.2. Maximum height of Quincy Reservoir is 70 feet. 3.9.2.3. Maximum heights of the East Reservoir(s): The final height is not yet known. 3.9.3. **Length of Dam:** 3.9.3.1. Length of Aurora Reservoir Dam is 8,400 feet. 3.9.3.2. Length of Quincy Reservoir Dam is 2,432 feet. 3.9.3.3. Length of the East Reservoir Dam(s): The final length is not yet known. 3.9.4. **Capacity of the Reservoirs:** 3.9.4.1. Capacity of Aurora Reservoir is 32,129 acre-feet. 3.9.4.1.1. Active Capacity is approximately 31,679 acre-feet. 3.9.4.1.2. Dead Storage is approximately 450 acre-feet. 3.9.4.2. Capacity of Quincy Reservoir is 2,693 acre-feet. 3.9.4.2.1. Active Capacity is approximately 2,693 acre-feet. 3.9.4.2.2. Dead Storage is approximately 0 acre-feet. 3.9.4.3. Capacity of East Reservoir(s) is 25,000 acre-feet. 3.9.4.3.1. Active Capacity in acre-feet: The active capacity is not yet known. 3.9.4.3.2. Dead Storage in acre-feet: The dead storage is not yet known. 4. **PROVIDE A DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATION AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES, DURING THE PREVIOUS DILIGENCE PERIOD.** Pursuant to C.R.S. §37-92-301(4)(b), the measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water

rights for all features of the entire project or system. **Project Specific Efforts Including Integrated PWP Project.** Pursuant to Paragraph 29 of the Original Decree, the Subject Water Rights will be operated as part of Aurora’s Prairie Waters Project (“PWP”). Therefore, Aurora’s work on any part of the PWP constitutes reasonable diligence on the conditional water rights decreed in the Original Decree. Since the date of the filing of the last Application for Finding of Reasonable Diligence, Aurora has diligently prosecuted the following features of the PWP, including the Subject Water Rights: 4.1. Case No. 21CW3006, D-1. On January 28, 2021, Aurora filed its Application for Finding of Reasonable Diligence for the Aurora-Everist Reservoir No. 2. This case is pending. 4.2. Acquisition of Everist 2 Reservoir Property and Slurry Wall Improvements. On August 26, 2015, Aurora acquired the Everist 2 Reservoir property and completed slurry walls, subject to continued sand and gravel operations as set forth in the Amended and Restated Purchase and Sale Agreement between Aurora and L.G. Everist dated February 9, 2011. 4.3. Delivery of Everist #1 and #2/4 Cells. In August 2016, Aurora paid \$4,302,000 for completion of storage space for the Everist #1 and Everist #2/4 Cells. 4.4. Amendment to Purchase and Sale Agreement. Starting in 2017, Aurora entered into negotiations with L.G. Everist, Inc. for the Fourth Amendment of Amended and Restated Purchase and Sale Agreement that was executed in December 2019. This was an amendment to the February 9, 2011 Agreement under which Aurora agreed to purchase the Everist 2 Reservoir property and completed storage facilities for the reservoir to be constructed by L.G. Everist. This Fourth Amendment pertained to revisions of side-slope construction specifications for the Reservoir storage cells. 4.5. Amendments to Surface Use Agreement. Aurora, L.G. Everist and the owner of oil and gas rights and infrastructure on the Everist 2 Reservoir property negotiated Amendments to the Surface Use Agreement dated July 2011, under which the parties agreed to areas for oil and gas wells and operations, relocation/abandonment of existing oil and wells and pipelines, and oil and gas setback requirements. The First Amendment was entered into in July 2015 and the Second Amendment was entered into on January 26, 2021. 4.6. Case No. 14CW3065, D-1. On March 2, 2015, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for Aurora Reservoir, Quincy Reservoir and East Reservoir, originally decreed in 03CW415. 4.7. Case No. 15CW3064, D-1. On December 1, 2017, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for ARR-A/Gravel Pit Reservoir A; conditional tributary ground water rights for the PWP Well Field; conditional appropriative rights of exchange for 28 reaches on the lower South Platte River; and a plan for augmentation for the PWP Well Field, originally decreed in Case No. 06CW104. 4.8. Case No. 18CW3096, D-1. On April 16, 2019, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for Aurora-Everist Reservoir No. 1 originally decreed in Case No. 02CW330. 4.9. Case No. 20CW3058, D-1. On November 4, 2020, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for the Aquifer Recharge and Recovery Facility B (ARR-B) and the Tucson South Reservoir, originally decreed in Case No. 03CW414. 4.10. Negotiations and Agreement for Gravel Pit Storage. Aurora renegotiated its agreement with Aggregate Industries to complete the reservoir facilities for the Tucson South Reservoir and an agreement was entered into on January 13, 2021. 4.11. Adams County Mining Permit. In March 2021, a mining permit was obtained from Adams County for construction of the Tucson South Reservoir. 4.12. Case No. 15CW3080, D-1. On August 15, 2016, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for the Robert W. Walker Reservoir originally decreed in Case No. 06CW129. 4.13. Case No. 15CW3079, D-1. On August 15, 2016, Aurora was granted a decree making partially absolute and for findings of reasonable diligence for the remaining conditional storage rights for the Stillwater Ranch Reservoir originally decreed in Case No. 06CW130. 4.14. Case No. 13CW3042, D-1. On May 12, 2015, Aurora obtained a decree granting conditional water rights to add in-fill wells to the PWP Well Field and to the plan for augmentation originally decreed in Case No. 06CW104. 4.15. Case No. 14CW3177, D-1. On April 26, 2018, Aurora obtained a decree granting a change of its New Brantner Ditch Company shares. 4.16. Case No. 18CW3121, D-1. Aurora filed its application for change of its Lupton Bottom and Lupton Meadows Ditch Company shares on July 31, 2018, and

amended this application on February 28, 2020. This case is pending. 4.17. Water Rights Purchases. Aurora expended over \$79 million to purchase water rights, including associated infrastructure and land, on the South Platte River that will be diverted for use by Aurora through the PWP facilities. 4.18. Integrated Water Master Plan. In September 2017 Aurora completed its Final Draft Integrated Water Master Plan that integrates short-term and long-range planning across the water resources, treatment and distribution disciplines within Aurora Water. 4.19. North Campus Master Plan. The North Campus System is a raw water collection and delivery system developed as a part of the PWP system. In 2019, Aurora Water completed a draft of the North Campus Master Plan that supports the planning of capital progress and expenditure to maintain current conditions, address challenges, and meet future expansion needs for the North Campus System facilities. 4.20. Land Purchases. Aurora purchased 2 parcels of land (Horiuchi/Faudoa and Marrs) for the Tucson South Reservoir at a total cost of \$348,000. 4.21. Gilcrest Reservoir. In 2015, Aurora purchased 570 acres that is a portion of the property known as Gilcrest Reservoir (f/k/a Platte Valley Trust Reservoir). 4.22. Legal and Engineering Fees. Aurora expended at least \$3.6 million for legal and engineering services for work related to the Subject Water Right and the PWP, including the items listed in this Paragraph 4. 4.23. Protection Efforts. Aurora expended at least \$3 million for legal and engineering services in its participation in water court cases and other efforts for the purpose of protecting the Subject Water Rights and Integrated PWP Project. **Other Project Specific Efforts**. Aurora has an integrated multi-basin water supply system contributing Other Fully Consumable Water to be used in the PWP and stored in the Water Storage Reservoirs. Work and expenditures on any part of that system that is not specifically included in this Paragraph 4 constitute reasonable diligence for the Subject Water Rights. 5. IF CLAIM IS TO BE MADE ABSOLUTE: N/A. 6. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE, OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED, INCLUDING ANY MODIFICATION TO THE EXISTING STORAGE POOL: 6.1. **The Brighton Ditch**: Owned by the Brighton Ditch Company, Bill Stieber, President, P.O. Box 185, Fort Lupton, Colorado 80621. 6.2. **The Brantner Ditch**: Owned by the New Brantner Ditch Extension Ditch Company, Robert T. Sakata, President, P.O. Box 739, Fort Lupton, Colorado 80621. 6.3. **The East Reservoir(s)**: These sites are owned by the parties listed on Exhibit A, attached hereto. 6.4. **Aurora Reservoir and Quincy Reservoir**: Owned by the City of Aurora, Colorado. WHEREFORE, Applicant requests that the Court enter a decree: A. Finding that Applicant has been reasonably diligent in the steady application of effort to complete the appropriation of the conditional water rights that are the subject of this application in a reasonably expedient and efficient manner under the facts and circumstances; B. Continuing the conditional storage and refill rights in full force and effect; and C. Granting such other relief as the Court deems just and appropriate. Application is 12 pages including attachments.

21CW3029 GREENTREE LAND CO., LLC, P.O. Box 1869, Elizabeth, CO 80107. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NON-NONTRIBUTARY UPPER DAWSON AQUIFER, IN ELBERT COUNTY**. Subject Property: 51 acres generally located in the S1/2 of Section 25, Township 7 South, Range 65 West of the 6th PM, Elbert County, Colorado as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property and there are no liens, mortgages, or encumbrances on the Subject Property. Well Permits: There are currently 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 groundwater is non-tributary as defined in C.R.S. § 37-90-103(10.7). The Lower Dawson, Denver, Lower Arapahoe, and Laramie-Fox Hills aquifer groundwater is nontributary as defined in C.R.S. § 37-90-103(10.5). Prior Decree Information: The groundwater underlying the Subject Property was decreed in Case No. 2004CW246, District Court, Water

Division 1, on April 6, 2005 (“04CW246 Decree”). Applicant was deeded the following amounts of groundwater for use on the Subject Property in the Water Deed date January 28, 2021 and recorded in the records of the Elbert County Clerk & Recorder under Reception No. 604310:

Aquifer	Saturated Thickness	Annual Amount (100 Years)	Annual Amount (200 Years)	Annual Amount (300 Years)
Upper Dawson	70 feet	4.1 acre-feet (NNT)	2.5 acre-feet (NNT)	1.367 acre-feet (NNT)
Lower Dawson	40 feet	4.1 acre-feet (NT)	2.5 acre-feet (NT)	1.367 acre-feet (NT)
Denver	195 feet	16.9 acre-feet (NT)	8.45 acre-feet (NT)	5.633 acre-feet (NT)
Lower Arapahoe	225 feet	19.5 acre-feet (NT)	9.75 acre-feet (NT)	6.5 acre-feet (NT)
Laramie-Fox Hills	185 feet	14.2 acre-feet (NT)	7.1 acre-feet (NT)	4.733 re-feet (NT)

Decreed Uses: Groundwater will be used, reused, and successively used for domestic, industrial, commercial, irrigation, stock watering, recreation, fire protection, and augmentation. 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: Approximately 3 acre-feet per year, for 100 years, of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of non-tributary Upper Dawson Aquifer groundwater, and return flows and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater water will be used for 100 years on the Subject Property for in-house use in four residences (0.3 acre-feet per residence; 1.2 acre-feet total), irrigation on each lot of up to 10,000 square-feet of lawn, garden, and trees (.4 acre feet per house; 1.6 acre-feet total), and stockwatering of up to 4 large domestic animals per house (.05 acre feet per lot; 0.2 acre-feet total). Applicant reserves the right to amend the amounts and values 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. After 100 years of pumping from the Upper Dawson Aquifer any wells constructed pursuant to this augmentation plan will be redrilled and re-permitted into the nontributary Denver Aquifer for use during the next 200 years. The total amount of time for pumping of wells pursuant to this application is 300 years. Applicant requests the Court approve the above augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

21CW3030 (05CW341; 14CW3124). GIRL SCOUTS OF COLORADO, c/o Myrnan Fronczak, Property & Risk Management Director, 3801 E. Florida Ave. Suite 720, Denver CO 80210. 303.778.8774. Myrnan.Fronczak@gscolorado.org, **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN LARIMER COUNTY**. Please serve all communications, including pleadings on Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Blvd. Suite 730, Denver, CO 80204. Names of structures.

Magic Sky Camp Well No. 2, Magic Sky Camp Well No. 3, Magic Sky Well Field, Cliff Lake, Lost Lake. Description of conditional water rights, with required information from the prior decrees. Date of Original Decree. Revised Findings and Ruling of the Referee and Decree of the Water Court, entered on October 30, 2008. (“Original Decree”). Case Number. 05CW341, W.D. 1. Diligence Decree. Diligence was awarded in Case No. 14CW3124, decreed on March 18, 2015, Water Division 1. Decreed locations. Magic Sky Camp Well No. 2: NE 1/4 SE 1/4, Sec. 32, Township 10 North, Range 72 West of the 6th P.M., 2433 feet from the South Section Line and 66 feet from the East Section Line of said Section 32, as shown on Figure 1 filed with the application. Magic Sky Camp Well No. 3: NE 1/4 SE 1/4, Sec. 32, Township 10 North, Range 72 West of the 6th P.M., 1919 feet from the South Section Line and 410 feet from the East Section Line of said Section 32, as shown on Figure 1. Magic Sky Well Field: The Magic Sky Well Field will be located within that portion of the Magic Sky Ranch property boundary in Section 32, Township 10 North, Range 72 West, and Section 4 and the NE 1/4 of Section 5, Township 9 North, Range 72 West, as shown on Figure 1. (Within sixty days of completion of construction of any additional wells in the Magic Sky Well Field at the Magic Sky Ranch pursuant to well permits, the Girl Scouts must notify that Water Court and the Division of Water Resources of the precise location of such wells.) Cliff Lake: A point in the SE 1/4 NE 1/4, Section 32, Township 10 North, Range 72 West of the 6th P.M. in Larimer County, Colorado, whence the East 1/4 corner of said Section 32 bears South 19E3’ East 1130 feet, as shown on Figure 1. Lost Lake: A point in the SE 1/4 NE 1/4, Section 32, Township 10 North, Range 72 West of the 6th P.M. in Larimer County, Colorado, whence the East 1/4 corner of said Section 32 bears South 51E48’ East 1960 feet, as shown on Figure 1. Decreed Source. Wells: Groundwater tributary to South Lone Pine Creek, tributary to Cache La Poudre River, tributary to the South Platte River, in Larimer County, Colorado. Storage Rights: Springs (which are located on Applicant’s property in Larimer County, Colorado. Appropriation dates. Wells: Magic Sky Camp Well No. 2: February 15, 2002; Magic Sky Camp Well No. 3: July 18, 2005; Magic Sky Well Field: December 27, 2005. Storage Rights: May 10, 2005. Amounts. Magic Sky Camp Well No. 2: 7 gpm (absolute) and 8 gpm (conditional), for a total amount claimed of 15 gpm; Magic Sky Camp Well No. 3: 15 gpm (absolute) and 35 gpm (conditional), for a total of 50 gpm for this well; Magic Sky Well Field: 22 gpm (absolute) and 43 gpm (conditional) for a total amount claimed for the well field of 65 gpm. The amount decreed absolute is based on the absolute decrees herein entered for Magic Sky Camp Well No. 2 and Magic Sky Camp Well No. 3, since these wells are included in the Well Field. Up to the total amount (65 gpm) may be withdrawn from any combination of wells in the Magic Sky Well Field (including Magic Sky Camp Well Nos. 2 and 3), so long as total withdrawals from all wells in the Magic Sky Well Field do not exceed 65 gpm; Cliff Lake: 12.4 acre-feet (conditional); Lost Lake: 1.4 acre-feet (conditional). Use of Water. Wells: all camp purposes, including but not limited to indoor domestic uses, outdoor showers, field kitchens, washing equipment, fire protection, livestock watering, recreational uses, temporary construction uses, and irrigation of up to 0.1 acre of lawns and gardens in the vicinity of camp buildings within the boundaries of Magic Sky Ranch. (Total irrigation from Magic Sky Camp Well No. 2, the Magic Sky Camp Well No. 3 and Magic Sky Well Field will not exceed 0.1 acre.) Storage Rights: storage for augmentation uses, including the right to fill and refill when in priority for augmentation purposes. Water stored for augmentation purposes will be held for release pursuant to the augmentation plan decreed in Case No. 05CW341. Depth of wells. Magic Sky Camp Well No. 2: 600 feet; Magic Sky Camp Well No. 3: 400 feet; Magic Sky Well Field: N/A; Constructed Reservoir Capacity. Cliff Lake: 12.4 acre-feet; Lost Lake: 1.4 acre-feet. Detailed outline of what has been done toward completion or for completion of the appropriations and application of water to beneficial use as conditionally decreed: The Magic Sky Camp Wells Nos. 2 and 3, the Magic Sky Well Field, and the Cliff Lake and Lost Lake are components of the Applicant’s water supply for the Magic Sky Ranch Girl Scout Camp, along with the augmentation plan decreed in Case No. 05CW341, which augmentation plan is supplemental to the original augmentation plan decreed in Case No. 85CW455 (“Augmentation Plans”). The water rights included in this application are

part of Applicant's integrated water supply system, which provides water to the camp facilities at the Magic Sky Ranch Girl Scout Camp. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated water supply system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Applicant has operated, maintained and repaired its existing water system infrastructure, including, but not limited to, assessing and making needed repairs for its well system infrastructure, at a cost of approximately \$157,317. Some of Applicant's investigations and planning have been delayed by financial considerations, including, but not limited to, the significant impact of the pandemic on Girl Scout camping and other operations of Applicant. In addition, the Cameron Peak fire, which started in the summer of 2020 and was not finally controlled until January 12, 2021, required evacuation of Magic Sky Ranch and prevented further fieldwork. Applicant has spent approximately \$29,500 for water resource consulting work related to operation of the Augmentation Plans. These expenditures include preparation of monthly accounting, conducting monthly water resume reviews, transducer installation/removal and the downloading of data for weir measurements, review of water quality and pumping options at the Ranch and assistance with the Applicant's diligence filing in Case No. 21CW3008. During this diligence period, Applicant has been required to expend significant legal fees to protect its water rights at other camps, and therefore has had to greatly reduce legal expenditures associated with the Magic Sky Ranch. During this diligence period, Applicant has spent approximately \$2,150 for legal expenses related to the Augmentation Plans, including work on the diligence filing for conditional rights included in Case No. 21CW3008. Names and addresses of owners of the land upon which any new diversion structure 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: Applicant.

21CW3031 (Former Case Nos. 13CW3145) **CITY OF WESTMINSTER, APPLICATION TO MAKE ABSOLUTE A CONDITIONALLY DECREED WATER RIGHT AND FOR A FINDING OF REASONABLE DILIGENCE in ADAMS COUNTY**, 4800 West 92nd Avenue, Westminster, Colorado 80031, (303) 658-2400. Please send all correspondence and pleadings to the undersigned counsel for the Applicant: Lee H. Johnson, Mason H. Brown, and Katrina B. Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203. **2. Name of Structures:** Little Dry Creek Pond. **3. Description of the conditional water rights decreed in Case No. 13CW3145:** By this Application, Westminster seeks to make absolute the entirety of the Little Dry Creek Pond conditional storage right originally adjudicated in Case No. 13CW3145, (the "Subject Water Right). Westminster also seeks a judicial finding of reasonable diligence in the development of any remaining portions of the conditional water right adjudicated in Case No. 13CW3145. Little Dry Creek Pond is a component of a Westminster park improvement project conducted in concert with the Urban Drainage and Flood Control District's ("Urban Drainage") proposed channel improvements of Little Dry Creek between Lowell Boulevard and Federal Boulevard in Westminster. The map of the relevant locations filed with the application in Case No. 13CW3145 is attached as Exhibit A. Details concerning this conditional water right are as follows: A. Little Dry Creek Pond (1) Date of Original Decree: March 17, 2015, Case No. 13CW3145, Water Court, Division 1, State of Colorado. (2) Date of Subsequent Diligence Decrees: N/A (3) Location: Little Dry Creek Pond is a 2.3 surface acre, on-channel pond located in the SE1/4 of the NW1/4 of Section 5, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. In addition, Westminster provides the following coordinates to further identify the approximate location of the Little Dry Creek Pond outlet works utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (497740 E, 4407835 N). The Pond is filled via flows in Little Dry Creek, a tributary to Clear Creek within the South Platte River basin. (4) Source: Little Dry Creek, tributary to Clear Creek and the South Platte River. (5) Appropriation Date: November 27, 2013. (6) Amount: 25 acre-feet, conditional, with the right to fill and refill. (7) Use: Municipal, recreation,

piscatorial, fish and wildlife, augmentation, replacement of evaporation and storage for these purposes. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use.** A. During the diligence period and when in priority, Westminster filled Little Dry Creek Pond consistent with the requirements of the decree in Case No. 13CW3145. B. Consistent with the decree issued in Case No. 13CW3145, the Subject Water Right is part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S. During this diligence period, Westminster has continued the development of its Clear Creek Water Supply System, including the completion of construction and operation of the Little Dry Creek Pond and the related Subject Water Right. Construction and operation costs were incurred by Westminster during the diligence period. C. During the diligence period, Westminster operated the augmentation plan approved in Case No. 13CW3145 and thereby replaced out of priority depletions associated with Little Dry Creek Pond using sources identified in said decree. **5. Water applied to beneficial use.** Little Dry Creek Pond is an on-channel pond. During the diligence period, Westminster completed construction of Little Dry Creek Pond and thereafter filled said pond with flows in Little Dry Creek. Filling of the pond occurred in times of free river conditions in the winter of 2015-2016 and has since operated in a full manner and augmented in accordance with the terms of the decree in Case No. 13CW3145. A summary table of the relevant free river conditions and the subsequent DWR Stage Volume Report for 2016-2017 is attached as Exhibit B. On information and belief, the pond was full and operational in January of 2016. **6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** N.A. Little Dry Creek Pond is an existing structure located on lands owned by the Applicant. As a result, additional notice requirements by certified or register mail, as set forth in § 37-92-302(2)(b), C.R.S., do not apply in this instance. **WHEREFORE**, Westminster requests the Court to enter its decree and ruling as follows: 1. To make a finding that the entirety of the Subject Water Right has been made ABSOLUTE. 2. In the alternative, to make absolute such lesser amounts of the Subject Water Right as the Court deems appropriate and enter a finding of reasonable diligence for any remaining conditional amounts, and to enter a finding of reasonable diligence with respect to all remaining conditionally decreed portion of the Subject Water Right decreed in Case No. 13CW3145, and providing that a subsequent showing of diligence for said remaining conditional water right be made six years from the date of entry of a decree of diligence in this matter.

21CW3032, (14CW3052, 02CW389) a. CENTER OF COLORADO WATER CONSERVANCY District. P.O. Box 1747, Fairplay, CO 80440, (303) 838-0302 ("CCWCD") c/o David M. Shohet, Ryan W. Farr, Monson, Cummins & Shohet, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 **b. UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT**, P.O. Box 612, Fairplay, CO 80440, (719) 836-9848 ("USPWCD") c/o Madoline Wallace-Gross, Anthony J. Basile, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C. , PO Box 978, Longmont, CO 80502-0978 **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE IN PARK, TELLER, JEFFERSON, DOUGLAS, AND CLEAR CREEK COUNTIES II. Summary of Application.** Applicants seek to make absolute portions of five of the ten exchanges adjudicated in Case No. 02CW389, District Court, Water Division No. 1 ("Decree") at varying rates based on operation during the subject diligence period. Applicants also seek a finding of reasonable diligence for all of the exchanges in the remaining conditional amounts: a. Reach, Termini, Decreed Rates Conditional and Absolute.

<u>Stream Exchange Reach</u>	<u>Upper Terminus</u>	<u>Lower Terminus</u>	<u>Maximum Exchange Rate (cfs) Conditional</u>	<u>Exchange Rate (cfs) Absolute in Case No. 14CW3052</u>	<u>Exchange Rate (cfs) Conditional in Case No. 14CW3052</u>
South Fork South Platte River	Headwaters in vicinity of lat 39 07 40N long 106 10 48W	Confluence Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	1.0	NA	1.0
Middle Fork South Platte River	Headwaters in vicinity of lat 39 21 52N long 106 08 51W	Confluence South Fork South Platte River at lat 39 00 39N long 105 44 23W	1.0	0.019	0.981
Tarryall Creek	Headwaters in vicinity of lat 39 20 32N long 106 00 30W	Confluence South Platte River in S16 T11S R71W	1.5	0.068	1.432
Michigan Creek	Headwaters in vicinity of lat 39 27 02N long 105 56 09W	Confluence Tarryall Creek in NE/4 SW/4 S1 T9S R75W	1.0	NA	1.0
Jefferson Creek	Headwaters in vicinity of lat 39 28 35N long 105 53 04W	Confluence Michigan Creek at lat 39 19 40N long 105 46 07W	1.0	NA	1.0
North Fork South Platte River	Headwaters in vicinity of S14 T6S R76W	Confluence South Platte River in SW/4 SE/4 S25 T7S R70W	3.0	0.007	2.993
South Platte River	Confluence South Fork and Middle Fork South Platte River at lat 39 00 39N long 105 44 23W	Confluence North Fork South Platte River in SW/4 SE/4 S25 T7S R70W	1.0	NA	1.0
Horse Creek	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W	Confluence South Platte River in NW/4 NE/4 S21 T9S R70W	1.0	0.005	0.995
West Creek	Teller County line in SW/4 SW/4 S31 T10S R69W	Confluence Horse Creek and West Creek in NW/4 SW/4 S36 T9S R70W	1.0	0.004	0.996
Trout Creek	Teller County line in SW/4 SW/4 S34 T10S R69W	Confluence Horse Creek and Trout Creek in NW/4 SW/4 S36 T9S R70W	1.0	0.001	0.999

All in the 6th P.M. b. Date of Original Decree. April 28, 2008, Case No. 2002CW389, District Court, Water Division 1. c. Subsequent Decree. March 4, 2015, Case No. 2014CW3052, District Court, Water Division 1. d. Sources of Substitute Supply. 1. Spinney Mountain Reservoir Water: An undivided interest in first use to a firm 37 acre-feet of water per annum from any of the water rights owned by the City of Aurora decreed for augmentation or fully consumable and that are decreed for storage in the Spinney Mountain Reservoir. This 37 acre-feet of firm yield has been deeded by the City of Aurora to the USPWCD. 2. Water Stored by the Applicants in Spinney Mountain Reservoir: Water stored by the Applicants in 50 acre-feet of storage space in Spinney Mountain Reservoir. The 50 acre-feet of storage space has been assigned to the USPWCD by the

City of Aurora. 3. Shares of the Mountain Mutual Reservoir Company: Those water rights represented by 21.5 shares of the Mountain Mutual Reservoir Company (“MMRC”), Class A stock, evidenced by Stock Certificate No. 231. By virtue of its shareholder status in MMRC, USPWCD is entitled to receive 0.675 acre feet of consumptive use water per year. The shares were originally allocated to the plan for augmentation decreed in Case No. 80CW050, entered May 2, 1982 as modified by a decree entered January 4, 2013. Delivery of MMRC’s water will be made at various points including the confluence of the main stem of the South Platte River and the North Fork of the South Platte River from the following described sources: A. Guiraud 3T Ditch: MMRC owns 2.868 cfs of the water rights decreed to the Guiraud 3T Ditch as follows: 1. Original Adjudication: Case No. 341, District Court, Park County 2. Adjudication Date: October 18, 1889 3. Appropriation Date: July 1, 1867 4. Amount: 20 cfs B. Spinney Mountain Reservoir: MMRC owns by deed a firm annual yield of 80 acre-feet of water stored in Spinney Mountain Reservoir. 1. Case No. W-7395, District Court, Water Division 1 2. Adjudication Date: October 18, 1977 3. Appropriation Date: March 26, 1973 4. Amount: 86,000 acre-feet C. Lower Sacramento Creek Reservoir No. 1: MMRC owns a 25.2 percent interest in the Lower Sacramento Creek Reservoir No. 1. Case No.: W-7741-74, District Court, Water Division 1, 2. Adjudication Date: September 25, 1981 3. Appropriation Date: July 25, 1974 4. Amount: 40 acre-feet 4. Sessions Ditch Consumptive Use Water: CCWCD owns 1.15 cfs decreed to the Sessions Ditch. A. Original Adjudication: Case No. 341, District Court, Park County and as amended by decree of the District Court, July 30, 1896 B. Adjudication Date: October 18, 1889 C. Appropriation Date: July 31, 1880 D. Amount: 3.5 cfs E. Remarks: The Sessions Ditch water right was changed and the historical consumptive use was quantified by CCWCD and the Centennial Water and Sanitation District in Case No. 05CW111, Water Division No. 1. e. Uses of Exchange Water: Augmentation, substitution, and replacement purposes by the Applicants or by persons with whom the Applicants have agency relationships or firm contractual commitments. f. Appropriation Date of Exchanges: December 4, 2002 **III. Outline of Work Done Towards Completion of Appropriation and Application of Water to Beneficial Use.** In the Decree, Applicants were awarded a blanket plan for augmentation to replace all out of priority depletions from participating diversions within the Applicants’ service areas. Applicants independently and through a water authority created to manage their operations, Headwater Authority of the South Platte, completed the following work during the diligence period at a cost in excess of \$1,515,200.00. The conditional water rights approved in the Decree are component parts of Applicants’ integrated water supply system, which consists of storage water rights, plans for augmentation, appropriative rights of exchange, and surface water rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. a. Applicants operated several of the exchanges in varying amounts for the decreed uses as listed below and have made such amounts absolute.

<u>Stream Exchange Reach</u>	<u>Exchange Rate (cfs) Conditional in Case No. 14CW3052</u>	<u>Additional Amount Claimed Absolute During Diligence Period (cfs)</u>	<u>Dates Placed to Beneficial Use by Exchange During Diligence Period</u>
South Fork South Platte River	1.0	0.002	8/1/15-8/31/15, 7/1/18-7/31/18, 8/1/19-8/31/19, 10/1/19-2/29/20, 4/1/20-4/16/20, 4/27/20-4/30/20, 6/1/20-7/31/20

Middle Fork South Platte River	0.981	0.010	7/1/18-7/31/18
North Fork South Platte River	2.993	0.004	6/1/20-6/31/20
Horse Creek	0.995	0.008	8/1/18-8/31/18, 6/1/20-6/30/20
Trout Creek	0.999	0.012	8/1/18-8/31/18, 6/1/20-6/30/20

b. Applicants pursued an Application for Approval for Plan for Augmentation including Appropriate Rights of Exchange in Case No. 12CW50, District Court, Water Division No. 1, which was decreed on July 7, 2015 (“12CW50”). 12CW50 is an additional blanket augmentation plan for the Applicants to provide augmentation water throughout the Applicants’ service areas in Water Division No. 1. c. Applicants pursued an Application for Approval of Plan for Augmentation including Appropriate Rights of Exchange in Case No. 03CW19, District Court, Water Division No. 2 (“03CW19”), which was decreed on June 29, 2016. 03CW19 is a blanket augmentation plan for the Applicants to provide augmentation water to areas of Park County located in Water Division No. 2. d. CCWCD obtained storage in Chatfield Reservoir, pursuant to the Chatfield Reallocation Project and pursued an Application for Water Storage Right in Chatfield Reservoir in Case No. 13CW3148, District Court, Water Division No. 1, which was decreed on November 5, 2015. e. USPWCD pursued an Application for Water Storage Right in Spinney Mountain Reservoir in Case No. 16CW3179, District Court, Water Division No. 1, which was decreed on September 16, 2017. f. Applicants pursued an Application for Conditional Surface Water Right in Case No. 15CW3146, District Court, Water Division No. 1 for County Road 59 pump station and State Highway 9 pump station, which was decreed on March 24, 2018. g. Applicants pursued an Application for Finding of Reasonable Diligence in Case No. 17CW3072, District Court, Water Division No. 1, which was decreed on November 27, 2017. h. CCWCD obtained a storage lease in Lininger Lake and pursued an Application for Conditional Water Storage Right and Conditional Exchanges in Case No. 17CW3214, District Court, Water Division No. 1, which was decreed on August 11, 2020. i. Applicants paid annual assessments to Mountain Mutual Reservoir Company and Twin Lakes Reservoir and Storage Company associated with their water rights represented by shares. j. Applicants filed a preliminary injunction motion in Case No. 18CW3102 related to measurement on Deer Creek. Applicants designed and constructed the Deer Creek gage and entered into agreements with water users regarding the same. k. Applicants included 50 additional Participating Diversions to their plans for augmentation during the diligence period, of which 38 were added to the plan for augmentation authorized by the Decree. l. Applicants have operated the plan for augmentation and completed accounting for approximately 93 customers during the diligence period. m. Applicants have filed statements of opposition to numerous Water Court applications including Case Nos. 15CW3123, 15CW3125, 16CW3025, 16CW3050, 16CW3127, 16CW3197, 16CW3184, 17CW3168, 18CW3100, 18CW3188, 18CW3128 and 19CW2154, to protect Applicants’ water rights, including the exchanges that are subject of this case. **IV. Claim to Make Water Rights Absolute and to Maintain as Conditional.** Applicants seek to make absolute the exchanges fully set forth in Section III.a. above. Evidence supportive of the absolute claims is set forth in **Exhibit A**. Applicants seek a finding of reasonable diligence for the amounts not yet exchanged as set forth below:

<u>Stream Exchange Reach</u>	<u>Max Amount Decreed to Exchange (cfs)</u>	<u>Amount Remaining Conditional (cfs)</u>
South Fork South Platte River	1.0	0.998
Middle Fork South Platte River	1.0	0.971
Tarryall Creek	1.5	1.432
Michigan Creek	1.0	1.000
Jefferson Creek	1.0	1.000
North Fork South Platte River	3.0	2.989

South Platte River	1.0	1.000
Horse Creek	1.0	0.987
West Creek	1.0	0.996
Trout Creek	1.0	0.987

V. Landowners. a. Spinney Mountain Reservoir: Spinney Mountain Reservoir, City of Aurora, c/o Director of Utilities, 15151 E. Alameda Pkwy, Ste 3200, Aurora, CO 80012. b. Mountain Mutual Reservoir Company Structures: Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439. c. Sessions Ditch: CCWCD. **WHEREFORE**, the Applicants request the Court find that Applicants have made portions of the conditional water rights absolute as set forth in Section III.a, have maintained diligence for the remaining portions of the conditional water rights as set forth in Section IV, and for such other relief as the Court deems appropriate. Application is 8 pages, excluding the exhibit.

21CW3033 (12CW91, 01CW262) ST. VRAIN & LEFT HAND WATER CONSERVANCY DISTRICT (the “District”), c/o Sean T. Cronin, Executive Director, 9595 Nelson Road, Box C, Suite 203, Longmont, CO 80501, 303-772-4060 and **COUNTY OF BOULDER** (the “County” or “Boulder County”), c/o Audrey Butler, Water Resource Program Supervisor, Parks & Open Space Department, 5201 St. Vrain Road, Longmont, CO 80503, 303-678-6700, (Collectively, the “Applicants”). Serve all pleadings on: Scott E. Holwick, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, P.O. Box 978, Longmont, CO 80502-0978, Gilbert Y. Marchand, Jr., Alperstein & Covell, P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 80204. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY** 2. Name of Structure: Rock’n WP Ranch Lake No. 4 (“Lake No. 4”). Lake No. 4 is a lined reservoir, though Lake No. 4, along with its previously existing liner, was substantially damaged during the 2013 flood-event in Boulder County. Lake No. 4 was subsequently rebuilt and relined, and the liner has undergone final testing and has been approved by the State Engineer in accordance with the State Engineer’s Guidelines for Lining Criteria for Gravel Pits (August 1999) and in accordance with the decreed inflow leakage limit as to storage under the water right decreed in Case No. 88CW074 (original decree for Lake No. 4 senior conditional water storage right). 3. Description of Conditional Water Right: A. Original Decree: The conditional water right was originally decreed in Case No. 01CW262 on April 26, 2006, by District Court, Water Division No. 1, Weld County. B. Subsequent Decree: A decree awarding a finding of diligence was entered in Case No. 12CW91 on March 31, 2015, by District Court, Water Division No. 1, Weld County. C. Legal Description: i. Location of Reservoir: The center point of Lake No. 4, which has a surface area of approximately 40 acres, is located 2,040 feet south of the north section line and 2,040 feet east of the west section line, Section 27, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado. ii. Location of Point of Diversion: Lake No. 4 is filled via the South Branch of St. Vrain Creek. The actual point of diversion for the South Branch is at a point in the NE 1/4 of the SE 1/4 of Section 21, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado, approximately 1,190 feet west of the east section line and 1,850 feet north of the south section line. D. Source: St. Vrain Creek. E. Appropriation: i. Date of Appropriation: December 19, 2001. ii. Amount: 600 acre-feet, CONDITIONAL, at a maximum rate of 100 cfs, CONDITIONAL. F. Uses: Domestic; commercial; industrial; irrigation of lands within the District; recreation, fish and wildlife propagation; maintenance of minimum stream flows for fish, recreation and wildlife; augmentation for the above-referenced uses; replacement for the above-referenced uses; exchange for the above-referenced uses; and reuse, successive use and use to extinction for the above-referenced uses. Applicants may maintain minimum flows in St. Vrain Creek between Lake No. 4 and the outflow of the Longmont wastewater treatment plant located in the SW 1/4 of the NE 1/4 of Section 11, Township 2 North, Range 69 West of the 6th P.M. in the amount of 5 cfs from November 1 through March 31 and June 1 through September 30, and 100 cfs for a two or three day period in May or June to provide flushing flows to maintain fish habitat. 4. Claim of Diligence: The Applicants seek a decree finding that: (A) they have been diligent with respect to completing the appropriation of

the Lake No. 4 conditional water right described in paragraph 3, above; and (B) they are entitled to continue this CONDITIONAL water right for another six-year diligence period. In support of their claim of diligence, the Applicants completed the following activities throughout their respective integrated systems during the diligence period: a. The District expended \$4,114,627.37 on legal and engineering costs to repair the District's infrastructure damaged in the 2013 flood event, including damage to Lake No. 4, one of the District's primary storage reservoirs, and to keep operational the District's augmentation and exchange plan decreed in Case No. 02CW334 (the "District's Aug Plan"), including expenditures relating to: i. Coordinating options to repair the damaged reservoir with the reservoir's co-owner, Boulder County, through execution and three amendments of an IGA. Additionally, an agreement for delegation of activities between the St. Vrain and Left Hand Water Conservancy District and the City of Longmont was executed in September of 2018, allowing the City of Longmont to act as the fiscal agent for the Boulder County Community Development Block Grant-Disaster sub-allocation from the State of Colorado Department of Local Affairs. The District received \$510,000. ii. Coordinating funding repair to Lake No. 4 from multiple funding sources, including Boulder County, FEMA, and the Colorado Water Conservation Board. iii. Obtaining a reservoir construction loan from the Colorado Water Conservation Board in the amount of \$4,545,000 in February of 2019. iv. Securing a Loan Feasibility Grant from the Colorado Water Conservation Board in the amount of \$3,574.75 to repair Lake No. 4's pipeline in September of 2016. v. The District identified and evaluated several substitute sources of water for interim operation of the District's Aug Plan during construction repairs to Lake No. 4. vi. Applying for and receiving approval of Substitute Water Supply Plans for the past eight years (2014-2021) to operate the District's Aug Plan while flood repairs were in-process. The source of augmentation water from 2014-2019 was fully consumable effluent leased from the City of Longmont. For 2020 and 2021, the District used Union Reservoir as an alternate place of storage for its Lake No. 4 water right. vii. Soliciting and selecting a bid for the repair of Lake No. 4 and its pipeline, with construction beginning in August of 2019. b. To increase the operational flexibility for the District's Aug Plan following the 2013 flood, the District expended \$12,480 on maintenance and surveying costs to evaluate rehabilitating another of its storage reservoirs. c. Activities undertaken by the District specifically related to the perfection of the District's conditional water rights included: i. The District held a strategic planning retreat at which it formulated and subsequently adopted a Business Plan by which the District will move forward on its mission and core objectives, including the perfection of its conditional water rights. ii. Outreach by the District's Executive Director to build consensus and coalitions for support for the District's Business Plan and the November 2020 tax increase ballot measure. The Business Plan and tax collectively provide for perfecting the District's conditional water rights. iii. The District also invested considerable resources to evaluate and execute a ballot initiative strategy to de-Bruce (eliminate revenue caps) to increase the District's ability to, among other objectives, develop water supply sources, including the perfection of the District's conditional water rights. Voters within the District approved the ballot initiative in November 2016. Then, in November 2020 voters approved a ten-year mill levy increase from 0.156 mils to 1.406 mils, to further increases the District's ability to develop water and perfect its conditional water rights. iv. The District applied for and was awarded a Stream Management Plan Grant (the "Grant") to coordinate with all stakeholders and implement a Stream Management Plan for the St. Vrain Creek basin. As holder of the Grant, the District, along with other basin stakeholders, completed Phase 1 of the Stream Management Plan in 2020 and the District Board of Directors formally accepted the Stream Management Plan on October 12, 2020. v. The District filed and obtained diligence decrees for other water rights which are elements of the District's integrated system, including Case Nos: (a) 15CW3052 (Lake No. 4 senior conditional water storage right) and (b) 17CW3117 (Coffintop Reservoir's conditional water storage rights). vi. The District filed numerous statements of opposition to and participated in numerous adjudications of Division No. 1 water rights applications to protect the District's conditional water rights. vii. The District's Board approved \$100,000 to fund engineering and legal services related to investigating future uses of the Coffintop Reservoir's conditional water storage

rights. d. Boulder County expended \$416,486.36 on engineering costs to repair the damaged storage vessel related to the subject conditional water right. The total project cost was \$5,902,614.62. Activities undertaken by the County included: i. Provided full time engineer and part time planning staff for 6 years to coordinate planning and design of the reservoir reconstruction project. ii. Additionally, an agreement for delegation of activities between Boulder County and the City of Longmont was executed allowing the City of Longmont to act as the fiscal agent for the Boulder County Community Development Block Grant-Disaster sub-allocation from the State of Colorado Department of Local Affairs. The County received \$817,773 which was dedicated to the reconstruction of Lake No. 4 toward implementation of storage of the subject water right. The County received \$529,246.36 which was dedicated to related infrastructure as described below in section 4(e)(ii). iii. Boulder County coordinated funding repair to Lake No. 4 from multiple funding sources including FEMA and DHSEM. iv. Soliciting and selecting a bid for the repair of Lake No. 4 and its pipeline, with construction beginning in August of 2019. e. Activities undertaken by the County specifically related to the perfection of the District's conditional water rights have included: i. Pursuant to the IGA between the parties, the County led the design and construction to repair Lake No. 4 as a means to store and use the conditional water right. ii. Additionally, the project included repairs to adjacent storage ponds to ensure the protection of Lake No. 4 from the impact of future flood events and improve the resiliency and continued use of the subject water right. The cost of the design and construction of this associated infrastructure was \$4,358,392.85. iii. Modernized and relocated infrastructure, including spending \$442,721.38 on the Lake 4 outlet pipeline, to complete the system needed to deliver the water right to St. Vrain Creek. iv. Provided 2 full-time, and up to 4 part-time staff (at 20-40% time) for the duration of the year-long construction project, including project oversight, permit management, agency consultation, and contractor management. v. Provided staff and resources for site monitoring and mitigation for the Lake 4 Liner Test overseen by the Colorado Division of Water Resources to ensure construction met the necessary liner standards required for legal storage of all water rights associated with the reservoir, including the subject conditional water right. The Applicants have been diligent in trying to fill Lake No. 4 in priority, and in trying to accurately measure and account for diversions and subsequent deliveries for beneficial use under the decree. Perfecting this CONDITIONAL water right now depends upon future hydrologic conditions. 5. Name(s) of Owner(s) of the Land Upon Which any Modification to any Existing Storage Structure is Constructed or Upon Which Water Will be Stored: The Applicants own the land on which Lake No. 4 is located. DATED: March 30, 2021. The application is 9 pages.

21CW3034 ROBERT J. MARTIN AND JANE F. DIAMOND-MARTIN, MOUNTAIN MUTUAL RESERVOIR COMPANY, and NORTH FORK ASSOCIATES, LLC; Robert J. Martin and Jane F. Diamond-Martin, 13355 S. Baird Rd., Conifer, CO 80433; Email: mountainrealestategroup@msn.com; Telephone: (303) 882-8450; **MOUNTAIN MUTUAL RESERVOIR COMPANY**, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: 613blatch@gmail.com; Telephone: (303) 989-6932; and **NORTH FORK ASSOCIATES, LLC**, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com and kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES**
2. **Summary of Claims:** This Application includes two claims. Claim No. 1 seeks to adjudicate an underground water right. Claim No. 2 is an Application for Approval of a Plan for Augmentation Including Exchange. Applicants own a 36-acre parcel of land which will be subdivided into three lots, with one well on each lot (three wells total). One well is an exempt well and the other two wells are non-exempt wells that will be operated pursuant to the plan for augmentation to be decreed through this Application. The two non-exempt wells will include both indoor and outdoor uses.

CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT 3. Name of Well and Permit Number: Martin Well No. 1, Well Permit No. 301239. Legal Description of the Wells: The Martin Well No. 1 is located in the S1/2 NE1/4 Section 3, Township 7 South, Range 71 West of the 6th P.M. in Jefferson County, as shown on the map attached as **Exhibit A**, at a point described by the following UTM coordinates: Northing 4369075, Easting 472386, UTM Zone 13. 4. Source of Water: Groundwater that is tributary to West Resort Creek, Last Resort Creek, and to the North Fork of the South Platte River. a. Date of Appropriation: June 7, 2019. b. How Appropriation was Initiated: By drilling and applying the well to beneficial use. c. Date Water Applied to Beneficial Use: June 7, 2019. 5. Amount Claimed: 15 gpm, ABSOLUTE. 6. Depth: 650 feet. 7. Uses: Ordinary household purposes inside a single-family dwelling, fire protection, watering of poultry, domestic animals and livestock on a farm or ranch, and the irrigation of not more than one (1) acre of home gardens and lawns. 8. Names and Addresses of Owners of Land on which the Wells are Located: Co-Applicant: The Martins. 9. Remarks: The Martin Well No. 1 is an exempt well that will keep its exempt status. Senate Bill 20-0155, adopted on July 2, 2020, amended Section 37-92-602(3) to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A) to retain its presumption of noninjury after the land on which the well is located has been divided, provided that the existing well is only used on a single lot of the divided land and remains the only well serving that lot. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION AND EXCHANGE RIGHT** 10. Names of Structures to be Augmented: Martin Well No. 2 and Martin Well No. 3. Martin Well Nos. 2 and 3 will divert groundwater on two separate lots to be subdivided from a parcel of land located in the S1/2 NE1/4, Section 3, Township 7 South, Range 71 West of the 6th P.M. in Jefferson County. The rate of diversion for each well will not exceed 15 gallons per minute. Applications to construct each well will be submitted to DWR when the property described herein is developed and the wells are needed. The Martin's property on which Martin Well No. 2 and No. 3 will be located is shown on the map attached as **Exhibit A**. The exact location of the wells will be determined as the properties within the area described above are developed and described in the well permit issued for each well. 11. Water Rights to be Used for Augmentation Purposes: The Martins have entered into a contract with North Fork Associates, LLC to purchase 4.6 shares of Mountain Mutual Reservoir Company ("MMRC") stock, which represents a firm annual yield of 0.146 of an acre-foot to satisfy present and anticipated future replacement needs associated with Martin Well No. 2 and Martin Well No. 3. a. The water rights associated with the MMRC shares described above in paragraph 12 include the following: i. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch water right was changed to augmentation, replacement and storage purposes. In Case No. 81CW253, the point of diversion for 0.008 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 2003CW238 and 0.727 was transferred in Case No. 2016CW3197. ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 as 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, W7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, at 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. 2003CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872 as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58°15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867 as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.52 of a cubic-foot-per-second. In that decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867 as adjudicated by the District Court for Park County on May 22, 1913 in the amount of 0.52 of a cubic-foot-per-second. In that decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between 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. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issues in Case No. 2003CW238, 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. 2003CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867 priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC's diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 2003CW238 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. 2016CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaughter Ditch water right yields 31.8 acre-feet of consumptive use water. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the “Nickerson Ditch Rights.” The Decree issued in Case No. 2000CW174, 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. 2000CW174, 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. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971 with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The Reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The Reservoir has been constructed and is entitled to store water under the following decree:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for

depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. 12. Statement of Plan for Augmentation: The Martins are the owners of a 36-acre parcel of property located in the S1/2 NE1/4, Section 3, Township 7 South, Range 71 West of the 6th P.M., Jefferson County. The Martins propose to subdivide the property into three (3) lots. The Martin Well No. 1 will remain exempt subject to the adjudication in Claim 1 of this Application and serve one lot. The other two wells, Martin Wells No. 2 and No. 3, are non-exempt wells and will serve the other two lots. This augmentation plan will replace out-of-priority depletions associated with the Martin Wells No. 2 and No. 3, for both indoor and outdoor uses, as described below. a. The water requirements for Martin Wells No. 2 and No. 3 are for two single-family dwellings, with an average occupancy of 3.5 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use each well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. In addition, the “Outdoor Uses” consist of up to 2,000 square feet of turf and garden irrigation with 80% consumption, up to two hot tubs using 5 gallons per day with 100% consumption, and up to two horses using 10 gallons per day with 100% consumption. This plan will require 0.146 of an acre-foot of replacement water as is shown in Table 1 below.

Table 1							
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)	2	0.630	10%	0.0628	0.0314	0.0314
Hot tub	5 gl/cap/dy	2	0.010	10%	0.0104	0.0052	0.0052
Turf Irrig. 2000 sq. ft.	1.25 af/ac	0.046	0.057	80%	0.0460	0.0460	0.0000
Horses	10 gl/hd/dy	2	0.022	100%	0.0224	0.0112	0.0112
Tran. Chg	0.13%/Mi	22	0.004	100%	0.0041	0.0027	0.0014
Total			0.72		0.146	0.097	0.049
Garden Irrig. 5000 sq. ft.	0.50 af/ac	0.115	0.057	80%	0.0459	0.0459	

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.008	0.008	0.008	0.008	0.008	0.008	0.016	0.016	0.016	0.016	0.016	0.016

b. The total consumptive use water requirement will be met with 0.146 of an acre-foot of the annual yield from the Slaughter Ditch Rights as described above and 0.049 of an acre-foot of space in Maddox Reservoir. (See Exhibits “B” and “C” respectively). The calculated requirements of the direct flow water rights from May through October are a total of 0.094 of an acre-foot at the point of depletion on Last Resort Creek in the NE1/4 SE1/4, Section 16, Township 7 South, Range 70 West of the 6th

P.M. The point of delivery of this water will be the headgate of the Slaght Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SW1/4 SE1/4, Section 21, all in Township 7 South, Range 73 West of the 6th P.M. The total requirement at the points of exchange at the confluence of Last Resort Creek and the North Fork of the South Platte River in the NE1/4 SW1/4 Section 16, Township 7 South, Range 70 West is 0.142 of an acre-foot of replacement water. MMRC also seeks the right to use the Nickerson Ditch Rights and/or Lower Sacramento Creek Reservoir as an alternate supply to make replacements pursuant to this augmentation plan. c. 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. 13. Water Exchange Reach: Since the point of depletion associated with the augmented structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to, 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of said exchange shall extend from the confluence of Last Resort Creek and the North Fork of the South Platte River in the NE1/4 SW1/4, Section 16, Township 7 South, Range 70 West, thence up Last Resort Creek to the confluence with West Resort Creek in the SE1/4 NE1/4, Section 18, Township 7 South, Range 70 West, thence up West Resort Creek to the confluence with an unnamed stream in the SE1/4 NW1/4, Section 2, Township 7 South, Range 71 West, thence up the unnamed creek to the point of depletion in the NE1/4, Section 3, Township 7 South, Range 71 West, all in the 6th P.M. In the event that there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of March 31, 2021, at a maximum flow rate of 0.001 of a cubic foot per second and a maximum depletion in all reaches of 0.12 of a gallon per minute. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits as applicable, for the Martin Wells Nos. 1, 2 and 3. (13 pgs., 3 Exhibits)

21CW3035, NORTHERN COLORADO WATER ASSOCIATION, 4389 East County Road 70, Wellington, CO, 80549. Please send all correspondence and future pleadings to Brent A. Bartlett, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Rd., Fort Collins, CO 80525, (970) 407-9000. **APPLICATION FOR A CONDITIONAL UNDERGROUND WATER RIGHT AND TO ADD WELL TO AUGMENTATION PLAN IN LARIMER AND WELD COUNTIES: CASE NO. 2014CW3008.** 2. Augmentation Plan: Applicant operates a plan for augmentation (“NCWA Plan”) decreed in 2014CW3008, District Court, Water Division No. 1, on November 30, 2015 (“NCWA Decree”). Paragraph 18.1.1 of the NCWA Decree allows for the addition of wells to the NCWA Plan. 3. New Underground Water Right and Well to be added to the NCWA Decree: By this Application, Applicant seeks a new water right for a well to be constructed (“NCWA Well No. 6”) and to add NCWA Well No. 6 as a structure to be augmented under the NCWA Decree. 4 Application of Underground Water Right. Applicant requests confirmation and adjudication of a ground water right for NCWA Well No. 6, as further described below: **4.1 Name of Structure**: NCWA Well No. 6. **4.2 Registration Information**: Well Permit No. 320542 was approved by the Division of Water Resources on February 19, 2021, to allow Applicant to construct a monitoring well. Upon collection of data and samples related to the water levels and water quality, and prior to operating the well for the purposes and proposed uses set forth in this Application, Applicant intends on re-permitting the well in accordance with C.R.S. §37-90-137. **4.3 Location**: SE 1/4 of the NW 1/4, Section 14, Township 11 North, Range 68 West, in

Larimer County, Colorado, at UTM coordinates X: 502283.9 Y: 4530021.3, Zone 13 NAD83 Meters, as generally shown on **Exhibit A**, attached hereto and incorporated herein. **4.4 Source:** Groundwater. **4.5 Date of appropriation:** Date of the Application. **4.6 How appropriation was initiated:** Filing of the Application. **4.7 Date water applied to beneficial use:** N/A (as of the date of this Application, NCWA Well No. 6 has not been constructed). **4.8 Amount:** 800 g.p.m. **CONDITIONAL.** NCWA requests that the Court award an absolute water right as to all or any portion of the claim for a conditional water right that may be duly diverted and placed to beneficial use prior to the date of the decree to be entered herein. **4.9 Proposed uses:** Domestic and municipal purposes, including, without limitation, irrigation (including lawns and gardens), industrial, commercial, livestock, domestic, fire protection, by current and future members of NCWA. 5. Addition of NCWA Well No. 6 to NCWA Plan. 5.1 Pursuant to Paragraph 18.1.1 of the NCWA Decree, NCWA Well No. 6 will be added to the NCWA Plan, and will be operated, and all of its out-of-priority depletions replaced, pursuant to the NCWA Plan and in accordance with the terms and conditions of the NCWA Decree. 6. Names and Addresses of Owner of the Structure: 6.1 NCWA Well No. 6 is owned by Applicant, 4389 East County Road 70, Wellington, CO, 80549. 7. Names and Addresses of Land Owners: Applicant is the owner of the land on which NCWA Well No. 6 will be located. (4 pages)

21CW3036 CENTRAL COLORADO WATER CONSERVANCY DISTRICT (Central), 3209 West 28th Street, Greeley, Colorado 80631, C/O Bradley C. Grasmick and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534, (970)622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in WELD COUNTY.** 2. Conditional Water Right. 2.1. Name of Structure. Neeland B. Siebring Reservoir (Reservoir). 2.2. Decrees. Case Nos. 88CW127, 96CW113 and 13CW335, Water Division No. 1. 2.3. Legal Description of Reservoir. In the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4), the South One-Half of the Northwest Quarter (S1/2NW1/4), the North One-half of the Southwest Quarter (N1/2SW1/4), the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), and the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), Section Thirty-one (31), Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.4. Legal Description of Diversion Point. The William R. Jones Ditch, the headgate of which is on the South side of the Cache La Poudre River in the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, Section 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.5. Source of Water. Surface water tributary to the Cache La Poudre River. 2.6. Appropriation. December 18, 1987. 2.7. Amount. The total amount decreed is 1997.3 acre feet storage and 25 c.f.s. 1,381.5 acre feet of storage is absolute, and the entire diversion rate of, 25 c.f.s., is absolute. 615.8 acre feet of storage remains conditional. 2.8. Alternate Points of Diversion and places of storage. The points of diversion and places of storage for the Reservoir water right as decreed herein include the original point of diversion decreed in Case No. 88CW127 as described in Paragraph 2.4 above and the alternate points of diversion and alternate places of storage decreed in Case No. 10CW139 as described in Paragraphs 2.8.2 – 2.8.4 below. 2.8.1. 83rd Avenue Reservoir. The Reservoir is located in the NE quarter of the SE quarter and the SE quarter of the NE quarter of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. The 83rd Avenue Reservoir may be filled from the following decreed points of diversion: 2.8.1.1. William R. Jones Ditch headgate on the South side of the Cache La Poudre River in the NE quarter of the SW quarter, Section 36, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.8.1.2. Pump adjacent to the Cache La Poudre River in the NE quarter of the SE quarter and the SE quarter of the NE quarter of Section 31, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 2.8.2. Jo Dee Reservoir. The Reservoir is located in the West half of the NE quarter and the East half of the NW quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. The reservoir may be filled from the following decreed points of diversion: 2.8.2.1. Jo Dee Inlet Pipe No. 1 is located 2800 feet South of the North Section line and 1600 feet West of the East Section

line in the Northwest quarter of the Southeast quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 2.8.2.2. Jo Dee Inlet Pipe No. 2 is located 1600 feet South of the North Section line and 3600 feet West of the East Section line in the Southeast quarter of the Northwest quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 2.8.2.3. Jo Dee Inlet Pipe No. 3 is located 800 feet South of the North Section line and 3900 feet West of the East Section line in the Northeast quarter of the Northwest quarter of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 2.8.2.4. Box Elder Ditch diverts from the South bank of the Cache La Poudre River located 2500 feet South of the North section line and 1000 feet West of the East section line in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 20, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 2.8.3. La Poudre Reservoir No. 3 & No. 4. The reservoirs are located in the East One-half of the Northwest Quarter, West One-half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. The reservoirs may be filled from the following decreed points of diversion: 2.8.3.1. Reservoir No. 4. La Poudre Diversion is located on the North side of the Cache La Poudre River in the Northwest Quarter of the Southeast Quarter, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado at a point N 40° 28.303' W -104° 56.129', at elevation 4586 feet (UTM 13N, X505469, Y4480117). 2.8.3.2. Reservoir Nos. 3 & 4. La Poudre No. 1 Pump is located adjacent to the Cache La Poudre River in the West One half of the Southeast Quarter of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, lying south of the Cache la Poudre River and east of the B.H. Eaton Ditch. 2.8.3.3. Reservoir Nos. 3 & 4. La Poudre Pump Station No. 2 is located adjacent to the Cache La Poudre River in the Northwest Quarter or the West One-half of the East One half of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado and surface flow, seep and runoff water. 2.8.3.4. Reservoir Nos. 3 & 4. B.H. Eaton Ditch headgate is located on the South side of the Cache La Poudre River in the Northwest Quarter of the Southeast Quarter, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.8.4. 2.8.4. Nissen Reservoir. Nissen Reservoir is located in the Southeast Quarter of Section and the East half of the Southwest Quarter of Section 12, Township 5 North, Range 65 West of the 6th P.M. Weld County, Colorado. The reservoir may be filled from the following points of diversion: 2.8.4.1. The Plumb Ditch. The headgate for the Plumb Ditch is located in the Southwest Quarter of Section 13, Township 5 North, Range 65 West of the 6th P.M. 2.8.4.2. The Nissen Pump Station. The Nissen Pump station located adjacent to the South Platte River and Nissen Reservoir in the Southeast Quarter and the East Half of the Southwest Quarter of Section 12, Township 5 North, Range 65 West of the 6th P.M., Weld County Colorado. 2.9. Uses. Recreation, fish, wildlife, augmentation, replacement and exchange. 3.. Outline of What Has Been Done Toward Completion. 3.1. The diligence period is July 1, 2014 to March 1, 2021. 3.2. Excavation of gravel and aggregate material from alternate place of storage for this water right at Nissen Reservoir has continued during the diligence period. Mining at the Nissen Reservoir alternate place of storage is not yet completed. Applicant acquired a fee interest in the Nissen Reservoir site alternate place of storage on September 18, 2017. 3.3 Applicant obtained a diligence decree for an exchange to Nissen Reservoir which utilizes the Reservoir water right as a substitute supply on August 17, 2020 in Case No. 19CW3208. Applicant obtained a diligence decree on October 12, 2020 in Case No. 17CW3165 for various exchanges originally decreed in Case No. 05CW331 which include the Reservoir water right as a source of substitute supply. Applicant was able to begin exercising its alternate point of diversion and place of storage for the Reservoir water right at the LaPoudre Reservoir No. 4 point of diversion and La Poudre Reservoir Nos. 3 & 4 on March 25, 2021. 3.4. Applicant performed significant amounts of work in order to repair the Reservoir from flood damage, and further protect the slurry walls and banks of the Reservoir. Applicant spent \$678,672 in engineering fees and construction services to complete this work. 3.5. Applicant spent \$66,999 for utility fees, maintenance, and replacement of pumping equipment, inlet structures, measuring equipment, and other field equipment and supplies. 3.6.

Applicant has expended funds, retained attorneys and consultants to participate as an objector in numerous water rights applications on the Cache la Poudre River during the diligence period to protect the Reservoir water right. 3.7. Applicant obtained a decree in Case No. 16CW3202 for the Walker Recharge Project on July 29, 2019 which includes the Reservoir water right as an augmentation supply and source for recharge. 3.8. The Reservoir is part of the integrated system of water rights and supplies for the CCWCD augmentation plan decreed in Case No. 02CW335 (See ¶8.8 and ¶29 of the 02CW335 Decree). Applicant has filed numerous applications and obtained decrees for water rights and changes of water rights during the diligence period including, but not necessarily limited to the following: Case No. 19CW3066 – an application was filed on April 11, 2019; Case No. 20CW3055 – an application was filed on April 28, 2020; Case No. 20CW3125 – an application was filed on August 31, 2020; Case No. 20CW3162 – an application was filed on October 30, 2020; Case No. 13CW3055 - a decree was entered on September 30, 2014; Case No. 14CW3017 – a decree was entered on November 27, 2015; Case No. 17CW3042 – a decree was entered on August 25, 2017; Case No. 17CW3053 – a decree was entered on September 1, 2017; Case No. 17CW3069 – a decree was entered on December 27, 2017; Case No. 17CW3126 – a decree was entered on May 2, 2018; Case No. 17CW3188 – a decree was entered on August 14, 2018; Case No. 17CW3191 – a decree was entered on January 1, 2019; Case No. 18CW3045 – a decree was entered on January 4, 2019; Case No. 18CW3116 - a decree was entered on March 20, 2019; Case No. 19CW3050 - a decree was entered on September 12, 2019; Case No. 19CW3085 – a decree was entered on January 3, 2020; Case No. 19CW3213 – a decree was entered on July 30, 2020; Case No. 20CW0325 – a decree was entered on August 20, 2020; Case No. 20CW3080 – a decree was entered on December 22, 2020. In 2018, Applicant’s voters approved a bond issuance in the amount of 48.7 Million Dollars to be used by Applicant to develop, acquire, and manage water resources. Applicant has utilized and continues to utilize that money to develop its integrated system by, among other things, acquiring senior water rights and acquiring and developing storage and recharge projects. Applicant has acquired and developed several water rights, storage reservoirs, and recharge projects during the diligence period, including but not limited to: Case No. 19CW3088 – an application for conditional water storage rights in Pioneer Reservoir was filed on May 23, 2019; Case No. 14CW3129 – a decree for the addition of recharge ponds under the Western Mutual Ditch Recharge project was entered on August 17, 2017; Case No. 14CW3128 – a decree for the addition of recharge ponds under the FIDCO Recharge Project was entered on March 19, 2018; and Case No. 16CW3202 – a decree for recharge ponds for the Walker Recharge Project was entered on July 29, 2019. 4. Claim for Finding of Reasonable Diligence. Applicant seeks a finding by the Court that it has been reasonably diligent in the development of its conditional water rights under the circumstances, and to maintain the conditional portion of its water rights listed herein for an additional six-year period.

21CW3037 CITY OF BRIGHTON, 500 S. 4th Street, Brighton, CO 80601, (303) 655-2033, Attn: Jane Bais DiSessa, City Manager, Please send all correspondence and future pleadings to Brent A. Bartlett, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Rd., Fort Collins, CO 80525, (970) 407-9000. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE IN ADAMS AND WELD COUNTIES.** 2. Application. With this Application, the City of Brighton (“Brighton”) seeks findings of diligence of conditional appropriate rights of exchange and/or substitution in accordance with the provisions of Sections 37-80-120(2) (3) and (4), and 37-83-104, C.R.S. as originally decreed July 11, 2007, Case No. 2000CW202, and subsequently decree March 18, 2015, Case No. 2013CW3076, District Court, Water Division 1, State of Colorado. 3. Appropriative Rights of Exchange. The upstream and downstream exchange points of the reaches of the exchanges are as follows: A. “*Exchange From*” *Locations*. The exchange from points are the points listed below: Point A: The confluence of Brighton’s North Storm Drain Outfall and the South Platte River, located in the SE 1/4 of the SW 1/4 of the SW 1/4 of Section 31, Township 1 North, Range 66 West. Point B: The confluence of Brighton’s South Storm Drain Outfall and the

South Platte River located in the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 12, Township 1 South, Range 67 West. Point C: The outfall of Ken Mitchell Lake, which is located near the point where the South Platte River crosses the west line of Section 12, Township 1 South, Range 67 West. B. “Exchange To” Locations. The exchange to points are the points listed below: Point D-1: Ken Mitchell Reservoir Pump Station Inlet Pipe, located on the east bank of the South Platte River, in the SE 1/4 of Section 11, Township 1 South, Range 67, at a point whence the Southwest Corner of said Section 11 bears approximately South 86° West, approximately 4,160 feet. Point D-2: Ken Mitchell Reservoir Pump Station Inlet Pipe, located on the east bank of the South Platte River, in the NW 1/4 of the SE 1/4 of Section 14, Township 1 South, Range 67, at a point whence the Southwest Corner of said Section 14 bears approximately South 69° West, approximately 4,000 feet. Point E: Ken Mitchell Reservoir Inlet, located on the east bank of the South Platte River, in the SE 1/4 of Section 14, Township 1 South, Range 67, 6th P.M. at a point whence the Southwest Corner of said Section 14 bears approximately South 88° 30' West, approximately 3,190 feet. Point F: The point where the South Platte River crosses the South line of Section 23, Township 1 South, Range 67, Adams County. This is an approximation of the upstream limit of the reach of the South Platte River that is depleted by pumping of the City of Brighton’s South Platte Alluvial Wells. Point G: The headgate of the Fulton Ditch, located in the NE 1/4 of the NE 1/4 of the SE 1/4 of Section 17, Township 2 South, Range 67, 6th P.M. 4. Rates Claimed. In Case No. 2013CW3076, District Court, Water Division 1, State of Colorado, the full 7.0 c.f.s. of the exchange from Points A and C was decreed absolute up to Point F, and 3.35 c.f.s. of the 12.8 c.f.s. was decreed absolute from Point A to Point D. The following is a matrix summarizing the exchanges and exchange rates that remain conditional at the time of this Application:

Exchange From Point	Exchange To Point	Rate
Point A - North Storm Drain Outfall	<u>Point D</u> – Ken Mitchell Lake Pump Station Inlet	9.45 cfs
	<u>Point E</u> – Ken Mitchell Lake Gravity Inlet	
	<u>Point G</u> – Headgate of the Fulton Ditch	
Point B – South Storm Drain Outfall	<u>Point D</u> – Ken Mitchell Lake Pump Station Inlet	9.45 cfs
	<u>Point E</u> – Ken Mitchell Lake Inlet	
	<u>Point G</u> – Headgate of the Fulton Ditch	
Point B – South Storm Drain Outfall	<u>Point F</u> – The point where the South Platte River crosses the South line of Section 23, Township 1 South, Range 67 West. This is an approximation of the upstream limit of the reach of the South Platte River that is depleted by pumping of Brighton’s wells.	7.0 cfs

5. Source. Fully consumable augmentation credits generated under the augmentation plan, generated from historical depletion credits associated with Brighton’s 608.15 shares in the Fulton, 110 shares in the Burlington, and 110 shares in the Wellington, all as decreed in Case No. 2000CW202. 6. Date of Appropriation. October 31, 2000. 7. Amount, uses of water claimed, and related information. As decreed in Case No. 2000CW202 the change in use decreed therein was for additional uses, in addition to irrigation, which additional uses are all municipal uses within the present and future service area of the City of Brighton, specifically including domestic, mechanical, manufacturing, industrial, fire protection, sewage treatment, street sprinkling and the irrigation of parks, lawns, gardens and grounds, as well as for augmentation, replacement, recharge, use as a substitute supply, and exchange. 8. Provide an 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, Brighton exercised its augmentation plan, substitutions and exchanges to divert water in varying amounts and applied it to beneficial use for the decreed purposes. A claim to make a portion of the conditional water rights absolute is included herewith. Such diversion and use of water is evidence of reasonable diligence in the continued development of this component of Brighton’s integrated municipal water supply system. In addition, Brighton has invested in the design and construction of infrastructure necessary to

facilitate the decreed uses set forth in Case No. 2000CW202. The conditional appropriative rights of exchange that are the subject of this case are part of Applicant's raw water supply system, an integrated system as defined by §37-92-301(4). During the diligence period Applicant has expended funds on engineering design and construction of its integrated water system on the South Platte River and Beebe Draw related to the structures necessary to implement the operation of the conditional appropriative rights of Applicant's underground water rights and exchanges. During the diligence period Applicant has participated in numerous water court proceedings in an effort to protect its conditional appropriative rights of exchange. Additionally, Applicant has developed and utilized accounting forms in order to implement the conditional appropriative rights of exchange.

9. Right to Supplement. Applicant reserves the right to supplement this Application with additional information on Applicant's work and expenses related to its continued diligence toward making absolute the conditional rights described herein.

10. Claim to make absolute, in part – water applied to beneficial use. A. Exchange Point A to Point D: Of the 9.45 c.f.s. decreed right remaining conditional for exchange between the North Storm Drain Outfall (Point A) or the South Storm Drain Outfall (Point B) up to Ken Mitchell Lakes (Points D and G) or the Fulton Ditch (Point G), Brighton has run a maximum exchange rate of 4.51 c.f.s. This exchange rate was operated on August 8, 2013 between the North Storm Drain Outfall (Point A) and Ken Mitchell Lakes (Point D). This water was diverted into storage for later use for augmentation and/or exchange. Brighton is requesting 4.51 c.f.s. be made ABSOLUTE and the remaining 4.94 c.f.s. to continue to be conditional rights.

11. Description of place of use where water is applied to beneficial use. After storage, the uses occurred within the City of Brighton's service area, and the water was also used for augmentation and replacement for Brighton's Integrated South Platte and Beebe Draw augmentation plans pursuant to Case Nos. 2000CW202 and 2003CW320.

12. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Fulton Ditch Company, 25 South 4th Avenue, Brighton, Colorado 80601. **WHEREFORE**, Brighton respectfully requests a ruling and decree finding that Brighton has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 2013CW3076, toward the conditional appropriate rights of exchange and/or substitution, in the absolute and conditional amounts and flow rates set forth herein and for the beneficial uses as originally decreed in Case No. 2000CW202. Brighton further prays that this Court continue in full force and effect all such conditional water rights for an additional six-year period, and for such other relief as the Court may deem proper. (6 pages)

21CW3038 CITY OF BLACK HAWK (“BLACK HAWK” OR “APPLICANT”), c/o Director of Public Works, 987 Miners Mesa Road, P.O. Box 68, Black Hawk, Colorado 80422, Telephone: (303) 582-1324, Email: tisbester@cityofblackhawk.org. Please send all correspondence to: David L. Kueter, #26136, Kent Holsinger, #33907, Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Telephone: (303) 722-2828, Email: dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS in CLEAR CREEK COUNTY.**

2. **NAMES OF WATER RIGHTS:** 2.a. Georgetown Lake / Black Hawk Storage Right Enlargement. 2.b. Georgetown Lake / Black Hawk Refill Right.

3. **DESCRIPTION OF CONDITIONAL WATER STORAGE RIGHT.** 3.a. Name of Water Storage Right: Georgetown Lake / Black Hawk Storage Right Enlargement. 3.b. Legal Description of Reservoir: Georgetown Lake is an on-channel reservoir located in the SE1/4 and portions of the NE1/4 of Section 5, and the NE1/4 of Section 8, Township 4 South, Range 74 West of the 6th P.M. in Clear Creek County, Colorado. The dam is located 800 feet from the East section line and 1,900 feet from the North section line of Section 5, Township 4 South, Range 74 West of the 6th P.M. A map showing the location of Georgetown Lake is attached hereto as Exhibit A. 3.c. Name and capacity of ditches used to fill reservoir and legal description of point of diversion: Not applicable. Georgetown Lake is an on- channel reservoir. 3.d. Source of Water: Clear Creek, a tributary to the

South Platte River. 3.e. Date of Appropriation: December 12, 2012. 3.e.(1) How appropriation was initiated: By entry into the Intergovernmental Agreement between Town of Georgetown and City of Black Hawk Regarding Supplemental Water Storage in Georgetown Lake (the “Supplemental Storage Agreement”), by which the Applicant was granted the right to additional storage space in Georgetown Lake. 3.e.(2) Date water was applied to beneficial use: Not applicable. The water storage right sought herein is a conditional water right. 3.f. Amount claimed: 60.1 acre feet, conditional. This amount is in addition to the 100 acre feet previously decreed to Black Hawk in Case No. 2007CW327, and made absolute by the decree in Case No. 2018CW3152. 3.g. Use: The water diverted under the storage right described herein will be used for all municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation, replacement, and adjustment and regulation of Black Hawk's water supply system by exchange within Black Hawk's system and with other water users. Black Hawk asks the Court to decree that it has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise to extinction all water lawfully diverted and/or impounded pursuant to any decree entered in this case. The place of use shall be any place served in the present or in the future by Black Hawk’s treated water and raw water service systems. 3.h. Surface area of high water line: 63.07 acres. 3.h.(1) Vertical height of dam in feet: 13.0 feet. 3.h.(2) Length of dam in feet: 334 feet. 3.i. Total capacity of Georgetown Lake: 429.29 acre-feet, including 4.99 acre-feet of dead storage. **4. DESCRIPTION OF CONDITIONAL WATER STORAGE REFILL RIGHT.** 4.a. Name of Water Storage Refill Right: Georgetown Lake / Black Hawk Refill Right. 4.b. Legal Description of Reservoir: See paragraph 3.b., above. 4.c. Name and capacity of ditches used to fill reservoir and legal description of point of diversion: Not applicable. Georgetown Lake is an on-channel reservoir. 4.d. Source of Water: Clear Creek, a tributary to the South Platte River. 4.e. Date of Appropriation: January 27, 2021. 4.e.(1) How appropriation was initiated: By entry into the Amendment to Intergovernmental Agreement between Town of Georgetown and City of Black Hawk Regarding Supplemental Water Storage in Georgetown Lake (the “Amendment to Supplemental Storage Agreement”), which contemplated Applicant filing for the refill right requested herein. 4.e.(2) Date Water was applied to beneficial use: Not applicable. The water storage refill right sought herein is a conditional water right. 4.f. Amount claimed: One refill in the amount of 160.1 acre feet, conditional, for the Georgetown Lake/Black Hawk Refill Right. 4.g. Use: See paragraph 3.g., above. 4.h. Surface area of high water line: See paragraph 3.h., above. 4.i. Total capacity of Georgetown Lake: See paragraph 3.i., above. **5. NAMES AND ADDRESSES OF OWNERS OF LAND ON WHICH THE POINTS OF DIVERSION ARE LOCATED.** Georgetown Lake is located on lands owned by: Town of Georgetown 404 6th St., P.O. Box 426, Georgetown, CO 80444. **6. REMARKS.** 6.a. Black Hawk’s right to store the water rights requested herein in Georgetown Lake is subject to the terms of the Vidler Agreement (as defined in the Amendment to Supplemental Storage Agreement), the Supplemental Storage Agreement, the Amendment to Supplemental Storage Agreement, any amendments thereto, and any other agreements between Black Hawk and Georgetown. WHEREFORE, Applicant respectfully requests that the Court enter a decree granting the conditional water storage rights requested by this Application and granting such other relief it deems proper. Number of pages of Application: 6, including 1 page of exhibits.

21CW3039 APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN ELBERT COUNTY 1. Name, Address, and Telephone Number of Applicant: **COLORADO RANCH AND LAND HOLDINGS, LLC** (“Applicant”), c/o James L. Yates, 1600 Stout Street, Suite 1710, Denver, CO 80202, (303) 534-9000. Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Porzak Browning & Bushong LLP, 2120 13th Street, Boulder, CO 80302. 2. Overview: Applicant seeks to adjudicate the Denver Basin

Aquifers underlying approximately 456.3 acres owned by Applicant in Elbert County, Colorado (the “Property”). This includes not-nontributary water in the Lower Dawson and Denver Aquifers and nontributary water in the Denver, Arapahoe, and Laramie-Fox Hills Aquifers. Applicant also seeks approval of a plan for augmentation for withdrawals of the not-nontributary groundwater from the Lower Dawson and Denver Aquifers. 3. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). 4. Underground Water Rights Claimed: A. Wells: Wells that will withdraw the groundwater sought to be decreed by this Application have not yet been constructed, nor have applications for well permits been filed. Prior to constructing any well to withdraw the subject groundwater, Applicant will apply to the State Engineer for a permit to construct that well, and the Applicant requests that the Court require, as a condition of the decree entered in this case, that well permits be issued upon application for any such wells in accordance with said decree, B. Legal Description of Wells and Subject Property: The wells will be located on the Property, depicted on **Exhibit A**, and Applicant seeks to adjudicate the Denver Basin Aquifers underlying all of the Property, which is further described as follows: i. Parcel A: Parcel A consists of 303.7 acres in Elbert County, located in the E1/2 of Section 35, Township 6 South, Range 64 West of the 6th P.M., ii. Parcel B: Parcel B consists of 152.6 acres in Elbert County, located in the N1/2 of the N1/2 of Section 2, Township 7 South, Range 64 West of the 6th P.M., C. Source of Water Rights: The source of the groundwater to be withdrawn from the Lower Dawson Aquifer is not-nontributary as described in C.R.S. § 37-90-103(10.7). The source of groundwater to be withdrawn from the Denver Aquifer is not-nontributary underlying Parcel A and nontributary underlying Parcel B. The source of groundwater to be withdrawn from the Arapahoe Aquifer and the Laramie-Fox Hills Aquifer is nontributary, D. Parcel Ownership: Applicant is the owner of the Property and of the water underlying the Property, free and clear of all liens and encumbrances, and no other person or entity has a financial interest in the Property, E. Estimated Amounts and Rates of Withdrawal: The wells will withdraw the groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicant waives any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicant, based on the Colorado Division of Water Resources online aquifer determination tool, estimates the following annual amounts of nontributary and not-nontributary underlie the Property:

Location	Area (acres)	Water Supply Availability*				Total
		Lower Dawson	Denver	Arapahoe	Laramie-Fox Hills	
Parcel A: E1/2 of S35, T6S, R64W	303.7	49.1 (NNT)	147.8 (NNT)	133.6	74.4	404.9
Parcel B: N1/2 N1/2 of S2, T7S, R64W	152.6	29.5 (NNT)	75.2	66.7	39.9	211.2
Total	456.3	78.5	223.0	200.3	114.3	616.1
Total Not-Nontributary Water		78.5	147.8	0	0	226.3
Total Nontributary Water		0	75.2	200.3	114.3	389.8

*Not-nontributary water is denoted with “NNT.” All other water is nontributary.

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicant claims the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7, F. Wellfield: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Property through wells which

may be located anywhere on the Property and any additional wells which may be completed in the future as Applicant's wellfields. As additional wells are constructed, well permit applications will be filed in accordance with C.R.S. § 37-90-137(10), G. Proposed Uses: Municipal, domestic, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement. Applicant also claims the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise dispose of the water, H. Place of Use: Applicant seeks the right to use the legally available groundwater lying below the Property both on the Property and off the Property. Uses off the Property include, but are not limited to, other lands contiguous to the Property and owned by the Applicant (the "Adjacent Property"), depicted on **Exhibit A**. 5. Description of Plan for Augmentation: A. Groundwater to be Augmented: All withdrawals of not-nontributary Lower Dawson and Denver Aquifer groundwater underlying the Property, as requested herein, B. Water Rights to be Used for Augmentation: i. Not-nontributary and nontributary groundwater from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Property as decreed herein; and ii. Not-nontributary and nontributary groundwater from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Adjacent Property, which is located in the Kiowa-Bijou Designated Ground Water Basin, as may be permitted by the Colorado Ground Water Commission, C. Statement of Plan for Augmentation: Applicant is seeking and obtaining development approvals to construct a development on the Property and on the Adjacent Property that will be served by groundwater withdrawn from the Lower Dawson, Denver, Arapahoe, and/or Laramie-Fox Hills Aquifers underlying the Property and Adjacent Property. During pumping, Applicant will replace depletions associated with the withdrawal of the not-nontributary groundwater decreed herein to the Hay Gulch drainage on the Property pursuant to C.R.S. § 37-90-137(9)(c.5) (i.e., 4% of not-nontributary groundwater withdrawals for the Denver Aquifer and actual depletions associated with withdrawals from the not-nontributary Lower Dawson Aquifer). To ensure such replacements are made, Applicant will develop accounting to document replacements that accrue by (i) return flows from irrigation; and (ii) treated wastewater discharges. Further, direct releases of not-nontributary and nontributary groundwater may be used for augmentation. To meet post-pumping depletion requirements for not-nontributary withdrawals of groundwater underlying the Property, Applicant will reserve an amount of nontributary groundwater equal to the post-pumping depletions, D. Augmentation Plan Assumptions. Applicant will develop augmentation plan assumptions and measuring devices to account for replacement water. Consumptive use is expected to be approximately 10% for all groundwater pumped for indoor use to account for any treatment and inhouse loss. For irrigation, sprinkler irrigation is expected to be approximately 85% consumptive and drip irrigation is expected to be approximately 95% consumptive. Applicant reserves the right to use reclaimed water or gray water for irrigation and will separately measure and account for such uses. WHEREFORE, Applicant respectfully requests the Court enter a ruling that: (1) grants the determination of groundwater rights requested herein for the nontributary Denver, Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Lower Dawson and Denver Aquifers; (2) grants the plan for augmentation described in Paragraph 5; and (3) grants such other and further relief as the Court deems appropriate.

(6 pages + Exhibit)

21CW3040 (2003CW84) CANNON WATER, LLP AND CANNON LAND COMPANY APPLICATION PURSUANT TO RETAINED JURISDICTION TO ADD STRUCTURES TO EXISTING DECREED CHANGE OF WATER RIGHTS IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES IN ADAMS AND WELD COUNTIES c/o Patrick Cannon, 3333 S. Wadsworth Blvd., Ste. D-208, Lakewood, CO 80227. Please send all correspondence to William A. Paddock and Katrina B. Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203. 2. Summary of Application. On May 5, 2009, in Case No. 03CW84, this court entered its Findings of Fact, Conclusions of Law, Judgment and Decree of the Water Court (the "Change Decree") granting Cannon Water, LLP and Cannon Land Company

(collectively “Cannon”) a change in use of water rights in the Platteville Irrigation and Milling Company, the Fulton Irrigating Ditch Company, the Mose Davis Reservoir No. 1 and its Enlargement, and Mose Davis Lake No. 2 (the “Changed Water Rights”). Pursuant to paragraph 48 of the Change Decree, the court permanently retained jurisdiction over Case No. 03CW84 to allow Cannon to add to or remove from the decree recharge structures, augmentation stations, and water storage structures. The purpose of this Application is to add one recharge structure and water storage structures to the Change Decree. The Change Decree requires Cannon to replace historical return flows from the Changed Water Rights. One means by which Cannon fulfills this obligation is by recharging water in the 120 Pond (described in paragraph 30 of the Change Decree). The water so recharged returns to the South Platte River over an extended period of time and aids in meeting Cannon’s return flow obligations. Cannon has entered into a gravel mining lease on portions of its land. Gravel mining is likely to commence in 2021 and will continue for approximately 18-30 years. The reclamation plan for the mined land is slurry-wall lined gravel pit water storage reservoirs. The anticipated location of the gravel pit reservoirs is shown on Exhibit A to this Application. The gravel pit reservoirs that will result from the mining are known as the Ragsdale Reservoir Complex. Gravel mining will begin on Cannon lands west of U.S. Highway 85. The first area to be lined and mined is the southwest mine cell shown on Exhibit A. The subsequent construction of the slurry walls for the remaining gravel pit reservoirs west of U.S. Highway 85 may change the timing of recharge from the 120 Pond to the South Platte River. To address this, Cannon proposes to build a new recharge facility, called the Road 22 Pit, to be located east of U.S. Highway 85 and adjacent to Weld County Road 22 in the NW1/4 of the NW1/4 of Section 17, Twp. 2 N., R. 66 W. of the 6th P.M. The Road 22 Pit is located north of the slurry walls being constructed west of U.S. Highway 85, and its planned location is shown on Exhibit A to this Application. An application for conditional water storage rights for the Ragsdale Reservoir Complex is currently pending in this court’s Case No. 18CW3132. By this Application, Cannon seeks the right to store in the Ragsdale Reservoir Complex up to 600 acre-feet of the water available under Cannon’s Changed Water Rights for subsequent delivery to the South Platte River. 3. First Claim for Relief – Addition of Road 22 Pit. a. Location: in the N 1/2 of the NW 1/4 of Section 17, Twp. 2 N., R. 66 W. of the 6th P.M. b. Size: the approximate dimensions are 5 surface acres and 10 feet deep, with a capacity of 45 acre-feet. c. Location of Accretions to South Platte: NW 1/4 of the NW 1/4 of Section 18, Twp. 2 N., R. 66 W. of the 6th P.M. d. Terms and conditions to prevent injury: The Road 22 Pit will be used in place of the Cannon 120 Pond for recharge purposes. The Road 22 Pit will be subject to all of the requirements of paragraph 30 of the Change Decree applicable to the 120 Pond. The Road 22 Pit lagging factors are attached to this Application as Exhibit B. Pursuant to paragraph 30.4 of the Change Decree, the Road 22 Pit will be subject to the same evaporation rates set forth in Appendix 1, Table D of the Change Decree. Cannon will revise its accounting form to include the Road 22 Pit. All water delivered into the Road 22 Pit will be measured by a continuous recording device. Once the pit is constructed, Cannon will prepare an area capacity curve for the reservoir and install the staff gage to obtain the information needed to calculate the water surface area and resulting evaporative losses. 4. Second Claim for Relief – Storage in the Ragsdale Reservoir Complex. a. The Ragsdale Reservoir Complex consists of interconnected gravel pit reservoirs referred to as Ragsdale Reservoirs No. 1, 2, and 3. Cannon anticipates that Ragsdale Reservoir No. 1 will be the first site to be completely mined and converted into gravel pit water storage reservoirs, followed by Ragsdale Reservoir No. 2, and Ragsdale Reservoir No. 3. Cannon’s current best estimate of the mined storage capacity of the Ragsdale Reservoir Complex is between 13,773 and 14,247 acre-feet, excluding porosity storage within the side slopes of the mined cells. The porosity storage capacity in the Ragsdale Reservoir Complex is estimated to be about 778 acre-feet. Cannon seeks to add the Ragsdale Reservoir Complex as a place of storage for 600 acre-feet of the Changed Water Rights. b. Location of Ragsdale Reservoir Complex. i. Ragsdale Reservoir No. 1 will be comprised of two or more separately mined cells to be located in portions of Section 18 and the NE 1/4 of Section 19, Twp. 2 N., R. 66 W. of the 6th P.M., on the east side of the South Platte River. ii. Ragsdale Reservoir No. 2 will be comprised of

one or more separately mined cells to be located in portions of the NW 1/4 of Section 17, Twp. 2 N., R. 66 W. of the 6th P.M. iii. Ragsdale Reservoir No. 3 will be comprised of one or more separately mined cells to be located in portions of the SW 1/4 of Section 8, and may extend into a small portion of the E 1/2 of the NE 1/4 of the SE 1/4 of Section 7, Twp. 2 N., R. 66 W. of the 6th P.M. c. Source of Water: The sources of water subject to this Application are the Changed Water Rights. d. Amount of the Changed Water Rights to be stored in Ragsdale Reservoir Complex: 600 acre-feet. e. Terms and Conditions to Prevent Injury: The Changed Water Rights delivered into storage will be subject to all of the terms and conditions of the Change Decree. Cannon will revise its accounting forms to include accounting for water delivered into the Ragsdale Reservoir Complex. Evaporation will be assessed against the Changed Water Rights based on the total evaporative loss from the Ragsdale Reservoir cells containing the Changed Water Rights multiplied by the fraction of the total volume of water in those cells attributable to the Changed Water Rights. The method of calculating evaporation from each cell will also comply with the applicable terms of the decree sought for the Ragsdale Reservoir Complex in Case No. 18CW3231. f. For purposes of calculating and administering return flow obligations, the timing and amount of return flow obligations will be calculated based on deliveries of the Changed Water Rights into the Ragsdale Reservoir Complex, and not on releases of the Changed Water Rights from the reservoirs.

21CW3041 CITY OF LOVELAND, COLORADO, c/o Water Resources Manager
200 N. Wilson Ave, Loveland, Colorado 80537, Telephone: (970) 962-3703, Please send all pleadings and correspondence to: Derek L. Turner, Assistant City Attorney, Loveland City Attorney's Office, 500 E 3rd Street Suite 330, Loveland, CO 80537, Telephone: (970)962-2549, E-mail: Derek.Turner@cityofloveland.org. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in LARIMER COUNTY.** 2. Name and Legal Description of Structure. 2.1 Green Ridge Glade Reservoir (an enlargement of Loveland Municipal Reservoir No. 1). This reservoir is located in Sections 34 and 35, Township 6 North and Sections 2 and 3, Township 5 North, all in Range 70 West of the 6th P.M., Larimer County, Colorado. The west dam abutment bears South 2°24'05" West, 2,386.24 feet from the Northeast corner of Section 3, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado. A location map is attached as **Exhibit 1**. The outlet is located approximately 3,400 feet North and 1,000 feet East of the Southwest Corner of Section 2, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, and the dam extends from the SW 1/4 of the NW 1/4 of Section 2 into the NE 1/4 of the SE 1/4 of Section 3, Larimer County, Colorado. The lake is filled through the Charles Hansen Feeder Canal from a headgate located in the NW 1/4 of the SE 1/4 of Section 34, Township 6 North, Range 70 West of the 6th P.M. diverting water from the Big Thompson River. 2.2 Source of the Water. The Big Thompson River. 2.3 Date of Appropriation. March 4, 1980. 2.4 Amount. 9,690 acre-feet annually, **CONDITIONAL.** 3. Description of Conditional Water Right. 3.1 Original Decree. The original decree was entered in Case No. 86CW383 on March 20, 1992 by the District Court, Water Division 1. In Case No. 86CW383, Loveland was decreed a conditional water right of 15,000 acre-feet, at a rate of diversion not to exceed 550 cfs of water for the diversion and storage of water for later beneficial use as follows: for all municipal purposes, including domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, street sprinkling and cleaning, recreational, storage for later use, maintenance of operating detention, replacement, augmentation, exchange and operation of the municipal water and sewer system. 3.2 Subsequent Diligence Decrees. 3.2.1 Case No. 98CW236. The decree was entered on February 2, 1999 by the District Court, Water Division 1. The decree continued the conditional water storage right in the amount of 15,000 acre-feet for all purposes as described above in paragraph 3.1. 3.2.2 Case No. 05CW123. The decree was entered on July 18, 2008 by the District Court, Water Division 1. The decree continued the conditional water storage right in the amount of 15,000 acre-feet for all purposes as described above in paragraph 3.1. 3.2.3 Case No. 14CW3092. The decree was entered on March 18, 2015 by the District Court, Water Division 1. The decree made absolute 5,310 acre-feet for municipal and non-consuming recreational uses and continued

as conditional 9,690 acre-feet for municipal and non-consuming recreational uses. This Application requests a finding of reasonable diligence for the 9,690 acre-feet that remains conditional. 4. Detailed Outline of Work Done for the Completion of the Conditional Appropriation and for Reasonable Diligence. Green Ridge Glade Reservoir is part of the Loveland's integrated water supply system. Pursuant to the original decree in Case No. 86CW383, the water storage right is part of Loveland's municipal water supply system and is used to satisfy the increasing need and demand for water resulting from population increases in Loveland. For purposes of showing diligence as to the completion of the appropriation for this water storage right, diligence as to any part of Loveland's water system that operates or benefits from the water storage right shall be diligence as to the completion of the storage right. Loveland has performed the following activities, studies, structural improvements, and maintenance to improve and maintain its integrated water diversion, treatment, and delivery system, of which the reservoir is a cornerstone component (Expenditure numbers are rounded to the nearest \$1000).

4.1 Green Ridge Glade Reservoir Expansion Feasibility Study: In January 2020, the City began to undertake a feasibility study for the expansion of Green Ridge Glade Reservoir. The goal is to complete the study by December 2021. The dam was originally constructed with expansion in mind. Total estimated cost for consulting and investigation is approximately \$150,000, of which the City has incurred approximately \$62,000 as of the date of this application. A portion of the funding (\$50,000) will be provided by grant from the Colorado Water Conservation Board.

4.2 Phase II of the Water Treatment Plant Improvements project: From August 2014 until December 2016, the City completed a water treatment plant improvements project that included construction of a new filter building, new fire pump/soda ash building, new polymer building and filter drying beds, and a new chemical building. Design, construction, and construction management costs of approximately \$27,775,000.

4.3 Green Ridge Glade Reservoir Low flow outlet installation project: In 2018, the installation of a low flow outlet structure was completed. This outlet allowed the utilization of Green Ridge Glade Reservoir water for augmentation and other low flow releases directly back to the Big Thompson River just downstream of the City's main diversion structure. Design, construction, and construction management costs of approximately \$128,000.

4.4 Erosion Mitigation Efforts required by Colorado Division of Water Resources, Dam Safety: As per the June 24, 2011 dam safety inspection report, erosion control improvements were completed on the downstream slope (lower embankment) of the dam. The project was completed in June 2016. Study, design, construction, construction management costs of approximately \$200,000.

4.5 Emergency Preparedness Plan: An Emergency Preparedness Plan is updated annually as per requirements for human life and safety in case of a dam breach. Most of the work is done by Loveland staff. Estimated labor is about four to five hours; additional hours are needed when inundation maps are required to be updated. Estimated costs are \$250 annually.

4.6 Weed control: Ongoing weed control efforts are performed throughout each spring, summer, and fall. Efforts are coordinated with the City of Loveland Parks & Recreation department. The majority of the efforts are performed on the south side of the reservoir and address the surface of the dam to help ensure its integrity. Additional efforts are made on the north side of the reservoir along a roadway to help preserve road base integrity. Estimated labor is about 80 hours annually. Estimated costs are \$4,000 annually.

4.7 Dam inspections by Colorado Division of Water Resources, Dam Safety: Annual coordination efforts are made with Dam Safety Inspector to inspect the dam and monitor any settlement, movement, and other safety concerns. Coordination and follow-up are estimated to take approximately 10 hours annually of Loveland Staff time. Estimated costs are \$1,000 annually.

4.8 Outlet Bridge Repair: The bridge that allows access to the main Green Ridge Glade Reservoir outlet tower for purposes of maintenance and repair had several cracks in the bridge tubing due to water leaking into the tubing, freezing, and expanding. The City completed work in 2020 to repair the cracks. Estimated costs for the repair project were \$36,000.

4.9 Daily tracking and monthly reporting of water rights accounting for Loveland's complex portfolio of direct flow and storage water rights in consultation with water rights engineering consultants and as directed and approved by the Water Commissioner for Water District No. 4.

4.10 Filing of numerous statements of

opposition and participation as an objector in several water court cases during the diligence period, in order to prevent injury to Loveland's exchange water rights and Loveland's other decreed Big Thompson River water rights. 5. Name and Addresses of Owners of Land Upon Which Any New Diversion or Storage Structure or Modification to Any Existing Diversion or Storage Structure or Existing Storage Pool is or Will Be Constructed or Upon Which Water is or Will Be Stored. City of Loveland, Colorado, 500 East 3rd Street, Loveland, Colorado 80537, WHEREFORE, Loveland respectfully requests that the Court grant the relief requested by this Application and determine that Loveland has exercise reasonable diligence in the development of 9,690 acre-feet of its conditional water right, thereby awarding Loveland an additional six-year diligence period for such conditional water right, and for such other relief which this Court deems proper. (7 pages, 1 Exhibit)

21CW3042 TOWN OF GEORGETOWN, COLORADO, APPLICATION FOR CONDITIONAL STORAGE RIGHTS IN CLEAR CREEK AND ITS TRIBUTARIES, in CLEAR CREEK COUNTY. Applicant. Town of Georgetown ("Georgetown" or "Applicant"), c/o Kent Brown, Town Administrator, P.O. Box 426, Georgetown CO 80444, Telephone: 303.569.2555. Email: townadministrator@townofgeorgetown.us. Please serve communications, including pleadings regarding this case, on counsel for the applicant, Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 80204. Name of Reservoir. Georgetown Lake Second Enlargement. Description of Conditional Water Right. Legal Description of Reservoir: Georgetown Lake is an on-channel reservoir located in the SE1/4 and portions of the NE1/4 of Section 5, and the NE1/4 of Section 8, Township 4 South, Range 74 West of the 6th P.M. in Clear Creek County, Colorado. The dam outlet is located 800 feet from the East section line and 1,900 feet from the North section line of Section 5, Township 4 South, Range 74 West of the 6th P.M. A map showing the location of Georgetown Lake is attached to the application as Exhibit A. Source of water: Clear Creek, a tributary to the South Platte River. Name and capacity of ditches used to fill reservoir and legal description of point of diversion: Not applicable. Georgetown Lake is an on-channel reservoir. Date of appropriation: December 12, 2017. How appropriation was initiated: Execution of contract to provide engineering services for dredging of Georgetown Lake. Date water applied to beneficial use: Not applicable. The water storage right sought herein is a conditional water right. Amount claimed: 43.04 acre-feet conditional, and a right to one refill. This amount is the additional amount of storage capacity made available in Georgetown Lake following dredging in 2018. This amount is addition to the 386 acre-feet of storage decreed to Georgetown in Case No. 99CW12 (315 acre-feet) and Case No. 07W324 (71 acre-feet). Use. All municipal purposes (including but not limited to domestic, commercial, industrial, power, milling, fire protection, dust suppression, recreation, and irrigation of lawns, gardens, municipal parks and open space), augmentation, and exchange, fish propagation, recreation, wildlife habitat, production of fur-bearing mammals and other piscatorial and wildlife purposes, and the right to one refill for all such purposes. Georgetown requests the Court to decree that it has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise to extinction all water lawfully diverted and/or impounded pursuant to any decree entered in this case. The place of use shall be any place served in the present or in the future by Georgetown's treated water and raw water service systems. Surface area of high water line: 63.07 acres. Vertical height of dam in feet: 13.0 feet. Length of dam in feet: 334 feet. Total capacity of Georgetown Lake: 429.29 acre-feet, including 4.99 acre-feet of dead storage. Names and addresses of owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Georgetown. Remarks: Georgetown is party to contracts with the City of Black Hawk by which Black Hawk is authorized to store water in Georgetown Lake. Georgetown will operate this water right in accordance with its existing contractual obligations to Black Hawk so long as such contracts remain in effect.

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 **MAY 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.