

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

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

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

2023CW8 WILLIAM E. ESTEP AND DENISE L. ESTEP 37425 Polo Run Drive, Elizabeth, CO 80107. 303-522-0374. estepbill@hotmail.com **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Estep Well located NE 1/4, SW 1/4, S30, T7S, R64W 6th PM in Elbert County, at a distance from section lines of 2340 ft. from S and 1600 ft. from W. Subdivision: Running Brook Estates, Lot 33, also known as 37425 Polo Run Drive, Elizabeth, CO 80107. One well located on property. Parcel of land consists of 2.5 acres of land. Well Permit 177097. Date of appropriation: 05-08-85. Date water applied to beneficial use: 09-09-94. Depth to bottom of well: 370 ft. Pumping Rate: 10 gpm. Amount claimed in acre-feet annually: .76 af. Single family dwelling, irrigation, domestic animals watering.

2023CW3023 JD CAPITAL LLC, 6665 East Bethany Place, Denver, CO 80224. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES IN THE LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY.** Subject Property: 17 acres generally located in the S1/2 of Section 13, Township 8 South, Range 67 West of the 6th P.M., also known as 2808 Haystack Road, Castle Rock, CO 80104, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently one well on the Subject Property operating under Well Permit 42197, issued July 22, 1970, for one acre-foot from the Denver Aquifer. This well will continue to operate under its existing permit. Additional, well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Lower Dawson (NT)	2.67
Denver (NT)*	8.25
Arapahoe (NT)	9.76
Laramie-Fox Hills (NT)	3.83

* The total estimated amount of Denver Aquifer groundwater is 9.25 acre-feet per year. 1 acre-foot is withheld from this adjudication for use by Well Permit No. 42197. Proposed Use: Use, reuse, and subsequent use for domestic, including in-house use, commercial, irrigation, livestock watering, industrial, fire protection, and augmentation and replacement purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

2023CW3024 CITY OF BRIGHTON, Attn: Austin Creswell, Water Resources Engineer, 500 S. 4th Street Brighton, Colorado 80601, (303) 655-2033. Please send all further pleadings to: Brent A. Bartlett, Esq. and Sara J.L. Irby, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, Colorado 80525, brentbartlett@fischerbrownlaw.com sarairby@fischerbrownlaw.com, (970) 407-9000. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS COUNTY.** 1. Name of Structures: A. Well No. 19 (Permit No. AD 014357), B. Well No. 20 (Permit No. AD 014358), C. Well No. 21 (Permit No. AD 014359), D. Well No. 22 (Permit No. AD 014360), E. Well No. 23 (Permit No. 65037-F), F. Well No. 24 (Permit No. 65038-F), G. Well No. 25 (Permit No. AD 014363). 2. Date of Original Decree: May 26, 2010, Case No. 1999CW142, District Court, Water Division No. 1. 3. Date of Subsequent Decree Awarding Finding of Reasonable Diligence: March 7, 2017, Case No. 2016CW3068, District Court, Water Division No. 1. 4. Legal Description of wells: A. Well No. 19: Located 4850 feet North of the South section line and 350 feet East of the West section line of Section 6, in the NW1/4 NW1/4, Section 6, Township 1 South, Range 66, West of the 6th P.M. B. Well No. 20: Located 4000 feet North of the South section line and 350 feet East of the West section line of Section 6, in the NW1/4 NW1/4, Section 6, Township 1 South, Range 66, West of the 6th P.M. C. Well No. 21: Located 3140 feet North of the South section line and 700 feet East of the West section line of Section 6, in the SW1/4 NW1/4, Section 6, Township 1 South, Range 66, West of the 6th P.M. D. Well No. 22: Located 1850 feet North of the South section line and 400 feet East of the West section line of Section 6, in the NW1/4 SW1/4, Section 6, Township 1 South, Range 66 West. E. Well No. 23: Located 700 feet North of the South section line and 4,950 feet East of the West section line of Section 1, in the SE1/4 SE1/4, Section 1, Township 1 South, Range 67, West of the 6th P.M. F. Well No. 24: Located 5,000 feet North of the South section line and 4,250 feet East of the West section line of Section 12, in the NE1/4 NE1/4, Section 12, Township 1 South, Range 67, West of the 6th P.M. G. Well No. 25: Located 3,840 feet North of the South section line and 3,640 feet East of the West section line of Section 12, in the SW1/4 NE1/4, Section 12, Township 1 South, Range 67, West of the 6th P.M. 5. Source: Tributary groundwater from the South Platte alluvium. 6. Appropriation Date: For each of the wells the appropriation date is September 30, 1999. 7. Amount: For each of the wells, the amount claimed is 1200-acre feet per year. **CONDITIONAL.** 8. Use: All municipal purposes, including domestic, industrial, commercial, irrigation (including watering of parks, lawns and gardens), recreation, fish and wildlife preservation and propagation, sewage treatment, street sprinkling, and fire protection within the water service area of applicant. The water may be stored prior to use. 9. Depth: Approximately 30 feet each. 10. 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: (add additional sheets if necessary). The conditional water rights decreed in Case No. 99CW142 were for the seven wells described in Paragraph 4 above (the “South Platte Wells”) located in the western portion of the City of Brighton’s municipal water service area, in the South Platte River Basin. The Subject Wells are part of Brighton’s integrated water system, which also includes wells withdrawing tributary groundwater in the Beebe Draw alluvium. The Beebe Draw Wells and the South Platte Wells operate conjunctively under the plans for augmentation decreed in Case Nos. 00CW202 (decreed July 11, 2007) and 03CW320 (decreed July 2, 2014). Since the decree was entered in Case No. 16CW3068, Applicant has expended funds on engineering design and construction of its integrated water system on the South Platte River and Beebe Draw related to the structures necessary to implement the operation of Applicant’s storage rights. 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. Brighton obtained decrees in cases further developing Brighton’s unified municipal water system. These decrees included appropriative rights for exchanges, changes of water rights and diligence in Case No. 15CW3012 entered March 2, 2018, Case No. 15CW3170 entered June 5, 2018, Case No. 18CW3195 entered June 25, 2021, Case No. 19CW3036 entered November 26, 2019, and Case No. 20CW3105 entered April 28, 2022. Applicant has also filed applications for reasonable diligence in pending Case Nos. 22CW3095 and 22CW3096. Applicant reserves the right to

assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation. 11. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool, other than the Applicant: A. Well Nos. 19 and 20: Brighton Investment Properties, LLC, 5600 S Quebec Street, Suite 110A, Greenwood Village, CO 80111. B. Well No. 21: D Z and J LLC, 401 N. Kuner Road, Brighton, CO 80601. Wherefore, Applicant requests the Court award a decree finding that Applicant has proceeded with the requisite reasonable diligence in the development and completion of the water rights decreed to Applicant's South Platte Wells and awarding Applicant an additional six-year diligence period.

2023CW3025 LOWER PLATTE AND BEAVER CANAL COMPANY, P.O. Box 190, Hillrose, CO 90733, Telephone: (970) 847-3431, through counsel Peter J. Ampe and Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO, 80207, Phone: (303) 296-8100, Fax: (303) 296-2388, Email: peterampe@hillandrobbs.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN MORGAN AND WASHINGTON COUNTIES.** 2. Name of structures: Lower Platte and Beaver Canal Recharge. 3. Description of conditional water right: A. Date of Original Decree: October 11, 1985; Case No. W-2969, District Court, Water Division No. 1. B. Legal Description: The point of diversion from the South Platte River is the headgate of the Lower Platte and Beaver Canal, which is located at a point on the south bank of the South Platte River bearing N 44°51' W a distance of 2136 feet from the SE corner, Section 25, T4N R57W of the 6th P.M., Morgan County Colorado. C. Source: South Platte River. D. Appropriation Date: June 12, 1972; Amount: 322 cfs, originally decreed conditional, of which, 104 cfs have previously been made absolute pursuant to the decree in Case No. 10CW44. E. Use: For recharge and augmentation purposes. 4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicant has incurred and expended over \$824,170.00 in operating, maintenance, repair, and consultant costs attributable to the operation, use, management, and protection of water rights used by the Lower Platte and Beaver system. Applicant has kept regular records of diversions and crop acreages and made all necessary reports to the Division Engineer, and has installed and maintained measuring devices required to administer the augmentation plan decreed in Case No. W-2969. These records show that Applicant diverted up to 3,927.6 acre-feet in a single year (2017) with a peak instantaneous flow of 63.0 cfs. However, Applicant did not exceed the quantities already made absolute. The Applicant has made plans to develop the remaining recharge sites described in the decree in Case No. W-2969 and to divert and beneficially use the portion of the water right decreed in Case No. W-2969 that remains conditional, as financial and hydrologic conditions permit. 5. Claim to make absolute: None. (3 pages)

2023CW3026 CLASS ONE ENTERPRISES, LLC, P. O. Box 435 Masonville, CO 80541, 970-214-5259 (P. Andrew Jones, #29076, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO, 80550, Telephone: (970) 235-0252, E-mail: ajones@pandrewjones.com). **VERIFIED APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN LARIMER COUNTY.** 2. Name of Structure: Stowers Meadow Right 3. Description of conditional water right: A. Original Decree: Case No. 2007CW306, May 12, 2009, Division One Water Court. Absolute water right decreed in the amount of .011 c.f.s., finding of diligence awarded on remaining 4.989 c.f.s. in 2015CW3051. B. Legal description of location: Northeast Quarter of Section Five, Township Six North, Range Seventy West of the Sixth P.M. and the Southeast Quarter of Section 32, Township 7 North, Range 70 West of the 6th P.M. C. Source: Buckhorn Creek, Larimer County, Colorado D. Date of Appropriation: December 21, 2007 E. The amount of water: 4.989 c.f.s., conditional F. Uses: Irrigation of 48 acres in the Northeast Quarter of Section 5, Township 6 North, Range 70 West of the Sixth P.M. and the Southeast Quarter of Section 32, Township 7 North, Range 70 West of the 6th P.M., livestock watering, piscatorial, wildlife development, dust suppression, through direct application or storage in Stowers Pond. 4. Name of Structure:

Stowers Pond 5. Description of conditional water right: A. Original Decree: Case No. 2007CW306, May 12, 2009, Division One Water Court. Absolute water right decreed in the amount of .0045 c.f.s., 1.52 acre feet, finding of diligence awarded on remaining 4.9955 c.f.s., 8.48 acre feet in 2015CW3051 B. Legal description of location: In the Northeast Quarter of the Northeast Quarter of Section Five, Township Six North, Range 70 West of the Sixth P.M. C. Structure used to fill reservoir: Stowers Meadow Right ditch/pipeline. D. Source: Buckhorn Creek. E. Date of Appropriation: December 21, 2007. F. Amount of Water: 8.48 acre feet, conditional, with right to refill as in priority. Rate of Diversion: 4.9955 c.f.s. G. Uses: Irrigation of 48 acres in the Northeast Quarter of Section 5, Township 6 North, Range 70 West of the Sixth P.M. and the Southeast Quarter of Section 32, Township 7 North, Range 70 West of the 6th P.M., livestock watering, piscatorial, wildlife development, dust suppression. 6. Outline of what has been done toward completion of the appropriations: A. Applicant improved the size and quality of the pipelines for the Stowers Meadow Right and Stowers Pond. The Stowers Meadow Right pipeline is now 3 inches in diameter, and the Stowers Pond is 1.25 inches in diameter. B. Applicant has done diligence to investigate pumps for the rights and potential additional changes in the pipelines, and to locate excavators to increase the size of the pond. C. Applicant purchased bentonite clay to seal and improve water storage in the Pond. D. Applicant has diverted up to .064 c.f.s. (28.74 g.p.m.) of water pursuant to the Stowers Meadow Right and applied the water to the decreed beneficial use of irrigation. E. Applicant has diverted water at a rate of up to .036 c.f.s. (16.16 g.p.m.) to the Stowers Pond and applied the water to the decreed beneficial uses of irrigation, livestock watering, piscatorial and wildlife development. F. Applicant has consulted with legal counsel regarding legal aspects of the rights and water rights applications and developments potentially affecting the rights. G. Applicant has consulted with engineering and construction experts regarding the construction of the portion of the Stowers Pond currently constructed and future construction of a larger pond. H. Applicant has expended not less than \$1500.00 on the aforementioned activities in furtherance of completing the claimed appropriation. 7. Claim to Make Absolute: A. Applicant seeks a decree recognizing an additional .053 c.f.s. (23.8 g.p.m.) of the Stowers Meadow Right as absolute, making a total of .064 c.f.s. (28.74 g.p.m.) and leaving 4.936 c.f.s. conditional. B. Applicant seeks a decree recognizing .032 cfs (14.37 g.p.m.) as a decreed absolute rate of diversion for the Stowers Pond, making a total of .036 c.f.s. (16.16 g.p.m.) absolute and leaving 4.964 c.f.s. as conditional diversion rate. 8. Remarks: The pond is located on land owned by Applicant. Dated March 21, 2023.

2023CW3027 (15CW3176) ARAPAHOE LAKE NO. ONE ASSOCIATION, c/o Janelle Mauch, Westwind Management Group, Inc., 27 Inverness Drive East, Englewood, CO 80112, Telephone: (303) 369-1800. PLEASE DIRECT ALL PLEADINGS AND CORRESPONDENCE TO: Bernard F. Gehris, Esq. and Peter D. Jaacks, Esq., Burns, Figa & Will, PC; 6400 S. Fiddler's Green Circle, #1000, Greenwood Village, CO 80111; (303) 796-2626; bgehris@bfwlaw.com; pjaacks@bfwlaw.com. **APPLICATION FOR DILIGENCE OF CONDITIONAL WATER RIGHTS IN ADAMS, ARAPAHOE, DOUGLAS, JEFFERSON, WELD AND DENVER COUNTIES**. II. Applicant requests entry of a finding for reasonable diligence for the remaining conditional portion of the water rights originally decreed on Sept. 30, 2016 in Case No. 15CW3176, and made partially absolute in Case No. 18CW3213. III. Summary of Existing Decree: Arapahoe Lake Augmentation Plan and Exchange; Date of Original Decree: March 7, 2017; Case No.: 2015CW3176; Court: Water Division 1 I. Description of Storage Structure and Right: a. Name: Arapahoe Lake ("Arapahoe Lake"). b. WDID: 0803401. c. Location: SW1/4 of the NE1/4 of Section 22, Township 5 South, Range 67 West, 6th P.M. The center of the dam is located approximately 1,420 feet from the north section line and 1,890 feet from the east section line. Arapahoe Lake is a reservoir situated upon, and in the bed of, Goldsmith Gulch. d. Source: Goldsmith Gulch, which is a tributary of Cherry Creek, which is a tributary of the South Platte River. e. Amount: 12.6 c.f.s. inflow and 24.9 acre-feet storage, absolute, with the right to refill (all absolute). f. Date of Appropriation: April 30, 2013. g. Uses: Recreation, piscatorial and wildlife habitat (all absolute). All recreational uses are within the high water line of Arapahoe Lake. h. Size of Reservoir: 24.9 acre-feet, with 23.6 acre-feet of active and 1.3 acre-feet of dead storage. i. Surface Area: 3.6 acres. j. Maximum Height of Dam: 21 feet. k. Length of Dam: 240 feet. 2. Description of Plan for Augmentation with Exchange: a. Structure being Augmented:

Arapahoe Lake, as described above. b. Statement of Plan for Augmentation: The plan accounts for out-of-priority depletions from lake evaporation and replaces the depletions with water leased from Denver Water. Deliveries are made and measured at the outfall of the replacement release facility and/or accounted for pursuant to Denver Water's relevant decrees. c. Source of Augmentation Water: Water leased from Denver Water pursuant to Contract No. 16113A dated December 17, 2015 (the "Contract"), for up to 11 acre-feet per year. d. Locations Where Replacement Supplies are Introduced: Replacement supplies identified in the Contract are delivered to or made available for augmentation and replacement in the South Platte River system above the location where the then-calling water right is being administered, including but not limited to the following locations: i. Denver Water's South Reservoir Complex the outlet works for which delivers water to the South Platte River in Adams County, Section 1, Township 3 South, Range 68 West, 6th P.M. ii. Metropolitan Denver Wastewater Reclamation Plant which discharges water to the South Platte River in Adams County in Section 1, Township 3 South, Range 68 West, 6th P.M. iii. Calculated LIRFs from the Goldsmith Gulch Sub-basin or the Cherry Creek Sub-basin pursuant to Paragraph 27.3, and/or LIRFs quantified above the Burlington Administration Point identified in paragraph 23.2.1 of the Decree in Case No. 04CW121. The calculated LIRFs for the Goldsmith Gulch Sub-basin may be used to directly augment depletions within the same Sub-basin. iv. Littleton/Englewood Wastewater Treatment Plant which discharges water to the South Platte River in Arapahoe County in Section 33, Township 4 South, Range 68 West, 6th P.M. v. The confluence of the South Platte River and Bear Creek. vi. Chatfield Reservoir, the outlet works of which are located in the NE Corner of Section 1, Township 6 South, Range 69 West, 6th P.M. in Jefferson and Arapahoe Counties. vii. Future Outfall of Wastewater Treatment Plants: The outfall of any existing or future wastewater treatment plants that treat Denver's reusable water supplies and discharge upstream of Denver Water's South Reservoir Complex. 3. Description of Appropriative Right of Exchange: a. Name of Exchange: Arapahoe Lake Augmentation Exchange. b. Operation of the Augmentation Exchange: This exchange is pursuant to Sections 37-80-120 and 37-92-302(1)(a), C.R.S. The exchange operates within all or part of the following reach: from the Denver Water Board's points of replacement at or upstream of Denver Water's South Reservoir Complex outlet works located in Section 1, Township 3 South, Range 68 West, 6th P.M.; thence up the South Platte River to the confluence of Cherry Creek in the NE1/4 of the NW1/4 of Section 33, Township 3 South, Range 68 West, 6th P.M.; thence up Cherry Creek to the confluence of Goldsmith Gulch in the SW1/4 of the NE1/4 of Section 20, Township 4 South, Range 67 West, 6th P.M.; thence up Goldsmith Gulch to the point of depletion at Arapahoe Lake in the SW1/4 of the NE1/4 of Section 22, Township 5 South, Range 67 West, 6th P.M. c. Exchange From Locations: i. Denver Water's South Reservoir Complex, the outlet works for which delivers water to the South Platte River in Adams County, Section 1, Township 3 South, Range 68 West, 6th P.M. ii. Above the Burlington Ditch headgate, which is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West, 6th P.M., in City and County of Denver, Colorado, 2456.2 feet east of the west line of the southwest quarter and 2347.7 feet north of the south line of said southwest quarter of Section 14. The headgate is located approximately at latitude 039°47'24.69"N, longitude 104°58'9.97"W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. iii. Metropolitan Denver Wastewater Reclamation Plant which discharges water to the South Platte River in Adams County in Section 1, Township 3 South, Range 68 West, 6th P.M. iv. The confluence of Cherry Creek and the South Platte River. v. Cherry Creek, at the intersection of the downstream Cherry Creek Sub-basin boundary with Cherry Creek, at approximately Logan Street. d. Exchange To Location: Arapahoe Lake. e. Affected Exchange Reaches: South Platte River, Cherry Creek and Goldsmith Gulch. The exchange will operate within all or part of the following reach: from Denver Water's points of replacement at or upstream of Denver Water's South Reservoir Complex outlet works located in Section 1, Township 3 South, Range 68 West, 6th P.M., up the South Platte River to the confluence of Cherry Creek in the NE1/4 NW1/4 of Section 33, Township 3 South, Range 68 West, 6th P.M.; thence up Cherry Creek to the confluence of Goldsmith Gulch in the SW1/4 of the NE1/4 of Section 20, Township 4 South, Range 67 West, 6th P.M.; thence up Goldsmith Gulch to the point of depletion in the SW1/4 of the NE1/4 of Section 22, Township 5 South, Range 67 West, 6th P.M. NOTE: Water released from any points that are located on the South Platte River above its confluence with Cherry Creek must be

delivered to the confluence with Cherry Creek where it can then be exchanged up Cherry Creek and Goldsmith Gulch to Arapahoe Lake. f. Purpose of Exchange: This exchange allows delivery of replacement water to replace out-of-priority depletions from upstream storage in Arapahoe Lake, to keep this lake full to the extent feasible pursuant to the plan for augmentation decreed in Case No. 15CW3176, in addition to storage under its own priority. g. Date of Appropriation of Exchange Right: December 17, 2015. h. Exchange Rate: 0.26 c.f.s. (absolute). i. Cumulative Annual Volume: 11.0 acre-feet (10.02 acre-feet absolute, and 0.98 acre-feet conditional). j. Source of Replacement Supply Water: Water obtained by the Contract. k. Uses: Recreation, piscatorial and wildlife habitat in Arapahoe Lake. l. Water Quality: Pursuant to C.R.S. § 37-92-305(5), the substituted water provided by Denver Water for the exchange will be of a quality and quantity to meet the requirements of use for which the water of senior appropriators has normally been used. III. Other. 1. Metro Agreement: Applicant has agreed with Metro Wastewater Reclamation District (“Metro”) that nothing stated in any decree entered herein shall affect or prejudice any of Metro’s rights and obligations as they existed immediately prior to the entry of the decree, including under the July 29, 1968 Agreement between Denver Water; Metro; the Farmers Reservoir and Irrigation Company (“FRICO”); the Burlington Ditch Reservoir and Land Company (“Burlington”); and Henrylyn Irrigation District (“Henrylyn”). Any reference in the decree entered herein to the Metro Wastewater Reclamation District’s Robert W. Hite Treatment Facility’s outfall or the pump station located at the Robert W. Hite Treatment Facility as a place of replacement or source of exchange shall not prejudice any right of Metro, Applicant, or Denver Water to seek a future determination of the rights and obligations, if any, of Metro, Applicant, or Denver Water regarding the right to move the location of Metro’s outfalls and/or its points of discharge of some or all of the wastewater treated at the Robert W. Hite Treatment Facility. 2. Burlington Bypass: Applicant has not and will not operate the exchange in a manner that increases the bypass obligation set forth in paragraph 44 of the decree entered in Case No. 2002CW403, District Court, Water Division No. 1. Outline of work done during the diligence period toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: A. In Case No. 18CW3213, Applicant applied for and obtained a decree to make absolute a significant portion of the water rights conditionally decreed in Case No. 15CW3176. B. Since the decree in Case No. 15CW3176 was entered, Applicant has coordinated its storage, exchange and augmentation operations with the Division 1 River Operations/Compact Commissioner, the local Water Commissioner, and Denver Water, with a spreadsheet of monthly operations prepared and sent to each. C. Applicant has continuously retained a water engineering firm and legal counsel to assist in maintaining its conditional water rights, including for the application filed in Case No. 18CW3213 and this diligence application. VI. Name of Owners of the Land upon which any Structure is Located, upon which Water will be Stored, or upon which Water is or will be Placed to Beneficial Use: Applicant - Arapahoe Lake No. One Association. WHEREFORE, Applicants respectfully request a judgment and decree of this Court that the remaining portion of the exchange volume decreed in Case No. 15CW3176 (0.98 acre-feet) continue as conditional.

2023CW3028 CONCERNING THE APPLICATION FOR WATER RIGHTS OF Applicant: CITY OF LOUISVILLE IN BOULDER COUNTY. Related Case Nos. 16CW3046 | 09CW0150 | 01CW0218 94CW0211 | 82CW0467 **APPLICATION TO MAKE ABSOLUTE IN WHOLE OR IN PART IN BOULDER COUNTY.** Name, mailing address, email address, and telephone number of applicant(s) (if there are multiple applicants, and the space provided is not adequate to list all of the applicants, the names, addresses, telephone numbers and available email addresses must be provided as an attachment): City of Louisville, a Colorado home rule municipal corporation, 749 Main Street Louisville, CO 80027, cpeterson@louisvilleco.gov, 303.335.4610. Attorneys for Applicant: Alan G. Hill, #11343 Ashley Pollock-Zahedi, #39795 1528 Wazee Street Denver, CO 80202 303.993.4452 ahill@hillpollock.com apollock@hillpollock.com. Name of structure: Harper Reservoir, First Enlargement Type: reservoir Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: 12/28/1988 Case No. 82CW0467 Court: Water Div. 1 List all subsequent decrees awarding findings of diligence: Date of Decree: 03/07/2017 Case No. 16CW3046 Court: Water Div. 1 Date of Decree: 03/08/2010 Case No. 09CW0150 Court: Water Div. 1 Date of Decree: 10/16/2003

Case No. 01CW0218 Court: Water Div. 1 Date of Decree: 11/17/1985 Case No. 94CW0211 Court: Water Div. 1 Legal description: Provide a verbatim legal description from the most recent decree that adjudicated the location. Attach a Legible 8 1/2 x 11 inch map to this application illustrating location of the structure. As enlarged, the reservoir is located in the S 1/2 NW 1/4 and the N 1/2 SW 1/4 of Section 7, T1S, R69W, 6th P.M., Boulder County, Colorado, with the southwestern most point of the dam being located at a point approximately 2,266 feet north and 4,461 feet west of the southeast corner of said Section 7, as depicted on the map attached hereto as Exhibit "A." Source of water: South Boulder Creek Appropriation Date: 12/14/1982 Amount: 652.71 acre-feet, conditional Use: All municipal purposes, including domestic, industrial, commercial, fire protection, irrigation, stock watering, recreation, and wildlife conservation. Water will also be used for exchange purposes, for replacement of depletions resulting from the use of water from other sources and other priorities from the same source, and for augmentation purposes. Depth: (if well) N/A 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: (add additional sheets if necessary). If irrigation use, mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application a legible 8 1/2 x 11-inch copy of the applicable portion of the map. A. The Harper Reservoir, First Enlargement Water Storage Rights are part of Louisville's municipal water system. Louisville is a growing city and during the last six years has done significant work on its water system. This work included the following items: Louisville has continued to obtain additional water resources to meet current and future demands. Louisville has improved its Sid Copeland Water Treatment Plant, its Howard Berry Water Treatment Plant, and its wastewater treatment plant. Louisville is a participant in the Windy Gap Firming Project and has expended funds for the completion of the Firming Project. Louisville obtained decrees finding reasonable diligence for conditional rights in Case Nos. 16CW3181, 16CW3182, and 17CW3095. Louisville has appeared in several Water Court cases as an opposer in order to protect its water rights from injury from others, including these conditional water rights. These cases include: 16CW3015, 20CW3145, 20CW3216, and 22CW3176. The estimated total expenditures for the activities listed above is at least \$35,302,680. B. Since work on one part of an integrated water system is evidence of diligence toward completion of all water rights within the entire water system, Louisville has been diligent in the development of these conditional rights and seeks a decree of reasonable diligence for the portions of this conditional water storage right that are not made absolute. If claim to make absolute in whole or in part: Date water applied to beneficial use: May 3, 2021, May 9, 2021, May 18, 2021, and May 31, 2021. Amount: 14.84 acre-feet. Copies of Louisville's accounting, annual and daily diversion records, and call records for the dates water applied to beneficial use are attached as Exhibits B, C, D, and E, respectively. Use: All municipal purposes, including domestic, industrial, commercial, fire protection, irrigation, stock watering, recreation, and wildlife conservation. Water has also been used for exchange purposes, for replacement of depletions resulting from the use of water from other sources and other priorities from the same source, and for augmentation purposes. The application shall include supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed. (For example, diversion records, call records, capacity tables, etcetera.) Description of place of use where water is applied to beneficial use. Mark the location of area irrigated on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. The City of Louisville municipal boundary. If actual location of the structure is different from the location in paragraph 3.C. above, provide the actual description. Mark the actual location of the structure on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. N/A. Distance from Section Lines (if not providing a UTM coordinate above): Include perpendicular distances from section lines to the structure location.; field survey; scaled from USGS topographic map; or other source. In areas having generally recognized street addresses, also include street address, and if applicable, the lot, block, and subdivision. Attach a legible 8 1/2 x 11 inch map to this application illustrating the location of the structure. N/A. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these

persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so by no later than 14 days after filing this Application. No new structures or modifications to existing diversion or storage structures are necessary or contemplated for this water right beyond those described in the original decree. Remarks or any other pertinent information: N/A

2023CW3029 Applicant: FRONT RANGE FEEDLOTS, LLC, c/o Trent Horton, 134 Oak Drive, Eaton, CO 80615; (970) 539-1192. Please send correspondence and pleadings to: David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; (970) 622-8181; david@lcwaterlaw.com. **CONCERNING THE APPLICATION TO MAKE WATER RIGHT ABSOLUTE OR IN THE ALTERNATIVE FOR A FINDING OF REASONABLE DILIGENCE, IN LARIMER AND WELD COUNTIES.** 2. Previous Decrees: Case No. 16CW3030, dated March 30, 2017, Water Division No. 1; 06CW114, dated March 30, 2010, Water Division No. 1. 2.1. Name of Structure. Swanson Recharge Pond No. 1 2.1.1. Diversion Point: The headgate of the New Cache La Poudre Irrigating Company Ditch (Greeley Canal No. 2), NE 1/4 of the SE 1/4 of the SW 1/4, Section 11, Township 6N North, Range 68 West of the 6th P.M., Weld County, Colorado. 2.1.2. Source. Cache La Poudre River 2.1.3. Appropriation Date: May 14, 2008 2.1.4. Amount. 15 c.f.s., conditional 2.1.5. Use: Substitution and replacement by augmentation or exchange. 2.1.6. Remarks: A map showing the location of the recharge structure is attached at Exhibit A. 3. Outline of Work Toward Completion of the Appropriation During the Diligence Period. During the diligence period, on or about June 10, 2019, Applicant diverted water at a maximum rate of 15.16 c.f.s. Supporting diversion records are attached as Exhibit B. The water diverted was delivered to the Swanson Recharge Pond where the deliveries are lagged back to the river as recharge augmentation credit and included in the projection for the Applicant's plan for augmentation decreed in Case No. 06CW114, Water Division 1. 4. Claim to Make Water Right Absolute or in the Alternative for Finding of Reasonable Diligence: Applicant seeks a finding that the water right has become absolute in its entirety and entry of a decree making the water right absolute in full. In the alternative, Applicant seeks a finding that it has been reasonably diligent in the development of the conditional water right and entry of a decree maintaining the right as conditional for the statutory period. 5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Not applicable. The original format of this application is three pages in length and includes two exhibits.

2023CW3030 (16CW3101, 10CW35, 02CW052, 89CW136) STONEGATE VILLAGE METROPOLITAN DISTRICT, c/o District Manager, 10252 Stonegate Parkway Parker, CO 80134 Office: (303) 858-9909 Please send all correspondence to and serve all court filings on Steven P. Jeffers, Matthew Machado; Lyons Gaddis, PC, 950 Spruce St., Unit 1B, Louisville, CO 80027; sjeffers@lyonsgaddis.com; mmachado@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY.** 2. **Names of structures:** Stonegate Wells ALL-1, ALL-2, and ALL-3. 3. **Description of conditional water rights:** 3.1. **Previous decrees:** The District Court, Water Division No. 1 entered the original decree in Case No. 89CW136 on March 5, 1996 and entered the diligence decrees in Case No. 02CW052 on January 14, 2004, Case No. 10CW35 on July 13, 2010, and Case No. 16CW3151 on March 9, 2017. 3.2. **Description of Well No. ALL-1:** 3.2.1. Decreed Location: NW 1/4 NE 1/4, Section 16, Township 6 South, Range 66 West, 6th P.M., 200 feet from the North Section Line, 2,450 feet from the East Section Line. 3.2.2. Decreed Source: Alluvium of Cherry Creek. 3.2.3. Decreed Appropriation Date: September 11, 1989. 3.2.4. Decreed Amount: 1,200 g.p.m., conditional. 3.2.5. Decreed Uses: Municipal, domestic, industrial, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses in connection with the Stonegate Planned Development. Water will be withdrawn and used for immediate application to beneficial uses, storage, and subsequent application to beneficial use, substitution and exchange, replacement of depletions resulting from use of water from other sources, and for all other augmentation purposes. 3.2.6. Depth: 110 feet. 3.3. **Description of Well No. ALL -2:** 3.3.1.

Decreed Location: NW 1/4 NE 1/4, Section 16, Township 6 South, Range 66 West, 6th P.M., 1,050 feet from North Section Line and 2,350 feet from East Section Line. 3.3.2. Decreed Source: Alluvium of Cherry Creek. 3.3.3. Decreed Appropriation Date: September 11, 1989. 3.3.4. Decreed Amount: 1,200 g.p.m., conditional. 3.3.5. Decreed Uses: Municipal, domestic, industrial, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses in connection with the Stonegate Planned Development. Water will be withdrawn and used for immediate application to beneficial uses, storage, and subsequent application to beneficial use, substitution and exchange, replacement of depletions resulting from use of water from other sources, and for all other augmentation purposes. 3.3.6. Depth: 110 feet. 3.4. **Description of Well No. ALL -3:** 3.4.1. Decreed Location: SW 1/4 NE 1/4, Section 16, Township 6 South, Range 66 West, 6th P.M., 2,250 feet from North Section Line and 1,800 feet from East Section Line. 3.4.2. Decreed Source: Alluvium of Cherry Creek. 3.4.3. Decreed Appropriation Date: September 11, 1989. 3.4.4. Decreed Amount: 1,200 g.p.m., conditional. 3.4.5. Decreed Uses: Municipal, domestic, industrial, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses in connection with the Stonegate Planned Development. Water will be withdrawn and used for immediate application to beneficial uses, storage, and subsequent application to beneficial use, substitution and exchange, replacement of depletions resulting from use of water from other sources, and for all other augmentation purposes. 3.4.6. Depth: 110 feet. 3.5. **Map of structures:** The well locations are shown on **EXHIBIT A**. 4. **Work done toward completion of the appropriation during the subject diligence period:** The conditional water rights are component parts of Stonegate's integrated water supply system, pursuant to section 37-92-301(4)(b), C.R.S. During the subject diligence period, Stonegate took the following steps toward completing the appropriations and applying water to the conditionally decreed beneficial uses: 4.1. Passed the Resolution affirming the District's need and intent to develop the conditional water rights attached as **EXHIBIT B**. 4.2. Operated and maintained the District's nontributary wells, the return flows from which will be used as augmentation water in the plan for augmentation that allows withdrawals of the subject conditional water rights ("the 89CW136 Plan"), at a cost of \$1,274,476. 4.3. Retained water engineers at a cost of \$33,000 to analyze the District's lawn irrigation return flows, which will provide a source of augmentation water in the 89CW136 Plan. 4.4. Participated as an objector in several water court cases, including Case Nos. 08CW28, 15CW3011, 19CW3211 to protect operation of the 89CW136 Plan. 4.5. Filed a water court application in Case No. 22CW3106 to add additional nontributary water to the District's well fields from the Newlin Crossing parcel, the return flows from which the District intends to successively use as augmentation water in the 89CW136 Plan. 4.6. Paid legal and engineering consultants to analyze the subject wells and the 89CW136 Plan. 4.7. Monitored and recorded effluent discharge (the effluent to be used as a augmentation water). 4.8. Received and utilized WISE water deliveries generating effluent return flows, which the District intends to add as a source of augmentation water in the 89CW136 Plan. 5. **If a claim to make absolute, water applied to beneficial use:** None. Stonegate does not claim to have made any portion of the conditional water rights absolute during the subject diligence period. 6. **Owner of land upon which the structures are or will be located:** Well ALL-1 and Well ALL-3 will be located on land owned by the Town of Parker, 20120 E. Mainstreet, Parker, CO 80138. Well ALL-2 will be located on land owned by Douglas County, 100 Third Street, Castle Rock, CO 80104. WHEREFORE, Stonegate respectfully requests the Court enter a decree finding that Applicant is entitled to a finding of reasonable diligence and continuing the conditional water rights for another six years. Number of pages in application: 6, excluding exhibits.

2023CW3031 1. **CITY OF LOVELAND, COLORADO, PARKS AND RECREATION DEPARTMENT AND WATER AND POWER DEPARTMENT IN LARIMER COUNTY** c/o Todd Hanlin, Water Resources Manager, 200 N Wilson Ave., Loveland, Colorado 80537, Telephone: (970) 962-3703. Please send all pleadings and correspondence to: Derek L. Turner, Senior 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 TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN LARIMER COUNTY**. 2. General Description of the Application:

In Case No. 15CW3046, Loveland obtained a decree for an augmentation plan and conditional groundwater rights associated with unlined ponds created by historical gravel mining. The augmentation plan replaces out of priority depletions caused by evaporation from two of the three ponds (Dragonfly Pond and Sandpiper Pond) that are required to be replaced in accordance with the decree and state law. Pursuant to section 37-90-137(11)(b), Loveland is not required to replace depletions caused by evaporation from the Bass Pond because its surface area was exposed prior to January 1, 1981 as a result of open mining of sand and gravel. See Findings of Fact, Conclusions of Law, Ruling and Decree, Case No. 15CW3046 (Mar.31, 2017, Water Div. 1) at ¶ 4.1. The Decree in Case No. 15CW3046 also adjudicated conditional groundwater rights, as further described in detail below, for the beneficial uses of replacement of evaporation at the Dragonfly and Sandpiper ponds based on the increased surface areas of the ponds since 1980. In the time since the decree was entered in March 2017, Loveland has operated the plan for augmentation decreed therein and replaced out of priority depletions as required by the decree. By replacing the depletions in time, location, and amount, Loveland has put to beneficial use its conditional water rights pursuant to procedures described by law. Loveland requests this Court find that Loveland has made absolute the conditional groundwater rights decreed in Case No. 15CW3046 in the amount of 51.4 acre-feet per year, at the maximum rates of depletion of 0.044 cfs for the Dragonfly Pond and 0.078 cfs for the Sandpiper Pond.

3. Description of Conditional Water Rights: A. Dragonfly Pond, WDID 0403022, Well Permit No. 77524-F.i. Original Decree: Case No. 15CW3046, Water Division 1 (March 31, 2017). ii. Subsequent decree awarding findings of diligence: N/A. iii. Legal description: Those portions of Dragonfly Pond that were exposed after December 31, 1980, encompassing approximately 8.3 acres, are located in the N 1/2 of Section 23, Township 5 North, Range 69 West of the 6th P.M., Larimer County, Colorado. iv. UTM Coordinates: UTM Easting 492320.0 and UTM Northing 4471220.0, UTM Zone 13. v. Source of water: Underground water tributary to the Big Thompson River. vi. Appropriation Date: January 1, 1981. vii. Amount: the average annual amount of groundwater appropriated does not exceed 19.1 acre-feet, with the total surface of exposed groundwater limited to 11.8 acres (of which not more than 8.3 acres were exposed to the atmosphere after December 31, 1980). The maximum rate of depletion is 0.044 cfs. viii. Uses: Replacement of evaporation due to past sand and gravel mining. Water may be fully consumed by evaporation for such uses. B. Sandpiper Pond, WDID 0403022, Well Permit No. 79191-F.i. Original Decree: Case No. 15CW3046, Water Division 1 (March 31, 2017). ii. Subsequent decree awarding findings of diligence: N/A. iii. Legal description: Sandpiper Pond is located in the N 1/2 of Section 23, Township 5 North, Range 69 West of the 6th P.M., Larimer County, Colorado. iv. UTM Coordinates: UTM Easting 492320.0 and UTM Northing 4471020.0, UTM Zone 13. v. Source of water: Underground water tributary to the Big Thompson River. vi. Appropriation Date: January 1, 1981 for 13.4 surface acres of the Sandpiper Pond, and September 13, 2013 for an additional 0.8 acres of the Sandpiper Pond. vii. Amount: the average annual amount of groundwater appropriated does not exceed 32.3 acre-feet with the total surface area of the groundwater exposed limited to 14.2 acres. The maximum rate of depletion is 0.078 cfs. viii. Uses: Replacement of evaporation due to past sand and gravel mining. Water may be fully consumed by evaporation for such uses.

4. Claim to Make Conditional Water Rights Absolute: Pursuant to section 37-92-103(3)(a), an “appropriation” is the application of a portion of waters of the state to a beneficial use pursuant to procedures prescribed by law. The City applied water to a beneficial use by (1) replacing all out of priority depletions by operation of the augmentation plan decreed in Case No. 15CW3046, and (2) tracking and accounting for days between April 2017 and March 2023 in which the beneficial uses at the ponds occurred in priority. From April 1, 2017 to the date of this application, Loveland has beneficially used for the decreed purposes the conditional water rights. Therefore, by maintaining detailed daily water rights accounting from April 1, 2017 through the date of filing this application, Loveland applied the conditional water rights described herein to their decreed beneficial uses, thereby completing the appropriation. A. Dates water applied to beneficial use: April 1, 2017 to March 30, 2023. B. Amount: Between the Sandpiper Pond (32.3 acre-feet) and Dragonfly Pond (19.1 acre-feet), an average annual amount of 51.4 acre-feet. The maximum rate of depletion for the Dragonfly Pond was 0.044 cfs, and for the Sandpiper Pond was 0.078 cfs. C. Supporting evidence – Loveland maintained and submitted to the Division Engineer approved annual accounting summaries for each water year since the water rights were decreed. Included with this Application as Exhibit 21 is the water year 2022 summary

accounting for the ponds, demonstrating (1) days and amounts of in-priority use (2.28 acre-feet), (2) days and amounts of out of priority uses (49.14 acre-feet), (3) locations of replacement of out-of-priority depletions, (4) assessed transit losses, and (5) the balance of replacements and depletions (for 2022, a net replacement of 2.34 acre-feet above out-of-priority depletions). Summary sheets for water years 2017, 2018, 2019, 2020, 2021, and the first four months of water year 2023 are available upon request. Consistent with the decree in Case No. 15CW3046, Loveland has put to beneficial use each day the amount of depletions decreed for the conditional groundwater rights claimed herein, thereby completing the appropriation pursuant to procedures prescribed by law. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Loveland owns all land underlying the ponds described herein. 6. WHEREFORE, Loveland requests a ruling and decree making absolute the 2015 conditional groundwater rights described herein, based on Loveland's daily use of water at the ponds either in priority or out of priority through operation of the augmentation plan decreed in Case No. 15CW3046, and awarding such other relief which this Court deems proper. (This Application consists of 8 pages, and two Exhibits.)

2023CW3032 Applicant: **DEUEL AND SNYDER IMPROVEMENT COMPANY**; c/o Brian Kembel, Ditch Board President; P.O. Box 89, Fort Morgan, CO 80701. Please send correspondence and pleadings to: David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; (970) 622-8181; david@lcwaterlaw.com. **CONCERNING THE APPLICATION TO CORRECT ESTABLISHED BY ERRONEOUSLY DESCRIBED POINTS OF DIVERSION, IN MORGAN COUNTY.** 2. Previous Decrees: Case No. 14CW3167, dated May 18, 2016; Case No. 2022CW3067, dated February 24, 2023. 2.1. Name of Structure. Well No. 5 (Layne Doty), WDID #0106363 2.1.1. Legal Description. In the NE1/4 of the SW1/4 of Section 19, Township 4 North, Range 56 West of the 6th P.M., at a point 1650 feet from the South section line and 1350 feet from the West section line of said section 19. 2.1.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.1.3. Source. Groundwater tributary to the South Platte River. 2.1.4. Amount. 1.55 c.f.s., conditional 2.1.5. Date of Appropriation. December 30, 2014 2.1.6. Remarks: The WDID number identified above for this well is incorrect. The correct WDID is #0107782. 2.2. Name of Structure: Well No. 8 (Guthrie Land Co.), WDID #0106777 2.2.1. Legal Description. In the SE1/4 of the SW1/4 of Section 27, Township 4 North, Range 57 West of the 6th P.M., at a point 310 feet from the South section line and 1500 feet from the West section line of said section 27. 2.2.2 Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.2.3. Source. Groundwater tributary to the South Platte River. 2.2.4. Amount. 2.00 c.f.s., conditional 2.2.5. Date of Appropriation. December 30, 2014 2.3. Name of Structure: Well No. 9 (Guthrie Land Co.) WDID #0106778 2.3.1. Legal Description. In the NW1/4 of the NE1/4 of Section 33, Township 4 North, Range 57 West of the 6th P.M., at a point 265 feet from the North section line and 2620 feet from the East section line of said section 33. 2.3.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.3.3. Source. Groundwater tributary to the South Platte River. 2.3.4. Amount. 3.81 c.f.s., conditional 2.3.5. Date of Appropriation. December 30, 2014 2.4. Name of Structure. Well No. 15 (William Larrick), WDID #0108867 2.4.1. Legal Description. In the NW1/4 of the NW1/4 of Section 31, Township 4 North, Range 57 West of the 6th P.M., at a point 1028 feet from the North section line and 1540 feet from the West section line of said section 33. 2.4.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.4.3. Source. Groundwater tributary to the South Platte River. 2.4.4. Amount. 4.25 c.f.s., conditional 2.4.5. Date of Appropriation. December 30, 2014 2.5. Name of Structure. Well No. 18 (Dwayne Cushman), WDID #0107987 2.5.1. Legal Description. In the SE1/4 of the NE1/4 of Section 24, Township 4 North, Range 57 West of the 6th P.M., at a point 2390 feet from the North section line and 250 feet from the East section line of said section 24. 2.5.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.5.3. Source. Groundwater tributary to the South Platte River. 2.5.4. Amount. 1.09 c.f.s., conditional 2.5.5. Date of Appropriation. December 30, 2014 2.5.6. Remarks: In Case no.

2022CW3067, this well was decreed absolute for the full 1.09 c.f.s. 3. Description of proposed corrections to established but erroneously described points of diversion: 3.1. Complete Statement of corrections to be made: The conditional water rights for the wells identified herein were decreed in Case No. 14CW3167 for the augmentation and replacement purposes. It has been determined that each well is more than 200 feet from the legally described location that was included in the 14CW3167 decree. 3.2. Legal Description of the Corrected Points of Diversion. 3.2.1. Well No. 5 is located in the NE1/4 of the SW1/4 of Section 19, Township 4 North, Range 56 West of the 6th P.M. 3.2.2. Well No. 8 is located in the SE1/4 of the SW1/4 of Section 27, Township 4 North, Range 57 West of the 6th P.M. 3.2.3. Well No. 9 is located in the NW1/4 of the NE1/4 of Section 33, Township 4 North, Range 57 West of the 6th P.M. 3.2.4. Well No. 15 is located in the NW1/4 of the NW1/4 of Section 31, Township 4 North, Range 57 West of the 6th P.M. 3.2.5. Well No. 18. is located in the SE1/4 of the NE1/4 of Section 24, Township 4 North, Range 57 West of the 6th P.M. 3.3. UTM Coordinates: Latitudinal and longitudinal coordinates for the wells were obtained by use of GPS device in a John Deere RTK using StarFire 6000 with accuracy of 100 Percent. The latitudinal and longitudinal coordinates were then converted to the UTM values stated below using an online conversion site. 3.3.1. Well No. 5 (Layne Doty). UTM Zone 13T; 611196.00 mE, 4461559.00 mN. 3.3.2. Well No. 8 (Guthrie Land Co.). UTM Zone 13T; 606340.76 mE, 4459160.26 mN. 3.3.3. Well No. 9 (Guthrie Land Co.). UTM Zone 13T; 605169.18 mE, 4458823.07 mN. 3.3.4. Well No. 15 (William Larrick). UTM Zone 13T; 601468.65 mE, 4458738.13 mN. 3.3.5. Well No. 18 (Dwayne Cushman). UTM Zone 13T; 610741.24 mE, 4461697.17 mN. 4. Names and Addresses of Owners of Land/Structures: The properties upon which the above structures are located are owned as follows: 4.1. Well No. 5 (Layne Doty) is located on land owned by Feldpausch Holsteins LLC whose address is 20830 County Road 24, Fort Morgan, CO 80701. 4.2. Well No. 8 and Well No. 9 are located on land owned by Joe Baumberger whose address is 21484 County Road T.5, Fort Morgan, CO 80701. 4.3. Well No. 15. is located on land owned Brian Kembel whose address is 19252 County Road T, Fort Morgan, CO 80701. 4.4. Well No. 18. is located on land owned by Dan Kendrick whose address is 21087 County Road 24, Fort Morgan, CO 80701. The original format of this application is six pages in length.

2023CW3033 Applicant: FORT COLLINS/I-25 INTERCHANGE CORNER, LLC, c/o Jeannie Cox, P.O. Box 7388, Colorado Springs, CO 80933, (719) 540-5800, jeannie@contrarianholdings.com. Please serve all pleadings on: Scott Holwick, Casey J. Weaver, Lyons Gaddis, P.C., P.O. Box 978, Longmont, Colorado 80502-0978, (303) 776-9900 sholwick@lyongaddis.com, cweaver@lyongaddis.com.
APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN LARIMER COUNTY. 2. Decreed water right for which correction is sought: 2.1. Name of structure: Kitchell and Ladd Ditch. 2.2. Original decree: The District Court, Larimer County, entered the original decree on April 11, 1882, in Case No. CA-320. 2.3. Legal description of structure as described in the decree that adjudicated the location: Said Ditch being on the South-west quarter of Section No. Ten (10), Township No. Seven, North, Range No. Sixty-eight, West, length near one mile. 2.4. Decreed source: Cooper Slough, a tributary of the Cache la Poudre River. 2.5. Appropriation Date: October 1, 1875. 2.6. Total amount decreed to structure: 2.95 cfs, absolute. 2.7. Decreed uses: Irrigation and domestic. 3. Detailed description of proposed correction to an established but erroneously described point of diversion: 3.1. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See §§ 37-92-305(3.6) (a) & (b), C.R.S.: This Application seeks to correct the erroneous legal description for the Kitchell and Ladd Ditch (the “Ditch”). Though the original decree correctly described the Ditch as diverting from the Cooper Slough, the original decree erroneously described the point of diversion as located on property in the SW ¼ of Section 10, Township 7 North, Range 68 West of the 6th P.M., in Larimer County. The correct and actual existing point of diversion is instead located on property in the SE quarter of Section 9, Township 7 North, Range 68 West of the 6th P.M., in Larimer County (Larimer County Assessor Parcel No. 8709400938). The Cooper Slough has traditionally meandered through Sections 4, 9, and 16, but has at no point strayed as far east as Section 10. The water right has been continually used for decades on a parcel located in the East half of Section 16, Township 7 North, Range

68 West of the 6th P.M., Larimer County, on property in the Northwest quadrant of Prospect Road and I-25 in Fort Collins [the “Property”]. FCIC purchased the parcel in 2013, along with water right. See Special Warranty Deed attached as **Exhibit A** and Quit Claim Deed (Water Rights) attached as **Exhibit B**. Since the purchase, FCIC has leased the parcel and the water right to Robert Becker, Jr. to farm. Mr. Becker has used, and will continue to use, the water right, along with FCIC’s Lake Canal shares and C-BT project water, to irrigate the Property. Mr. Becker began leasing the parcel and water right from FCIC’s predecessor-in-interest in or around 1995. Throughout the course of his tenure farming the Property, the point of diversion for the Ditch has been located at its current location, as described above. 3.2. Legal description of the corrected point of diversion (i.e., the actual location of the Ditch’s point of diversion) [UTM format]: As noted above, the corrected or actual point of diversion of the Ditch is located in the Southeast quarter of Section 9, Township 7 North, Range 68 West, of the 6th P.M., Larimer County. Please see the UTM coordinates attached as **Exhibit C**. 3.3. Map: A map showing the decreed and actual locations of the Ditch’s point of diversion is attached as **Exhibit D**. 4. Name(s) and address(es) of the owner(s) of land upon which FCIC will construct a new diversion or storage structure, modify an existing diversion or storage structure, or either stores or will store water. The City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522, owns the land on which the Ditch’s actual point of diversion is located.

2023CW3034 CITY OF FORT COLLINS (“Fort Collins”), c/o Jason Graham, Director of Water Utilities, and Jen Dial, Water Resources Manager, P.O. Box 580, Fort Collins, Colorado 80522; E-mail: jgraham@fcgov.com; jdial@fcgov.com; Telephone Number: (970) 416-2100; (970) 966-5489. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Telephone Number: (303) 443-6151; E-mail: sbc@vrlaw.com; bnk@vrlaw.com; and Eric R. Potyondy, Esq., Fort Collins City Attorney’s Office, 300 LaPorte Avenue, Fort Collins, Colorado 80521; Telephone Number: (970) 416-2126; E-mail: epotyondy@fcgov.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN LARIMER COUNTY**. Fort Collins is a Colorado municipal corporation with home-rule authority. It owns and operates a municipal water supply system to provide potable water supplies to customers located within its municipal water service area, and also a wastewater treatment system to collect and treat wastewater resulting from water use by customers located within its municipal wastewater service area. Fort Collins also owns lands that require non-potable water supplies for uses pertaining to Fort Collins’ activities on these lands. 2. Names of Structures. The appropriative rights of exchange described in this application in Paragraph 3, below (collectively the “SSD Exchanges”), include the following structures as either exchange-to locations or exchange-from locations: Halligan Reservoir (a/k/a North Poudre Reservoir No. 16); North Poudre Canal; Seaman Reservoir (a/k/a Milton Seaman Reservoir); North Poudre Supply Canal (a/k/a Munroe Canal); City of Fort Collins Pipeline; Poudre Valley Canal; City of Greeley Pipeline; Pleasant Valley and Lake Canal; Larimer County Canal; New Mercer Ditch; Larimer County Canal No. 2; Arthur Ditch; Larimer and Weld Canal (a/k/a Eaton Ditch); Lake Canal; Fossil Creek Reservoir Inlet Canal; City of Fort Collins Wastewater Treatment Plant No. 1 (a/k/a Fort Collins Mulberry Water Reclamation Facility); City of Fort Collins Wastewater Treatment Plant No. 2 (a/k/a Fort Collins Drake Water Reclamation Facility); City of Fort Collins Wastewater Treatment Plant No. 3; Claymore Lake; Warren Lake Reservoir; Sherwood Lake (a/k/a Nelson Reservoir); Fossil Creek Reservoir; New Mercer Ditch. 3. Description of Conditional Water Rights. a. Date of Original Decree, Case Number, and Court. The SSD Exchanges were originally decreed by the District Court, Water Division 1, on October 2, 1996, in Case No. 1992CW129. i. In Case No. 2005CW323, District Court, Water Division 1, decree entered April 23, 2014, the Court confirmed the use of additional changed shares in the Southside Ditches as sources of substitute supply in the SSD Exchanges, as described in Paragraph 3.e, below. b. Subsequent Decrees Awarding Findings of Diligence and Making Partially Absolute. i. In Case No. 2002CW225, District Court, Water Division 1, decree entered May 19, 2009, the Court confirmed the following portions of the SSD Exchanges as absolute: (1) From Fossil Creek Reservoir via the Fossil Creek Reservoir Outlet to the Fort Collins Pipeline, in the amount of 11.56 cubic feet per second (“cfs”). (2) From Claymore Lake to the Fort Collins Pipeline, in the amount of 3.0 cfs. The Court also confirmed diligence

concerning the development of, and continued in full force and effect, the remaining conditional portions of the SSD Exchanges. ii. In Case No. 2015CW3062, District Court, Water Division 1, decree entered March 22, 2017, the Court confirmed the following additional portion of the SSD Exchanges as absolute: (1) From Halligan Reservoir to the City of Fort Collins Pipeline in the amount of 1.8 cfs (1.76 cfs after transit losses). The Court also confirmed continued diligence concerning the development of, and continued in full force and effect, the remaining conditional portions of the SSD Exchanges. c. Decreed Legal Descriptions of Structures and Exchange Rates. i. Structures at which water will be diverted or stored by exchange, including the decreed (diversion/intake rate): (1) Halligan Reservoir (a/k/a North Poudre Reservoir No. 16), located in portions of Sections 29, 32, 33, and 34, T11N, R71W, 6th P.M., Larimer County (350 cfs); (2) North Poudre Canal, located on the North Fork of the Cache la Poudre River at a point 1,080 feet west and 170 feet north of the SE corner of Section 12, T10N, R71W, 6th P.M., Larimer County (150 cfs); (3) Seaman Reservoir (a/k/a Milton Seaman Reservoir), located in portions of Sections 28 and 33, T9N, R70W, 6th P.M., Larimer County (350 cfs); (4) North Poudre Supply Canal (a/k/a Munroe Canal), located on the east bank of the Cache la Poudre River in the SW1/4, NE1/4 of Section 5, T8N, R70W, 6th P.M., Larimer County, at a point whence the Southeast corner of said Section 5 bears south 37°27'30" east 3,647.5 feet (250 cfs); (5) City of Fort Collins Pipeline, located in the SE1/4, Section 32, T9N, R70W, 6th P.M., Larimer County, being more particularly described as follows: Considering the East line of said SE1/4 as bearing N 7°49'9" E, and with all bearings contained therein relative thereto; commencing at the SE corner of said Section 32: thence N 4°32'46" E, 1,335.13 feet to the center of said pipeline intake (17 cfs); (6) Poudre Valley Canal, located 1,020 feet N and 160 feet E of the SW corner of Section 10, T8N, R70W, 6th P.M., Larimer County (350 cfs); (7) City of Greeley Pipeline, located 1,790 feet S and 1,970 feet W of the NE corner of Section 15, T8N, R70W, 6th P.M., Larimer County (18 cfs); (8) Pleasant Valley and Lake Canal, located 1,570 feet E and 1,720 feet N of the SW corner of Section 14, T8N, R70W, 6th P.M., Larimer County (80 cfs); (9) Larimer County Canal, located 610 feet N and 1,540 feet E of the SW corner of Section 13, T8N, R70W, 6th P.M., Larimer County (350 cfs); (10) New Mercer Ditch, located 70 feet N and 295 feet E of the SW corner of Section 29, T8N, R69W, 6th P.M., Larimer County (27 cfs); (11) Larimer County Canal No. 2, located 70 feet N and 295 feet E of the SW corner of Section 29, T8N, R69W, 6th P.M., Larimer County (81 cfs); (12) Arthur Ditch, located 200 feet N and 440 feet E of the SW corner of Section 34, T8N, R69W, 6th P.M., Larimer County (36 cfs); (13) Larimer and Weld Canal (a/k/a Eaton Ditch), located 460 feet N and 2,150 feet E of the SW corner of Section 34, T8N, R69W, 6th P.M., Larimer County (350 cfs); (14) Lake Canal, located 600 feet W and 680 feet N of the SE corner of Section 2, T7N, R69W, 6th P.M., Larimer County (150 cfs); (15) Fossil Creek Reservoir Inlet Canal, located 85 feet W and 2,600 feet N of the SE corner of Section 20, T7N, R68W, 6th P.M., Larimer County (250 cfs); ii. Structures from which water may be released or diversions foregone, including the decreed (release/flow rate): (1) City of Fort Collins Wastewater Treatment Plant No. 1 (a/k/a Fort Collins Mulberry Water Reclamation Facility), a facility that discharges wastewater, located in the S1/2, SE1/4, Section 12, T7N, R69W, 6th P.M., Larimer County (7 cfs); (2) City of Fort Collins Wastewater Treatment Plant No. 2 (a/k/a Fort Collins Drake Water Reclamation Facility), a facility that discharges wastewater, located in the E1/2, SE1/4, Section 20, T7N, R68W, 6th P.M., Larimer County (26 cfs); (3) City of Fort Collins Wastewater Treatment Plant No. 3, a planned facility that will discharge wastewater, located in the SW1/4, Section 13, T6N, R68W, 6th P.M., Larimer County (18 cfs); (4) Halligan Reservoir, legal description at Paragraph 3.c.i.(1) (350 cfs); (5) North Poudre Canal, legal description at Paragraph 3.c.i.(2) (150 cfs); (6) Seaman Reservoir, legal description at Paragraph 3.c.i.(3) (350 cfs); (7) Poudre Valley Canal, legal description at Paragraph 3.c.i.(6) (350 cfs); (8) City of Greeley Pipeline, legal description at Paragraph 3.c.i.(7) (18 cfs); (9) Larimer County Canal, legal description at Paragraph 3.c.i.(9) (350 cfs); (10) Claymore Lake, located in the SE1/4 of Section 31 and the SW1/4 of Section 32, T8N, R69W, 6th P.M., Larimer County. The location where the Claymore Lake outlet discharges to the Cache la Poudre River is in the SW1/4, SW1/4, Section 29, T8N, R69W, 6th P.M. (10 cfs); (11) Larimer and Weld Canal, legal description at Paragraph 3.c.i.(13) (350 cfs); (12) Lake Canal, legal description at Paragraph 3.c.i.(14) (150 cfs); (13) Warren Lake Reservoir, located in the W1/2 of Section 31, T7N, R68W, 6th P.M., and in Section 36, T7N, R69W, 6th P.M., Larimer County (40 cfs); (14) Sherwood Lake (a/k/a Nelson Reservoir), located in the

N1/2 of Section 30, T7N, R68W, 6th P.M., Larimer County (15 cfs); (15) Fossil Creek Reservoir, located in portions of Sections 9, 10, 15, 16, and 17, T6N, R68W, 6th P.M., Larimer County (250 cfs); (16) New Mercer Ditch, legal description at Paragraph 3.c.i.(10) (27 cfs); (17) Larimer County Canal No. 2, legal description at Paragraph 3.c.i.(11) (81 cfs); (18) Arthur Ditch, legal description at Paragraph 3.c.i.(12) (36 cfs); d. Sources of Water Diverted or Stored by Exchange. The source of water diverted or stored by exchange at Halligan Reservoir, the North Poudre Canal, and Seaman Reservoir is the North Fork of the Cache la Poudre River, a tributary of the Cache la Poudre River. The source of water diverted or stored by exchange at all other listed structures is the Cache la Poudre River, a tributary of the South Platte River. e. Sources of Substitute Supply. The sources of substitute supply for the SSD Exchanges are the water rights represented by certain shares owned by Fort Collins in the Arthur Irrigation Company, the Larimer County Canal No. 2 Irrigating Company, the New Mercer Ditch Company, and the Warren Lake Reservoir Company. These shares (collectively the “SSD Shares”) were changed and decreed as sources of substitute supply in the SSD Exchanges by the decrees entered in Case No. 1992CW129 and Case No. 2005CW323. f. Exchange Reaches. The downstream terminus of the Cache la Poudre River segment affected by the SSD Exchanges is the location of the planned City of Fort Collins Wastewater Treatment Plant No. 3. The upstream terminus of the Cache la Poudre River segment affected by the SSD Exchanges is the North Poudre Supply Canal (a/k/a Munroe Canal). The river segment affected by the SSD Exchanges on the North Fork of the Cache la Poudre River is the reach from the upstream point at Halligan Reservoir downstream to the confluence of the North Fork of the Cache la Poudre River and the Cache la Poudre River. g. Appropriation Date and Amount. December 18, 1992. The SSD Exchanges and decreed structures can be used individually or in any combination up to a maximum of 350 cfs. The flow rate for the release, diversion, or storage at any individual structure shall not exceed the amount listed in Paragraphs 3.c.i or 3.c.ii, above, for that structure and the simultaneous cumulative total diversions at all such structures under the SSD Exchanges shall not exceed 350 cfs. h. Uses. The decreed uses of the water diverted or stored pursuant to the SSD Exchanges include all municipal uses, including but not limited to domestic, irrigation, commercial, industrial, recreation, fishery, piscatorial, and wildlife, within the Fort Collins service area as it now exists or may from time to time be expanded, and for augmentation, replacement and substitution, and exchange, including contract exchanges or water trades made by mutual agreement with other water users. Water diverted by exchange will flow directly to immediate use or will be stored for later use. To the extent the replacement water supplied by Fort Collins is fully consumable, the water Fort Collins diverts by exchange shall be fully consumable. 4. Amounts Claimed as Absolute. Fort Collins is not seeking to make any additional amounts of the SSD Exchanges absolute, and only seeks findings of diligence and continuation of the conditional water rights. 5. Activities undertaken by Fort Collins toward completion of the appropriations and application of water to beneficial use during the diligence period, including expenditures. a. Fort Collins is a municipal entity that operates a complex and interrelated system for water delivery to its constituents and other entities, and related wastewater treatment and water reuse. The majority of its system operations are integrated. During the subject diligence period running from May 30, 2015, through the date of filing the application in this case, Fort Collins engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 5, concerning or related to the development and use of the SSD Exchanges, use of the SSD Shares for other changed uses, and operation of its integrated municipal water system. The activities and costs identified in this application are not all inclusive, and Fort Collins reserves the right to provide evidence of other work done and costs incurred during the diligence period during the proceedings for this application. b. Fort Collins has used the SSD Shares for the changed uses authorized by the decrees entered in Case No. 1992CW129 and Case No. 2005CW323, including diversions of water allocated to the shares at various alternate points of diversion. Use of the SSD Shares for the changed uses included annual costs including, but not limited to, payment of assessments and municipal operations expenses, including staff time and other City resources. c. Fort Collins Utilities staff has spent significant time on planning activities to incorporate the SSD Exchanges into the City’s overall water supply, including computer modeling that incorporates the SSD Exchanges into the City’s future water supply planning. d. Additional Diligence Activities. During the relevant diligence period Fort Collins also engaged in the following activities and incurred the described costs for

work on other aspects of its integrated water supply system, including but not limited to the following: i. Fort Collins has actively worked on the Halligan Water Supply Project (“Halligan Project”), which, when approved, will result in the enlargement of Halligan Reservoir. As described in Paragraphs 3.c.i.(1) and 3.c.ii.(4), Halligan Reservoir is an exchange-to and exchange-from location for the SSD Exchanges. Fort Collins has undertaken the following activities during the relevant diligence period, all of which are directly related to the Halligan Project and the Halligan Reservoir enlargement. (1) Fort Collins has worked to obtain the necessary federal, state, and local permits and authorizations for the Halligan Project. The Army Corps of Engineers released a draft Environmental Impact Statement (“EIS”) and a Conceptual Mitigation Plan for the Halligan Project on November 22, 2019. The final EIS is expected to be released in 2023. (2) In May 2020, Fort Collins and Colorado Parks and Wildlife (“CPW”) began the process of developing a state Fish and Wildlife Mitigation and Enhancement Plan (“FWMEP”), which must be approved by the state prior to the commencement of construction under the Halligan Project. The FWMEP is expected to be presented to CPW in the summer of 2023. (3) Fort Collins began preparing and has continued work on its request to the Colorado Department of Public Health and Environment (“CDPHE”) for Clean Water Act Section 401 Water Quality Certification for the Halligan Project. The 401 certification request is expected to be presented to CDPHE in late 2024. (4) Fort Collins hired a design engineer and construction contractor for the Halligan Project and conducted a 30% design. (5) Fort Collins conducted fieldwork at the proposed dam enlargement site, including surveying and geotechnical evaluation. (6) Fort Collins has worked to acquire the real property rights needed for the design, construction, and operation of the enlarged Halligan Reservoir. (7) Fort Collins partnered with the United States Geological Survey and CPW to install a new stream gage upstream of Halligan Reservoir on the North Fork of the Cache la Poudre River. Stream flow data collected at the gage will inform the design of the Halligan Project and future operations of the enlarged Halligan Reservoir. (8) Fort Collins spent significant time and resources on planning activities to integrate the enlarged Halligan Reservoir operations into its overall water supply system, including preparing operational models that contemplate use of that structure for the delivery of water, including water available pursuant to the SSD Exchanges. (9) Fort Collins has spent at least \$17 million dollars on the Halligan Project and the enlargement of Halligan Reservoir during the diligence period, including but not limited to significant design and permitting costs. ii. During the diligence period Fort Collins filed and/or worked on water court applications as the Applicant in the following Water Division 1 cases: 11CW265, 13CW3185, 14CW3158, 15CW3053, 16CW3169, 19CW3225, 21CW3131, and 22CW3055. iii. Fort Collins participated in various water court cases and proceedings before the State Engineer’s Office as an opposer to monitor the impact of the rights claimed in those cases and to protect its water rights, including the SSD Exchanges, from injury, including the following cases: 08CW277, 13CW3015, 13CW3071, 13CW3141, 13CW3159, 13CW3166, 13CW3186, 14CW3008, 14CW3144, 15CW3095, 15CW3157, 15CW3162, 15CW3163, 15CW3167, 15CW3169, 15CW3172, 16SE04, 16CW3073, 16CW3093, 16CW3170, 16CW3172, 16CW3173, 16CW3174, 16CW3194, 16CW3195, 16CW3196, 17CW3046, 17CW3057, 17CW3160, 17CW3094, 17CW3160, 17CW3194, 17CW3198, 17CW3199, 17CW3203, 18CW3064, 18CW3076, 18CW3216, 19CW3007, 19CW3019, 19CW3059, 19CW3165, 19CW3169, 19CW3200, 19CW3239, 20CW30, 20CW3000, 20CW3009, 20CW3041, 20CW3054, 20CW3113, 20CW3157, 20CW3174, 20CW3208, 21CW3035, 21CW3093, 21CW3104, 21CW3143, 21CW3168, 21CW3179, 21CW3199, 21CW3204, 21CW3229, 21CW3231, 22CW3042, and 22CW3102. iv. Fort Collins has been involved in discussions with the Cache La Poudre Water Users Association (“Association”) and the City of Greeley concerning, among other things, the use of water attributable to the Association’s ownership interest in the water rights decreed in Case No. 1980CW355 (“1/8th Grey Mountain Right”) in Fort Collins’ municipal water supply system. With the permission of the Association, Fort Collins also spent time during the subject diligence period modeling use of the 1/8th Grey Mountain Right in various permitting and approval scenarios for the Halligan Project. v. Fort Collins has been involved in discussions with the City of Greeley concerning Seaman Reservoir, its previously proposed enlargement, and Fort Collins’ use of Seaman Reservoir. As described in Paragraphs 3.c.i.(3) and 3.c.ii.(6), Seaman Reservoir is an exchange-to and exchange-from location for the SSD Exchanges. vi. Fort Collins participated in proceedings before the Colorado Water Quality Control Commission with respect to effluent discharged from Fort Collins’

wastewater treatment facilities, which effluent is and will be comprised in part of water derived from Fort Collins' use of the SSD Shares and which can be used as a source of substitute supply in the SSD Exchanges. vii. Fort Collins spent approximately \$290,000.00 on operations and maintenance of Rigden Reservoir. viii. Fort Collins spent over \$680,000.00 on outside legal fees during the diligence period to support the City's own water rights applications or to protect its existing water rights from injury, including the SSD Exchanges, by opposing the water rights applications of others. This applicant and opposition work also included expenses for use of outside water resources engineering consultants and staff time. 6. Continuing Need and Intent for the SSD Exchanges. Fort Collins' water supply system is managed based on both existing and future demands. As Fort Collins continues to grow and water demands increase, there will be an increasing need to divert more water pursuant to the SSD Exchanges. Fort Collins has a continuing need for all of the water and exchange potential decreed under the SSD Exchanges, and has a continuing plan and intent to develop and put to beneficial use all of the SSD Exchanges up to their maximum decreed rates. 7. Names and addresses of owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. The list below includes Fort Collins' current understanding of the owners of land upon which the structures identified in Paragraph 3 are located, and also the owners of the primary water rights that are diverted at, or stored in, the identified structures. a. Arthur Ditch. i. Martin Marietta Materials Inc., c/o Baden Tax Management LLC, P.O. Box 8040, Fort Wayne, IN 46898 ii. Arthur Irrigation Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550 b. City of Fort Collins Pipeline. City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 c. City of Greeley Pipeline. City of Greeley, Attn: REM, 1000 10th St., Greeley, CO 80631-3808 d. Fort Collins Wastewater Treatment Plant No. 1 (a/k/a Fort Collins Mulberry Water Reclamation Facility) and Fort Collins Wastewater Treatment Plant No. 2 (a/k/a Fort Collins Drake Water Reclamation Facility). City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 e. The land underlying the discharge point from Fort Collins Wastewater Treatment Plant No. 2 to the Fossil Creek Reservoir Inlet Canal. i. North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80549 ii. The Colorado State University System, the Board of Governors, Campus Delivery 6009, Fort Collins, CO 80523-6009 f. Fort Collins Wastewater Treatment Plant No. 3. This facility would be located on land owned by Larimer County, P.O. Box 1190, Fort Collins, CO 80522 g. Fossil Creek Reservoir Inlet Canal and Fossil Creek Reservoir. i. North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80549 h. Fossil Creek Reservoir Outlet. Don Kehn Construction, Inc., 6550 S. County Road 5, Fort Collins, CO 80528 i. Halligan Reservoir. i. City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522 ii. State of Colorado, Division of Parks and Wildlife, 6060 Broadway, Denver, CO 80216 iii. United States of America, Bureau of Land Management, 1313 Sherman St., Denver, CO 80203-2236 iv. Landowners Association for Phantom Canyon Ranches, 1738 Bonny Dr., Loveland, CO 80538-4128 v. Geo. A. Henderson Co. Inc., a Colorado Corporation, and Chris Vandemoer, P.O. Box 668, Sterling, CO 80751 vi. Gary C. Packard and Mary J. Packard Revocable Trust, 865 Three Corner Gate Road, Livermore, CO 80536 vii. Free Enterprises Inc., c/o Lee Stark, 1803 N. Garfield Avenue, Loveland, CO 80538 viii. Meadow Creek Cabin Association LLC, c/o Sandy Beardmore, 2212 Kiowa Ct., Fort Collins, CO 80525 j. Lake Canal. City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580 k. Larimer County Canal. Water Supply and Storage Company, 2319 East Mulberry St., Fort Collins, CO 80524 l. Larimer County Canal No. 2. James S. Brinks Trust, P.O. Box 710, LaPorte, CO 80535 m. Larimer and Weld Canal (a/k/a Eaton Ditch). Larimer and Weld Irrigation Company, 106 Elm Avenue, Eaton, CO 80615-3420 n. New Mercer Ditch. i. James S. Brinks Trust, P.O. Box 710, LaPorte, CO 80535 ii. New Mercer Ditch Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550 o. North Poudre Canal. i. Phantom Canyon Ranches, 1738 Bonny Dr., Loveland, CO 80538-4128 ii. North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80549 p. North Poudre Supply Canal (a/k/a Munroe Canal). North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80549 q. Pleasant Valley and Lake Canal and Claymore Lake. i. City of Greeley, Attn: REM, 1000 10th St., Greeley, CO 80631-3808 ii. Pleasant Valley and Lake Canal Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550 r. Poudre Valley Canal. i. State of Colorado, Division of Wildlife, 6060 Broadway, Denver, CO 80216 ii. Windsor Reservoir and Canal

Company, P.O. Box 206, Eaton, CO 80613 s. Seaman Reservoir. i. City of Greeley, Water Department, Seaman Dam, Attn: REM, 1000 10th St., Greeley, CO 80631-3808 ii. City of Greeley, 1100 10th St., Suite 300, Greeley, CO 80631 iii. State of Colorado, Department of Natural Resources, 6060 Broadway, Denver, CO 80216 iv. United States of America, Rocky Mountain National Park Service, 2150 Centre Ave. E., Fort Collins, CO 80526 v. State Board of Land Commissioners, 1127 Sherman St., Suite 300, Denver, CO 80203 t. Sherwood Lake (a/k/a Nelson Reservoir). Lake Sherwood Homeowners Association, 2850 McClelland Dr., Suite 1000, Fort Collins, CO 80525 u. Warren Lake Reservoir. Warren Lake Reservoir Company, c/o Melissa Buick, 207 Windflower Way, Severance, CO 80550-6235 WHEREFORE, Fort Collins seeks entry of a decree: (1) finding that Fort Collins has proceeded with reasonable diligence in the development of the remaining conditional portions of the SSD Exchanges; and (2) continuing the remaining conditional portions of the SSD Exchanges in full force and effect for another diligence period. (18 pgs.)

2023CW3035 JULESBURG IRRIGATION DISTRICT (“JID”), 315 Cedar Street Julesburg, CO 80737 (970) 474-3737. Please send all further pleadings to: Daniel K. Brown, Esq. and Whitney Phillips Coulter, Esq. Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LOGAN AND SEDGWICK COUNTIES**. 3. Application. In Consolidated Case Nos. 95CW283 and 03CW450, District Court, Water Division 1, State of Colorado (“Original Decree”) JID obtained a decree for certain recharge rights to replace well depletions for certain wells located within the Applicant’s boundaries (“JID Wells”). The Original Decree also decreed certain appropriative rights of exchange (“JID Exchanges”). In Case No. 15CW3155, District Court, Water Division 1, (“15CW3155 Decree”) Applicant obtained a decree making a portion of the rights decreed in the Original Decree absolute. The purpose of this Application is to seek a finding of diligence for the portions the portions of the water rights that remain conditional. 4. Original Decree. 4.1. Date of Original Decree. November 20, 2009, Consolidated Case Nos. 95CW283 and 03CW450, District Court, Water Division 1. 4.2. Recharge Water Rights. 1) JID 1995 Recharge Right and 2) JID 2003 Recharge Right. Collectively the JID 1995 Recharge Right and the JID 2003 Recharge Right are referred to collectively hereinafter as the “JID Recharge Rights.” 4.3. Description of Structures. 4.3.1. Harmony No. 1 Ditch. The headgate of the Harmony No. 1 Ditch is located in the Southwest Quarter of Section 19, Township 10 North, Range 49 West, 6th P.M. 4.3.2. Settlers Ditch. The Settlers Ditch along its entire course through Section 5, Township 10 North, Range 48 West; Sections 32, 33, 34, 35, 26, 25, Township 11 North, Range 48 West, 6th P.M.; and Section 21, Township 11 North, Range 47 West, 6th P.M., to a point approximately 10 feet east of the junction with Cottonwood Creek and the Settlers Ditch in the Southwest Quarter of Section 21, Township 11 North, Range 47 West, 6th P.M. 4.3.3. Petersen Ditch. The headgate of the Petersen Ditch is located on the bank of the South Platte River in the Northeast Quarter of the Northwest Quarter of Section 24, Township 11 North, Range 47 West, 6th P.M. 4.4. Sources of Water. 4.4.1. For the Harmony No. 1 and Petersen ditches, the South Platte River and its tributaries. 4.4.2. For the Settlers Ditch, surface water inflows into and along its course. 4.5. Dates of Initiation of Appropriation. 4.5.1. JID 1995 Recharge Right: December 29, 1995. 4.5.2. JID 2003 Recharge Right: December 31, 2003. 4.6. Diversion Rates. 4.6.1. JID 1995 Recharge Right: Petersen Ditch. 90 cfs, conditional. 4.6.2. JID 2003 Recharge Right: 4.6.2.1. Harmony No 1 Ditch and Petersen Ditch. Up to 90 cfs at the Petersen headgate and up 80 cfs at the Harmony Ditch No. 1, but collectively not to exceed 90 cfs in total at both headgates. 4.6.2.2. Settlers Ditch. 89 cfs, conditional. 4.7. Decreed Uses. Water diverted pursuant to the JID Recharge Rights are delivered into recharge ponds described in the Original Decree (“Recharge Ponds”) and into the reaches of the various ditches and canals described in the Original Decree (“Ditch Reaches”) and will be allowed to seep into the underlying alluvial aquifer of the South Platte River, with such accretions being used for augmentation of out-of-priority depletions resulting from the operation of the JID Wells. The Ditch Reaches and Recharge Ponds are also collectively referred to hereinafter as “Recharge Sites.” To the extent there are recharge accretions that return to the South Platte River when they are not needed to offset out-of-priority depletions resulting from the operation of the JID Wells (“Excess Recharge Accretions”), the Excess Recharge Accretions may be used for augmentation of out-of-priority depletions from wells used for municipal and irrigation purposes, and for wildlife and wildlife recovery

purposes, which shall be accomplished pursuant to the Original Decree and the decreed appropriative right of exchange, but such use of Excess Recharge Accretions are subject to the terms and conditions of Paragraph 19 of the Original Decree. 5. JID Exchanges. 5.1. Exchange “From” Points. The exchange “from” points are the locations at which Excess Recharge Credits accrue to the South Platte River in the following administrative reaches: 5.1.1. Reach 1: The South Platte River from the river headgate of the Harmony Ditch No. 1 in the SW 1/4 of Section 19, Township 10 North, Range 49 West, 6th P.M., downstream to the river headgate of the Petersen Ditch located in the NW 1/4 of Section 24, Township 11 North, Range 47 West, 6th P.M. 5.1.2. Reach 2: The South Platte River from the river headgate of the Petersen Ditch, as described in ¶ 8.2.3 of the Original Decree, downstream to the river headgate of the South Reservation Ditch located in the SE 1/4 of Section 11, Township 11 North, Range 46 West, 6th P.M. 5.1.3. Reach 3: The South Platte River from the river headgate of the South Reservation Ditch, as described in ¶ 21.1.2 of the Original Decree, downstream to the river headgate of the Liddle Ditch located in the SW 1/4 of Section 4, Township 11 North, Range 45 West, 6th P.M. 5.1.4. Reach 4: The South Platte River from the river headgate of the Liddle Ditch, as described in ¶21.1.3 of the Original Decree, downstream to the Colorado-Nebraska state line. 5.2. Exchange “To” Points. The exchange “to” points are: 5.2.1. The headgate of the Harmony Ditch No.1, located in the Southwest Quarter of Section 19, Township 10 North, Range 49 West, 6th P.M. 5.2.2. The headgate of the Petersen Ditch, located on the bank of the South Platte River in the Northwest Quarter of Section 24, Township 11 North, Range 47 West, 6th P.M. 5.3. Exchange Reach. The exchange reach is from the headgate of the Harmony Ditch No.1 downstream to the junction of the South Platte River with the Colorado-Nebraska state line, which furthest point downstream on the South Platte River where Excess Recharge Credits may accrue to the river from the operation of the Recharge Sites described in the Original Decree. 5.4. Appropriation Date. January 26, 2006. 5.5. Amounts: 5.5.1. Harmony Ditch No.1: 30 cfs, conditional. 5.5.2. Petersen Ditch: 30 cfs, conditional. 5.6. Source of Substitute Supply. The JID Recharge Rights decreed herein. 5.7. Use. Augmentation of out-of-priority depletions from wells used for municipal and irrigation purposes; wildlife and wildlife recovery purposes. 6. Subsequent 15CW3155 Diligence Decree. 6.1. Date. March 17, 2017. Case No. 15CW3155, District Court, Water Division 1. 6.2. Amounts: 6.2.1. Harmony Ditch No. 1: 40.4 cfs, absolute, 39.6 cfs remained conditional. 6.2.2. Settlers Ditch: 31.2 cfs, absolute, 57.8 cfs, remained conditional. 6.2.3. Petersen Ditch (JID 1995 Recharge Right): 34.5 cfs, absolute, 55.5 cfs, remained conditional. 6.2.4. Petersen Ditch (JID 2003 Recharge Right): 34.5 cfs absolute, 55.5 cfs, remained conditional. 7. Outline of Continued Diligence. JID seeks to continue the remaining conditional portions of the JID Recharge Rights and JID Exchanges as conditional. JID has been diligent in developing the JID Recharge Rights and JID Exchange rights. This diligence is manifested in JID’s exercise of the JID Recharge Rights within the volumetric limits and other terms, conditions and limitations contained in the Original Decree. During the diligence period, JID sought to include, and received authorization for, numerous additional recharge ponds pursuant to the Original Decree to facilitate the exercise of the JID Recharge Rights. JID also continues to communicate and coordinate with Sedgwick County Well Users and the Lower South Platte Conservancy District concerning the joint use of the recharge sites and recharge credits generated. Further, during the diligence period JID completely rebuilt the Petersen Ditch diversion dam at an expense of \$2,866,580 in order to improve the efficiency of diversion at the Petersen Ditch, including the diversion of the Petersen Ditch recharge right. JID has also incurred costs and undertaken a host of activities related to the operation under the Original Decree, including the cost of on-going accounting and the maintenance and operation of the structures. These activities and costs are not enumerated here but may be set forth as necessary at trial. Accordingly, JID seeks a finding that it has been reasonably diligent in developing the JID Recharge Rights and JID Exchange rights and to continue the portions of said rights not already decreed as absolute for an additional six-year diligence period. 8. Right to Supplement and Present Additional Information. JID reserves the right to supplement this Application with additional information related to their claim for diligence and may present additional information related to their claim for diligence before and during trial in this matter. 9. 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: This application does not involve any new diversion or storage structures

or the modification of any existing diversion or storage structures. WHEREFORE, JID requests the Court continue the remaining portion of the JID Recharge Rights and JID Exchanges. (7 pages).

2023CW3036 BIJOU AGRICULTURAL WATER ACTIVITY ENTERPRISE, 15366 MCR O, Fort Morgan, Colorado 80701; Telephone Number: (303) 902-2564; E-mail: admin@bawae.com. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Telephone Number: (303) 443-6151; E-mail: sbc@vrlaw.com. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND TO ADD WELLS TO THE 2003CW263 PLAN FOR AUGMENTATION IN WELD, MORGAN, WASHINGTON, AND LOGAN COUNTIES**. 2. Summary of Application. In the decree entered on December 11, 2006, in Case No. 2003CW263, Water Division 1 (“03CW263 Decree”) the Water Court approved a plan for augmentation (“03CW263 Plan”) that replaces out-of-priority depletions to the South Platte River from twenty-six wells described in paragraph 32 of that decree. The Bijou Agricultural Water Activity Enterprise (“BAWAE”) is the successor in interest to the applicants and owners and operators of the 03CW263 Plan (those prior owners being Teague Enterprises, Inc., JTG Pipeline, LLC, and BG Land Company, LLC (the successor in interest to Jensen Farms, Inc.)), and now operates that plan. Paragraph 32.3 of the 03CW263 Decree authorizes the addition of wells to the 03CW263 Plan by the filing of an application with the Water Court to do so. By this application BAWAE seeks to add three wells (collectively the “BAE Wells”) to the 03CW263 Plan. In addition, BAWAE seeks to adjudicate a groundwater right for each of the BAE Wells. **UNDERGROUND WATER RIGHTS** 3. The BAE Wells have not yet been permitted or constructed, but are planned to be generally located as described in Paragraph 4, below, and as shown on **Exhibits A-1, A-2, and A-3**. The currently estimated UTM coordinate locations for the wells are included in Paragraph 4. Actual UTM locations and/or distances from section lines will be determined at the time of construction. 4. Names of wells and Other Information. 4.1 BAE Well 1 4.1.1 Legal description: SE1/4 SE1/4 of Section 21, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, at a point located as follows: Easting 596242 m; Northing 4450939 m; Zone 13 (UTM coordinates determined from Google Earth). 4.1.2 Source: Groundwater tributary to the South Platte River 4.1.3 Proposed Depth: 120 feet 4.1.4 Appropriation Date: January 1, 2023 4.1.4.1 How appropriation was initiated: By determining the location and uses of the well, planning for its addition to the 03CW263 Plan, and filing this water court application. 4.1.4.2 Date water applied to beneficial use: N/A 4.1.5 Amount claimed: 4.1.5.1 500 gpm (1.11 cfs), conditional 4.1.5.2 775 acre-feet annually, conditional 4.1.6 Augmentation: See Paragraphs 6-8 below 4.1.7 Uses: Groundwater diverted by BAE Well 1 will be used for commercial feedlot and commercial dairy use purposes at the property upon which the well is located. In addition, this well may also be used for irrigation of up to 750 acres located in the S1/2 of Section 27, the N1/2 and SE1/4 of Section 28, and the N1/2 NE1/4 of Section 29, all in Township 3 North, Range 58 West, 6th P.M. These acres are shown on **Exhibit A-1**. If the well is pumped for more than one use, each use will be separately metered and accounted for. 4.2 BAE Well 2 4.2.1 Legal description: SE1/4 SW1/4 of Section 3, Township 3 North, Range 60 West of the 6th P.M., Morgan County, Colorado, at a point located as follows: Easting 577827 m; Northing 4455630 m; Zone 13 (UTM coordinates determined from Google Earth). 4.2.2 Source: Groundwater tributary to the South Platte River 4.2.3 Proposed Depth: 200 feet 4.2.4 Appropriation Date: January 1, 2023 4.2.4.1 How appropriation was initiated: By determining the location and uses of the well, planning for its addition to the 03CW263 Plan, and filing this water court application. 4.2.4.2 Date water applied to beneficial use: N/A 4.2.5 Amount claimed: 4.2.5.1 2,000 gpm (4.45 cfs), conditional 4.2.5.2 775 acre-feet annually, conditional 4.2.6 Augmentation: See Paragraphs 6-8 below 4.2.7 Uses: Groundwater diverted by BAE Well 2 will be used for commercial feedlot and commercial dairy use purposes at the property upon which the well is located. In addition, this well may also be used for irrigation of up to 200 acres located in the NE1/4 of Section 10 and the N1/2 of Section 11, all in Township 3 North, Range 60 West, 6th P.M. These acres are shown on **Exhibit A-2**. If the well is pumped for more than one use, each use shall be separately metered and accounted for. 4.3 BAE Well 3 4.3.1 Legal description: SE1/4 NW1/4 of Section 10, Township 3 North, Range 59 West of the 6th P.M., Morgan County, Colorado, at a point located as follows: Easting 587177 m; Northing 4455070 m; Zone 13

(UTM coordinates determined from Google Earth). 4.3.2 Source: Groundwater tributary to the South Platte River 4.3.3 Proposed Depth: 160 feet 4.3.4 Appropriation Date: January 1, 2023 4.3.4.1 How appropriation was initiated: By determining the location and uses of the well, planning for its addition to the 03CW263 Plan, and filing this water court application. 4.3.4.2 Date water applied to beneficial use: N/A 4.3.5 Amount claimed: 4.3.5.1 1,000 gpm (2.23 cfs), conditional 4.3.5.2 775 acre-feet annually, conditional 4.3.6 Augmentation: See Paragraphs 6-8 below 4.3.7 Uses: Groundwater diverted by BAE Well 3 will be used for commercial feedlot and commercial dairy use purposes at the property upon which the well is located. In addition, this well may also be used for irrigation of up to 620 acres located in the E1/2 NW1/4 and E1/2 SE1/4 of Section 8, the SW1/4, SE1/4, NE1/4, and E1/2 NW1/4 of Section 9, and the W1/2 NW1/4 of Section 10, all in Township 3 North, Range 59 West, 6th P.M. These acres are shown on **Exhibit A-3**. If the well is pumped for more than one use, each use shall be separately metered. 5. Names and addresses of the owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. 5.1 BAE Well 1 is located on property owned by Teague Enterprises LLC, whose mailing address is 15366 Morgan County Road O, Fort Morgan, Colorado 80701. BAWAE has an easement on this property to construct and operate this well. 5.2 BAE Well 2 is located on property owned by Steven and Sharon Bruntz, whose mailing address is 3506 County Road T, Wiggins, Colorado 80654. BAWAE has an easement on this property to construct and operate this well. 5.3 BAE Well 3 is located on property owned by T&M Limited Partnership, whose mailing address is 9451 N. State Road 10, Demotte, Indiana 46310-8830. BAWAE has an easement on this property to construct and operate this well. **ADDITION OF WELLS TO 03CW263 AUGMENTATION PLAN** 6. Wells to be Added to the 03CW263 Augmentation Plan as Augmented Structures. BAWAE seeks to add BAE Well 1, BAE Well 2, and BAE Well 3 to the 03CW263 Plan as structures to be augmented. No other changes to the 03CW263 Plan or the 03CW263 Decree are sought by this application. 7. Water Rights to Be Used for Augmentation. The water sources to be used for augmentation of out-of-priority depletions from pumping the BAE Wells are those water rights and water sources authorized for use as replacement sources in the 03CW263 Plan, as described and authorized by the 03CW263 Decree, including any replacement sources that have been added to the 03CW263 Plan pursuant to the process and requirements described in paragraph 35 of the 03CW263 Decree. 8. Statement of Augmentation Operations. Diversions from the BAE Wells will cause depletions to the South Platte River. The BAE Wells are being added to the 03CW263 Plan to provide for replacement of the out-of-priority depletions from pumping the BAE Wells in time, location, and amount in accordance with the terms and conditions of the 03CW263 Plan as described in the 03CW263 Decree. The following information is relevant to the addition of the BAE Wells to the 03CW263 Plan. 8.1 Consumptive Use of Groundwater. BAWAE currently anticipates that each of the BAE Wells will be used primarily for commercial feedlot and/or dairy use purposes, and will utilize a consumptive use factor of 100% for these uses as described in paragraph 36.2.2 of the 03CW263 Decree. BAWAE may also use the BAE Wells for irrigation use under the 03CW263 Plan in accordance with the groundwater rights for these wells described in Paragraphs 3 and 4 of this application, and will include consumptive use factors for these wells for this irrigation use in the decree to be entered in this case, as appropriate. Metered pumping of each of the BAE Wells will be multiplied by the applicable decreed consumptive use factor to determine the monthly consumptive use of groundwater by each well. For plan accounting and operation purposes, the monthly pumping volume will be pro-rated into a daily value. 8.2 Timing, Quantity, and Location of Depletions. The BAE Wells have not been constructed and there are no stream depletions from pumping occurring prior to the filing of this application. The timing and quantity of stream depletions from pumping the BAE Wells will be determined using the AWAS Glover alluvial aquifer method described in paragraph 36.1.4 of the 03CW263 Decree. Based on the locations for the wells described in Paragraph 4 and the Glover aquifer parameters shown on **Exhibit B** to this application, the monthly timing and quantity of depletions has been determined, as also shown on **Exhibit B**. Depletions from pumping the BAE Wells will impact the South Platte River in the locations described below. BAWAE's engineering analysis for the BAE Wells is ongoing and it reserves the right as this case progresses to update the aquifer parameters for these wells and the amount, timing, and location of stream depletions based on new or updated information concerning the

exact location of construction of the wells and any final aquifer parameters included in a decree entered in this case. 8.2.1 BAE Well 1 will deplete the South Platte River in the NE1/4 NE1/4 of Section 35, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. 8.2.2 BAE Well 2 will deplete the South Platte River in the NW1/4 NE1/4 of Section 16, Township 4 North, Range 60 West of the 6th P.M., Morgan County, Colorado. 8.2.3 BAE Well 3 will deplete the South Platte River in the NE1/4 SE1/4 of Section 20, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. 8.3 Replacement of Depletions. In accordance with paragraph 32.3 of the 03CW263 Decree, out-of-priority depletions from use of the BAE Wells will be replaced by BAWAE under the terms and conditions of the 03CW263 Decree and any additional terms and conditions included in a decree entered by the Court in this case concerning the addition of those wells to the 03CW263 Plan, whether the depletions result from pumping the BAE Wells before or after the date of entry of the decree that adds the wells. 8.4 Inclusion of Wells in Projection and Accounting. The BAE Wells will be included in the projection described in paragraph 36.4 of the 03CW263 Decree, will be incorporated into the accounting required by paragraph 36.9 of the 03CW263 Decree, and will be subject to the other applicable requirements of the 03CW263 Plan, the 03CW263 Decree, and any additional terms imposed by the Court in a decree entered for this application. WHEREFORE, BAWAE requests entry of a decree in this matter that: 1) adjudicates a groundwater right for each of the BAE Wells as described in Paragraph 4; and 2) adds the BAE Wells to the 03CW263 Plan as augmented structures. (10 pgs., 4 Exhibits)

2023CW3037 (83CW53, 93CW48, 99CW189, 2008CW189; 2016CW3048) **TOWN OF MORRISON**, c/o Kara Winters, Town Manager, 321 Highway 8, Morrison CO 80465; (303) 697-8749. **APPLICATION TO MAKE ABSOLUTE A CONDITIONAL WATER RIGHT IN JEFFERSON COUNTY**. Direct pleadings to Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1391 Speer Blvd. Suite 730, Denver, CO 80204, telephone (303) 894-8191. Name of structure: Strain Gulch Reservoir; Description of water right: Case No. 83CW53, decreed April 29, 1987, Water Court, Water Division 1 (“Original Decree” or “83CW53 Decree”). Subsequent decrees awarding diligence: Water Court, Water Division No. 1, Case Nos. 93CW48, 99CW189, 2008CW189 and 2016CW3048. In Case No. 2008CW189, 14.327 acre-feet were made absolute. In Case No. 2016CW3048, an additional 176.092 acre-feet were made absolute, for a total absolute decree of 190.419 acre-feet, and a remaining conditional decree of 9.581 acre-feet. Legal description of locations of storage: Original Decreed Storage Location: The Original Decree decreed the location of the Strain Gulch Reservoir in the NW1/4SE1/4, Section 2, T5S, R70W of the 6th P.M. in Jefferson County, Colorado (“Original Decreed Storage Location”). Decreed Alternate Storage Locations: Morrison Quarry Reservoir No. 1 (f/k/a Morrison Reservoir No. 2): In Case No. 94CW209, decreed November 18, 1996, the Court entered a decree pursuant to which the water rights decreed to the Strain Gulch Reservoir in Case No. 83CW053 could also be stored in a reservoir then known as Morrison Reservoir No. 2, located in portions of the SE1/4NE1/4 and N1/2 SE1/4 of Section 10, and the W1/2W1/2NW1/4 of Section 11, T5S, R70W of the 6th P.M. in Jefferson County, Colorado. Pursuant to the decree in 94CW209, the water right decreed in the Original Decree may be stored at either the Original Decreed Storage Location or the location described in the decree in 94CW209 as the “Morrison Reservoir No. 2”. The decree in Case No. 94CW209 also limits the rate of diversion to storage from Bear Creek to a rate not to exceed 10 cfs. The reservoir called “Morrison Reservoir No. 2” in Case No. 94CW209 was renamed Morrison Quarry Reservoir No. 1 in Case No. 2009CW33, and that name is used in this application. Morrison Quarry Reservoir No. 2: In Case No. 2009CW33, decreed February 19, 2012, the Morrison Quarry Reservoir No. 2 was decreed as another alternate place of storage for the water rights decreed to the Strain Gulch Reservoir in Case No. 83CW053. The Morrison Quarry Reservoir No. 2 is an existing excavated reservoir located in the N 1/2 NE1/4 and SE 1/4 NE 1/4 of Section 10, and in the W 1/2 NW 1/4 of Section 11, both in Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado. The reservoirs and reservoir sites described above are shown on Exhibit A to the application. The Morrison Quarry Reservoir No. 1 and the Morrison Quarry Reservoir No. 2 are referred to collectively as “Decreed Alternate Storage Locations.” Source: Bear Creek, tributary to the South Platte River. Appropriation date: February 23, 1983. Amount: 200 acre-feet,

conditional, of which 14.327 acre-feet were made absolute in Case No. 2008CW189 and 176.092 acre-feet were made absolute in Case No. 2016CW3048. Use: Municipal purposes, including augmentation and the right to exchange. Points of Diversion to storage: Morrison Municipal Intake on Bear Creek, located at a point of the south bank of Bear Creek in the SW1/4 of the SE1/4 of Section 34, Township 4 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado, at a point whence the southeast corner of said Section bears south 79° 28' east 2452.5 feet. Exchange to Strain Gulch Reservoir Inlet. In addition, the Original Decree also allows water to be diverted into Strain Gulch Reservoir by exchange from Strain Gulch, at an inlet located approximately 900' east and approximately 200' south of the centerline of Section 2, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County. These points of diversion were not changed when the additional locations of storage were added in Case Nos. 94CW209 and 2009CW33. Morrison Municipal Intake No. 2: The decree in Case No. 94CW207 authorizes diversion of the water right decreed in the Original Decree via the Morrison Intake No. 2, to be located on the south bank of Bear Creek in the NW1/4 NW1/4 of Section 2, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, at a point whence the NW corner of said section bears North 32° West 140 feet. The decree in Case No. 2009CW33 authorized diversion of the water right decreed in the Original Decree to storage in Morrison Quarry Reservoir No. 2 via the Morrison Municipal Intake No. 2. The Morrison Municipal Intake and the Morrison Intake No. 2 are shown on Exhibit A to the application. Relinquishment of Original Decreed Storage Location and Strain Gulch Reservoir Inlet Location and Maintenance of Decreed Alternate Storage Locations and Other Intake Locations. Pursuant to the Decree in Case No. 2019CW3258, Water Division No. 1, dated September 22, 2021, Morrison agreed to relinquish the Original Decreed Storage Location, and the location of the inlet to the Original Decreed Storage Location for the Strain Gulch Reservoir, and certain surrounding areas, on the following terms and conditions: 1. Morrison agrees that following entry of a decree in Case No. 2019CW3258, the storage right decreed in the 83CW53 Decree and the Other Water Rights may not be stored at the Original Decreed Storage Location or at any storage location on the lands identified in Table 1 attached to the application. Such lands are also shown on Exhibit B to the application. 2. The storage right decreed in the 83CW53 Decree and the Other Water Rights will not be diverted at an inlet described as “an inlet located approximately 900' east and approximately 200' south of the centerline of Section 2, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County” or at a location on any of the properties identified in Table 1, without the consent of the owner of the property identified in Table 1 on which the inlet would be located. 3. Nothing herein limits Morrison's right or ability to store water under the storage right decreed in the 83CW53 Decree or the Other Water Rights in one or more of the Decreed Alternate Storage Locations or at such other storage location that has been decreed or may be approved by future water court decree or an approved administrative process, provided that such other location is not the Original Decreed Storage Location or a location on the properties identified in Table 1. 4. Upon entry of a decree that contains and is consistent with the foregoing subparagraphs (1) – (3), the stipulation dated October 16, 1986, between the Town of Morrison and Gary Van Riper in Case No. 83CW053 will automatically be superseded and of no further effect. Claim to make absolute: (A) The current diligence period commenced April 1, 2017. On that date, Morrison had in storage 195.01 acre-feet of water. During the month of April 2017, Morrison stored a total 30.0 acre-feet of water under this storage right in Morrison Quarry Reservoir No. 2, in addition to the 195.01 acre-feet that were stored prior to April 2017 and allocated to the absolute portion of this water right. Morrison also stored water pursuant to this storage right during the remainder of Water Year 2017, and in Water Year 2018. See Table 2 attached to this application, showing the number of days each month that this water right was in priority, and the amount of water stored in priority. During this diligence period, Morrison has captured, possessed and controlled at the Morrison Quarry Reservoir No. 2 the remaining conditional portion of this water right (9.581 acre-feet). (B) Water was stored in Morrison Quarry Reservoir No. 2 for all municipal purposes, including augmentation, as decreed in the Original Decree. Pursuant to C.R.S. 37-92-301(e), a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed and controlled at the decreed storage structure. (C) The water that has been captured, possessed and controlled pursuant to the storage right decreed in the Original Decree, including the remaining conditional portion (9.581 acre-feet) is available to Morrison all decreed

uses, and Morrison is entitled to an absolute decree for the remaining conditional portion of this water right. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is located or upon which water is or will be stored. Original Decreed Location (Strain Gulch Reservoir No. 1): Since this site has been relinquished, landowner notification is not required. Morrison Quarry Reservoir No. 1: Holcim – WCR, Inc. 1687 Cole Blvd. Suite 300, Golden CO 80401. Morrison Quarry Reservoir No. 2: Morrison. (7 pages excluding exhibits)

2023CW3038 BEAR CREEK DEVELOPMENT CORPORATION (“BCDC”) AND LNB & PQB REAL ESTATE VENTURES I, LLC, (“L&P Real Estate”) Attn: Ross Bradley, PO Box 465 Morrison, CO 80465, (303) 818-1462; ross@bradleyblastingco.com. Please send correspondence to: Steven P. Jeffers and Casey J. Weaver, Lyons Gaddis PC, 950 Spruce Street, Unit 1B, Louisville, CO 80027. Telephone: (720)726-3671 E-Mail: sjeffers@lyonsgaddis.com; cweaver@lyonsgaddis.com.
APPLICATION FOR NONTRIBUTARY AND NOT NONTRIBUTARY UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN JEFFERSON COUNTY

2. The application requests determination of ground water rights beneath five parcels of land. BCDC and L&P Real Estate each own an undivided 1/2 interest in three parcels, BCDC is the sole owner of the fourth parcel and the fifth parcel is owned by a related entity 353 Castle Rock Properties, LLC. Applicants request that this Court determine that Applicants have the right to withdraw all the legally available groundwater lying below all of the parcels of land through a single well or multiple wells constructed in each aquifer at any location on the subject parcels of land. Applicants claim that three parcels are contiguous and the other two parcels are not contiguous. The three parcels in joint ownership and the parcel owned by 353 Castle Rock Properties, LLC could satisfy Rule 11. B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7) as demonstrated by the information attached as **EXHIBIT A**. To the extent the Court determines that all five parcels could satisfy Rule 11. B, Applicants claim the right to withdraw all water through a wellfield in each aquifer on all five parcels. 3. Background: a. Parcel description information: The parcels of land combined total 392.9 acres, in Jefferson County, located generally in the SW 1/4 Section 26, portions of the SE 1/4, the SW 1/4 NE 1/4, and the S 1/2 SW 1/4 of Section 27, S 1/2 SW 1/4 NE 1/4 Section 35, and N 1/2 NW 1/4 of Section 36, Township 3 South, Range 70 West of the 6th Principal Meridian. A map showing the subject parcels of land is attached as **EXHIBIT B**. Legal descriptions of the subject parcels of land are attached hereto as **EXHIBIT C**. (“Subject Property”) b. Parcel Ownership: Applicants claim to the water underlying 4 of the subject parcels is based on ownership of those parcels by Applicants. See deeds attached as **EXHIBIT D**. Applicants have written consent from 353 Castle Rock Properties, LLC to withdraw the groundwater beneath its parcel. See consent form attached as **EXHIBIT E**. c. This application seeks a decree adjudicating all the nontributary and not nontributary ground water in all of the Denver Basin aquifers underlying the Subject Property. Such aquifers may include the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers; the actual aquifers will be those that are determined to be available underlying the Subject Property in accordance with the Denver Basin Rules (2CCR 402-6). d. Applicants certify that Applicants own four of the parcels free and clear of all liens and encumbrances and that no other person or entity has a financial interest in those parcels. Applicants have the landowner’s consent to withdraw all groundwater beneath the fifth parcel, which is also free and clear of all liens and encumbrances, and no other person or entity has a financial interest in that parcel. Accordingly, Applicants can certify compliance with the notice requirements of § 37-92-302(2), C.R.S. e. There are no wells located on the property. 4. Source of Water Rights: The source for the groundwater to be withdrawn from the Upper Arapahoe and Lower Arapahoe aquifers under all the Subject Parcels, and from the Laramie-Fox Hills aquifer under Parcels A, C and D as described below is nontributary groundwater as described in 37-90-103(10.5), C.R.S. The groundwater to be withdrawn from the Denver aquifer under all parcels and from the Laramie Fox-Hills aquifer under Parcels B and E is not nontributary groundwater as defined in Sections 37-90-103(10.7) and 37-90-137(9)(c.5), C.R.S. 5. Estimated Amounts and Rates of Withdrawal: The wells on the Subject Parcels will withdraw the amounts of groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the

subject groundwater through wells to be constructed at any location on the Subject Parcels. Applicants waive any 600-foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Parcels. 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 estimates the following annual amounts are representative of the Denver, Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Parcels:

Parcel A (160 acres in SW 1/4 of Section 26)

Aquifer	Acreage	Specific Yield	Average Saturated Materials (Feet)	Total Acre-Feet	Acre-Feet Per Year
Denver	160	17	74.8	2030	20.30
Upper Arapahoe	160	17	60.4	1640	16.40
Lower Arapahoe	160	17	77.7	2110	21.10
Laramie-Fox Hills	160	15	100	2400	24.00

Parcel B (130.38 acres in portions of Section 27)

Aquifer	Acreage	Specific Yield	Average Saturated Materials (Feet)	Total Acre-Feet	Acre-Feet Per Year
Denver	130.38	17	48.5	1074	10.74
Upper Arapahoe	130.38	17	38.5	853	8.53
Lower Arapahoe	130.38	17	81.1	1813	18.13
Laramie-Fox Hills	130.38	15	50	977	9.77

Parcel C (20 acres in portions of Section 35)

Aquifer	Acreage	Specific Yield	Average Saturated Materials (Feet)	Total Acre-Feet	Acre-Feet Per Year
Denver	20	17	107.1	364	3.64
Upper Arapahoe	20	17	81.7	277	2.77
Lower Arapahoe	20	17	78.8	269	2.69
Laramie-Fox Hills	20	15	100	300	3.00

Parcel D (80 acres in N 1/2 NW 1/4 of Section 36)

Aquifer	Acreage	Specific Yield	Average Saturated Materials (Feet)	Total Acre-Feet	Acre-Feet Per Year
Denver	80	17	99.7	1355	13.55
Upper Arapahoe	80	17	109.4	1487	14.87
Lower Arapahoe	80	17	76.6	1041	10.41
Laramie-Fox Hills	80	15	100	1200	12.00

Parcel E (2.52 acres in SW 1/4 of Section 27)

Aquifer	Acreage	Specific Yield	Average Saturated Materials (Feet)	Total Acre-Feet	Acre-Feet Per Year
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Denver	2.52	17	22.4	9.59	0.96
Upper Arapahoe	2.52	17	21.9	9.38	0.94
Lower Arapahoe	2.52	17	83.0	35.56	0.36
Laramie-Fox Hills	2.52	15	100	37.80	0.38

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicants and this application claims all nontributary and not nontributary groundwater underlying the Subject Parcels whether higher or lower than these estimates, without the need to amend this application. 6. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all legally available groundwater lying below the Subject Property, through any wells requested herein, which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future as Applicants' well fields. Applications will be filed in accordance with 37-90-137(10), C.R.S. prior to constructing any wells. 7. Proposed Use: The water will be used, reused, successively used, leased, sold, or otherwise disposed of for all beneficial purposes, including but not limited to municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, and fire protection uses. The water will be produced for immediate application to beneficial uses, both on and off the property, for storage and subsequent application to such uses, for exchange purposes, for replacement of depletions resulting from the use of the subject water or water from other sources, and for augmentation purposes. 8. Remarks: A. Applicants claim the right to withdraw more than the average annual amounts estimated in this application pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Although Applicants have estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thickness, Applicants request the right to revise those amounts upward or downward, based on better or revised data, without the need to amend this application or republish the same. WHEREFORE, Applicants pray that this Court enter a Decree: Granting the application herein and awarding the water rights claimed herein as final water rights; Specifically determining that: A. Applicant has complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the proposed wells; B. The groundwater underlying the Subject Property in the Upper Arapahoe, Lower Arapahoe, and Laramie-Fox Hills aquifer under parcels A, C and D is nontributary groundwater and the groundwater in the Denver aquifer under all parcels and in the Laramie-Fox Hills aquifer under parcels B and E is not nontributary; and C. Vested or conditionally decreed water rights of others will not be materially injured by the proposed withdrawals of groundwater; and FURTHER, Applicants pray that this court grant such other relief as deemed appropriate. Number of pages in application: 7, excluding exhibits.

*****AMENDED*** 21CW3138 TOWN OF FREDERICK**, P.O. Box 435, 401 Locust St., Frederick, CO 80530 (c/o Jennifer M. DiLalla, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302, (303) 443-8782. **AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS IN BOULDER AND WELD COUNTIES** 1. Name, address, and telephone number of Applicant: Town of Frederick, c/o Kevin Ash, Engineering Director, P.O. Box 435, 401 Locust St., Frederick, CO 80530 2. Overview of application: Frederick, a statutory town in Weld County, owns 36.8234 shares of preferred stock and 43.7174 shares of common stock in the New Consolidated Lower Boulder Reservoir and Ditch Company (“LBDC”). The purpose of this Application is to change the type and place of use of the water rights associated with 30.8234 of Frederick’s LBDC preferred shares and 4 additional preferred shares owned by Carla J. Troutd and Susan J. Hobbs and described in the Grants of Authority attached as **Ex. A** (such 34.8234 total preferred shares the “Subject Preferred Shares”) and 40.7174 of Frederick’s LBDC common shares (“Subject Common Shares”), so that in addition to their currently decreed irrigation use, those water rights may be used directly, after storage, and by exchange for all municipal purposes within the Town’s service area. The water rights attributable to the Subject Preferred Shares and the Subject Common Shares are referred to collectively as the “Subject Water Rights.” This Application and the Town’s quantification of the historical consumptive use attributable to the Subject Water Rights incorporate the ditchwide analysis and the applicable associated terms and conditions upon which the Court relied in the decree entered in the City of Lafayette’s Case No.

90CW108, and in subsequent decrees entered in Case Nos. 94CW284, 97CW195, and 16CW3069. All UTM coordinates given in this Application are NAD 83, Zone 13.

2.1 Purpose of the amendment:

2.1.1 Frederick filed its Application for Change of Water Rights on August 20, 2021 (“Original Application”), claiming a change in the type and place of use of water rights associated with 30.8234 of its preferred LBDC shares and 40.7174 of its common LBDC shares. In 2022, several developers proposed dedicating to Frederick the water rights associated with the 4 preferred shares currently owned by Ms. Troudt and Ms. Hobbs and described in the Grants of Authority attached as **Ex. A** (“Troudt/Hobbs Shares”).

2.1.2 In the process of reviewing and responding to comments provided by the objectors in compliance with the case management plan, Frederick identified additional storage and delivery structures that the Town proposes for use in meeting its obligations to replace historical return flows attributable to the Subject Water Rights.

2.1.3 Frederick files this Amended Application for Change of Water Rights (“Amended Application”) for the following purposes: (i) to include the Troudt/Hobbs Shares in the Subject Preferred Shares, and therefore to change the water rights associated with the Troudt/Hobbs Shares; (ii) to give notice of Frederick’s intended use of the 2 additional storage structures described in paragraph 4.2 below and 5 additional delivery structures described in paragraph 7.2 below within the Town’s operation of the claimed change of water rights; (iii) to correct the description of the Bulrush Wetlands, which will operate as a place of use but not as a place of storage under the claimed change of water rights; and (iv) to identify Frederick’s Windy Gap Project units and Northern Integrated Supply Project (“NISIP”) units as potential sources of supply for replacement of historical return flows attributable to the Subject Water Rights.

2.1.4 Frederick has made no other substantive changes to the Original Application.

2.1.5 Frederick will publish notice of the Amended Application as required by Rule 4(b) of the Uniform Local Rules for All State Water Court Divisions.

3. Water rights to be changed: The Subject Water Rights are a pro-rata portion of those water rights decreed to the Lower Boulder Ditch, as described in paragraphs 3.1 through 3.6 below. The Town’s ownership of all of the Subject Preferred Shares other than the Troudt/Hobbs Shares and the Town’s ownership of the Subject Common Shares are evidenced by the share certificates identified on **Ex. B**, which certificates represent a pro-rata interest in the water rights, ditches, canals, and other facilities for the delivery and use of water and all other assets of the LBDC. Together, the Subject Preferred Shares and Subject Common Shares are referred to as the “LBDC Shares” in this Amended Application.

3.1 Name of structure: Lower Boulder Ditch (WDID 0600538).

3.2 Original decree: June 2, 1882, Civil Action No. 1282 in the District Court for Boulder County (“CA 1282”).

3.3 Legal description: The decreed point of diversion is in the SW1/4 of Section 16, T1N, R69W of the 6th P.M. The ditch diverts water from Boulder Creek in the SW1/4 SW1/4, Section 16, T1N, R69W, 6th P.M., Boulder County, Colorado, as shown on **Ex. C**. (UTM: 488995.0 East, 4432965.0 North.)

3.4 Source: Boulder Creek, tributary to the South Platte River.

3.5 Amounts and appropriation dates:

3.5.1 25 cubic feet per second (“cfs”) absolute with an appropriation date of October 1, 1859 (“1859 Priority”).

3.5.2 97 cfs absolute with an appropriation date of June 1, 1870 (“1870 Priority”).

3.6 Use: Irrigation.

3.7 Amount to be changed:

3.7.1 The Subject Preferred Shares amount to 17.41% of the 199.9767 shares outstanding of the preferred stock of the LBDC, and the Subject Common Shares amount to 20.59% of the 197.7793 shares outstanding of the common stock of the LBDC.

3.7.2 Under the LBDC Bylaws, all of the 1859 Priority and the first 23 cfs of the 1870 Priority are delivered to preferred shares; the next 48 cfs of the 1870 Priority is delivered to common shares; and the remaining 26 cfs of the 1870 Priority is split equally between preferred shares and common shares. The LBDC Shares’ pro-rata entitlement to the Lower Boulder Ditch water rights therefore is as follows:

3.7.2.1. 1859 Priority: 4.353 cfs.

3.7.2.2. 1870 Priority: 4.005 of the first 23 cfs; 9.882 of the next 48 cfs; and 4.940 of the last 26 cfs.

4. Detailed description of proposed change: Frederick will quantify the historical consumptive use of the Subject Water Rights and will determine the amount, timing, and location of return flows resulting from the historical use of those water rights.

4.1 Change in type, place, and manner of use: Frederick seeks to change the Subject Water Rights such that in addition to their currently decreed irrigation use, they may be used for all municipal purposes within the Town’s service area, as it exists now and as it may be altered in the future, with such use made directly, after storage, or by exchange. The claimed municipal purposes include, without limitation, irrigation of parks, open space, common areas within developments, and Town-owned or Town-operated properties, including without limitation re-

irrigation of previously dried-up land; augmentation within any future-decreed Town augmentation plan; replacement of historical return flows attributable to the changed Subject Water Rights or to Town-owned water rights that are the subject of future change cases; delivery into the Town's municipal system for domestic and other uses; industrial, mechanical, and commercial uses; environmental mitigation, including without limitation wetlands preservation; stock-watering; fire protection; street sprinkling; and piscatorial, fish and wildlife preservation and propagation, and recreation uses. The Town also claims use of the changed water rights outside of the Town's service area, but only as follows: in any area in which the Town has return flow replacement obligations or augmentation obligations; on property to which the Town is obligated to deliver water under water supply contracts; and on property supplied by means of metered Town water taps. The boundaries of the Town's current service area are shown on the map attached as **Ex. D.**

4.2 Places of storage: Water attributable to the LBDC Shares will be stored in the structures described in this paragraph 4.2, and in any reservoir in which the Town acquires storage capacity in the future and to which the Town may deliver water off of the Lower Boulder Ditch.

4.2.1 Milavec Reservoir (a/k/a Lower Boulder Extension Reservoir) (WDID 0604182), located in the NE1/4 SE1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, as shown on **Ex. D.** (UTM: 504573.0 East, 4441308.0 North.)

4.2.2 Finley No. 1 Irrigation Pond (WDID 0504100), located in the SE1/4 NE1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, as shown on **Ex. D.** (UTM: 504731.1 East, 4441926.5 North.)

4.2.3 Finley No. 2 Irrigation Pond (WDID 0504101), located in the NE1/4 NE1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, as shown on **Ex. D.** (UTM: 504582.2 East, 4442205.0 North.)

4.2.4 Centennial Irrigation Pond (WDID 0504102), located in the NE1/4 SW1/4, Section 31, T2N, R67W of the 6th P.M. in Weld County, as shown on **Ex. D.** (UTM: 505333.0 East, 4438233.0 North.)

4.2.5 Tiefel Pond (a/k/a Goose Haven Pond No. 2) (WDID 0603926), located in the W1/2 SW1/4, Section 15, T1N, R69W of the 6th P.M. in Boulder County, as shown on **Ex. D.** (UTM: 490500.0 East, 4433100.0 North.)

4.2.6 Filly Lake (WDID 0603372), located in the W1/2, Section 32; and E1/2, Section 31; T2N, R68W of the 6th P.M. in Weld County, as shown on **Ex. D.** (UTM: 496940.0 East, 4438100.0 North.)

4.2.7 In accordance with § 37-87-101(3)(a), C.R.S., any pond or reservoir located on the Lower Boulder Ditch system and available for the Town's use.

4.3 Use, reuse, and successive use to extinction: Provided that the Town replaces historical return flows in accordance with the decree to be entered in this case, the Town will use, reuse, and successively use to extinction the fully consumable portion of the changed water rights, and may dispose of such water by sale or otherwise. No reuse plan, quantification of reusable return flows, augmentation plan, appropriative right of exchange, or water exchange project is sought in this Amended Application; instead, the Town will file a separate application or multiple applications in the future for approval of any claimed reuse or augmentation plan or confirmation of any claimed appropriative right of exchange or water exchange project.

4.4 No change in point of diversion: Frederick does not seek any change in the point of diversion for Subject Water Rights.

5. Historical use: The LBDC Shares were used historically for irrigation of approximately 1,951 acres in Sections 5 and 6, T1N, R68W; Sections 12, 13, 14, 23, 26, 27, 28, and 32, T2N, R68W; and Section 12, T1N, R69W; all of the 6th P.M., in Boulder and Weld counties ("Historically Irrigated Lands"). In accordance with § 37-92-302(2)(a), C.R.S., **Ex. C** shows the approximate locations of the Historically Irrigated Lands, and **Ex. E** summarizes records of actual diversions of each water right described in paragraphs 3.1 through 3.6 above, to the extent such records exist.

5.1 Prior ditchwide analysis: Based on the City of Lafayette's ditchwide analysis, the Court in Case No. 90CW108 found that the Lower Boulder Ditch system is water-short, with historical consumptive use limited by the available water supply and controlled by an overall irrigation efficiency of 57.5%. Frederick will rely on the 90CW108 ditchwide analysis in quantifying the transferable yield of the Subject Water Rights.

5.2 No changed circumstances: There have been no changed circumstances on the Lower Boulder Ditch System that would warrant reconsideration of the Court's findings in the 90CW108 decree with respect to Lafayette's ditchwide analysis.

5.3 Transferable yield: A summary of diversions, historical consumptive use, and historical return flows attributable to the Subject Water Rights is shown in **Ex. F.**

5.3.1 The average annual diversions attributable to the Subject Preferred Shares were 1,628.81 acre-feet, with resulting historical consumptive use of 936.55 acre feet per year ("afy").

5.3.2 The average annual diversions attributable to the Subject Common Shares were 383.22 acre-feet, with resulting historical

consumptive use of 220.34 afy. 5.3.3. Consistent with the Court’s findings in Case No. 90CW108, Frederick’s technical consultants estimated that the distribution of return flows from historical use of the LBDC Shares was 35% surface runoff, which returned to the stream within the month of irrigation application; and 65% deep percolation, the timing of which Frederick’s technical consultants will determine using AWAS parameters and the Glover method. 5.3.4 Return flows from historical use of the LBDC Shares averaged 694.15 afy. 6. Replacement of historical return flows: Frederick will replace to the Boulder Creek and St. Vrain Creek systems, in the amounts and at the times and locations necessary to prevent injury to other water rights, the historical return flows associated with the LBDC Shares. Frederick will replace the historical return flows with water available to the LBDC Shares or with any other fully consumable water legally available to Frederick for that purpose, including without limitation water available to Frederick’s Windy Gap Project units and NISP units. 7. Terms and conditions: 7.1 Point of diversion: Water available to the LBDC Shares will continue to be diverted at the headgate of the Lower Boulder Ditch as described in Paragraph 3.3 above. 7.2 Places of delivery: From the Lower Boulder Ditch, Frederick will take delivery of water available to the LBDC Shares at one or more of the locations described below: 7.2.1 Layton (a/k/a Leyton) Lateral: The Layton Lateral diverts from the Lower Boulder Ditch at a point in the NW1/4 of Section 25, T2N, R68W of the 6th P.M., Weld County. The inlet canal for Milavec Reservoir diverts from the Layton Lateral at a point known as the “reservoir headgate” in the NE1/4 SW1/4, Section 24, T2N, R68W of the 6th P.M. in Weld County, at a point from which the Southwest Corner of said Section bears South 52° West 2,400 feet, more or less, as shown on **Ex. D**. 7.2.2 Nelson farm headgates: These farm headgates divert from the Lower Boulder Ditch at a point in the SW1/4 NW1/4, the NW1/4 SW1/4, the SE1/4 SW1/4, and the NE1/4 SE1/4, Section 35, T2N, R68W, as shown on **Ex. D**. 7.2.3 Mendoza farm headgates: These farm headgates divert from the Lower Boulder Ditch at a point in the SW1/4 SE1/4, the NW1/4 SE1/4, and the SE1/4 NE1/4, Section 28, T2N, R68W of the 6th P.M., as shown on **Ex. D**. 7.2.4 Wyndham Hill: This headgate will divert from the Lower Boulder Ditch at a point in the NE1/4 NE1/4, Section 34, T2N, R68W of the 6th P.M., as shown on **Ex. D**. 7.2.5 Godding Hollow turnout: Located at a point where the Lower Boulder Ditch intersects Godding Hollow in the NE1/4 NE1/4, Section 2, T1N, R68W of the 6th P.M., as shown on **Ex. D**. (UTM: 503039.4 East, 4437230.8 North.) 7.2.6 Bulrush Wetlands: These headgates divert from the Lower Boulder Ditch at points in the SE1/4 SW1/4 and SE1/4 SE1/4, Section 32, T2N; and the NW1/4 NE1/4 and NE1/4 NE1/4, Section 5, T1N; all in R68W of the 6th P.M., as shown on **Ex. D**. Frederick will deliver water to these locations for the beneficial use of maintaining the wetlands, and not for storage of water for release and subsequent beneficial use. 7.2.7 Boulder Creek Augmentation Station: This structure will divert from the Lower Boulder Ditch at a point in the NW1/4 SW1/4, Section 15, T1N, R69W of the 6th P.M., as shown on **Ex. D**. 7.2.8 Coal Creek Augmentation Station: This structure will divert from the Lower Boulder Ditch at a point in the SE1/4 NW1/4, Section 18, T1N, R68W of the 6th P.M., as shown on **Ex. D**. 7.2.9 Idaho Creek Augmentation Station: This structure will divert from the Lower Boulder Ditch at a point in the SE1/4 SW1/4, Section 32, T2N, R68W of the 6th P.M., as shown on **Ex. D**. This headgate also delivers water to Bulrush Wetlands. 7.2.10 Mayfield Hollow Augmentation Station: This structure will divert from the Layton Lateral at a point in the SE1/4 NW1/4 of Section 24, SW1/4 SW1/4 of Section 13, or NW1/4 SW1/4 of Section 13, all in T2N, R68W of the 6th P.M., as shown on **Ex. D**. 7.2.11 Filly Lake Delivery Lateral: This structure will divert from the Boulder and Weld County Ditch at a turnout in the SW1/4 of Section 32, T2N, R68W of the 6th P.M. Frederick will take delivery from the Lower Boulder Ditch and convey the water to the Boulder and Weld County Ditch, from which the water will be delivered to the inlet of Filly Lake. The delivery point on the Lower Boulder Ditch will be located in the SW1/4 SW1/4 or the SE1/4 SW1/4 of Section 32, T2N, R68W of the 6th P.M., as shown on **Ex. D**. 7.2.12 Future lateral headgates: Subject to LBDC approval, the Town may develop additional lateral headgates on the Lower Boulder Ditch in the future. 7.3 TCA assessment: Water available to the LBDC Shares will be subject to an assessment of transit loss in the Lower Boulder Ditch as determined by the ditch rider, who will apply the same loss percentage to all shares. The LBDC Shares may also be subject to a reservation of water by the LBDC to fulfill demands of holders of the “Leyner” and “Briggs” contracts. The transit loss assessment and the contract reservation are referred to collectively as a “TCA assessment.” 7.4 Diversion season: The

diversion season for the LBDC Shares will be the same as the diversion season for all LBDC shareholders.

7.5 LBDC approval: As required by the LBDC Bylaws, Frederick applied to the LBDC Board of Directors (“LBDC Board”) for approval of the Town’s proposed changes of use of the Subject Water Rights. The LBDC Board issued its approval of the Original Application on July 30, 2021, approving the proposed changes of use and authorizing Frederick’s filing of the Original Application on the terms and conditions given in that approval. Frederick applied to the LBDC Board for approval of the Town’s proposed amendments to the Original Application, and the LBDC Board issued its approval of those amendments on March 10, 2023, authorizing Frederick’s filing of the Amended Application on the terms and conditions given in that approval.

7.6 Augmentation stations: The map attached as **Ex. D** shows the locations of the existing augmentation stations, at the Godding Hollow turnout, that Frederick will use to measure water delivered to the LBDC Shares for return to the stream system. Frederick may develop other augmentation stations for that purpose and seeks the court’s approval to add such new augmentation stations under the decree to be entered in this case.

8. 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: 8.1 There will be no new diversion or storage structure constructed and no existing diversion or storage structure modified under this Amended Application. 8.2 The Town owns the land on which the storage structures described in paragraphs 4.2.1 through 4.2.4 above are located. 8.2.1 Tiefel Pond: Tiefel Family, LLC, P.O. Box 17130, Boulder, CO 80308. 8.2.2 Filly Lake: 8.2.2.1 Farfrumwurkin, LLLP, P.O. Box 983, Broomfield, CO 80038. 8.2.2.2 833, LLC, P.O. Box 964, Longmont, CO 80502. 9. The Town anticipates that the change of water rights described in this Amended Application will represent a “significant water development activity” as defined in § 37-92-103(10.7), C.R.S. In accordance with § 37-92-302(3.5), C.R.S., the Town therefore will give notice of the contents of this Amended Application to the following entities: 9.1 Boulder County Board of County Commissioners, PO Box 471, Boulder, CO 80306. 9.2 Weld County Board of County Commissioners, 1150 O Street, PO Box 758, Greeley, CO 80631. 9.3 St. Vrain Valley School District No. RE 1J, 395 S. Pratt Parkway, Longmont, CO 80501. 9.4 Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, CO 80513. 9.5 Ms. Angie Swanson, Secretary, New Consolidated Lower Boulder Reservoir and Ditch Company, PO Box 119, Longmont, CO 80502-0119. 9.6 Town of Firestone Board of Trustees, 151 Grant Avenue, P.O. Box 100, Firestone, CO 80520. 9.7 Town of Erie Board of Trustees, 645 Holbrook Street, P.O. Box 750, Erie, CO 80516. WHEREFORE, the Town of Frederick respectfully requests that the Court enter a decree approving this Amended Application for Change of Water Rights and granting all such other and further relief, whether legal or equitable, as the Court may determine necessary or desirable.

*****AMENDED*** 2022CW3175 ALFRED C STEWART AND DONNA M STEWART**, 16850 Stepler Road, Colorado Springs, CO 80908. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **AMENDED APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN EL PASO COUNTY.** Amended Application: This amended application amends the proposed augmentation plan to include up to 14 wells for use on the Subject Property. Applicant claims that this amendment relates back to the original application. Subject Property: 36.38 acres generally located in the NE1/4 of the SE1/4 of Section 23, Township 11 South, Range 66 West of the 6th P.M., also known as 16850 Stepler Road, Colorado Springs, El Paso County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants certify that they have provided notice to all parties that have a mortgage or lien interest in the Subject Property as required under C.R.S. § 37-92-302(2)(b). The Subject Property is located in Water Division 1 close to the border with Water Division 2. This Application is being filed concurrently in Water Division 1 and 2 for notice purposes. A motion to consolidate multidistrict litigation into Water Division 1 will be filed once the time for filing statements of opposition has expired. Well Permits: There is currently one well on the Subject Property under Well

Permit No. 101508. This well will be re-permitted under the augmentation plan applied for herein. Additional well permits will be applied for prior to construction of wells. Source of Water Rights: The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Dawson (NNT)	11.38
Denver (NT)	11.23
Arapahoe (NT)	4.82
Laramie-Fox Hills (NT)	3.62

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, industrial, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 9.1 acre-feet per year for 300 years of Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used in up to fourteen (14) wells, each well providing in-house use in up to one (1) single-family home (0.3 acre-feet per well, 4.2 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 6,000 square-feet (0.3 acre-feet per well, 4.2 acre-feet per year total), stock watering for up to 4 large domestic animals (0.05 acre-feet per well, 0.7 acre-feet per year total), and fire protection, on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the East and West Cherry Creek, and Monument Creek, stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT WITHIN THE TIME PROVIDED BY STATUTE OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **MAY 2023** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.