

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

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

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

22CW2 SCOTT COCHRAN and CAITLIN PURSLEY, 45921 Coal Creek Drive, Parker, CO 80138, 303-941-1315 scott.cochran.met@gmail.com **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY**. Name of Structure: Domestic Well located NW 1/4, NE 1/4, S13, T6S, R65W of the 6th PM in Elbert County, distances from section lines 450 Ft from North Section line and 1960 ft from East Section line. One well located on property; Parcel of land consists of 8.32 acres of land; Well Permit 191805 Depth to bottom of well 390 ft; pumping Rate 10 gpm; amount claimed in acre-fee annually 1, single family dwelling; watering domestic animals, recreational, lawn and garden irrigation on 2 acres.

22CW3029 APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN WELD AND MORGAN COUNTIES. 1. The name and address of the

Applicants: Riverside Irrigation District and Riverside Reservoir and Land Company 221 E. Kiowa Street Fort Morgan, CO 80701. 2 Names of Structures: A Recharge Ponds: 1. Site No. 501--Christensen North Pond. NW/4 NW/4, Section 34, T5N, R57W of the 6th P.M. at a point approximately 280 feet from the North section line and approximately 1050 feet from the West Section line. 2. Site No. 502--Christensen West Pond. NW/4 SW/4, Section 34, T5N, R57W of the 6th P.M. at a point approximately 2430 feet from the South section line and approximately 174 feet from the West Section line. 3. Site No. 503--Christensen East Pond. NE/4 NW/4, Section 34, T5N, R57W of the 6th P.M. at a point approximately 174 feet from the North section line and approximately 2600 feet from the West Section line. 4. Site No. 504--Shotgun Pond. SE/4 SW/4, Section 31, T5N, R60W of the 6th P.M. at a point approximately 660 feet from the South section line and approximately 1980 feet from the West Section line. 5. Site No. 505--Clark Pond 1. SW/4 SW/4, Section 32, T5N, R60W of the 6th P.M. at a point approximately 1000 feet from the South section line and approximately 550 feet from the West Section line. 6. Site No. 506--Clark Pond 2. SE/4 SW/4, Section 32, T5N, R60W of the 6th P.M. at a point approximately 1080 feet from the South section line and approximately 1970 feet from the West Section line. 7. Site No. 507--Clark Pond 3. SW/4 SE/4, Section 32, T5N, R60W of the 6th P.M. at a point approximately 1040 feet from the South section line and approximately 2090 feet from the East Section line. 8. Site No. 508--Culpepper Pond 1. SW/4 SW/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 480 feet from the South section line and approximately 970 feet from the West Section line. 9. Site No. 509--Culpepper Pond 2. NW/4 SW/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 2340 feet from the South section line and approximately 1220 feet from the West Section line. 10. Site No. 510--Culpepper Pond 3. SE/4 NW/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 1810 feet from the North section line and approximately 1800 feet from the West Section line. 11. Site No. 511--Culpepper Pond 4. SW/4 NE/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 2600 feet from the North section line and approximately 2410 feet from the East Section line. 12. Site No. 512--Culpepper Pond 5. NW/4 SE/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 2010 feet from the South section line and approximately 1650 feet from the East Section line. 13. Site No. 513--Culpepper Pond 6. NW/4 SE/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 1780 feet from the South section line and approximately 2600 feet from the East Section line. 14. Site No. 514--Sand Bar Club Pond. SW/4 SW/4, Section 35, T5N, R61W of the 6th P.M. at a point approximately 680 feet from the South section line and approximately 1050 feet from the West Section line. 15. Site No. 515--Welker 2 Jones Pond. NW/4 SW/4, Section 1, T4N, R61W of the 6th P.M. at a point approximately 2770 feet from the South section line and approximately 209 feet from the West Section line. 16. Site No. 516--Welker 5 Jones Pond. NE/4 SE/4,

Section 1, T4N, R61W of the 6th P.M. at a point approximately 2700 feet from the South section line and approximately 243 feet from the East Section line. 17. Site No. 517--Jones N Pond. NE/4 NE/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 1148 feet from the North section line and approximately 411 feet from the East Section line. 18. Site No. 518--Jones Pasture Pond. SW/4 SE/4, Section 2, T4N, R61W of the 6th P.M. at a point approximately 1156 feet from the South section line and approximately 2477 feet from the East Section line. 19. Site No. 520--State S36 1 Pond. SW/4 SW/4, Section 36, T5N, R61W of the 6th P.M. at a point approximately 374 feet from the South section line and approximately 331 feet from the West Section line. 20. Site No. 521--State S36 2 Pond. SE/4 SW/4, Section 36, T5N, R61W of the 6th P.M. at a point approximately 1039 feet from the South section line and approximately 1638 feet from the West Section line. 21. Site No. 522--Welker 3 Pond. NW/4 NE/4, Section 1, T4N, R61W of the 6th P.M. at a point approximately 282 feet from the North section line and approximately 2597 feet from the East Section line. 22. Site No. 523--Welker 4 Pond. NE/4 NE/4, Section 1, T4N, R61W of the 6th P.M. at a point approximately 210 feet from the North section line and approximately 553 feet from the East Section line. 23. Site No. 524--Groves M Pond. NE/4 SW/4, Section 6, T4N, R60W of the 6th P.M. at a point approximately 2436 feet from the South section line and approximately 2450 feet from the West Section line. 24. Site No. 525--Groves N Pond. SW/4 NW/4, Section 6, T4N, R60W of the 6th P.M. at a point approximately 2583 feet from the North section line and approximately 1192 feet from the West Section line. 25. Site No. 526--Groves S Pond. SW/4 SE/4, Section 6, T4N, R60W of the 6th P.M. at a point approximately 261 feet from the South section line and approximately 2521 feet from the East Section line. 26. Site No. 527--Welker 6 Pond. NW/4 SE/4, Section 6, T4N, R60W of the 6th P.M. at a point approximately 1557 feet from the South section line and approximately 2472 feet from the East Section line. 27. Site No. 528--Welker 7 Pond. SE/4 NW/4, Section 6, T4N, R60W of the 6th P.M. at a point approximately 2746 feet from the North section line and approximately 1603 feet from the West Section line. 28. Site No. 529--Welker 8 Pond. SE/4 NE/4, Section 6, T4N, R60W of the 6th P.M. at a point approximately 2128 feet from the North section line and approximately 198 feet from the East Section line. 29. Site No. 531--Castor Pond. SE/4 NW/4, Section 19, T5N, R59W of the 6th P.M. at a point approximately 2267 feet from the North section line and approximately 2476 feet from the West Section line. 30. Site No. 532--Carmen Pond. SE/4 NW/4, Section 20, T5N, R59W of the 6th P.M. at a point approximately 1363 feet from the North section line and approximately 1740 feet from the West Section line. 31. Site No. 533--Lorenzini Pond. NW/4 SE/4, Section 20, T5N, R59W of the 6th P.M. at a point approximately 1387 feet from the South section line and approximately 2054 feet from the East Section line. 32. Site No. 534--Lorenzini S Pond. SE/4 SE/4, Section 20, T5N, R59W of the 6th P.M. at a point approximately 527 feet from the South section line and approximately 212 feet from the East Section line. 33. Site No. 535--State S16 E Pond. SW/4 SE/4, Section 16, T4N, R58W of the 6th P.M. at a point approximately 637 feet from the South section line and approximately 2058 feet from the East Section line. 34. Site No. 536--State S16 W Pond. SE/4 SW/4, Section 16, T4N, R58W of the 6th P.M. at a point approximately 622 feet from the South section line and approximately 2015 feet from the West Section line. 35. Site No. 537--State S16 W 2 Pond. SW/4 SW/4, Section 16, T4N, R58W of the 6th P.M. at a point approximately 391 feet from the South section line and approximately 1321 feet from the West Section line. 36. Site No. 538--Dilley Pond. NE/4 NW/4, Section 12, T4N, R57W of the 6th P.M. at a point approximately 583 feet from the North section line and approximately 2093 feet from the West Section line. 37. Site No. 539--Kembel Pond. SW/4 SW/4, Section 1, T4N, R57W of the 6th P.M. at a point approximately 213 feet from the South section line and approximately 993 feet from the West Section line. 38. Site No. 540--Longacre S Pond. NE/4 SE/4, Section 32, T5N, R57W of the 6th P.M. at a point approximately 2441 feet from the South section line and approximately 928 feet from the East Section line. 39. Site No. 541--Longacre D Pond. SW/4 SW/4, Section 28, T5N, R57W of the 6th P.M. at a point approximately 472 feet from the South section line and approximately 838 feet from the West Section line. 40. Site No. 542--Longacre N Pond. NE/4 NE/4, Section 32, T5N, R57W of the 6th P.M. at a point approximately 544 feet from the North section line and approximately 1302 feet from the East Section line. 41. Site No. 543--Amsberry Pond. NE/4 SE/4, Section 2, T4N, R56W of the 6th P.M. at a point approximately 2582 feet from the South section line and

approximately 30 feet from the East Section line. 42. Site No. 544--C Kembel 4 Pond. SW/4 NW/4, Section 25, T5N, R56W of the 6th P.M. at a point approximately 2270 feet from the North section line and approximately 471 feet from the West Section line. 43. Site No. 545--C Kembel 1 Pond. NE/4 SE/4, Section 26, T5N, R56W of the 6th P.M. at a point approximately 1573 feet from the South section line and approximately 926 feet from the East Section line. 44. Site No. 546--C Kembel 2 Pond. NE/4 SE/4, Section 26, T5N, R56W of the 6th P.M. at a point approximately 2159 feet from the South section line and approximately 896 feet from the East Section line. 45. Site No. 547--C Kembel 3 Pond. NE/4 SE/4, Section 26, T5N, R56W of the 6th P.M. at a point approximately 2067 feet from the South section line and approximately 926 feet from the East Section line. 46. Site No. 548--J Woodward Pond. SW/4 NW/4, Section 32, T5N, R56W of the 6th P.M. at a point approximately 1399 feet from the North section line and approximately 928 feet from the West Section line. 47. Site No. 549--Woodward N Pond. NW/4 SE/4, Section 33, T5N, R56W of the 6th P.M. at a point approximately 2382 feet from the South section line and approximately 2396 feet from the East Section line. 48. Site No. 550--Woodward S Pond. SE/4 SE/4, Section 33, T5N, R56W of the 6th P.M. at a point approximately 202 feet from the South section line and approximately 166 feet from the East Section line. 49. Site No. 551--C Kembel 5 Pond. NW/4 NE/4, Section 36, T5N, R56W of the 6th P.M. at a point approximately 692 feet from the North section line and approximately 2593 feet from the East Section line. 50. Site No. 552--C Kembel 6 Pond. NE/4 SW/4, Section 36, T5N, R56W of the 6th P.M. at a point approximately 2304 feet from the South section line and approximately 2547 feet from the West Section line. 51. Site No. 553—Empire Pond (added March 2013). W/2 SW/4 Section 1, T4N, R61W of the 6th P.M. at a point approximately 330 feet east of the west section line and approximately 1,140 feet north of the south section line. The point of diversion for all structures is the Riverside Inlet Canal, which has a capacity of 1000 cfs and has a point of diversion located on the north bank of the South Platte River in the SW/4 SW/4 of Section 20, T5N, R63W of the 6th P.M. in Weld County Colorado. Applicant also claims the right to use seepage loss from the canal when the canal is being used to transport the water rights claimed herein to the extent that such seepage water recharges the alluvial aquifer of the South Platte River and accrues to the flows of the South Platte River; provided, however, that no recharge credit for canal losses shall be claimed whenever water is being diverted or delivered through the Riverside Inlet Canal or the Riverside Service Canal for irrigation use, either directly or following storage, under Riverside Reservoir's 1902, 1907, 1910, or 1929 priority storage rights, or Riverside Canal's 1907 direct flow right. B. Exchange: The upper terminus of the exchange is the confluence of Wildcat Creek and the South Platte River, and is located in NE/4 NE/4 of Section 30, T4N, R56W of the 6th P.M. approximately 375 feet from the North section line and approximately 675 feet from the East section line. The lower terminus of the exchange is the confluence of Antelope Draw and the South Platte River, and is located in SE/4 NE/4 of Section 5, T4N, R55W of the 6th P.M. approximately 2640 feet from the North section line and approximately 100 feet from the East section line. C. Augmentation Wells: 1. Well No. 6596-F. NW/4 NW/4 Section 17, T4N R61W of the 6th P.M. approximately 533 feet from North Section Line, 31 feet from West Section Line. 2. Well No. 5907-F. SW/4 SW/4 Section 8, T4N R61W of the 6th P.M. 296 feet from South Section Line, 979 feet from West Section Line. 3. Well No. 6597-F. SW/4 SE/4 Section 8, T4N R61W of the 6th P.M. 1289 feet from South Section Line, 1411 feet from East Section Line. 4. Well No. 5686-F. SE/4 SW/4 Section 8, T4N R61W of the 6th P.M. 362 feet from South Section Line, 2023 feet from West Section Line. 5. Well No. 6766-F. NW/4 SW/4 Section 10, T4N R61W of the 6th P.M. 2612 feet from South Section Line, 150 ft from West Section Line. 6. Well No. 59355-F. SE/4 SW/4 Section 10, T4N R59W of the 6th P.M. 1300 feet from South Section Line, 1350 feet from West Section Line. 7. Well No. 8273. NE/4 SE/4 Section 28, T5N R56W of the 6th P.M. 2380 feet from South section Line. 920 feet from East Section line. 8. The Vancil Reservoir Relief Well No. 6 (Permit No. 42283-F). NW/4 NW/4 Section 34, T5N R56W of the 6th P.M. 50 feet from North Section Line, 900 feet from West Section Line. 3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree: A. Date of Original Decree: May 9, 2012, *nunc pro tunc* July 11, 2008, Case No. 02CW86. The Court found that diligence had been maintained and entered the Findings of Fact, Conclusion of Law and Decree of the Water Court, Case No. 14CW3082 March 14, 2026. B. Location: *See* Paragraph 2, above. *See also*, general location map, Exhibit A. C. Source: South Platte

River for Recharge Ponds and exchange. Ground water tributary to the South Platte River for Augmentation Wells. D. Appropriation Date: April 30, 2002 for recharge ponds identified as Site Nos. 501 through 514 and for Exchange; April 17, 2003 for recharge ponds identified as Site Nos. 515 through 552 and for Augmentation Wells; January 30, 2013 for Site No. 553. E. Use: Augmentation, either directly or by exchange, by recharge of the South Platte alluvial aquifer, wildlife, and piscatorial for Recharge Ponds. Augmentation purposes to replace depletions by wells included in the Plan for Augmentation for Augmentation Wells. F. Amount: 1. Site No. 501--Christensen North Pond. Surface Area (acres) 6.6. Rate (cfs) 4. Storage Volume (ac-ft) 33 AF with right to fill and refill when in priority. 2. Site No. 502--Christensen West Pond. Surface Area (acres) 12. Rate (cfs) 4. Storage Volume (ac-ft) 60 AF with right to fill and refill when in priority. 3. Site No. 503--Christensen East Pond. Surface Area (acres) 10. Rate (cfs) 10. Storage Volume (ac-ft) 50 AF with right to fill and refill when in priority. 4. Site No. 504--Shotgun Pond. Surface Area (acres) 40. Rate (cfs) 20. Storage Volume (ac-ft) 200 AF with right to fill and refill when in priority. 5. Site No. 505--Clark Pond 1. Surface Area (acres) 100 (total combined for Clark Pond 1-3). Rate (cfs) 40 (total combined for Clark Pond 1-3). Storage Volume (ac-ft) 1000 AF with right to fill and refill when in priority (total combined for Clark Pond 1-3) AF with right to fill and refill when in priority. 6. Site No. 506--Clark Pond 2. Rate (cfs) 40 (total combined for Clark Pond 1-3). Storage Volume (ac-ft) 1000 AF with right to fill and refill when in priority (total combined for Clark Pond 1-3) AF with right to fill and refill when in priority. 7. Site No. 507--Clark Pond 3. Rate (cfs) 40 (total combined for Clark Pond 1-3). Storage Volume (ac-ft) 1000 AF with right to fill and refill when in priority (total combined for Clark Pond 1-3) AF with right to fill and refill when in priority. 8. Site No. 508--Culpepper Pond 1. Surface Area (acres) 10. Rate (cfs) 40. Storage Volume (ac-ft) 20 AF with right to fill and refill when in priority. 9. Site No. 509--Culpepper Pond 2. Surface Area (acres) 7. Rate (cfs) 40. Storage Volume (ac-ft) 14 AF with right to fill and refill when in priority. 10. Site No. 510--Culpepper Pond 3. Surface Area (acres) 14. Rate (cfs) 40. Storage Volume (ac-ft) 28 AF with right to fill and refill when in priority. 11. Site No. 511--Culpepper Pond 4. Surface Area (acres) 5. Rate (cfs) 40. Storage Volume (ac-ft) 10 AF with right to fill and refill when in priority. 12. Site No. 512--Culpepper Pond 5. Surface Area (acres) 15. Rate (cfs) 40. Storage Volume (ac-ft) 90 AF with right to fill and refill when in priority. 13. Site No. 513--Culpepper Pond 6. Surface Area (acres) 6. Rate (cfs) 40. Storage Volume (ac-ft) 24 AF with right to fill and refill when in priority. 14. Site No. 514--Sand Bar Club Pond. Surface Area (acres) 15. Rate (cfs) 40. Storage Volume (ac-ft) 60 AF with right to fill and refill when in priority. 15. Site No. 515--Welker 2 Jones Pond. Surface Area (acres) 11. Rate (cfs) 50. Storage Volume (ac-ft) 66 AF with right to fill and refill when in priority. 16. Site No. 516--Welker 5 Jones Pond. Surface Area (acres) 14. Rate (cfs) 15. Storage Volume (ac-ft) 84 AF with right to fill and refill when in priority. 17. Site No. 517--Jones N Pond. Surface Area (acres) 20. Rate (cfs) 40. Storage Volume (ac-ft) 100 AF with right to fill and refill when in priority. 18. Site No. 518--Jones Pasture Pond. Surface Area (acres) 50. Rate (cfs) 40. Storage Volume (ac-ft) 400 AF with right to fill and refill when in priority. 19. Site No. 520--State S36 1 Pond. Surface Area (acres) 10. Rate (cfs) 20. Storage Volume (ac-ft) 50 AF with right to fill and refill when in priority. 20. Site No. 521--State S36 2 Pond. Surface Area (acres) 40. Rate (cfs) 20. Storage Volume (ac-ft) 200 AF with right to fill and refill when in priority. 21. Site No. 522--Welker 3 Pond. Surface Area (acres) 14. Rate (cfs) 40. Storage Volume (ac-ft) 24 AF with right to fill and refill when in priority. 22. Site No. 523--Welker 4 Pond. Surface Area (acres) 7. Rate (cfs) 40. Storage Volume (ac-ft) 42 AF with right to fill and refill when in priority. 23. Site No. 524--Groves M Pond. Surface Area (acres) 7. Rate (cfs) 40. Storage Volume (ac-ft) 21 AF with right to fill and refill when in priority. 24. Site No. 525--Groves N Pond. Surface Area (acres) 7. Rate (cfs) 40. Storage Volume (ac-ft) 28 AF with right to fill and refill when in priority. 25. Site No. 526--Groves S Pond. Surface Area (acres) 7. Rate (cfs) 40. Storage Volume (ac-ft) 21 AF with right to fill and refill when in priority. 26. Site No. 527--Welker 6 Pond. Surface Area (acres) 7. Rate (cfs) 40. Storage Volume (ac-ft) 22 AF with right to fill and refill when in priority. 27. Site No. 528--Welker 7 Pond. Surface Area (acres) 7. Rate (cfs) 40. Storage Volume (ac-ft) 42 AF with right to fill and refill when in priority. 28. Site No. 529--Welker 8 Pond. Surface Area (acres) 6. Rate (cfs) 40. Storage Volume (ac-ft) 36 AF with right to fill and refill when in priority. 29. Site No. 531--Castor Pond. Surface Area (acres) 15. Rate (cfs) 20. Storage Volume (ac-ft) 45 AF with

right to fill and refill when in priority. 30. Site No. 532--Carmen Pond. Surface Area (acres) 15. Rate (cfs) 20. Storage Volume (ac-ft) 45 AF with right to fill and refill when in priority. 31. Site No. 533--Lorenzini Pond. Surface Area (acres) 15. Rate (cfs) 40. Storage Volume (ac-ft) 45 AF with right to fill and refill when in priority. 32. Site No. 534--Lorenzini S Pond. Surface Area (acres) 10. Rate (cfs) 40. Storage Volume (ac-ft) 60 AF with right to fill and refill when in priority. 33. Site No. 535--State S16 E Pond. Surface Area (acres) 19. Rate (cfs) 40. Storage Volume (ac-ft) 133 AF with right to fill and refill when in priority. 34. Site No. 536--State S16 W Pond. Surface Area (acres) 15. Rate (cfs) 40. Storage Volume (ac-ft) 90 AF with right to fill and refill when in priority. 35. Site No. 537--State S16 W 2 Pond. Surface Area (acres) 6. Rate (cfs) 40. Storage Volume (ac-ft) 24 AF with right to fill and refill when in priority. 36. Site No. 538--Dilley Pond. Surface Area (acres) 15. Rate (cfs) 20. Storage Volume (ac-ft) 75 AF with right to fill and refill when in priority. 37. Site No. 539--Kembel Pond. Surface Area (acres) 8. Rate (cfs) 20. Storage Volume (ac-ft) 40 AF with right to fill and refill when in priority. 38. Site No. 540--Longacre S Pond. Surface Area (acres) 10. Rate (cfs) 20. Storage Volume (ac-ft) 60 AF with right to fill and refill when in priority. 39. Site No. 541--Longacre D Pond. Surface Area (acres) 20. Rate (cfs) 20. Storage Volume (ac-ft) 120 AF with right to fill and refill when in priority. 40. Site No. 542--Longacre N Pond. Surface Area (acres) 3. Rate (cfs) 20. Storage Volume (ac-ft) 9 AF with right to fill and refill when in priority. 41. Site No. 543--Amsberry Pond. Surface Area (acres) 9. Rate (cfs) 20. Storage Volume (ac-ft) 63 AF with right to fill and refill when in priority. 42. Site No. 544--C Kembel 4 Pond. Surface Area (acres) 20. Rate (cfs) 20. Storage Volume (ac-ft) 140 AF with right to fill and refill when in priority. 43. Site No. 545--C Kembel 1 Pond. Surface Area (acres) 30. Rate (cfs) 20. Storage Volume (ac-ft) 210 AF with right to fill and refill when in priority. 44. Site No. 546--C Kembel 2 Pond. Surface Area (acres) 15. Rate (cfs) 20. Storage Volume (ac-ft) 90 AF with right to fill and refill when in priority. 45. Site No. 547--C Kembel 3 Pond. Surface Area (acres) 30. Rate (cfs) 20. Storage Volume (ac-ft) 180 AF with right to fill and refill when in priority. 46. Site No. 548--J Woodward Pond. Surface Area (acres) 7. Rate (cfs) 20. Storage Volume (ac-ft) 56 AF with right to fill and refill when in priority. 47. Site No. 549--Woodward N Pond. Surface Area (acres) 7. Rate (cfs) 20. Storage Volume (ac-ft) 35 AF with right to fill and refill when in priority. 48. Site No. 550--Woodward S Pond. Surface Area (acres) 5. Rate (cfs) 20. Storage Volume (ac-ft) 20 AF with right to fill and refill when in priority. 49. Site No. 551--C Kembel 5 Pond. Surface Area (acres) 7. Rate (cfs) 20. Storage Volume (ac-ft) 42 AF with right to fill and refill when in priority. 50. Site No. 552--C Kembel 6 Pond. Surface Area (acres) 20. Rate (cfs) 20. Storage Volume (ac-ft) 120 AF with right to fill and refill when in priority. 51. Site No. 553--Empire Pond. Surface Area (acres) 21.2. Rate (cfs) 30. Storage Volume (ac-ft) 100 AF with right to fill and refill when in priority. 52. Exchange: 3.5 cfs, up to 2000 acre-feet per year. 53. Well No. 6596-F: 5.56 cfs. 54. Well No. 5907-F: 5.56 cfs. 55. Well No. 6597-F: 5.00 cfs. 56. Well No. 5686-F: 5.56 cfs. 57. Well No. 6766-F: 5.00 cfs. 58. Well No. 59355-F: 3.89 cfs. 59. Well No. 8273: 2.04 cfs. 60. Well No. 42283-F: 2.22 cfs. G. Depth: 1. Well No. 6596-F: 111 feet. 2. Well No. 5907-F: 91 feet. 3. Well No. 6597-F: 71 feet. 4. Well No. 5686-F: 83 feet. 5. Well No. 6766-F: 81 feet. 6. Well No. 59355-F: 125 feet. 7. Well No. 8273: 70 feet. 8. Well No. 42283-F: 47 feet. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicants, together with various individuals and entities, constructed numerous recharge ponds, diverted water from the South Platte River through the Riverside headgate and into said ponds and used recharge from said ponds to augment injurious depletions caused by withdrawal of groundwater by wells under the augmentation plan, operated the decreed exchange and provided daily accounting of such beneficial uses to the Division Engineer. Applicants have spent in excess of \$5,600 on legal and engineering fees directly related to the plan of augmentation during the diligence period and an additional \$6,347,472 during the diligence period on canal and inlet maintenance, reservoir maintenance, defense and prosecution of water right applications, spillway planning and construction and river diversion maintenance. 5. Names and address of owner of the land upon which the structures are or will be constructed: State Board of Land Commissioners 1220 11th Ave, Greeley, CO 80631; Dry Water Farms LLC 28194 Rd. W.5, Snyder, CO 80750; Marvin Kembel 23808 Co Rd 23, Fort Morgan, CO 80701; Lorenzini, Maxine Trust 10222 Co Rd. 9, Weldona, CO 80653; Kay D. & James E. &

Edward L Welker 23777 Co Rd 1, Orchard, CO 80649; John E. & Walter T. Jones 17024 MCR 2, Wiggins, CO 80654; Wildcat Dairy LLC 24268 Rd. 21, Fort Morgan, CO 80701; Groves Farms 21020 Co Rd 6.5, Weldona, CO 80653; Brunelli Farms 559 E. Coast Dr., Atlantic Beach, FL 32233; Wade Castor 13417 Hwy 144 Lot 3, Fort Morgan, CO 80701; Cary & Patricia Kembel 26350 Co Rd Y, Snyder, CO 80750; Vernon & Gwen Dilley PO Box 125, Brush, CO 80723; Empire Land Co. 1473 Rd. 5, Wiggins, CO 80654; Sandra Wynne 923 Rd. Y, Orchard, CO 80649. 6. Request to make absolute in part: Applicant requests the following right be made absolute, in part, as shown: Recharge Pond: Site No. 553—Empire Pond (added March 2013). W/2 SW/4 Section 1, T4N, R61W of the 6th P.M. at a point approximately 330 feet east of the west section line and approximately 1,140 feet north of the south section line. Rate: 14.38 cfs. Volume: 100 AF. This pond stored at least 100 acre-feet from approximately March 28, 2020 to April 30, 2020. Use: Augmentation, either directly or by exchange, by recharge of the South Platte alluvial aquifer, wildlife, and piscatorial. 7. Request for finding of reasonable diligence: Applicant hereby requests the Court to enter a finding that, as to those portions of the right not made absolute, Applicant is proceeding in a reasonably diligent manner and that the waters claimed by Applicant can and will be diverted, or otherwise captured, possessed and controlled and will be beneficially used and the project can and will be completed with diligence and within a reasonable time. (Application and Exhibit: 16 Pages)

22CW3030 RICHARD IMMEL 11201 E Bronco Drive, Parker, CO 80138, (303)-875-0941, mngmrcls@aol.com. Please send all pleadings and correspondence to: Evans Legal Group, P.C., John Evans, 11479 S Pine Drive, Parker, Colorado 80138, 303-840-2431, john@evanslegalgroup.com. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS AND TO ADJUDICATE AN ABSOLUTE RIGHT FOR A PERMITTED EXEMPT WELL IN DOUGLAS COUNTY.** 2. Summary of Application: **APPLICANTS RICHARD IMMEL**, (“Applicant”) hereby submit the following Application to adjudicate any and all non-tributary and not non-tributary Denver Basin ground water beneath their 5.2 acres of property in Douglas County and to adjudicate their existing 15 GPM. 45509-A constructed exempt well. Applicant is the owner of the property and has no liens, mortgages, or deeds of trust as required by CRS § 37-92-302(2)(b). The Immel Property is described as:

Legal Description: County Douglas	SW 1/4 of the	NW 1/4	Section 9	Township 6 N or S <input type="checkbox"/> <input checked="" type="checkbox"/>	Range 65 E or W <input type="checkbox"/> <input checked="" type="checkbox"/>	Principal Meridian
Distance from section lines (not from property lines) 190 Feet from <input checked="" type="checkbox"/> N <input type="checkbox"/> S and 1100 Feet from <input type="checkbox"/> E <input checked="" type="checkbox"/> W						
Source of PLSS information: well permit						
Street Address: 11201 E Bronco Dr, Parker, CO 80138						
Subdivision: Ponderosa East		Lot 23		Block		

A Map of the Immel Property is attached hereto as Exhibit A. The street address for the Immel Property is: 11201 E Bronco Drive, Parker, Colorado 80134. 3. Application for Underground Water and Underground Water Use Rights: 3.1. Property Description and Ownership. See Paragraph 2 above. 3.2 There are 2 wells located on the property. Those wells are permitted/registered under well permit nos. 45509 and 45509-A. Well 45509 is plugged and abandoned on 8/11/2006 in accordance with rule 16 of the Water Well Construction Rules. 3.3. Water Sources. All physically and legally available nontributary and not nontributary groundwater in all Denver Basin aquifers underlying the Immel Property, consisting of: Upper

Dawson aquifer. 3.4. Requested Amount. Applicants request all the subject groundwater in all of the named aquifers beneath their total 5.2 acres that may be determined in the State Engineer’s Determination of Facts regarding this matter. 3.5. Requested Uses. Fire protection, ordinary household purposes of a single-family dwelling and irrigation of not more than 1 acre of landscaping, and watering of domestic animals. 3.6. Estimated Rates of Withdrawal. The pumping rate for well on the Immel Property will not exceed 15 GPM. Applicant request the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. 3.7. Well Location.

UTM coordinates		
Northing _____ Easting _____		
<input type="checkbox"/> Zone 12 <input checked="" type="checkbox"/> Zone 13 NAD83		
Street Address: 11201 E Bronco Dr, Parker CO 80138		
Subdivision: Ponderosa East	Lot 23	Block
Source of UTM's (for example, hand-held Garmin GPS): well permit		
Accuracy of location displayed on GPS device (for example, accurate to within 200 feet):		

3.8. Existing Well. Permit Number: 45509-A. Issued: July 25, 2006. Appropriation Date: August 4, 2006. Applied to Beneficial Use: August 4, 2006. Source: Dawson Aquifer. Depth: 315 Feet. Amount: 0.3 AF. Pumping Rate: 15 GPM. Uses: Domestic. Single Family Dwellings Served: One. Lawn & Gardens Irrigated: approximately 10,000 sq ft. The number of Domestic Animals: One, Location: SW1/4 NM1/4 §9-T6S-R65W, 6th PM, Douglas County, Colorado, 1900 Feet from the North Section Line and 1100 Feet from the West Section Line. Copies of the Well Permit are attached hereto as Exhibit B. 4. Request. Applicant requests entry of a decree granting the Application herein and adjudicating the available groundwater underlying the Immel Property and associated water use rights as final vested rights, except those issues for which jurisdiction of the Water Court would be specifically retained. Applicant requests specific determinations that: 4.1. The Applicant has complied with the requirements of CRS § 37-90-137(4), that the claimed groundwater is physically and legally available for withdrawal under the Immel Property subject to any augmentation and relinquishment requirements. That jurisdiction will be retained with respect to the amounts of groundwater available for withdrawal as specified herein to provide for the adjustment of such amounts to conform to actual local aquifer characteristics pursuant to CRS § 37-92-305(1) (2021) and Rule 9. A. of the Statewide Rules. 4.2. The groundwater in the respective aquifers will be held to be not nontributary and nontributary as determined in the State Engineer’s Determination of Facts regarding this matter. 4.3. Except as allowed any exempt well permit any groundwater determined to be not non tributary may not be withdrawn until such time as a plan for augmentation has been approved by the Court in a subsequent application. 4.4. Vested or conditionally decreed water rights of others will not be materially injured by the adjudication and decree of the physically and legally available groundwater underlying the Immel Property and the withdrawal of the decreed non tributary groundwater. 4.5. Applicant may withdraw the volume of groundwater adjudicated over a period that is longer than 100 years. 4.6. Although the term “exempt” does not appear within Well Permit Number 45509-A, Applicant believe said well to be exempt per CRS § 37-92-602(1)(b). Accordingly, Applicant seek to adjudicate said well as allowed by CRS § 37-92-602(4). So that Applicant may continue to use said well for its permitted purposes, Applicant will reduce as necessary the amount of groundwater otherwise adjudicated herein from the subject Dawson aquifer located beneath the Immel Property. 5. Name and Address of Owner of Land Upon Which Wells are to Be Located. Applicants, see above. (5 pages including Exhibits).

22CW3031 MASTERS INVESTMENT COMPANY, INC. c/o James Howell, President, 300 N. Dahlia St., Denver, CO 80220. (303) 709-3989. Serve all pleadings on Matthew Machado and Anthony Basile, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978; Telephone: (303) 776-9900; mmachado@lyonsgaddis.com; abasile@lyonsgaddis.com. **APPLICATION FOR CONDITIONAL WATER RIGHT AND APPROVAL OF PLAN FOR AUGMENTATION IN WELD COUNTY.** 2.

Introduction. Applicant owns Masters Pond, which is an approximately 9 acre foot, on-stream reservoir located on Applicant's property and filled by springs and surface runoff. Masters Pond consists of a small berm that backs up naturally occurring surface flow. Masters Pond will be filled primarily in the months of October through April, after which time the pond will be drained, although the pond may be filled at other times during the year pursuant to the plan for augmentation. The stored water will serve to provide habitat for waterfowl. Applicant seeks a junior conditional water storage right to fill Masters Pond. Applicant also seeks a plan for augmentation to fill the pond when the junior water right is not in priority, and to replace out-of-priority depletions caused by evaporation from the pond using contract effluent from the City of Greeley and leased augmentation credits from Riverside Irrigation District, as detailed below. Groundwater is not involved in the application. A map of the relevant structures is attached hereto as **EXHIBIT A.** 3. **Conditional Water Storage Right.** 3.1 **Name of Structure:** Masters Pond. 3.2 **Legal Description of the Point of Diversion:** Masters Pond is located in the N1/2 SE1/4 SE1/4 and the N1/2 SW1/4 SE1/4 of Section 14, Township 4 North, Range 62 West of the 6th P.M. A short berm runs along the south edge of the pond at the location shown on Exhibit A. 3.3 **Surface Area:** Approximately 7 acres. 3.4 **Dam Height:** Approximately 26 inches. 3.5 **Capacity:** The pond depth averages less than 2 feet, with a maximum total and active capacity of approximately 12 acre feet. There will be no dead storage. 3.6 **Source of Water:** Springs and surface drainage tributary to the South Platte River. 3.7 **Appropriation Date:** Date of filing the Application, by formulation of the intent to appropriate by Applicant, conducting engineering evaluations of the project, construction of the berm across the seepage ditch, storage of water in Masters Pond in 2021, and the filing of this Application. 3.8 **Fill Rate:** 1.0 cfs, CONDITIONAL, representing the flow from all sources that fills the Masters Pond. 3.9 **Amount of Water Claimed:** 12 acre feet, CONDITIONAL, with the right to fill and refill when in priority. 3.10 **Uses:** Recreation, wildlife habitat and propagation, and augmentation. All beneficial uses will occur within the footprint of Masters Pond. 4. **Plan for Augmentation.** 4.1 **Augmented Structure.** Masters Pond. See section 3.2. 4.2 **Water rights Used for Augmentation.** 4.2.1 Fully consumable water leased from Riverside Irrigation District pursuant to the decrees in Case Nos. 88CW239, 88CW221, 89CW027, and 02CW86. 4.2.2 Fully consumable water leased from the City of Greeley decreed for augmentation use. Applicant's current lease with Greeley is attached as **EXHIBIT B.** 4.2.3 Release of water stored in Masters Pond pursuant to the storage right claimed herein. 4.2.4 Other Sources. Applicant seeks to include in the decree procedures pursuant to C.R.S. § 37-92-308(5) to add other fully reusable sources of augmentation water to the plan for augmentation. 4.2.5 Applicant shall account for transit losses for any augmentation water delivered upstream of the place of use down to the point of use. 4.3 **Complete Statement of Plan for Augmentation.** Applicant seeks a plan for augmentation to replace depletions to the South Platte River from out-of-priority inflows to fill Masters Pond, and from evaporation of out-of-priority inflows from Masters Pond when it is storing water. Depletions will be replaced using the sources identified in paragraph 4.2. 4.3.1 Depletions. Applicant proposes to calculate evaporation depletions associated with the Masters Pond in accordance with the Colorado Division of Water Resources' General Administration Guidelines for Reservoirs for an on-stream reservoir. 4.3.2. Replacements. Applicant will replace depletions in time, place and amount to prevent injury using the sources described in ¶ 4.2 herein. Specifically, when the depletions occur on a day that there is a call affecting Water District 1, then Applicant will release water above the calling right from one or more of the sources identified in ¶ 4.2 to augment the evaporation depletions. 4.3.3. Prior to storage of water in Masters Pond and operation of the plan for augmentation, Applicant will provide the Division Engineer and any requesting parties a notice of the maximum surface area of the Masters Pond to be inundated for each month, the maximum possible monthly depletion, and a copy of the lease showing the amount of augmentation water available to Applicant each month the pond will store water. 4.3.4. Releases from Masters Pond. The pond will be equipped with an outlet structure capable of releasing some or all of

the water in the pond, and passing all or some inflows when necessary (the current outlet structure consists of an adjustable Agri-Drain installed in the berm). 4.3.5. Free River Operations. When the depletions occur on a day the Masters Pond storage right described above is in priority, then Applicant shall have no obligation to augment the evaporation depletions or inflows into the pond. 4.3.6. Measuring devices. Applicant will install such measuring devices that are necessary to administer the claimed water rights and plan for augmentation. **5. Owners of land upon which structures are or will be located.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The land under and surrounding Masters Pond is owned by Applicant. WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant's plan for augmentation including the exchange described herein. Number of pages in application: 5, excluding exhibits.

2022CW3032 DAKAN RANCH II, LLC, 8390 E. Crescent Parkway, Suite 650, Greenwood Village, CO 80111. Stephen H. Leonhardt, Esq., April D. Hendricks, Esq.; Peter D. Jaacks, Esq.; BURNS, FIGA & WILL, P.C., 6400 South Fiddlers Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626. **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS IN DOUGLAS COUNTY.** **2. Name of Structure:** Dry Gulch Pond ("Pond"). **3. Location and Description of Structure:** **A. Legal Description of Pond Location:** The center of the Pond is located in the NE ¼ NE ¼ Section 8, Township 9 South, Range 68 West, 6th PM, 963 feet from the North Section Line and 1,255 feet from the East Section Line (UTM Coordinates: 13N 498232.9 4348604.0), as depicted in the attached Exhibit A. All structures described in this Application are located in Douglas County, Colorado. **B. Surface Area of Pond at High Water Line:** 1.78 acres. **C. Maximum Height of Dam:** The Pond will be constructed below grade and will not have a traditional dam. **4. Point of Diversion for Dry Gulch Feeder Ditch:** SW ¼ NE ¼ Section 8, Township 9 South, Range 68 West, 6th PM, 1,411 feet from the North Section Line and 2,046 feet from the East Section Line (UTM Coordinates: 13N 497990.7 4348468.3). The maximum rate of diversion from Dry Gulch into the Pond is 50 cfs. **5. Source of Water:** Water diverted from Dry Gulch (tributary to Spring Creek, tributary to West Plum Creek). **6. Appropriation Information: A. Appropriation Date:** January 1, 2022. **B. How appropriation was initiated:** Applicant initiated the appropriation of this conditional water storage right by performing preliminary engineering analysis of the unappropriated water available for storage from Dry Gulch and conducting surveys of the property to confirm the location of the Pond and point of diversion from Dry Creek. **C. Date water applied to beneficial use:** Not applicable; the water rights claimed herein are conditional. **7. Amount Claimed:** 19.41 acre-feet, conditional, with right to refill. **8. Uses:** Storage, stock watering; piscatorial, recreation, aesthetics, and fire protection. **9. Remarks:** Applicant will divert water from Dry Gulch into the Pond at such times when water is legally and physically available in priority. The Pond will be lined so as not to intercept groundwater and will be constructed to bypass out-of-priority inflows or measure and release out-of-priority inflows. **10. Names and Addresses of Owners of Land on Which Structures will be Located:** Applicant owns all property upon which the structures described in this Application are located. WHEREFORE, Applicant, Dakan Ranch II, LLC, respectfully requests that the Water Court enter a decree confirming the conditional water storage right described herein, and such other relief as the Court may deem appropriate.

22CW3033 COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ("CDPHE"), 4300 Cherry Creek Drive South, Denver, Colorado 80246, and Colorado Division of Personnel and Administration, 633 17th Street, Suite 1600, Denver, Colorado 80202. Please direct communications regarding this case to Patrick Barker, Assistant Attorney General, Office of the Colorado Attorney General, 1300 Broadway Avenue, 7th Floor, Denver, Colorado 80203. Telephone: (720) 508-6297. Email: patrick.barker@coag.gov. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE IN GILPIN COUNTY.** **Summary of application:** The water rights subject of this Application are decreed for use in connection with CDPHE's implementation of the selected remedy under the U.S. Environmental Protection

Agency's Superfund Record of Decision for the Central City/Clear Creek Superfund Site Operable Unit 4, as amended. The selected remedy in the Record of Decision seeks to address surface and ground water contaminated by heavy metals through drainage from mine tunnels, mine waste rock, or mine tailings so as to improve the quality of water in North Clear Creek (a/k/a North Fork of Clear Creek) and, in turn, Clear Creek, for the benefit of the environment and water users. Specifically, the selected remedy prescribes diverting contaminated surface water tributary to North Clear Creek to a water treatment plant for the removal of heavy metals and other contaminants, and return of such treated water to North Clear Creek downstream of the City of Black Hawk. Out of priority depletions under the subject water rights are replaced through the plan for augmentation decreed for the City of Black Hawk in Case No. 2012CW303.

Claim for Finding of Reasonable Diligence for Surface Water Right. Name of conditional water right: **Gregory Incline Drainage Diversion.** Original decree: March 11, 2016, Case No. 2011CW282, District Court, Water Division No. 1, Colorado. Subsequent decrees: None. Decreed location: Within 200 feet of: UTM: Easting: 457684.24, Northing: 4405933.97 (Datum: NAD 1983, UTM Zone 13 North); PLSS: Within the NW1/4SW1/4 (Lot 2) of Sec. 7, Twp. 3 S., Rng. 72 W, 6th P.M., 1517 feet east of the West section line and 2510 feet north of the South section line of said Section 7. Actual UTM location: Easting: 457680.98, Northing: 4405928.21 (Datum: NAD 1983, UTM Zone 13 North). Source: Mine drainage water after discharge from the Gregory Incline, tributary to North Clear Creek. Appropriation date: July 23, 2004. Amount: 0.60 cfs, conditional. Use: Diversion to a water treatment plant for the removal of heavy metals or other substances to improve water quality in North Clear Creek. **Claim to Make Surface Water Right Absolute, In Part, and for Finding of Reasonable Diligence.** Name of conditional water right: **National Tunnel Drainage Diversion.** Original decree: March 11, 2016, Case No. 2011CW282, District Court, Water Division No. 1, Colorado. Subsequent decrees: None. Decreed location: Within 200 feet of: UTM: Easting: 458545.72, Northing: 4405533.77 (Datum: NAD 1983, UTM Zone 13 North). PLSS: Within the SW1/4SE1/4 of Sec. 7, Twp. 3 S., Rng. 72 W., 6th P.M., 1425 feet west of the East section line and 1221 feet north of the South section line of said Section 7. Actual UTM location: Easting: 458524.97, Northing: 4405543.12 (Datum: NAD 1983, UTM Zone 13 North). Source: Mine drainage water after discharge from the National Tunnel, tributary to North Clear Creek. Appropriation date: July 23, 2004. Amount: 0.17 cfs, conditional. Use: Diversion to a water treatment plant for the removal of heavy metals or other substances to improve water quality in North Clear Creek. **Claim for Finding of Reasonable Diligence for Surface Water Right.** Name of conditional water right: **Gregory Gulch Surface Water Diversion.** Original decree: March 11, 2016, Case No. 2011CW282, District Court, Water Division No. 1, Colorado. Subsequent decrees: None. Decreed location: Within 200 feet of: UTM: Easting: 457741.76, Northing: 4405881.05 (Datum: NAD 1983, UTM Zone 13 North). PLSS: Within the NW1/4SW1/4 (Lot 2) of Sec. 7, Twp. 3 S., Rng. 72 W., 6th P.M., 1706 feet east of the West section line and 2346 feet north of the South section line of said Section 7. Actual UTM location: Easting: 457731.82, Northing: 4405894.52 (Datum: NAD 1983, UTM Zone 13 North). Source: Gregory Gulch, tributary to North Clear Creek. Appropriation date: July 23, 2004. Amount: 0.99 cfs, conditional. Use: Diversion to a water treatment plant for the removal of heavy metals or other substances to improve water quality in North Clear Creek. **Remarks applicable to all water rights:** Out of priority depletions under each of the subject water rights are replaced through the plan for augmentation decreed to the City of Black Hawk in Case No. 2012CW303. ¶¶ 18.v., 18.w., and 18.x., *Decree in Case No. 2012CW303*. Each of the subject water rights was found in Case No. 11CW282 to be a component part of an integrated water project within the meaning of section 37-92-301(4)(b), C.R.S., such project consisting of CDPHE's water treatment plant and all water rights subject of Case No. 11CW282 and this Application. Consequently, work performed with respect to any component part of the integrated project shall be considered in finding that reasonable diligence in development of any one water right has been shown. **Specific activities undertaken toward development of all water rights and the integrated water project:** Such activities, which show the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, are summarized in Exhibit B to the Application. **Claim to make absolute, in part:** Date water applied to beneficial use: Not later than July 25, 2020. Amount of water applied to beneficial use: 0.147 cfs, absolute. Use: Diversion to a water treatment plant for the removal of heavy metals or other substances to improve

water quality in North Clear Creek. Application to beneficial use: A detailed outline of what has been done toward the development and eventual application to beneficial use of 0.147 cfs under the National Tunnel Drainage Diversion water right is presented in Exhibit B to the Application. Further, measurement records of diversions made at the National Tunnel Drainage Diversion point of diversion on July 25, 2020 are attached to the application as Exhibit C. Description of place where water has been applied to beneficial use: Within, and at the points of discharge for treated water from, CDPHE's North Clear Creek Water Treatment Plant located within the SW1/4SW1/4 of Sec. 8, Twp. 3 S., Rng. 72 W., 6th P.M. F. Remarks: To the extent diversion and beneficial use of water under the National Tunnel Drainage Diversion water right on July 25, 2020 occurred out of priority, Applicants' claim for such water right to be confirmed absolute in part relies on the terms of the Division of Water Resources' Written Instruction 2020-01, and augmentation of out of priority depletions under the City of Blackhawk's plan for augmentation approved in Case No. 2012CW303. **Names and addresses of owners or reputed owners of the land upon which diversion structures are believed to or may have been constructed:** Colorado Department of Transportation, Region 1 Office, 2829 W. Howard Pl., Denver, CO 80204; Colorado MG 1031 LLC, PO Box 49, Black Hawk, CO 80422; Gladys R. Deck Revocable Trust, 8900 Davis Boulevard, Keller, TX 76248; City of Black Hawk, PO Box 68, Black Hawk, CO 80422.

2022CW3034 CITY OF THORNTON ("Thornton"), c/o Water Resources Division, 12450 Washington Street, Thornton, CO 80241. John P. Justus and Karoline M. Henning, Hoskin Farina & Kampf, P.C., 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION** Pursuant to § 37-92-305(3.5), C.R.S., **IN CLEAR CREEK, DENVER, JEFFERSON, ADAMS AND WELD COUNTIES.** II. Introduction:

Thornton is the owner and claimant of numerous water rights decreed for diversion at the Burlington Ditch Headgate. Through this Application, Thornton seeks to change the decreed point of diversion for the water rights described in this Application under the simple change in surface point of diversion procedures set forth in C.R.S. §37-92-305(3.5). The changes in point of diversion sought in this Application are not combined with any other type of change of water right, and there is no intervening surface diversion point or inflow between the new point of diversion and the diversion point from which the changes are being made. See *id.* The simple changes sought in this Application are necessary because the District Court for Water Division No. 1, in Case No. 02CW403, determined that the construction of the Globeville Area Flood Control Project in the vicinity of the historical Burlington Ditch Headgate constituted a changed point of diversion for the Burlington Ditch under which water was now diverted at a structure located approximately 900 feet upstream from the historical Burlington Ditch Headgate. The diversion structure for the Burlington Ditch from the South Platte River established by the Globeville Area Flood Control Project is referred to in this Application as the "New Burlington Ditch Headgate." The locations of the historical Burlington Ditch Headgate and the New Burlington Ditch Headgate are shown in the map attached as Exhibit A to the Application. III. Decreed water rights for which change is sought: A. Burlington Ditch, Reservoir and Land Company ("Burlington Company") Water Rights. The headgate of the Burlington Ditch is the decreed point of diversion for certain water rights represented by Thornton's shares in the Burlington Company, or serves as a point of re-diversion of those water rights after release from prior upstream storage. 1. Thornton seeks to change one of the points of diversion for the following water rights represented by its ownership of 770.455 shares in the Burlington Company represented by the share certificate numbers listed in Exhibit B to the Application. Thornton's shares represent a pro-rata interest in the following water rights presently decreed for diversion at the headgate of the Burlington Ditch: 2. Duggan Ditch. a. Name of relevant diversion structure: The Burlington Ditch Headgate. b. Date of original and all relevant subsequent decrees: i. Duggan Ditch rights originally decreed in Case No. 6009, District Court for Arapahoe County – April 28, 1883. 9.28 cfs was transferred to the headgate of the Burlington Ditch by decree dated June 7, 1911 in Civil Action No. 40300 of the District Court in and for the City and County of Denver. 6.0 cfs was transferred to the headgate of the Burlington Ditch by decree dated May 14, 1912 in Civil Action No. 52661 of the District Court in and for the City and County of Denver, as amended on February 28, 1918. 1.0 cfs was transferred to the headgate of the Burlington Ditch by decree dated January 6, 1927 in Civil Action No. 95386 of the

District Court in and for the City and County of Denver. 29.45 cfs of the 56.85 cfs originally decreed to the Duggan Ditch as Priority No. 7 was abandoned by decree dated June 7, 1911 in Civil Action No. 40300 of the District Court in and for the City and County of Denver. ii. Case No. 87CW107, District Court, Water Division No. 1 – February 9, 1990, changed Duggan Ditch rights represented by 501.455 of Thornton’s shares in the Burlington Company iii. Case No. 90CW229, District Court, Water Division No. 1 – July 13, 1992, changed Duggan Ditch rights represented by Thornton’s shares in the Burlington Company previously changed in Case No. 87CW107 and an additional 269 shares. A portion of the additional shares were acquired by Thornton from the City of Northglenn and were at one time adjudicated for use in the Northglenn augmentation plan as decreed in consolidated Case Nos. W-8445-76, 79CW233, 79CW234, 79CW235, 79CW236, 82CW056 and 82CW057, Water Division No. 1. The court later removed the Northglenn shares from Northglenn’s augmentation plan and allowed Northglenn to sell them to Thornton. c. Legal description of structure as described in most recent decree that adjudicated the location: i. The Burlington Ditch Headgate, as described in Case No. 87CW107 and Case No. 90CW229 as the Burlington Ditch South Platte River Headgate, located in Section 14, Township 3 South, Range 68 West, 6th P.M. in Adams County. d. Decreed sources of water: South Platte River. e. Appropriation date: April 1, 1864. f. Amounts decreed to structure: 16.28 c.f.s. (Thornton’s Share, 6.79 c.f.s.) g. Amount of water that applicant intends to change: 6.79 c.f.s. 3. Duck Lake (Altura Reservoir). Releases from Duck Lake are re-diverted at the Burlington Ditch. To the extent a change in point of diversion is necessary, it is included in this Application. a. Name of diversion structure: The Burlington Ditch Headgate. b. Date of original and all relevant subsequent decrees: i. Duck Lake rights originally decreed in Case No. 1777, District Court for Park County – May 15, 1918. ii. Case No. 87CW107, District Court, Water Division No. 1 – February 9, 1990, changed Duck Lake rights represented by 501.455 of Thornton’s shares in the Burlington Company. iii. Case No. 90CW229, District Court, Water Division No. 1 – July 13, 1992, changed Duck Lake rights represented by Thornton’s shares in the Burlington Company previously changed in Case No. 87CW107 and an additional 269 shares. A portion of the additional shares were acquired by Thornton from the City of Northglenn and were at one time adjudicated for use in the Northglenn augmentation plan as decreed in consolidated Case Nos. W-8445-76, 79CW233, 79CW234, 79CW235, 79CW236, 82CW056 and 82CW057, Water Division No. 1. The court later removed the Northglenn shares from Northglenn’s augmentation plan and allowed Northglenn to sell them to Thornton. c. Legal description of structure as described in most recent decree that adjudicated the location: i. The Burlington Ditch Headgate, as described in Case No. 87CW107 and Case No. 90CW229 as the Burlington Ditch South Platte River Headgate, located in Section 14, Township 3 South, Range 68 West, 6th P.M. in Adams County. ii. Duck Lake (a/k/a Altura Reservoir) located on Geneva Creek with the right abutment in Section 36, Township 5 South, Range 75 West, 6th P.M., in Clear Creek County. d. Decreed sources of water: Geneva Creek. e. Appropriation date: September 15, 1904. f. Amounts decreed to structure: 750.00 AF (Thornton’s Share, 312.6 AF). g. Amount of water that applicant intends to change: 312.6AF. 4. Decreed use or uses for all Burlington Company Water Rights: all municipal uses, including, but not limited to, domestic, manufacturing, industrial, commercial, mechanical, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, gardens and other public spaces, irrigation, recreation, piscatorial, preservation of wildlife and aesthetic values, replacement of lake and reservoir evaporation. Thornton may divert, store, and use the water directly, by and for exchange, augmentation, substitution, replacement or otherwise, to maximize its lawful use. B. Wellington Reservoir Company (“Wellington Company”) Water Rights . The headgate of the Burlington Ditch is the decreed point of diversion for certain water rights represented by Thornton’s shares in the Wellington Company or serves as a point of re-diversion of such water rights after release from prior upstream storage. 1. Thornton seeks to change one of the points of diversion for the following water rights represented by its ownership of 724.655 shares in the Wellington Company represented by share certificate numbers listed in Exhibit C of the Application. Thornton’s shares represent a pro-rata interest in the following water rights presently decreed for diversion at the headgate of the Burlington Ditch: 2. Duggan Ditch. a. Name of diversion structure: The Burlington Ditch Headgate. b. Date of original and all relevant subsequent decrees: i. Duggan Ditch rights originally decreed in Case No. 6009, District Court for Arapahoe County – April 28, 1883. Duggan Ditch rights were transferred to the headgate

of the Burlington Ditch by decree dated June 7, 1911 in Civil Action No. 40300 of the District Court in and for the City and County of Denver; by decree dated May 14, 1912 in Civil Action No. 52661 of the District Court in and for the City and County of Denver, as amended on February 28, 1918; and by decree dated January 6, 1927 in Civil Action No. 95386 of the District Court in and for the City and County of Denver. 29.45 cfs of the 56.85 cfs originally decreed to the Duggan Ditch as Priority No. 7 was abandoned by decree dated June 7, 1911 in Civil Action No. 40300 of the District Court in and for the City and County of Denver.

ii. Case No. 87CW107, District Court, Water Division No. 1 – February 9, 1990, changed Duggan Ditch water rights represented by 472.155 of Thornton’s shares in the Wellington Company. iii. Case No. 90CW229, District Court, Water Division No. 1 – July 13, 1992, changed Duggan Ditch water rights represented by Thornton’s shares in the Wellington Company previously changed in Case No. 87CW107 and an additional 252.5 shares. A portion of the additional shares were acquired by Thornton from the City of Northglenn and were at one time adjudicated for use in the Northglenn augmentation plan as decreed in consolidated Case Nos. W-8445-76, 79CW233, 79CW234, 79CW235, 79CW236, 82CW056 and 82CW057, Water Division No. 1. The court later removed the Northglenn shares from Northglenn’s augmentation plan and allowed Northglenn to sell them to Thornton. c. Legal description of structure as described in most recent decree that adjudicated the location: i. The Burlington Ditch Headgate, as described in Case No. 87CW107 and Case No. 90CW229 as the Burlington Ditch South Platte River Headgate, located in Section 14, Township 3 South, Range 68 West, 6th P.M. in Adams County. d. Decreed sources of water: South Platte River. e. Appropriation date: April 1, 1864. f. Amounts decreed to structure: 7.99 c.f.s. (Thornton’s share, 3.15 c.f.s.). g. Amount of water that applicant intends to change: 3.15c.f.s. 3. Wellington Reservoir. Releases from Wellington Reservoir are re-diverted at the headgate of the Burlington Ditch. To the extent a change in point of diversion is necessary, it is included in this Application. a. Name of rediversion structure: The Burlington Ditch Headgate. b. Date of original and all relevant subsequent decrees: i. Wellington Reservoir rights originally decreed in Case No. 1839, District Court for Park County – June 21, 1922. ii. Case No. 87CW107, District Court, Water Division No. 1 – February 9, 1990, changed Wellington Reservoir water rights represented by 472.155 of Thornton’s shares in the Wellington Company. iii. Case No. 90CW229, District Court, Water Division No. 1 – July 13, 1992, changed Wellington Reservoir water rights represented by Thornton’s shares in the Wellington Company previously changed in Case No. 87CW107 and an additional 252.5 shares. A portion of the additional shares were acquired by Thornton from the City of Northglenn and were at one time adjudicated for use in the Northglenn augmentation plan as decreed in consolidated Case Nos. W-8445-76, 79CW233, 79CW234, 79CW235, 79CW236, 82CW056 and 82CW057, Water Division No. 1. The court later removed the Northglenn shares from Northglenn’s augmentation plan and allowed Northglenn to sell them to Thornton. c. Legal description of structure as described in most recent decree that adjudicated the location: i. The Wellington Reservoir located on Buffalo Creek in Sections 29, 30, 31, 32, Township 8 South, Range 71 West, 6th P.M. in Jefferson County. ii. Rediversion at the Burlington Ditch Headgate, as described in Case No. 87CW107 and Case No. 90CW229 as the Burlington Ditch South Platte River Headgate, located in Section 14, Township 3 South, Range 68 West, 6th P.M. in Adams County. d. Decreed sources of water: Buffalo Creek. e. Appropriation date: May 31, 1892. f. Amounts decreed to structure: 2,747.72 AF (Thornton’s share, 1,082.88 AF). g. Amount of water that applicant intends to change: 1,082.88 AF 4. Wellington Reservoir Enlargement. Releases from the Wellington Reservoir Enlargement are re-diverted at the headgate of the Burlington Ditch. To the extent a change in point of diversion is necessary, it is included in this Application. a. Name of rediversion structure: The Burlington Ditch Headgate. b. Date of original and all relevant subsequent decrees: i. Wellington Reservoir Enlargement rights originally decreed in Case No. W-186, District Court, Water Division No. 1 – June 21, 1922. ii. Case No. 87CW107, District Court, Water Division No. 1 – February 9, 1990, changed Wellington Reservoir Enlargement water rights represented by 472.155 of Thornton’s shares in the Wellington Company. iii. Case No. 90CW229, District Court, Water Division No. 1 – July 13, 1992, changed Wellington Reservoir Enlargement water rights represented by Thornton’s shares in the Wellington Company previously changed in Case No. 87CW107 and an additional 252.5 shares. A portion of the additional shares were acquired by Thornton from the City of Northglenn and were at one time adjudicated for use in the Northglenn augmentation plan as decreed in

consolidated Case Nos. W-8445-76, 79CW233, 79CW234, 79CW235, 79CW236, 82CW056 and 82CW057, Water Division No. 1. The court later removed the Northglenn shares from Northglenn's augmentation plan and allowed Northglenn to sell them to Thornton. c. Legal description of structure as described in most recent decree that adjudicated the location: i. The Wellington Reservoir located on Buffalo Creek in Sections 29, 30, 31, 32, Township 8 South, Range 71 West, 6th P.M. in Jefferson County. ii. Rediversion at the Burlington Ditch Headgate, as described in Case No. 87CW107 and Case No. 90CW229 as the Burlington Ditch South Platte River Headgate, located in Section 14, Township 3 South, Range 68 West, 6th P.M. in Adams County. d. Decreed sources of water: Buffalo Creek. e. Appropriation date: June 5, 1920. f. Amounts decreed to structure: 1,652.0 AF (Thornton's share, 651.05 AF). g. Amount of water that applicant intends to change: 651.05 AF. 5. Decreed use or uses for all Wellington Company rights: all municipal uses, including, but not limited to, domestic, manufacturing, industrial, commercial, mechanical, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, gardens and other public spaces, irrigation, recreation, piscatorial, preservation of wildlife and aesthetic values, replacement of lake and reservoir evaporation. Thornton may divert, store, and use the water directly, by and for exchange, augmentation, substitution, replacement or otherwise, to maximize its lawful use C. Tani Lakes Storage. The headgate of the Burlington Ditch is a decreed point of diversion for the absolute and conditional water storage rights decreed to the East Gravel Lakes a/k/a Tani Lakes. 1. Name of structure: East Gravel Lakes a/k/a Tani Lakes. The East Gravel Lake complex contains two reservoirs known as East Gravel Lake No. 4 and South Tani Reservoir. 2. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. a. Case No. 79CW376 – June 25, 1987, 8,000 AF conditional. b. Case No. 93CW47 – December 12, 1991; Diligence determined, and 650.2 AF made absolute. c. Case No. 00CW244 – October 10, 2003; Diligence determined, and 3,277.36 AF made absolute. d. Case No. 09CW163 – October 31, 2011; Diligence determined. e. Case No. 17CW3150 – June 5, 2018; Diligence determined. 3. Legal description of structure as described in most recent decree that adjudicated the location: a. Location of Tani Lakes: Located in the alluvium of the South Platte River in Sections 30 and 31, Township 2 South, Range 67 West of the 6th P.M. and Sections 25 and 36, Township 2 South, Range 68 West of the 6th P. M. in Adams County. i. East Gravel Lake No. 4: The center point of the reservoir is located in the SE 1/4 of NE 1/4 of Section 30, Township 2 South, Range 67 West of the 6th P.M., at a point 840 feet West of the East section line, and 2,300 feet South of the North section line in Adams County, State of Colorado. ii. South Tani Reservoir: The center point of the reservoir is located in the NE 1/4 of NE 1/4 of Section 36, Township 2 South, Range 68 West, 6th P.M., at a point 140 feet West of the East section line, and 1,175 feet South of the North section line in Adams County, State of Colorado. b. Location of Point of Diversion: The Burlington Ditch Headgate located near the center of Section 14, Township 3 South, Range 68 West of the 6th P.M. in Adams County. 4. Decreed sources of water: Surface flow of the South Platte River by diversions through the Burlington Ditch. 5. Appropriation date: December 13, 1976. 6. Amounts decreed to structure: 4,072.44 AF, Conditional; 3,927.56 AF, Absolute. 7. Decreed use or uses: All municipal uses including domestic, mechanical, manufacturing, industrial, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, recreation, fish culture, agricultural uses located within the service boundaries of Applicant for maintenance and preservation of wildlife and aesthetic values and for the replacement, adjustment, and regulation including exchange of the units of the City of Thornton municipal water system within themselves and with other water users. 8. Amount of water that applicant intends to change: 4,072.44 AF, Conditional; 3,927.56 AF, Absolute. D. Thornton Gravel Pits. The headgate of the Burlington Ditch is a decreed point of diversion for the conditional water storage rights decreed to the following Thornton Gravel Pits. 1. North Dahlia Pit. a. Name of diversion structure: The Burlington Ditch. b. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. i. Case No. 91CW126 – September 16, 2002, 3,500 AF conditional. ii. Case No. 04CW326 – October 8, 2014; 611.37 AF of the conditional water storage right decreed to the North Dahlia Pit changed from the North Dahlia Pit to the Cooley West Complex. iii. Case No. 08CW205 – July 2, 2012; Diligence determined. iv. Case No. 18CW3120 – September 12, 2019; Diligence determined. c. Legal description of structure as described in most recent decree that adjudicated

the location: i. North Dahlia Pit: Located in the S1/2 of the NE1/4, and SE1/4, Section 19, the W 1/2 of the SW 1/4, S 1/2 of the NW 1/4, Section 20, T2S, R67W, 6th P.M., Adams County. ii. The Burlington Ditch Headgate: On the east bank of the South Platte River, in the SW 1/4 of the NE 1/4, Section 14, T3S, R68W, 6th P.M., Adams County, at a point approximately 2,300 feet South and 2,200 feet West of the Northeast corner of said section. d. Decreed sources of water: The South Platte River and streams tributary thereto. e. Appropriation date: August 19, 1996. f. Amounts decreed to structure: 2,888.63 AF, Conditional. (200 c.f.s. diverted from Burlington Ditch). g. Amount of water that applicant intends to change: 2,888.63 AF, Conditional; 611.3 AF, Absolute (200 c.f.s. diverted from Burlington Ditch). 2. Sprat-Platte Ranch East Pit (a/k/a East Sprat-Platte Pit) a. Name of diversion structure: The Burlington Ditch.. b. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. i. Case No. 91CW126 – September 16, 2002, 1,500 AF conditional. ii. Case No. 08CW205 – July 2, 2012; Diligence determined. iii. Case No. 18CW3120 – September 12, 2019; Diligence determined. c. Legal description of structure as described in most recent decree that adjudicated the location: i. Sprat-Platte Rach East Pit: Located in the S1/2 of the SW 1/4, SW1/4 of the SE1/4, Section 17, and NW1/4 and NW1/4 of the NE1/4, Section 20, T2S, R67W, 6th PM, Adams County. ii. The Burlington Ditch Headgate: On the east bank of the South Platte River, in the SW 1/4.of the NE 1/4, Section 14, T3S, R68W, 6th P.M., Adams County, at a point approximately 2,300 feet South and 2,200 feet West of the Northeast corner of said section. d. Decreed sources of water: The South Platte River and streams tributary thereto. e. Appropriation date: August 19, 1996. f. Amounts decreed to structure: 1,500 AF, Conditional (200 c.f.s. diverted from Burlington Ditch). g. Amount of water that applicant intends to change: 1,500 AF, Conditional (200 c.f.s. diverted from Burlington Ditch). 3. Decreed use or uses for Thornton Gravel Pits rights: Directly or by exchange for irrigation, agricultural, commercial, industrial and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of Thornton's water supply system, including further exchange within Thornton's system and with other water users. Thornton shall have the right to use the water through its municipal system and to fully consume such water by direct use, storage and subsequent release, reuse, successive use, further exchange, and disposition. E. Dahlia Pit Reservoir Storage Right a/k/a South Dahlia Pit Reservoir Storage Right. The headgate of the Burlington Ditch is a decreed point of diversion for the absolute and conditional water storage rights decreed to the Dahlia Pit Reservoir Storage Right a/k/a South Dahlia Pit Reservoir. 1. Name of diversion structure: The Burlington Ditch Headgate. 2. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. a. 92CW164 – March 11, 1996, 4,500 AF conditional. b. Case No. 02CW51 – December 1, 2005; Diligence determined, and 1,230 AF made absolute. c. Case No. 11CW291 – April 2, 2013; Diligence determined. d. Case No. 19CW3068 – November 19, 2019; Diligence determined. 3. Legal description of structure as described in most recent decree that adjudicated the location: a. South Dahlia Pit: One or two interconnected, lined gravel pit reservoirs located in the NE1/4, the NW1/4 of the SE1/4, and the E 1/2 of the NE1/4 of the SW1/4, all in Section 30, T2S, R67W, 6th P.M., Adams County. b. The Burlington Ditch Headgate: On the east bank of the South Platte River in the SW1/4 of the NE1/4 of Section 14, T3S, R68W, 6 P.M., Adams County, Colorado, at a point which is approximately 2,200 feet West and 2,300 feet South of the Northeast corner of said section. 4. Decreed sources of water: The South Platte River and all streams tributary thereto above the points of diversion for the reservoir. 5. Appropriation date: October 10, 1988. 6. Amounts decreed to structure: 3,270 AF, Conditional; 1,230 AF, Absolute. 7. Decreed use or uses: Directly and by exchange, for irrigation, agricultural, commercial, industrial and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of Thornton's water supply system, including further exchange within Thornton's system and with other water users. Thornton shall be allowed to fully consume such water used through its

municipal system by direct use, storage and subsequent release, reuse, successive use, further exchange, and disposition. 8. Amount of water that applicant intends to change: 3,270 AF, Conditional; 1,230 AF, Absolute. F. The River Exchange. The headgate of the Burlington Ditch is an exchange to point in the River Exchange approved in Case No. 79CW374. 1. Name of diversion structure: The Burlington Ditch Headgate. 2. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. a. Case No. 79CW374 – April 23, 1987, 100 c.f.s. conditional. b. Case No. 93CW046 – December 116, 1994; Diligence determined. c. Case No. 00CW243 – October 10, 2003; Diligence determined. d. Case No. 09CW164 – April 30, 2012; Diligence determined, and 13 c.f.s. made absolute. e. Case No. 18CW3070 – March 22, 2019; Diligence determined. 3. Legal description of structure as described in most recent decree that adjudicated the location: a. Point of diversion as decreed in Case No. 79CW374: The Burlington Ditch Headgate, located on the South Platte River in Section 14, Township 3 South, Range 68 West, 6th P.M. b. Point of return of substitute supply: The outfall of the sewer plant at the Metropolitan Denver Sewage Disposal District No. 1, (“Metro Plant”) as it may exist, which is presently located on the South Platte River near the section line between Sections 1 and 12, Township 3 South, Range 68 West, 6th P.M. 4. Decreed sources of water: a. Source of substitute supply: effluent from treatment at the Metro Plant of wastewater resulting from the use of the following water rights: (A) transmountain water available to Thornton under the Metropolitan Water Development Agreement, (“Metropolitan Agreement”); (B) the amount of water equal to that historically consumed under the various water rights described in Exhibit ‘A’ to the 79CW374 decree, provided that the use of such rights has been changed in separate proceedings to municipal use, use for exchange and augmentation or to allow re-use, successive use and disposition. 5. Appropriation date: December 31, 1979. 6. Amounts decreed to structure: 87 c.f.s. Conditional; 13 c.f.s. Absolute. 7. Decreed use or uses: All municipal uses, including domestic, mechanical, manufacturing, industrial, generation of electric power and power generally, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, fish culture, agricultural uses, maintenance and preservation of wildlife and aesthetic values, and for replacement, adjustment and regulation including exchange among the units of the City of Thornton’s municipal water supply system, within themselves and with other water users. Because the water diverted by Thornton under the subject exchanges is fully replaced with reusable effluent, Thornton has the right to use, reuse, successively use and dispose of to extinction the water diverted by the subject exchanges. 8. Amount of water that applicant intends to change: 87 c.f.s. Conditional; 13 c.f.s. Absolute. G. The Metro-South Platte River Exchange. The headgate of the Burlington Ditch is an exchange to point in the Metro-South Platte River Exchange decreed in Case No. 88CW261. 1. Name of diversion structure: The Burlington Ditch Headgate. 2. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. a. Case No. 88CW261 – May 3, 1993, 100 c.f.s. conditional. b. Case No. 99CW78 – July 1, 2003; Diligence determined and 5.74 c.f.s. made absolute. c. Case No. 09CW108 – April 30, 2012; Diligence determined and 10.52 c.f.s. made absolute. d. Case No. 18CW3070 – March 22, 2019; Diligence determined. 3. Legal description of structure as described in most recent decree that adjudicated the location: a. Exchange to point of diversion as described in Case No. 88CW261: The headgate of the Burlington Ditch as it presently exists and as it may be relocated in the future (the "Burlington Headgate"). The Burlington Ditch Headgate is presently located on the southeast bank of the South Platte River in Section 14, Township 3 South, Range 68 West, 6th P.M. Water diverted through the Burlington Headgate will be withdrawn from the Burlington Ditch and used by direct use and by storage and subsequent use from Thornton’s East Gravel Lakes (a/k/a Tani Lakes), located in Sections 30 and 31, Township 2 South, Range 67 West, 6th P.M., and Sections 25 and 36, Township 2 South, Range 68 West, 6th P.M., and from Thornton’s West Gravel Lakes, located in Section 30, Township 2 South, Range 67 West, 6th P.M., and Sections 25 and 36, Township 2 South, Range 68 West, 6th P.M. b. Exchange from point of return of substitute supply: The outfall of the Metro Wastewater Reclamation District Plant (previously known as the Metropolitan Denver Sewage Disposal District No. 1 Plant and referred to herein as the "Metro Plant") on the South Platte River as it presently exists and as it may be relocated in the future (the "River Outfall"). The River Outfall is presently located on the South Platte River near the section line between Sections 1 and 12, Township 3 South, Range 68, West, 6th P.M. 4. Decreed sources of water: a. Source of substitute

supply: reusable effluent from treatment at the Metro Plant of wastewater resulting from the use of water rights described in the 88CW261 Decree, list for which is attached as Exhibit D to the Application. 5. Appropriation date: December 31, 1979. 6. Amounts decreed to structure: 83.74 c.f.s., Conditional; 16.26 c.f.s., Absolute. 7. Decreed use or uses: All municipal uses, including domestic, mechanical, manufacturing, industrial, generation of electric power and power generally, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, fish culture, agricultural uses, maintenance and preservation of wildlife and aesthetic values, and for the replacement, adjustment and regulation including exchange of the units of the City of Thornton Municipal Water System within themselves and with other water users. Thornton shall have the right to use, reuse, successively use and dispose of to extinction the water diverted into Thornton's system under the Metro-South Platte River Exchange, and the effluent released into the South Platte River or Burlington Ditch shall have associated with it the same rights of use, reuse, successive use, and disposition as if no exchange had taken place. 8. Amount of water that applicant intends to change: 83.74 c.f.s., Conditional; 16.26 c.f.s., Absolute. H. South Dahlia Pit-River Exchange. The headgate of the Burlington Ditch is an exchange to point in the South Dahlia Pit - River Exchange approved in Case No. 92CW164. 1. Name of diversion structure: The Burlington Ditch Headgate. 2. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. a. Case No. 92CW164 – March 11, 1996, 100 c.f.s. conditional. b. Case No. 02CW51 – December 1, 2005; Diligence determined. c. Case No. 11CW291 – April 2, 2013; Diligence determined. d. Case No. 19CW3068 – November 19, 2019; Diligence determined. 3. Legal description of structure as described in most recent decree that adjudicated the location: a. Exchange-from point: Dahlia Pit Outlet, near the point at which the South Platte River crosses from the SW 1/4 into the SE 1/4 of Section 19, T2S, R67W, 6th P.M., Adams County. b. Relevant Exchange-to point: Burlington Ditch Headgate, on the east bank of the South Platte River in the SE1/4 NE1/4 of Section 15, T3S, R68W, 6th P.M., Adams County, Colorado, at a point which is approximately 2,200 feet West and 2,300 feet South of the Northeast Corner of said section. 4. Decreed sources of water: a. Source: South Platte River and its tributaries above the exchange to point. b. Source of substitute supply: As decreed in Case No. 92CW164, the water stored in the Dahlia Pit for release in this exchange will be derived from: 1) water appropriated by Thornton for storage in the Dahlia Pit, 2) Other previously decreed water rights owned by Thornton, and 3) Effluent generated by the exercise of any of Thornton's water rights which it now owns and which have been decreed to be fully consumable. 5. Appropriation date: October 10, 1988. 6. Amounts decreed to structure: 100 c.f.s. conditional. 7. Decreed use or uses: Directly and by exchange, for irrigation, agricultural, commercial, industrial and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of Thornton's water supply system, including further exchange within Thornton's system and with other water users. Thornton shall be allowed to fully consume such water used through its municipal system by direct use, storage and subsequent release, reuse, successive use, further exchange, and disposition. 8. Amount of water that applicant intends to change: 100 c.f.s. conditional. I. Gravel Pits Exchange. Thornton was awarded a conditional right of exchange on the South Platte River from its confluence with the Cache La Poudre, located in Weld County, to the Burlington Ditch Headgate in Case No. 96CW1116 involving storage, as relevant to this Application, in the following Exchange Reservoirs. The exchange approved in Case No. 96CW1116 to the facilities described below utilizes the Burlington Ditch Headgate as an exchange to point, for which Thornton seeks to change the point of diversion through this Application. 1. Name of diversion structure: The Burlington Ditch Headgate. 2. Date of original and all relevant subsequent decrees: The following decrees were entered by the District Court, Water Division No. 1. a. Case No. 96CW1116 – October 20, 2005 (“96CW1116 Decree”), 200 c.f.s. conditional. b. Case No. 04CW326 – October 8, 2014; 611.37 AF of the conditional water storage right decreed to the North Dahlia Pit changed from the North Dahlia Pit to the Cooley West Complex. c. Case No. 11CW203 – September 22, 2013; Diligence determined and 10 c.f.s. of exchange from Cooley West Complex to the Burlington Ditch made absolute (190cfs remaining conditional). d. Case No. 18CW3158 – February 1, 2021; 516.1 AF of the conditional

water storage right decreed to the Cooley East Pit changed from the Cooley East Pit to the Hammer Pit. e. Case No. 19CW3181 – May 21, 2021; Diligence determined. 3. Legal description of structure as described in most recent decree that adjudicated the location: a. Cooley East Pit. This facility will be located in the S 1/2 of Section 9, and the NW 1/4 of Section 16, T2S, R67W, 6th P.M., Adams County. i. Thornton may divert water into the Cooley East Pit, using the Burlington Ditch. The point of diversion for the Burlington Ditch is described in the 96CW1116 Decree as being located on the east bank of the South Platte River in the SW 1/4 of the NE 1/4, Section 14, T3S, R68W, 6th P.M. in Adams County at a point approximately 2,200 feet West and 2,300 feet South of the Northeast corner of said section. b. Cooley West Complex (f/k/a Cooley Pit (a/k/a Thornton Pit)): Located in the NE1/4, N1/2 of the SE1/4, NE1/4 of the SW1/4, and E 1/2 of the NW1/4, Section 17, T2S, R67W, 6th P.M., Adams County. i. Thornton may divert by exchange at the point of diversion of the Burlington Ditch described in the 96CW1116 Decree and deliver water to the Cooley West Complex through the West Sprat-Platte Pit or the East Sprat-Platte Pit. c. West Sprat-Platte Pit: Located in the SW1/4, Section 17, and the NW1/4 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County. i. Thornton may divert water into the West Sprat-Platte using the point of diversion for the Burlington Ditch described in the 96CW1116 Decree. d. East Sprat-Platte Pit (f/k/a Sprat-Platte Ranch East Pit): Located in the S1/2 of the SW1/4 of the SE1/4, Section 17, and NW1/4, and NW1/4 of the NE1/4, Section 20, T2S, R67W, 6th P.M., Adams County. i. The point of diversion for the Burlington Ditch described in the 96CW1116 Decree is a decreed point of diversion for the East Sprat-Platte Pit. e. North Dahlia Pit: Located in the S1/2 of the NE1/4, and SE1/4, Section 19; the W1/2 of the SW1/4, S1/2 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County. i. The point of diversion for the Burlington Ditch described in the 96CW1116 Decree is a decreed point of diversion for the North Dahlia Pit. f. South Dahlia Pit: Located southeast of the South Platte River in the NW1/4, NW1/4 of the SE1/4, and E1/2 of the NE1/4 of the SW1/4 of Section 30, T2S, R67W, 6th P.M., Adams County. i. Water may be diverted by exchange into the South Dahlia Pit through the Burlington Ditch using the point of diversion described in the 96CW1116 Decree. g. West Gravel Lakes: Located just west of the South Platte River in Sections 25 and 36, T2S, R68W, and Section 30, T2S, R67W, 6th P.M., Adams County. i. Water may be diverted into the West Gravel Lakes through the Burlington Ditch using the point of diversion described in the 96CW1116 Decree. h. East Gravel Lakes (a/k/a Tani Lakes): Located adjacent to the east bank of the South Platte River, in Sections 25 and 36, T2S, R68W, and Sections 30 and 31, T2S, R67W, 6th P.M., Adams County. i. Water may be diverted by exchange into the East Gravel Lakes through the Burlington Ditch using the point of diversion described in the 96CW1116 Decree. 4. Decreed sources of water: a. Source: South Platte River. b. Source of substitute supply: As decreed in paragraph 22 of the 96CW1116 Decree and consistent with paragraph 58 of the 2011 CW203 Decree, the water released as substitute supply for the exchange will be derived from the following sources: (1) transmountain water rights of the Water Supply and Storage Company, in which Thornton is a shareholder, including water diverted or stored through the exercise of such rights and the surface and subsurface return flows from the use of said rights (excluding, however, water and return flows attributable to the water rights comprising the Colorado-Big Thompson Project); (2) reusable effluent and non-sewered (e.g. lawn irrigation) return flows, including those generated by the use of waters or water rights included in this paragraph, and (3) any other water rights or rights to water currently owned by or acquired by Thornton in the future to the extent they are fully consumable or have been decreed for use as substitute supply at the time Thornton seeks to apply them to such use. 5. Appropriation date: Thornton initiated appropriations for the above water rights on December 31, 1996, except for exchanges via the Burlington Ditch into the Cooley East Pit, West Sprat-Platte Pit, or Cooley West Pit (n/k/a Cooley West Complex), which Thornton initiated on May 23, 2003. 6. Decreed rated of exchange to Burlington Ditch : 190 c.f.s., Conditional; 10 c.f.s, Absolute. 7. Decreed use or uses: Directly or by exchange or substitution, for irrigation, agricultural, commercial, industrial and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of Thornton's water supply system, including further exchange within Thornton's system and with other water users. Thornton may fully consume such

water used through its municipal system to the same extent as it is entitled to consume the sources of substitute supply, and may do so by direct use, storage and subsequent release, reuse, successive use, further exchange, and disposition. Following one or more uses, Thornton may use this water as substitute supply and to meet replacement or other obligations for any of its other decreed water rights. 8. Amount of water that applicant intends to change: 190 cfs, Conditional; 10 cfs, Absolute. IV. Detailed description of proposed change in a surface point of diversion: A. Applicant proposes to change the point of diversion at the Burlington Ditch Headgate for the above-listed water rights to the New Burlington Ditch Headgate, described below. This proposed change is not combined with and does not include any other type of change of water right. There is no intervening surface diversion point or inflow, as defined in C.R.S. 37-92-305(3.5)(I), between the New Burlington Ditch Headgate and the original Burlington Ditch Headgate. The change from the original Burlington Ditch Headgate to the New Burlington Ditch Headgate for the above-listed water rights has already been physically accomplished. B. New Point of diversion 1. Public Land Survey System (PLSS): A point on the east bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 14, T.3 S., R. 68 W., of the 6th P.M., City and County of Denver, Colorado. 2. UTM: At approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. V. Terms. Applicant consistent with the requirements of C.R.S. §37-92-305(3.5), will propose terms and conditions sufficient to insure that the water rights described in III.A.2, III.B.2 and III.C through III.I above shall not be permitted to divert at a greater flow rate or amount of water than has been decreed to each of those water rights and is physically and legally available to those water rights at the decreed point of diversion of the Original Ditch Headgate. The re-diversion from the South Platte River of previously stored water from the water storage rights described in paragraphs III.A.3, and III.B.3-4 utilizing the New Burlington Ditch Headgate does not require the foregoing limitations, having been previously rendered to dominion and control by prior in-priority diversion. VI. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed. To the best of Thornton's knowledge, information and belief, the Globeville Area Flood Control Project structure located within the South Platte River through which water is diverted into the Burlington Canal, defined in this Application as the New Burlington Ditch Headgate, is located on property owned by the City and County of Denver, 1437 Bannock St., Rm. 451, Denver, Colorado 80202 and Farmers Reservoir and Irrigation Company, 80 South 27th Ave., Brighton, Colorado 80601. The Application in original format is 25 pages, plus Exhibits.

22CW3035 TOWN OF MILLIKEN, Attn: Cheryl Powell, Town Administrator, 1101 Broad Street, P.O. Box 290, Milliken, Colorado 80543, (970)660-5047, CPowell@millikenco.gov. Serve all pleadings on: Scott E. Holwick and Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900. sholwick@lyonsgaddis.com; abasile@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD AND LARIMER COUNTIES.** 2. **Names of Decreed Conditional Water Rights.** A. Pheasant Hills Recharge Water Right. B. Hillsborough Reservoir a/k/a Little Thompson Reservoir, Second Priority. This conditional water right was abandoned in Case No. 15CW3134 (see ¶ 20 therein). C. Town of Milliken Well No. 3-59961-F. D. Colony Point Recharge Well. E. Settlers Village Recharge Well. F. Oster Well 65727-F. G. Milliken Exchange. 3. **Dates of Decrees of Conditional Water Rights:** A. **Date of original decree:** Case No. 2002CW339, District Court, Water Division No. 1, Colorado, entered on October 26, 2009. Corrected Findings of Fact, Conclusions of Law, and Decree of the Water Court, in Case No. 2002CW339, District Court, Water Division No. 1, Colorado, entered on November 18, 2009. B. **Subsequent decrees awarding findings of diligence:** Case No. 15CW3134, District Court, Water Division 1, Colorado. 4. **Descriptions of Conditional Water Rights:** A. **Pheasant Hills Recharge Water Right.** i. **Legal description of recharge structure:** In the SW ¼ of the NW ¼ of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. Recharge will also occur in the Consolidated Hillsborough Ditch (**Figure No. 1**). ii. **Source and point of diversion:** The Big Thompson River through the headgate of the Consolidated Hillsborough Ditch which is located in the SE ¼ of the NW ¼ of Section 21, Township 5 North, Range 68 West of the 6th

P.M., Weld County, Colorado. iii. Amount claimed: 32.54 c.f.s., conditional. iv. Appropriation: August 13, 2008. v. Use: To recharge the alluvial aquifer to replace out-of-priority depletions from the wells augmented under the augmentation plan decreed in Case No. 02CW339 (“**Aug Plan**”). Water is recharged to the alluvial aquifer via storage in the Pheasant Hills Recharge Pond and via seepage from the Consolidated Hillsborough Ditch when delivery is being made to the Pheasant Hills Recharge Pond. **B. Town of Milliken Well No. 3-59961-F.** i. Legal description of well structure: In the NW 1/4 of the NW 1/4 of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 95 feet south and 1064 feet east from the northwest corner of said section (Figure No. 1). ii. Amount claimed: 1000 g.p.m., conditional. iii. Appropriation: December 11, 2002. iv. Uses: All Municipal uses within the Town of Milliken Service Area as it now exists or may exist in the future. **C. Colony Point Recharge Well.** i. Legal description of well structure: In the SW 1/4, Section 12, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 2100 feet north and 100 feet east from the southwest corner of said section (**Figure No. 1**). ii. Amount claimed: 1500 g.p.m., conditional. iii. Appropriation: September 11, 2003. iv. Uses: Irrigation within the Town of Milliken Service Area as it now exists or may exist in the future and for piscatorial and wildlife and recharge uses within the Centennial North Pond or Ehrlich Lake. **D. Settlers Village Recharge Well.** i. Legal description of well structure: In the SE 1/4, Section 12, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 2415 feet north and 1962 feet west of the southeast corner of said section (**Figure No. 1**). ii. Amount claimed: 1500 g.p.m., conditional. iii. Appropriation: September 11, 2003. iv. Uses: Irrigation within the Town of Milliken Service Area as it now exists or may exist in the future and for piscatorial and wildlife and recharge uses within the Centennial North Pond or Ehrlich Lake. **E. Oster Well 65727-F.** i. Legal description of well structure: In the SE 1/4 of the NE 1/4 of Section 10, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, approximately 1480 feet from the North Section line and 200 feet from the East Section line (**Figure No. 1**). ii. Amount claimed: 10 acre feet at 15 gpm, conditional. iii. Appropriation: March 30, 2005. iv. Uses: Commercial uses associated with the operation of a car washing facility located within the Town of Milliken, including irrigation of less than 1 acre. **F. Milliken Exchange.** i. Legal description of point of diversion: The point of diversion is the Consolidated Hillsborough Headgate located on the Big Thompson River in Section 21, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado. ii. Legal description of the reach of the Big Thompson River within the Exchange Reach: The augmentation water delivered to the Big Thompson River will be delivered within a reach of the Big Thompson River, consisting of an upstream point located at the Consolidated Hillsborough Headgate and a downstream point located at the Evans Town Ditch Headgate. iii. Amount claimed: 5 c.f.s., conditional. iv. Appropriation: August 13, 2008. v. Use: Water diverted via this exchange will be used for recharge of the alluvial aquifer after delivery to the recharge ponds described in ¶¶ 7.5 and 10 of the Decree in Case No. 02CW339, or from ditch seepage occurring during the conveyance of the exchange water to replace out-of-priority depletions from the wells augmented under the Aug Plan. Water diverted under the exchange may also be used for recreation within the recharge ponds and for irrigation within the Town of Milliken Service Area as it now exists or may exist in the future. In ditch recharge from diversions pursuant to the exchange is subject to all of the terms and conditions of ¶¶ 10.7, 10.9, 10.10, and 10.11 of the Decree in Case No. 02CW339. 5. **Integrated System**: The conditional water rights are each a component of Applicant’s integrated municipal water supply system, such integrated system being comprised of several different water rights, features, and facilities as provided in § 37-92-301(4)(b), C.R.S. Work done on one or more features of this integrated system constitutes effort toward development of the water rights for all features facilities of this system as provided under § 37-92-301(4)(b), C.R.S. 6. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to the beneficial uses as conditionally decreed, including expenditures**: During the period from March 26, 2016, to the present (“**Diligence Period**”), the Applicant has engaged in the activities described below which collectively support its claim for a finding of diligence and to continue the decreed conditional water rights subject of this case. **A.** Applicant continues to operate the Aug Plan under which the Pheasant Hills Recharge Water Right was constructed and has been operated. **B.** Applicant obtained a decree in Case No. 15CW3164, District Court for Water Division No. 1, on July 29, 2016, to correct the location from a

previously decreed well that is included in the Aug Plan. **C.** Applicant obtained a decree in Case No. 16CW3150, District Court for Water Division No. 1, on January 18, 2018, for four new irrigation wells that are included in the Aug Plan. **D.** Applicant obtained a decree in Case No. 20CW3194, District Court for Water Division No. 1, on October 12, 2021, for diligence of and to make absolute portions of conditional water rights for Settlers Village Recharge Well No. 2, Settlers Village Alluvial Drain Collection System, Colony Pointe Alluvial Drain Collection System, and Centennial Farms Alluvial Drain Collection System. **E.** Applicant filed an application in Case No. 21CW3212, District Court for Water Division No. 1, on December 12, 2021, for diligence of and to make absolute portions of conditional water rights for Milliken Well No. 3 and Knaub Well. **F.** Applicant has expended more than \$5,600,000 to operate, repair, and improve its municipal water system infrastructure, including but not limited to the following: i. Applicant constructed Settlers Village Recharge Well No. 2 and Settlers Village Alluvial Drain Collection System; ii. Applicant reconfigured and updated its RO treatment facility which included substantial analysis to select the appropriate option(s) to complete the upgrade; iii. Applicant designed and installed a 1,000,000 gallon potable water tank, four irrigation wells, and two recharge wells to optimize blending its water supply consistent with the RO treatment facility upgrade; iv. Applicant designed and installed an emergency potable water cross-connect to irrigate its fields, as needed; v. Applicant is in the design process for integrating the Colony Pointe Recharge Well into a new non-potable pumping station in Ehrlich Pond; vi. Applicant designed and constructed the North Centennial Bypass Pipeline to provide operational flexibility for its augmentation obligations under its Aug Plan; and vii. Applicant has commenced an update of the Water and Sewer Master Plan. **G.** Applicant acquired an additional 209 units of Colorado – Big Thompson units to increase its raw water supplies. **H.** Applicant renegotiated its raw water supply contracts with the City of Greeley and the Central Weld County Water District. **I.** Applicant reviewed and commenced renegotiating its First Use Agreement with the Central Colorado Water Conservancy District. **J.** Applicant expended more than \$300,000 conducting a preliminary rehabilitation analysis for the Little Thompson Reservoir and engaged stakeholders in the proposed project. **K.** Applicant has participated as an opposer in water court cases in order to prevent injury to its water rights, including the conditional water rights identified herein. 7. **Claims to Make Absolute:** not applicable. 8. **Owner(s) of land upon which the structures are or will be located:** Applicant.

22CW3036 WILL BE PUBLISHED IN WATER DIVISION 2 IN CONSOLIDATED CASE 22CW3020

22CW3037 APPLICANT: INTERNATIONAL FARMS, LLC, c/o Jorge O. Borrego 11402 County Road 6, Fort Lupton, CO 80621, jorge@roadtruckingco.com. Please send all future correspondence to Bradley C. Grasmick and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534. **APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT AND CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION IN WELD COUNTY.** 2. Applicant seeks a decree approving a new conditional water right for industrial uses from the Well as described in this Application. Applicant also seeks to correct the description for the point of diversion for the Well. 3. **Name of Well.** 2.1. **Name:** DiTirro Well 1-6400-F (the “Well”). 2.1.1. **Permit Number; WDID:** 6400-F; 0205017. The Well has the stated existing permit for irrigation uses. Applicant will acquire a new permit prior to use of the Well for the industrial uses claimed herein. 2.1.2. **Location of Structure/Legal Description of Point of Diversion as Described in Most Recent Decree that Adjudicated the Location:** In Case No. W-2874, the Well was decreed to be located 460 feet South and 270 feet West of the North 1/4 Corner of Section 25, Township 1 North, Range 67 West of the 6th P.M. in Weld County. Easting 513653.7; Northing 4430885.9. 2.1.3. **Proposed Correction to Location of Structure/Point of Diversion.** The location of the building on the property was erroneously used as the location for the Well in Case No. W-2874, as shown on **Exhibit 1** attached hereto. The actual location of the Well is in the NE 1/4 NW 1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M. in Weld County, Colorado. Easting, 513542.0; Northing 4430636.0. 2.1.4. **Appropriation Date for Industrial Uses:** March 31, 2022. 2.1.5. **Amount Claimed for Industrial Uses:** 1.0-

acre foot, conditional. 2.1.6. Depth of Well: 32 feet. 2.17. Related Decrees: W-2784. The Well was decreed for irrigation use of 80 acres in the N 1/2 NW 1/4 Section 25, Township 1 North, Range 67 West of the 6th P.M. The amount decreed was 600 gpm and the average annual amount of water to be diverted is 400 acre-feet. This application does not change any of the uses for the Well as decreed in W-2784. 2.18. Source of Water: Groundwater tributary to the South Platte River. 2.19. Proposed Added Uses: Industrial use, including specifically fire suppression in the building located approximately 460 feet South and 270 feet West of the North 1/4 Corner of Section 25, Township 1 North, Range 67 West of the 6th P.M. in Weld County. Easting 513653.7; Northing 4430885.9. 4. Plan for Augmentation: Applicant is a member of the augmentation plan operated by the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District (“GMS”), in Case No. 02CW335 (“Augmentation Plan”) and is authorized to pump the Well for the claimed uses under Contract Nos. 1289 and 1301. All out-of-priority depletions from the Well shall be replaced pursuant to the Augmentation Plan. A corresponding water court application to add the new use to the Well to the Augmentation Plan was filed contemporaneously with this Application. 5. Name and Address of Owners of Structure. Applicant owns the structure and the land upon which the structures are located. This Application consists of 1 page and 1 exhibit.

22CW3038 (2007CW318) PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION (“PSCo”) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND A DETERMINATION THAT A CONDITIONAL WATER RIGHT HAS BEEN MADE ABSOLUTE IN CLEAR CREEK COUNTY. 1. Name, Address and Telephone of Applicant Public Service Company of Colorado, a Colorado Corporation (“PSCo”), 1800 Larimer Street, Suite 1300, Denver, Colorado 80202. Richard.L.Belt@xcelenergy.com Telephone: (303) 294-2128. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, Esq., James M. Noble, Esq., Jens Jensen, Esq. Welborn Sullivan Meck & Tooley, P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202. Telephone: (303) 830-2500. 2. Introduction. This is an application for a finding of reasonable diligence for the conditional storage water right in Clear Lake Reservoir decreed in Case No. 07CW318 (the “2007 Clear Lake Consumptive Use Right,” or the “Subject Water Right”), and for a finding that the Subject Water Right has been made absolute. The Subject Water Right was decreed for the additional capacity in Clear Lake Reservoir, over and above the amount decreed for the “Clear Lake Reservoir II” water right, which was decreed for 590 acre feet in Case No. 94CW28. At the time the Subject Water Right was decreed, it was estimated that there was an additional 220 acre feet of storage available in Clear Lake Reservoir. Since that time, Clear Lake Reservoir has been rebuilt, and the amount of storage for the 2007 Clear Lake Consumptive Use Right has been determined to be 112.9 acre feet, as further described below. 3. Name of Structures and Facilities Associated with the Conditional Water Right: 3.1. Clear Lake Reservoir. 3.2. Legal Description and Location. 3.2.1 Dam. The decreed location of the dam is as follows: The point on the present dam crest over the outlet pipe is located whence the NW Corner, Section 29, Township 4 South, Range 74 West, 6th P.M. bears N. 20°30’10”W 3,614 feet, Clear Creek County. 3.2.2. On Channel Reservoir. Clear Lake Reservoir is in the channel of South Clear Creek and receives water from South Clear Creek and discharges water back to South Clear Creek, in Clear Creek County. The reservoir is located in the SW 1/4 of Section 29 and the NW 1/4 of Section 32, Township 4 South, Range 74 West of the 6th P.M. A map showing the location of Clear Lake Reservoir is attached as Exhibit A. 3.3. Source: South Clear Creek. 3.4. Date of Appropriation. December 28, 2007. 3.5. Amount. 220 acre-feet, CONDITIONAL. 3.6. Uses. Power and industrial purposes, including augmentation and replacement of evaporation on a fully consumptive basis, including the right of reuse and successive use to the point of extinction at PSCo’s Cabin Creek Pumped Storage Hydroelectric Project, Georgetown Hydroelectric Project, Cherokee Steam Electric Generating Plant, and Fort St. Vrain Steam Electric Generating Plant. 4. Evidence of Reasonable Diligence Towards Completing Appropriation: 4.1. During the diligence period, PSCo stored water under the Subject Water Right in Clear Lake Reservoir. PSCo stored the full amount of 112.9 acre feet in water year 2017, 86 acre feet in water year 2019, and 102.2 acre feet in water year 2021. PSCo has diligently monitored stream conditions and priority calls on Clear Creek to allow it to divert water pursuant to this water right on an ongoing basis. 4.2. During the

diligence period, PSCo reconstructed the Clear Lake Dam, at a cost of approximately \$3,350,000. 4.3. PSCo surveyed Clear Lake Reservoir to determine the available water storage volume available for the Subject Water Right. 4.4. During the diligence period, PSCo obtained the necessary permits and approvals, and it started construction of an upgrade of its Cabin Creek Pumped Storage Hydroelectric Project from 324MW to 360MW. Expenditures included approximately \$70,000,000 to upgrade and refurbish the pump-turbine units of the Cabin Creek pumped storage hydroelectric project, and approximately \$4,900,000 to raise the parapet wall of the Upper Cabin Creek Reservoir dam. 4.5. PSCo expended approximately \$43,804,000 to engineer and install equipment to transition the Cherokee Station to a zero liquid discharge facility, or discharge directly to the Metro Wastewater Reclamation District. Water stored and used pursuant to the Subject Water Right will be processed through this system. 4.6. PSCo, in coordination with the Fisher Ditch Company, engaged in planning to improve Copeland Reservoir, which is used for the delivery of water to the Cherokee Station, including the Subject Water Right. 4.7. During the diligence period, PSCo participated as an objector in numerous Division 1 Water Court cases in order to protect its existing water rights at the Cherokee Station. Some of these cases have concluded, and others are ongoing. Some examples of the cases in which PSCo has participated as an objector during the diligence period include Case Nos. 05CW112, 11CW237, 12CW303, 15CW3179, 17CW3105, 17CW3177, 18CW3090, 18CW3159, 18CW3225, 19CW3037, 19CW3055, 21CW3020, 21CW3038, and 21CW3042. 4.8. During the diligence period, PSCo obtained the necessary permits and approvals, and it started construction of an upgrade of its Cabin Creek Pumped Storage Hydroelectric Project from 324MW to 360MW, which will increase the demand for water from the Lower Cabin Creek Reservoir. The expansion also includes an enlargement of the Upper Cabin Creek Reservoir with resulting additional evaporative losses that Subject Water Right will help replace. Expenditures included approximately \$70,000,000 to upgrade and refurbish the pump-turbine units of the Cabin Creek Pumped Storage Hydroelectric Project, and approximately \$4,900,000 to raise the parapet wall of the Upper Cabin Creek Reservoir dam. 5. **Adjustment of Storage Amount.** The decree in Case No. 07CW318 provided that as part of the first diligence filing, “PSCo must indicate whether the as-built conditions of the Clear Lake Dam have resulted in the live storage capacity being less than 801 acre-feet. In such event, this conditional water right shall be reduced to the actual difference between the live storage capacity and 590 acre-feet.” PSCo has determined that the actual live storage capacity of Clear Lake is 702.9 acre feet. Therefore, as part of this proceeding, the total amount of the 2007 Clear Lake Consumptive Use Right should be reduced from 220 acre feet to 112.9 acre feet. 6. **Claim to Make Conditional Water Right Absolute.** PSCo claims that the 2007 Clear Lake Consumptive Use Right should be made absolute. PSCo stored 112.9 acre feet of water pursuant to the Subject Water Right in water year 2017, and stored lesser amounts in water years 2019 and 2021, as shown on Exhibit B. Pursuant to C.R.S. § 37-92-301(4)(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.” 7. **Names and Address of Owners of Land on Which Structures Are Located.** Clear Lake Reservoir is located on land owned by PSCo. There are no other new or modified diversion or storage structures involved in this application. WHEREFORE, PSCo requests that the Court enter a decree finding that PSCo has satisfied the statutory standard of steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in development of the Subject Water Right, that the Subject Water Right should be made absolute in the amounts described above, and in the event that the Court finds that the full amount of the Subject Water Right has not been made absolute, that the conditional portion of the Subject Water Right should continue.

22CW3039 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (“ACWWA”), c/o Steve Witter, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830; United Water and Sanitation District (“United”), c/o Robert Lembke, 8301 E. Prentice Ave., Suite 100, Greenwood Village, Colorado 80111, Telephone: (303) 773-1005. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE AMOUNT ABSOLUTE IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, ELBERT, MORGAN AND WELD COUNTIES.** All correspondence and

communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661, (Attorneys for ACWWA), and Tod J. Smith, Esq., The Law Office of Tod J. Smith, 5777 Central Avenue., Suite 228, Boulder, Colorado 80301, Telephone: (303) 444-4203, (Attorney for United).

2. Original Decree. The original decree was entered by the Water Court, Water Division 1, on March 29, 2016, in Case No 13CW3173 (“3173 Decree”).

2.1. Subsequent Case. On November 30, 2017, Applicants filed a Second Amended Application in Case No. 16CW3195 to change the Subject Water Right to allow ACWWA to use the Subject Water Right for additional beneficial purposes. The decree in Case No. 16CW3195 was entered on October 21, 2021 (“3195 Decree”).

3. Description of the Water Storage Right (“Subject Water Right”).

3.1. Name of Structure. Gilcrest Reservoir *n/k/a* Milliken Reservoir.

3.2. Legal Description and Location. Milliken Reservoir is an off-channel gravel pit reservoir located in Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. Milliken Reservoir is a gravel pit consisting of several cells, a portion of which is currently lined. A map showing the location of Milliken Reservoir is attached as **Exhibit 1**. ACWWA has an interest in 500 acre-feet of storage capacity in the northern portion of the site. The northern portion of the site refers to cells C1, C2, D1, D2, and the Sharkey Pit as shown on **Exhibit 2**. The following amounts relate to the northern portion of the site only.

3.3. Surface Area. Approximately 417 acres when completed.

3.4. Maximum Diversion Rate. 260 cfs.

3.5. Capacity. When completed, Milliken Reservoir’s capacity will be approximately 27,000 acre-feet.

3.6. Legal Description of Point of Diversion Filling the Structure and Outlets.

3.6.1. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam, on the East bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “South Diversion”). The Jay Thomas Ditch Diversion Dam is owned by Public Service Company of Colorado.

3.6.2. North Diversion. A second point of diversion may be located on the South Platte River, downstream of the confluence with the St. Vrain Creek, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “North Diversion”).

3.6.3. Milliken Pump(s). A pump is currently installed near the North Diversion in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump was formerly located and operated in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 1). A pump may also be installed near the confluence of the South Platte River and the St. Vrain Creek, in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 2). The Milliken Pump(s) diverts surface water only to storage in Milliken Reservoir. Water shall be conveyed to Milliken Reservoir in sealed pipelines. The measurement for each of these diversions shall be a totalizing meter located on the pipeline between the point of diversion and the point of discharge into Milliken Reservoir.

3.7. Source. South Platte River.

3.8. Date of Appropriation. September 13, 2013.

3.9. Decreed Amount. 500 acre-feet, conditional, with one refill in the amount of 500 acre-feet per year, conditional.

3.10. Uses. ACWWA will use the Subject Water Right, after storage, as follows:

3.10.1. Use in ACWWA’s Plans for Augmentation. ACWWA will use the Subject Water Right as a source of replacement water in the ACWWA Augmentation Plan decreed in Case No. 10CW306 (“306 Decree”) to replace depletions from pumping of water from the ACWWA/East Cherry Creek Valley Water and Sanitation District (“ECCV”) Well Field for delivery to ACWWA’s service area. ACWWA will also use the Subject Water Right as a source of replacement water pursuant to the ACWWA 70 Ranch Augmentation Plan in the 306 Decree. The Subject Water Right was added as an additional source of replacement water in Case No. 10CW306 on June 29, 2018. Use of the Subject Water Right in the augmentation plan decreed in Case No. 13CW3026 and in other augmentation plans if such use is approved in a separate Water Court decree or SWSP approved by the State Engineer pursuant to C.R.S. § 37-92-308(4), or successor statute, will be in accordance with the terms and conditions of the 3195 Decree.

3.10.2. Use in ACWWA’s Recharge Projects. ACWWA will use the Subject Water Right for recharge by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the 306 Decree. Storage of excess recharge accretion credits

by ACWWA in any reservoir available to ACWWA will be in accordance with the terms and conditions of the 3195 Decree. In addition, the 3195 Decree allows ACWWA to deliver the Subject Water Right to the recharge sites described therein, and any existing or future recharge facility to which ACWWA is legally permitted to recharge water, including use in an aquifer storage and recovery (“ASR”) project and/or an aquifer recharge and recovery (“ARR”) project pursuant to a subsequent decree authorizing the recharge of the Subject Water Right in such facility and for ASR and/or ARR uses, so long as the Subject Water Right is listed as a source of recharge water in that decree. 3.10.3. Use in ACWWA’s Exchanges. ACWWA will use the Subject Water Right as a source of substitute supply for the substitution and exchange decreed in Case No. 09CW283 and any subsequent decrees authorizing the use of the Subject Water Right as a substitute supply for exchange. In addition, pursuant to the 3195 Decree, ACWWA may use the Subject Water Right, including excess recharge accretions generated by the Subject Water Right that have accrued to the Beebe Seep Canal, as sources of substitute supply in the 2016 Exchanges and the 2017 Greeley Canal No. 2 Headgate Exchange decreed therein, and any future exchange operated or decreed by ACWWA. 3.10.4. All Municipal Uses. Water stored in Milliken Reservoir under the Subject Water Right may be delivered directly to ECCV’s surface water treatment plant located in the Beebe Draw for treatment and subsequent direct delivery for all municipal uses, including but not limited to, domestic, mechanical, manufacturing, commercial, and industrial uses within ACWWA’s service area, as it exists now or may exist in the future. 3.10.5. Places of Storage. Pursuant to the 3195 Decree, ACWWA may store the Subject Water Right in the following surface storage structures for use as a source of augmentation, replacement, recharge, or substitute supply: 3.10.5.1. 70 Ranch Reservoir, a lined off-channel reservoir to be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.10.5.2. United Reservoir No. 3, an off-channel reservoir located on the East side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.10.5.3. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 3.10.5.4. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.10.5.5. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.10.5.6. Holton Lake, an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, and the SW1/4 of the SE1/4 of Section 6, and the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.10.5.7. Other Storage Facilities. Any future storage facility to which ACWWA is legally permitted to store water pursuant to a subsequent Water Court decree approving storage of the Subject Water Right in that storage facility. 3.10.6. Right of Reuse and Successive Use. The use of the Subject Water Right to replace depletions from ACWWA’s pumping of water from the Beebe Draw alluvial aquifer through the ACWWA/ECCV Well Field for municipal uses in ACWWA’s present and future service area results in an equivalent volume of water delivered from the ACWWA/ECCV Well Field to ACWWA’s service area being fully consumable, and therefore, available for use, reuse, and successive use. Prior to reuse and successive use, ACWWA must obtain a decree quantifying the rate, timing, and location of water available for such reuse and successive use and approving the points of diversion or re-diversion for the water available for such use and successive use. 3.10.7. Disposition of the Subject Water Right. The Subject Water Right is dedicated to use for augmentation, replacement, and use in ACWWA’s present and future service area, and shall not be sold or leased for a period exceeding five years (“long-term lease”), or otherwise permanently disposed of by ACWWA for uses other than those authorized under this Decree, except under the conditions set forth in the 3173 Decree and paragraph 17.4 of the 306 Decree. ACWWA may also utilize water diverted pursuant to the Subject Water Right to fulfill contractual obligations to other municipalities and water users subject to the following conditions: (a) the contractual obligation exists at the time this Decree is entered; (b) the contractual obligation is met by use of a metered treated water tap supplied by ACWWA; (c) the contractual obligation is of limited duration and is for use in a decreed

augmentation plan or in a substitute water supply plan approved by the State Engineer pursuant to C.R.S. § 37-92-308 or successor statutes; or (d) the contractual obligation is pursuant to a water trade agreement whereby ACWWA is obligated to deliver water to a party in return for deliveries by said party to ACWWA of an equivalent amount of water from alternate sources. 3.10.8. Use by ECCV. ACWWA may lease and/or trade water attributable to the Subject Water Right to ECCV for use in ECCV's augmentation plans and delivery to recharge projects approved in Case Nos. 02CW403 and 02CW404/03CW442, as amended by the 306 Decree, as well as the recharge projects and exchanges decreed in Case No. 16CW3196, including use to replace return flow obligations associated with ECCV's changed water rights. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to a subsequent Water Court decree, so long as the Subject Water Right is listed as a source of supply or replacement water in that decree. **4. Detailed outline of work done for the completion of the conditional appropriation for reasonable diligence.** ACWWA's unified, integrated system for the diversion, accretion, collection, storage, transmission, and treatment of water rights (the "Water Supply Project" or "Flow Project") was originally designed to provide ACWWA with a long-term, sustainable municipal water supply for its present and future service area. The conditional water rights decreed herein are part of the Water Supply Project, which will provide water within ACWWA's present and future service area. Pursuant to C.R.S. §37-92-301(4)(b), for purposes of demonstrating diligence, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein and shall constitute diligence toward the development of each of the conditional water rights decreed herein. During the diligence period ACWWA has done, at a minimum, the following work towards completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed (expenditure numbers are rounded to the nearest \$1,000): 4.1. Legal Fees. Legal fees in the amount of \$3,200,000.00 were expended during the diligence period in ACWWA's adjudicatory proceedings for the appropriation of new water rights and changes to existing water rights for ACWWA's Flow Project, and water rights protection and opposition. 4.2. Engineering Costs. Engineering costs in the amount of \$1,930,488.00 were expended during the diligence period in connection with ACWWA's Flow Project, to perform water rights modeling, exchange potential modeling, appropriation of new water rights, changes to existing water rights, water rights protection and opposition, and water rights accounting. 4.3. Additional Replacement Water. ACWWA has filed applications and obtained decrees in the cases listed below to increase the replacement supplies available under its augmentation plan decrees and facilitate increased diversions in the ACWWA/ECCV Well Field, to add storage facilities and recharge locations, and to add exchanges to aid in moving its replacement water to its places of beneficial use. 4.3.1. Case No. 11CW151, original application filed August 31, 2011; decree entered November 26, 2018. 4.3.2. Case No. 13CW3026, original application filed April 26, 2013; decree entered October 31, 2017. 4.3.3. Case No. 13CW3171, application filed December 30, 2013; decree entered June 20, 2017. 4.3.4. Case No. 16CW3195, application filed December 29, 2016; decree entered October 21, 2021. 4.3.5. Case No. 16CW3200, application filed December 29, 2016; decree entered March 28, 2021. 4.3.6. Case No. 19CW3074, application filed April 27, 2019; decree entered September 27, 2021. 4.3.7. Case No. 19CW3084, application filed May 15, 2019; decree entered May 10, 2021. 4.3.8. Case No. 20CW3117, application filed August 21, 2020; case currently pending. 4.3.9. Case No. 20CW3142, application filed September 30, 2020; case currently pending. 4.3.10. Case No. 20CW3146, application filed September 30, 2020; case currently pending. 4.3.11. Case No. 20CW3160, application filed October 30, 2020; case currently pending. 4.3.12. Case No. 20CW3188, application filed on November 30, 2020; case currently pending. 4.3.13. Case No. 21CW3094, application filed on June 29, 2021; case currently pending. 4.3.14. Case No. 21CW3234, application filed on December 30, 2021; case currently pending. 4.3.15. Case No. 22CW3010, application filed on January 31, 2022; case currently pending. 4.4. Water System Development. During the diligence period, United, on behalf of ACWWA, developed and acquired infrastructure for Phase II of the Water Supply Project ("Phase II"), including but not limited to mining United Reservoir No. 3; acquiring Milliken Reservoir in August 2015; completing construction of 70 Ranch Reservoir in July 2019; and securing easement deeds and agreements for structures necessary to deliver water to ACWWA. During this diligence period ACWWA has been working on Phase II, which will allow ACWWA to deliver up to 5.25 million gallons of renewable water

to customers each day, whereby reducing dependency on non-renewable wells. Phase II also included expansion of the Northern Water Treatment RO Plant (2018-2020) and the North and South Booster Pump Stations (2018-2019), and construction of Deep Injection Well II (2018). The total estimated cost of the Phase II infrastructure is \$60 million for an additional 10 million gallons of pumping and treatment capacity. The Booster Pump Stations are approximately \$25 million and the NWTP Expansion is approximately \$35 million. ACWWA has purchased an additional 3 million gallons of capacity from these facilities, totaling about \$18 million in capital expenditure.

4.5. Substitute Water Supply Plans. During this diligence period, ACWWA has filed joint substitute water supply plans (“SWSP”) with ECCV in order to use additional replacement supplies to replace out-of-priority depletions from the ACWWA/ECCV Well Field to facilitate the efficient operation of the Water Supply Project. SWSPs were filed in 2014 (approved April 15, 2015), 2015 (approved April 6, 2016), 2016 (approved May 19, 2017), 2017 (approved March 30, 2018), 2018 (approved March 27, 2019), 2019 (approved April 6, 2020), and 2020 (approved April 28, 2021 and April 29, 2021).

4.6. Protection of Water Rights. ACWWA has regularly monitored the filings of other water users. It has filed statements of opposition to, and has incurred legal and engineering costs, in connection with numerous cases to protect its water rights. Legal fees in the amount of \$150,000.00 were expended during the diligence period in water rights protection and opposition on behalf of ACWWA for its Flow Project.

4.7. Opposition of Detrimental Legislation. ACWWA has been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges.

4.8. ACWWA continues to rely upon and develop the conditional water right described herein and has no intent to abandon them.

5. **Claim to Make Absolute**. During this diligence period, in Water Year 2021, of the 500 acre-feet conditional water right decreed to the Subject Water Right, ACWWA stored water in priority a total of 234.7 acre-feet. The 265.3 acre-feet not made absolute by this claim remains conditional. Of the 260 cfs diversion rate at decreed for the Subject Water Right, 5.3 cfs has been made absolute, and the 247.7 cfs not made absolute remains conditional.

6. **Names and addresses of owners of the land on which the structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use**.

6.1. Milliken Reservoir is owned by United Milliken Reservoir Enterprise, LLC, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111; and Scout Investments, LLC, whose address is the same.

6.2. The Jay Thomas Diversion Dam and the land at the point of diversion for Milliken Reservoir are owned by Public Service Company, d/b/a Xcel Energy, Inc., 1800 Larimer Street, Denver, Colorado, 80202-1414. WHEREFORE, Applicants respectfully request that this Court enter an order finding that (1) 234.7 acre-feet is made absolute; and (2) reasonable diligence has been exercised in the development of this water storage right and that 265.3 acre-feet of the Subject Water Right be continued as conditional. (11 pages, 2 exhibits).

22CW3040 CO-APPLICANTS: THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS”), 3209 West 28th Street, Greeley, Colorado 80631; and The Platteville Irrigating and Milling Company (“PIMC”), 12994 WCR 28, Platteville, Colorado 80651. Please send correspondence and pleadings to Bradley C. Grasmick and David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; brad@lcwaterlaw.com, david@lcwaterlaw.com; and Robert F. T. Krassa, Krassa & Miller, LLC, 2737 Mapleton Avenue, Suite 103, Boulder, CO 80304-3836; Phone: (303) 442-2156; bob@krassa.com. CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAINTAIN CONDITIONAL WATER RIGHT, IN WELD COUNTY.

2. Name of Structure. Platteville Irrigating and Milling Ditch Recharge Project (hereinafter, “Recharge Right”).

3. From Original Decree.

3.1. Decree. Case No. 2001CW48, Water Division No. 1, dated November 20, 2008.

3.2. Diversion Point. The headgate of the Platteville Irrigating and Milling Ditch, located in the NW 1/4 NW 1/4 SE 1/4, Section 31, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado.

3.3. Source of Water. South Platte River and its tributaries.

3.4. Appropriation. March 20, 2001.

3.5. Amount. 150 c.f.s., conditional.

3.6. Use. Augmentation of the Member Wells included in the GMS Augmentation Plan Case No. 02CW335 or the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District, Case No. 03CW099. Any augmentation use by PIMC or its

shareholders for wells other than the wells in those two cases must be pursuant to a separate, decreed augmentation plan and no such plan is approved herein. All uses are conditional. 4. Previous Diligence Decree. Case No. 14CW3143, dated March 21, 2016. In Case No. 14CW3143, 37.52 c.f.s. was made absolute and the remainder of the conditional water right was maintained as conditional. 5. Outline of What Has Been Done Toward Completion. Co-Applicants have diverted and recharged water under the Recharge Right and used such water for augmentation during the diligence period but not in amounts exceeding previous diversions. Applicant GMS has worked on and developed other aspects of its integrated system during the diligence period. The water right listed herein is part of GMS's integrated system of water rights. Applicant has operated and developed its integrated system during the diligence period, including its Plan for Augmentation decreed in Case Nos. 02CW335, and has retained legal counsel and engineering consultants to assist in such operation and development. GMS has filed and prosecuted applications for the addition and removal of wells to and from its Plan. Applicant has acquired water rights represented by shares in various ditch companies and has prosecuted applications changing those water rights for use by GMS in its Plan. GMS has acquired various gravel pits and made capital improvements for storage of water. GMS has appropriated new water rights and has leased water rights on a temporary basis for use in its Plans. GMS has participated as an opposer in numerous water court applications to protect its water rights. GMS has prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights. GMS and its parent district the Central Colorado Water Conservancy District have expended more than \$100,000,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 6. Claim. Co-Applicants seek a finding that they have been reasonably diligent in the development of the conditional water right for the Recharge Project and to continue the conditional portion of the water right for an additional 6-year statutory period. The original format of this application is 4 pages in length.

22CW3041 APPLICANT: THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS” OR “APPLICANT”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Please send all future correspondence to Bradley C. Grasmick and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Blvd, Suite 1, Johnstown, Colorado 80534. **APPLICATION TO PLAN FOR AUGMENTATION IN WELD COUNTY.** 2. **Plan for Augmentation.** Applicant operates a plan for augmentation decreed in Case No. 02CW355 (“GMS Plan”). ¶14.5 of the decree in Case No. 02CW335 (“Decree”) allows the addition of wells to the plan subject to notice and terms and conditions. 3. **Structure to be Added and Augmented.** Pumping for irrigation uses from the Well is currently included in the GMS Plan. Owner of the Well has simultaneously filed an application seeking new conditional water rights for industrial uses from the Well as described in this Application. 3.1. Name of Structure to be Added and Augmented: DiTirro Well 1-6400-F; WDID No. 0205017 (the “Well”). 3.1.1. Name and Address of Owner of Well: International Farms, LLC, c/o Jorge O. Borrego, 11402 County Road 6, Fort Lupton, Colorado 80621. 3.1.2. Location of Well: NE 1/4 of the NW 1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado. Easting, 513542.0, Northing 4430636.0. 3.1.3. Permit No.: 6400-F; A new permit will be issued for the Well as needed to reflect the industrial use. 3.1.4. GMS Contract No.: Contract No. 1301: for industrial use approved March 15, 2022. **See Exhibit 1.** 3.1.5. Prior Decrees for Same Structure: Previous decree was entered in Case No. W-2874 for irrigation use of 80 acres in the N 1/2 NW 1/4 Section 25, Township 1 North, Range 67 West of the 6th P.M. The amount decreed was 600 gpm and the average amount of water to be diverted is 400 acre feet; and the Well is presently included in the GMS Plan in Case No. 02CW335. 3.1.6. New Decree for Industrial Use. International Farms, LLC filed an application to add Industrial use, including fire protection, to the Well. This Application seeks to add the new industrial water right for the Well to the GMS Plan. 4. **Proposed Terms and Conditions.** 4.1. Consumptive Use Factors. The terms and conditions for the industrial uses at the Well will be the same as for the other Member Wells in the Decree. The consumptive use factor will be 100% for industrial uses. The industrial uses will be separately metered. The method for determining future well depletions from industrial uses will be those set out in the Decree at ¶16-19. The Well will be subject to all the terms and

conditions for operation as for other Member Wells in the Decree. 4.2. Net Stream Depletions. Depletions resulting from the use of groundwater for industrial uses will be lagged back to the South Platte River using the Glover bounded alluvial aquifer method and the following parameters.

WDID	Distance to Stream from Aquifer Boundary (ft)	Distance to Stream from Well (ft)	Specific Yield	Harmonic Mean Transmissivity (gpd/ft)	GMS Administrative Reach
	(1)	(2)	(3)	(4)	(5)
0205017	4,140	2,265	0.2	132,855	F

Notes:(1) Shortest measured distance between the well the South Platte River plus the shortest measured distance between the well and the aquifer boundary. (2) Shortest measured distance between the well and the South Platte River. (4) Calculated by dividing the distance from the stream to the well by the sum of the quotient of the length of the path across each crossed grid cell and that grid cell’s transmissivity value (SPDSS tgrid0309). (5) Administrative Reach where depletions modeled to accrue. 5. The irrigation use of the Well is already included in the GMS Plan and the Well has not yet been used for the new conditional industrial use. For these reasons, there are no depletions from prior pumping of the Well for industrial uses that need to be augmented and no additional depletions will be added to GMS upon entry of a decree in this case. 6. Names and Addresses of Owners of Land on Which Structure is Located: International Farms, LLC, c/o Jorge O. Borrego, 11402 County Road 6, Fort Lupton, Colorado 80621. This Application consists of 3 pages and 1 exhibit.

22CW3042 CITY OF GREELEY, ACTING BY AND THROUGH ITS WATER AND SEWER BOARD (“Greeley”) APPLICATION FOR CHANGE OF WATER RIGHTS, APPROPRIATION OF RETURN FLOWS, CONDITIONAL WATER RIGHT, AND PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT IN LARIMER AND WELD COUNTIES. Please

send all correspondence to Carolyn F. Burr, Esq., James M. Noble, Esq., Jens Jensen, Esq. 1401 Lawrence Street, Suite 1800, Denver, Colorado, (303) 830-2500. cburr@wsmtlaw.com; jnoble@wsmtlaw.com; jjensen@wsmtlaw.com. Daniel J. Biwer, Esq., Greeley City Attorneys Office, 1100 – 10th Street, Suite 401, Greeley, Colorado 80631 (970) 350-9757, daniel.biwer@greeleygov.com. 1. Name and address of Applicant: City of Greeley, acting by and through its Water and Sewer Board (“Greeley”) c/o Jennifer Petrzelka, Water Resources Operations Manager 1001 11th Avenue, Second Floor, Greeley, Colorado 80631 (970) 350-9811, Jennifer.petrzelka@greeleygov.com. 2. General Description of the Application. By this Application, Greeley seeks to change the use of water rights associated with 23.917 shares (the “Subject Shares”) in the Water Supply and Storage Company (“WSSC”), out of 600 outstanding shares. Greeley seeks to change the use of the Subject Shares from irrigation to municipal, augmentation, and other uses, including irrigation, as further described below. Greeley also seeks a plan for augmentation and water exchange project for the replacement of return flows from the native portion of the Subject Shares, and an appropriation of such return flows. Greeley also seeks a conditional direct flow water right for replacement of return flows. Greeley is not required to maintain return flows from the historical use of the transmountain component of the Subject Shares. This application for a change of the Subject Shares is subject to the terms of the “Agreement between The Water Supply and Storage Company and the City of Greeley,” dated April 30, 2010, and any subsequent amendments thereto (the “WSSC/Greeley Contract”). **APPLICATION FOR CHANGE OF WATER RIGHT FOR SUBJECT SHARES**. 3. Decreed water rights for which change is sought: A. Name of Structures: The structures used to divert and use the Subject Shares include those numerous structures operated by WSSC, and all the ditches, reservoirs, and related structures associated with WSSC, collectively referred to herein as the “WSSC System.” These structures include the Larimer County Canal, which diverts water from the Cache la Poudre River in the SW 1/4, Section 13, Township 8 North, Range 70 West, 6th P.M. In addition to the Larimer County Canal, WSSC operates reservoirs, transmountain ditches, a transmountain tunnel, and other structures. These structures are generally described in the table attached as **Exhibit A**. B. Original and All Relevant Subsequent Decrees. i. The

decreed water rights of WSSC are listed in the table attached as **Exhibit A**. See the decrees listed for more detailed descriptions of the water rights associated with WSSC. ii. Previously, other shares of WSSC have been changed by the City of Thornton, North Weld County Water District (“North Weld”), East Larimer County Water District (“ELCO”), the City of Fort Collins, and Greeley in the following cases: Case No.: 86CW401 et al.; Decree date: March 9, 1998; Applicant: Thornton; No. of Shares: 283.354. Case No. 03CW421; Decree date: April 30, 2012; Applicant: North Weld; No. of Shares: 7.750. Case No. 03CW422; Decree date: June 8, 2011; Applicant: ELCO; No. of Shares: 22.3. Case No. 07CW190; Decree date: November 7, 2015; Applicant: Greeley; No. of Shares: 22.5. Case No. 11CW265; Decree date: July 17, 2015; Applicant: Fort Collins; No. of Shares: 26,667. Case No. 17CW3057; Decree date: September 25, 2020; Applicant: North Weld; No. of Shares: 4.75. Case No. 18CW3076; Decree date: September 23, 2020; Applicant: ELCO; No. of Shares: 9.525. Total: 376.846. C. Legal Descriptions of Structures. The legal descriptions of the structures that are part of the WSSC System are included in **Exhibit A**, and further described in the underlying decrees referenced therein. The general locations of the WSSC structures are also shown on the maps attached as **Exhibits B-1 and B-2**. D. Decreed Sources of Water. The decreed sources of water for the water rights of the WSSC System are described in the table attached as **Exhibit A**. The sources of water for the WSSC System generally include the Cache la Poudre River and certain tributaries thereto, the Laramie River and certain tributaries thereto, the Michigan River, and the Colorado River. WSSC also owns shares in the Jackson Ditch Company. Additionally, WSSC holds an interest in units of the Northern Colorado Water Conservancy District (“Northern”) Colorado-Big Thompson Project (“CBT Units”). WSSC delivers water from such CBT Units to its shareholders pursuant to an allotment contract, as well as leased CBT Units. By this Application, Greeley does not seek any change of water rights associated with WSSC’s Jackson Ditch Company shares, or for WSSC’s CBT Units. Greeley does intend to use its proportionate share of CBT Units owned or leased by WSSC for irrigation within the WSSC System, for municipal purposes in Greeley’s service area, which is within Northern’s district boundaries, or for other purposes within Northern’s district boundaries, subject to all applicable approval requirements. E. Appropriation Dates and Total Amounts Decreed to Structures. The appropriation dates and total amounts decreed to each structure are listed in the table attached as **Exhibit A**. F. Decreed Uses. The water rights described in **Exhibit A** were decreed for irrigation of lands within the WSSC System, as further provided in the decrees listed in **Exhibit A**. G. Amount of Water that Applicant Intends to Change. Greeley intends to change the use of its water rights associated with the Subject Shares, as further described below. 4. Detailed Description of Proposed Change: A. Historical Use: Water associated with 16 of the Subject Shares has historically been used to irrigate 13 farms under the WSSC System. Water associated with the remaining 7.917 Subject Shares was used in numerous places under the WSSC System. The 13 farms and the respective number of shares associated with each are as follows: i. Holcim Farm: 0.75 share was historically used to irrigate property in Sections 8, 9, 17, and 21, Township 8 North, Range 69 West, 6th P.M., Larimer County, Colorado. ii. Greenwald Farm: 0.75 share was historically used to irrigate property in the NE 1/4 Section 11, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. iii. Felte Farm: 2 shares were historically used to irrigate property in the SE 1/4 of Section 25, Township 7 North, Range 67 West and in the SW 1/4 of Section 30, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado. iv. Balmer Farm: 2 shares were historically used to irrigate property in the E 1/4 Section 4, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado. v. Hughes Farm: 1 share was historically used to irrigate property in the SE 1/4, Section 9, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado. vi. Henry Farm: 1 share was historically used to irrigate property in the S 1/2 NE 1/4, Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado. vii. Laws Farm: 1 to 1.5 shares were historically used to irrigate property in the SW 1/4, Section 15, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado. viii. McWilliams Farm: 0.5 share was historically used to irrigate property in the SE 1/4, Section 16, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado. ix. Seward Farm: 0.5 share was historically used to irrigate property in the E 1/2 NW 1/4, Section 21, Township 7 North, Range 66 West of the 6th P.M. in Weld County, Colorado. x. Isakson Farm: 1.5 shares were historically used to irrigate property in the NE 1/4, Section 26, Township 8 North, Range 66 West of the 6th P.M. in Weld County,

Colorado. xi. Varra Farm: 2 shares were historically used to irrigate property in the NE 1/4, Section 28, Township 8 North, Range 65 West of the 6th P.M. in Weld County, Colorado. xii. Rusch Farm: 1 share was historically used to irrigate property in the SE 1/4, Section 3, Township 7 North, Range 65 West of the 6th P.M. in Weld County, Colorado. xiii. Yetter Farm: 2 shares were historically used to irrigate property in the SE 1/4, Section 29, Township 8 North, Range 65 West of the 6th P.M. in Weld County, Colorado. A map showing the approximate location of the historical use of the shares used on the above-described farms is attached hereto as **Exhibit C**. B. Claim for Change of Point of Diversion: Greeley seeks approval to divert and/or redivert and take delivery of the Subject Shares for direct use or for storage, for the uses described below, into the diversion structures listed below, as such structures may exist or in the future be constructed or enlarged from time to time, in addition to the currently decreed points of diversion and storage. No change in the decreed points of diversion for the transmountain water rights associated with the Subject Shares is sought herein. Greeley acknowledges that the entry of any decree in this case shall not grant any rights to Greeley to divert water at structures in which Greeley currently has no ownership interest or other right of use. Prior to use of any such structures, Greeley shall obtain the necessary use rights from the owners or controllers of the structures. i. The New Mercer Ditch, the headgate of which is located on the south side of the Cache la Poudre River, approximately one mile above the town of Laporte, in the SW 1/4 SW 1/4, Section 29, Township 8 North, Range 69 West of the 6th P.M., in Larimer County, Colorado, at a place called Point of Rocks. ii. The Larimer County Canal No. 2, the headgate of which is located on the south side of the Cache la Poudre River approximately one mile above the Town of Laporte, in the SW 1/4 SW 1/4, Section 29, Township 8 North, Range 69 West of the 6th P.M., in Larimer County, Colorado, at a place called Point of Rocks. iii. The Overland Trail Diversion Structure, with a point of diversion located on the south side of the Cache la Poudre River at a point 2,400 feet west and 1,500 feet north of the SE corner, Section 33, Township 8 North, Range 69 West of the 6th P.M., in Larimer County, Colorado. iv. The Munroe Gravity Canal, a/k/a North Poudre Supply Canal, the headgate of which is located on the east bank of the Cache la Poudre River in the SW 1/4, NE 1/4, Section 5, Township 8 North, Range 70 West of the 6th P.M., in Larimer County, Colorado, at a point whence the Southeast corner of said Section 5 bears South 37°27'30" East 3,647.5 feet. Water diverted into and carried by the Munroe Gravity Canal is then diverted through the Pleasant Valley Pipeline. The Pleasant Valley Pipeline begins on the South bank of the Munroe Gravity Canal in the SW 1/4 SE 1/4, Section 3, Township 8 North, Range 70 West, at a point 1950 feet west and 320 feet north of the SE corner of Section 3, Township 8 North, Range 70 West, and extends generally southward to the Soldier Canyon Filter Plant, located in the NE 1/4 of Section 7, Township 7 North, Range 69 West. Water diverted through the Pleasant Valley Pipeline may be delivered to the Soldier Canyon Filter Plant or the Greeley Bellvue Water Treatment Plant. v. Fort Collins Pipeline Intake, located in the SE 1/4, Section 32, Township 9 North, Range 70 West of the 6th P.M., in Larimer County, Colorado, being more particularly described as follows: considering the East line of said SE 1/4 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. The Fort Collins Pipeline intake point of diversion will be used to convey water to (i) the Fort Collins Water Treatment Facility using the existing Fort Collins Pipeline; and (ii) the Milton Seaman Reservoir Enlargement, a proposed enlargement of the existing Milton Seaman Reservoir, as is more particularly described in Paragraph 4(B)(xiv) below, using a new structure to be constructed at the existing diversion for the Fort Collins Pipeline. vi. City of Greeley Pipeline (a.k.a. Greeley Filters Pipeline), the point of diversion for which is at the NE abutment of the City of Greeley Pipeline Diversion Dam located approximately 1,825 feet South and 1,955 feet West of the NE Corner of Section 15, Township 8 North, Range 70 West of the 6th P.M., in Larimer County, Colorado. The Greeley Pipeline Diversion Dam is located in the SW 1/4 NE 1/4 SW 1/4 NE 1/4, Section 15, Township 8 North, Range 70 West. The pipeline takes its supply from the Cache la Poudre River. vii. Larimer County Canal, located on the north bank of the Cache la Poudre River at a point 610 feet North and 1,540 feet East of the SW Corner, Section 13, Township 8 North, Range 70 West of the 6th P.M., in Larimer County, Colorado. viii. Poudre Valley Canal, located 1,020 feet North and 160 feet East of the SW Corner, Section 10, Township 8 North, Range 70 West of the 6th P.M., in Larimer County, Colorado. ix. Grey Mountain Diversion, a proposed diversion to

be located at the Grey Mountain Dam axis in Section 9, Township 8 North, Range 70 West of the 6th P.M., in Larimer County, Colorado, being more particularly described as follows: Considering the West line of the NE 1/4 of said Section 9 as bearing S 00°28'33" E as determined by solar observation, and with all bearings contained herein relative thereto: beginning at the SW Corner of the NE 1/4 of said Section 9; thence S 27°19'28" E 502.44 feet to a point on the centerline of said dam with axis bearing N 87°32'26" E, said point also being at the intersection of the centerline of the Cache la Poudre River Channel. x. Jackson Ditch, also sometimes called the Dry Creek Ditch, located 1,742 feet North and 1,003 feet East of the SW Corner of Section 30, Township 8 North, Range 69 West of the 6th P.M., in Larimer County, Colorado. xi. Larimer & Weld Canal (a.k.a. the Eaton Ditch), located on the east bank of the Cache la Poudre River at a point 460 feet North and 2,150 feet East of the SW Corner, Section 34, Township 8 North, Range 69 West of the 6th P.M., in Larimer County, Colorado. xii. New Cache la Poudre Irrigating Company Canal (a.k.a. Greeley No. 2 Canal), the headgate of which is located in the SW 1/4, SE 1/4, NE 1/4, Section 11, Township 6 North, Range 68 West, located approximately 2,550 feet South and 1,110 feet West of the NE Corner of said Section 11 of the 6th P.M., in Larimer County, Colorado. xiii. Fossil Creek Inlet Ditch, located near the NW 1/4 SW 1/4, Section 21, Township 7 North, Range 68 West, of the 6th P.M., in Larimer County, Colorado, as decreed in Civil Action No. 1591. The source of supply is from the Cache la Poudre River. Water will be diverted through the Fossil Creek Inlet Ditch to Fossil Creek Reservoir, which location is described in Paragraph 4(C)(viii) below. xiv. Milton Seaman Reservoir, as the same may be enlarged. The decreed location of Milton Seaman Reservoir is upon Sections 33 and 28, Township 9 North, Range 70 West of the 6th P.M., in Larimer County, Colorado. The Milton Seaman Reservoir Dam is presently located in the SW 1/4, NE 1/4 and SE 1/4, NW 1/4, Section 33, Township 9 North, Range 70 West, taking its supply of water from the North Fork of the Cache la Poudre River and its tributaries. xv. Halligan Reservoir, as the same may be enlarged. The decreed location of Halligan Reservoir is upon portions of Sections 28, 29, 32, 33 and 34, Township 11 North, Range 71 West of the 6th P.M., in Larimer County, Colorado, taking its supply of water from the North Fork of the Cache la Poudre River and its tributaries originating upstream of the Halligan Dam. xvi. Barnes Meadow Reservoir, the decreed location of which is upon the SW 1/4 SW 1/4, SE 1/4 SW 1/4, NE 1/4 SW 1/4, S 1/2 SE 1/4 of Section 5, and the N 1/2 NE 1/4 of Section 8, all in Township 7 North, Range 75 West of the 6th P.M., in Larimer County, Colorado, taking its supply of water from Trap Creek, Barnes Meadow Creek, Joe Wright Creek and natural drainage tributary to the Cache la Poudre River. xvii. Peterson Lake Reservoir, the decreed location of which is upon the N 1/2 SE 1/4, the S 1/2 SE 1/4, Section 22, and the NE 1/4, Section 27, the SW 1/4 SW 1/4 of Section 23, and the NW 1/4 of Section 26, all in Township 7 North, Range 75 West of the 6th P.M., in Larimer County, Colorado, with its inlet gate in the dam in the NW 1/4 SE 1/4 of Section 22, Township 7 North, Range 75 West, taking its supply of water from an unnamed tributary of the Big South Fork of the Cache la Poudre River and other tributaries thereof. xviii. Rockwell Reservoir, the decreed location of which is in Sections 25 and 36, Township 8 North, Range 73 West of the 6th P.M., in Larimer County, Colorado, with the dam to be located in the SE 1/4 SE 1/4 of Section 25, Township 8 North, Range 73 West, taking its supply from the South Fork of the Cache la Poudre River. xix. The Greeley No. 3 Canal: A diversion structure the decreed location for which is on the South side of the Cache la Poudre River in the Southeast quarter of Section 32, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, at a point 35 degrees 30 minutes West from the Southeast corner of said Section 32. xx. The Boyd and Freeman Ditch: A diversion structure the decreed location for which is on the South side of the Cache la Poudre River in Section 34, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado. xxi. Star Pit Diversion No. 1: A diversion structure that diverts water from the north bank of the Cache la Poudre River in the SE 1/4 of the SW 1/4 of Section 26, Township 6 North, Range 66 West of the 6th P.M., in Weld County, Colorado, approximately 1,730 feet east of the West Section Line of said Section 26 and approximately 75 feet north of the South Section line of said Section 26. C. Claim for Alternate Places of Storage: Greeley seeks approval to store the water diverted pursuant to the Subject Shares prior to subsequent beneficial use, in addition to the existing direct flow use. The Subject Shares may be stored in any reservoir to which Greeley currently possesses or may in the future acquire rights to use, subject to any requirements of the WSSC/Greeley Contract, including but not limited to: i. Overland Trail Reservoirs,

which will be a series of lined gravel pits to be located in parts of the SE 1/4 Section 32, the S 1/2 Section 33, Township 8 North, Range 69 West, and the N 1/2 of Section 4 and the E 1/2 of the NW 1/4, the SW 1/4 of the NE 1/4, and the NW 1/4 of the SE 1/4 of Section 3, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado. The reservoirs may be hydraulically connected, so that they can be administered as one reservoir. ii. Glade Reservoir, an off-channel reservoir to be located beginning at a point, which is the terminal point of the dam's left abutment, from which the SW Corner of Section 12, Township 8 North, Range 70 West bears N 88°14'55" W a distance of 1,879.6 feet West of the 6th P.M., Larimer County, Colorado. From said point, the axis of the dam bears N 65°04'43" W a distance of 729.9 feet to a point on the dam axis. From said point, the axis of the dam bears N 14°49'34" W a distance of 1,021.7 feet to a point on the dam axis. From said point, the axis of the dam bears N 21°39'51" W a distance of 3,383.8 feet to the terminal point of the dam's right abutment. The proposed Glade Dam and Reservoir will inundate portions of the NW and SW Quarters of Sections 19, 30 and 31, Township 9 North, Range 69 West; the NW and SW Quarters of Section 6 and the NW 1/4 of Section 7, Township 8 North, Range 69 West; the SE 1/4 of Section 24, the NE, SE and SW Quarters of Section 25 and all Quarters of Section 36, Township 9 North, Range 70 West; and all Quarters of Section 1, the NE and SE Quarters of Section 2, the NE and SE Quarters of Section 11, all Quarters of Section 12, and the NW 1/4 of Section 13, Township 8 North, Range 70 West. The source of supply is from the Cache la Poudre River. iii. Milton Seaman Reservoir, as the same may be enlarged, described in Paragraph 4(B)(xiv) above. iv. Halligan Reservoir, as the same may be enlarged, described in Paragraph 4(B)(xv) above. v. Barnes Meadow Reservoir, described in Paragraph 4(B)(xvi) above. vi. Peterson Lake Reservoir, described in Paragraph 4(B)(xvii) above. vii. Rockwell Reservoir, described in Paragraph 4(B)(xviii) above. viii. Fossil Creek Reservoir, located in portions of Section 9, 10, 15, 16 and 17, Township 6 North, Range 68 West. ix. Terry Ranch Aquifer Storage and Recovery Project, an underground storage project in the Upper Laramie Aquifer, to be generally located in Townships 11 and 12 North, Range 67 West, Weld County, Colorado, and includes locations where Greeley currently has rights to inject and withdraw water, and additional locations where Greeley may acquire the right to conduct aquifer storage and recovery operations in that vicinity. x. Star Pit Reservoir, an off-channel reservoir located in the S 1/2 of Section 26, Township 6 North, Range 66 West. The source of supply is from the Cache la Poudre River. xi. Flatiron Reservoir Nos. 1-5, Flatiron Reservoir Nos. 1 and 2 (a.k.a. Poudre Ponds) are constructed and Flatiron Reservoir Nos. 3-5 are to be constructed in parts of Section 36, Township 6 North, Range 66 West. The source of supply is the Cache la Poudre River.

D. Claim for Change of Place of Use: Greeley seeks approval to change the place of use of the Subject Shares to include, in addition to the currently decreed place of use for irrigation purposes, the Greeley service area, as it now exists or may from time to time be expanded, and to serve users with whom Greeley has contracts to deliver water from its water system.

E. Claim for Change of Purpose of Use: Greeley seeks approval to change the purpose of use of the Subject Shares to include, in addition to the original irrigation use, all municipal uses and related uses, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreational, fish and wildlife propagation, replacement of lake and reservoir evaporation, and maintenance of adequate storage reserves. Additionally, Greeley seeks approval to use the Subject Shares for maintenance of historical return flows as required by judicial or administrative order, as well as replacement, augmentation, and substitution uses. Greeley seeks the right to fully consume such water by direct use, exchange, by storage and subsequent release, reuse, successive use, further exchange or disposition. The Subject Shares may be used as a source of substitute supply for the exchange claimed in this case, along with the exchanges decreed in Case Nos. 99CW231, 99CW234, 00CW251, 05CW326, and 07CW190. Greeley claims the right to use seepage credit from irrigation or municipal use of the transmountain portion of the Subject Shares, and ground water return flow credits from the irrigation or municipal use of the Subject Shares, exclusive of any Jackson Ditch and CBT water component thereof.

F. Replacement of Return Flows: When the Subject Shares are used for the changed purposes sought in this case, Greeley will replace return flows from the native portion of the Subject Shares in time, location and amount from any sources legally available to Greeley, including those described in Paragraph 6 below, as required to protect other water rights from injury. Greeley is not required to maintain

return flows from the historical use of the transbasin component of the Subject Shares, as provided in *City of Thornton v. Bijou Irrigation Co.*, 926 P.2d 1, 68 (Colo. 1996). **APPLICATION FOR PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT. 5. Overview of Plan for Augmentation Including Water Exchange Project.** Greeley will operate a plan for augmentation to replace return flows from the native portion of the Subject Shares. Some of the sources of water to be used for replacement of return flows from the native portion of the Subject Shares may be delivered to the stream downstream of the location where the return flows are owed. At times when the proposed Water Exchange Project is in priority and the replacement sources can be delivered at such downstream locations without injury to intervening water users, Greeley proposes to operate the Water Exchange Project to satisfy return flow obligations. At times when the Water Exchange Project is not in priority, then Greeley will replace return flows pursuant to the plan for augmentation upstream of the calling water right. A map showing the structures and exchange reaches is attached hereto as **Exhibit D. 6. Sources of Supply to be Used for Replacement for Plan for Augmentation Including Water Exchange Project.** A. Water available pursuant to water rights owned or controlled by Greeley and represented by changed shares in the Greeley Irrigation Company (“GIC”), as more particularly described in the decrees entered in Case Nos. 99CW232 and 15CW3163, Water Division 1. B. Water storage rights for the Flatiron Reservoirs Nos. 3-5, and F Street Reservoir, a/k/a the Poudre Ponds at Greeley, as more particularly described in the decree entered in Case No. 99CW234, Water Division 1. C. Water storage rights for the Overland Trail Reservoirs, as more particularly described in the decree entered in Case No. 00CW251, Water Division 1. D. Surface water and storage rights decreed for the Lower Equalizer Reservoirs and the Boomerang Reservoirs, as more particularly described in the decree entered in Case No. 05CW326, Water Division No. 1. E. Water rights decreed for the Milton Seaman Reservoir Enlargements, which water rights are more particularly described in the decrees entered in Case Nos. 90CW226 and 87CW42, Water Division 1. F. Greeley’s previously changed WSSC shares, decreed in Case No. 07CW190, Water Division 1, and the Subject Shares, which are being changed in this case. G. Water available pursuant to water rights owned or controlled by Greeley and represented by changed shares in the Greeley and Loveland Irrigation Company, and Seven Lakes Reservoir Company, which consist of direct flow and storage water rights decreed for diversion at the Loveland and Greeley Canal and Barnes Ditch (including but not limited to water rights decreed to Loveland and Greeley Reservoir a/k/a Lake Loveland), as more particularly described in the decrees entered in Case Nos. 87CW329, 95CW42 and 99CW235, Water Division 1. H. Water available pursuant to Greeley’s 75 shares of stock in the Windsor Reservoir and Canal Company, which entitle Greeley to water from the Laramie River System, as more particularly described in the decree entered in Case No. 06CW258, Water Division No.1. I. Water available pursuant to allotment contracts held by Greeley with the Municipal Subdistrict of the Northern Colorado Water Conservancy District for units of Windy Gap Project water. The Windy Gap Project water rights are more particularly described in the decrees entered by the District Court for Water Division No. 5 in Civil Action No. 1768, Case Nos. W-4001 and 80CW108, and Case No. 89CW0298. J. Nontributary groundwater rights decreed in Case No. 11CW275, Water Division No. 1, and other nontributary groundwater rights owned or controlled by Greeley. K. Wastewater effluent and non-sewered (lawn irrigation) return flows generated by the use of its reusable water rights from the water rights listed in subparagraphs A-J above. L. Wastewater effluent return flows generated by the use of reusable water rights discharged from the Leprino Wastewater Treatment Plant, as more particularly described in the decree entered in Case No. 2017CW3020, Water Division No. 1.. M. Water rights currently owned by Greeley associated with its unchanged shares as follows: i. 143.5 shares in the Greeley and Loveland Irrigation Company, ii. 47 shares in the Seven Lakes Reservoir Company, iii. 24.5 shares in the Lake Loveland Reservoir Company, iv. 10 shares in the Larimer and Weld Irrigation Company, v. 8 shares in the Larimer and Weld Reservoir Company, vi. 16 shares in the Windsor Reservoir and Canal Company, vii. 20 shares in the Cache la Poudre Reservoir Company, viii. 26 shares in the New Cache la Poudre Irrigating Company, ix. 90 shares in the North Poudre Irrigation Company, x. 36.15 shares in the Greeley Irrigation Company. N. The conditional direct flow water right applied for in this application. O. Any future water rights or sources that Greeley may acquire in the future, which are legally available for replacement use and are added to the plan for augmentation pursuant to procedures to be included in the final decree. 7.

Exchange-From Points for Water Exchange Project. A. The Overland Trail Reservoirs Release Structures. All of the release structures are located in Range 69 West of the 6th P.M., Larimer County, Colorado. i. Overland Trail Reservoirs Release Structure No. 1: to be constructed in Section 34, Township 8 North, which will deliver the released water to the Cache la Poudre River at a point located approximately 940 feet East and 240 feet North of the Southwest Corner of Section 34, Township 8 North. ii. Overland Trail Reservoirs Release Structure No. 2, to be constructed in Section 3, Township 7 North, which will deliver the released water to the Cache la Poudre River at a point located approximately 700 feet South and 2,420 feet East of the Northwest Corner of Section 3, Township 7 North. iii. Overland Trail Reservoirs Release Structure No. 3, to be constructed in Section 33, Township 8 North, which will deliver the released water to the Cache la Poudre River at a point located approximately 2,401 feet West and 1,401 feet North of the Southeast Corner of Section 33, Township 8 North. iv. Overland Trail Reservoirs Release Structure No. 4, to be constructed in Section 34, Township 8 North, which will deliver the released water to the Cache la Poudre River at a point located approximately 1,951 feet East and 521 feet North of the Southwest Corner of Section 34, Township 8 North. v. Overland Trail Reservoirs Release Structure No. 5, to be constructed in Section 3, Township 7 North, which will deliver the released water to the Cache la Poudre River at a point located approximately 2,364 feet South and 929 feet West of the Northeast Corner of Section 3, Township 7 North. B. New Cache la Poudre Irrigation Company Augmentation Stations, further described as follows: i. Headgate Augmentation Station. To be constructed near the river headgate for Greeley Canal No. 2, in the NE 1/4 of the SE 1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. ii. Law Ditch Augmentation Station. Located in the NE1/4 of the SE1/4 of Section 15, Township 6 North, Range 67 West of the 6th P.M., Larimer County, Colorado. This augmentation station delivers water to the Cache la Poudre River above Greeley Canal No. 3 via the John Law Seepage Ditch. iii. Orr Lateral Augmentation Station. To be constructed in the NW1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Larimer County, Colorado. This augmentation station delivers water to the Cache la Poudre River above Greeley Canal No. 3. iv. Graham Seep Augmentation Station. Located in the NW 1/4 of the SE 1/4 of Section 13, Township 6 North, Range 66 West of the 6th P.M., Larimer County, Colorado. This augmentation station delivers water to the Cache la Poudre River below the Greeley Canal No. 3 headgate and above the Ogilvy Ditch headgate. v. Carpenter Lateral. Located in SE 1/4 of the NW 1/4 of Section 19, Township 6 North, Range 65 West of the 6th P.M., Larimer County, Colorado. This augmentation station delivers water to the Cache la Poudre River below the Greeley Canal No. 3 headgate and above the Ogilvy Ditch headgate. vi. Eaton Draw Augmentation Station. Located in the NW 1/4 of the NE 1/4 of Section 17, Township 6 North, Range 65 West of the 6th P.M., Larimer County, Colorado. This augmentation station delivers water to the Cache la Poudre River below the Greeley Canal No. 3 headgate and above the Ogilvy Ditch headgate. vii. Lone Tree Creek Augmentation Station. Located in the NE 1/4 of the NW 1/4 of Section 15, Township 6 North, Range 65 West of the 6th P.M., Larimer County, Colorado. This augmentation station delivers water to the South Platte River just below the Cache la Poudre confluence via Lone Tree Creek. viii. Lower Sand Creek Augmentation Station. Located in the SE 1/4 of the NW 1/4 of Section 27, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado. The confluence of the Lower Sand Creek with the Cache la Poudre River is approximately 2 miles above the mouth of the Cache la Poudre River. This augmentation station delivers water to the Cache la Poudre River below the Ogilvy Ditch headgate. ix. Galeton Draw Augmentation Station. To be located in the NE 1/4 of Section 7, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. This augmentation station will deliver water to the South Platte River via Crow Creek. x. Gill Augmentation Station. To be located on or close to the section line dividing Section 22 and Section 27 in Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. This augmentation station will deliver water to the South Platte River via Crow Creek. xi. Lower Crow Creek Augmentation Station. Located in the NW 1/4 of the SW 1/4 of Section 25, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. This augmentation station delivers water to the South Platte River a short distance above the Empire Ditch headgate. xii. Upper Crow Creek Augmentation Station. Located in the SW 1/4 of the NW 1/4 of Section 16, Township 6 North, Range 63 West of the 6th P.M., Weld, County, Colorado. This augmentation station delivers water to the South Platte River a short distance above the Empire Ditch

headgate. xiii. Upper Sand Creek Augmentation Station. Located in the NW 1/4 of the NE 1/4 of Section 16, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado. This augmentation station delivers water to the Cache la Poudre River below the Ogilvy Ditch headgate. C. Windsor Wastewater Treatment Plant Outfall, located in Section 34, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. D. Kodak Wastewater Treatment Plant Outfall, located in Section 35, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. E. GIC F Street Return Structure, located in Section 34, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. F. GIC 35th Avenue Drainage Ditch Release Structure, located in Section 35, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. G. Confluence of Graham Seep and the Cache la Poudre River, located in Section 36, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. H. Confluence of Eaton Draw and the Cache la Poudre River, located in Section 4, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. I. GIC 23rd Avenue Spillway to the Cache la Poudre River, located in Section 31, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado. J. Greeley Water Pollution Control Facility Outfall, located in Section 4, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. K. GIC 16th Street Return Structure to the Cache la Poudre River, located in the NE 1/4 of Section 10, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. L. Confluence of the Cache la Poudre River and Sand Creek, located in the Northwest 1/4 of Section 11, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. M. Confluence of the South Platte River and the Cache la Poudre River, located in the SW 1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. N. Confluence of the South Platte River and Lone Tree Creek, located in the SE 1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. O. Confluence of the South Platte River and Crow Creek, located in the NE 1/4 of Section 24, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. P. Leprino Wastewater Treatment Plant Outfall, located in the SW 1/4 SW 1/4, Section 4, Township 5 North, Range 65 West, 6th P.M., Weld County, Colorado. 8. Exchange—to Points for Water Exchange Project. A. Upper Poudre Reach beginning at the Larimer County Canal Headgate on the Cache la Poudre River located in Section 13, Township 8 North, Range 70 West of the 6th P.M., Larimer County, Colorado and ending at the Fossil Creek Reservoir inlet on the Cache la Poudre River located in Section 21, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. B. Middle Poudre Reach beginning at the Fossil Creek Reservoir inlet on the Cache la Poudre River located in Section 21, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado and ending at the Boyd and Freeman Ditch headgate located on the Cache la Poudre River in Section 34, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. C. Lower Poudre Reach beginning at the Boyd and Freeman Ditch headgate located on the Cache la Poudre River in Section 34, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado and ending at the confluence of the Cache la Poudre River and the South Platte River. D. Dry Creek beginning in Section 3, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado and ending at the confluence of Dry Creek and the Cache la Poudre River. E. Boxelder Creek beginning in Section 14, Township 8 North, Range 68 West of the 6th P.M., Larimer County, Colorado and ending at the confluence of Boxelder Creek and the Cache la Poudre River. F. The Slough beginning in Section 3, Township 7 North, Range 67 West of the 6th P.M., Weld County, Colorado and ending at the confluence of the Slough and the Cache la Poudre River. G. Graham Seep beginning in Section 26 Township 7 North, Range 66 West of the 6th P.M., Weld County, Colorado and ending at the confluence of Graham Seep and the Cache la Poudre River. H. Eaton Draw beginning in Section 31, Township 7 North, Range 65 West of the 6th P.M., Weld County, Colorado and ending at the confluence of Eaton Draw and the Cache la Poudre River. I. Lone Tree Creek beginning in Section 7, Township 8 North, Range 65 West of the 6th P.M., Weld County, Colorado and ending at the confluence of Lone Tree Creek and the South Platte River. J. Owl Creek beginning in Section 3 of Township 8 North, 65 West of the 6th P.M., Weld County, Colorado and ending at the confluence of Owl Creek and Lone Tree Creek. 9. Exchange Rates for Water Exchange Project: 3.10 c.f.s., combined. See Exchange Project Matrix, attached hereto as **Exhibit E**. 10. Date of Appropriation for Water Exchange Project: January 19, 2022, the date on which there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including approval by the Greeley Water

and Sewer Board for the filing of this application. **CLAIM FOR APPROPRIATION OF RETURN FLOWS.** 11. Claim to appropriate return flows: Greeley claims the right to retain or redivert if necessary, and use, reuse, successively use, and dispose of the historical return flow amounts from the native portion of the Subject Shares at any time of the year when the priority call for water rights below the historical return flow location is junior to January 19, 2022. A. Date of Appropriation: January 19, 2022, the date on which there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including approval by the Greeley Water and Sewer Board for the filing of this application. B. Location of Appropriation: The Upper, Middle, and Lower Poudre Reaches, Dry Creek, Boxelder Creek, the Slough, Graham Seep, Eaton Draw, Lone Tree Creek, and Owl Creek, described in Paragraphs 8(A)-(J) above, where the return flows from the Subject Shares historically accrued. C. Source: Cache la Poudre River. D. Amount: Greeley claims the rate and volume of all return flows associated with the native portion of the Subject Shares to the extent available under this appropriation, conditional. E. Use: All decreed uses of the Subject Shares, as changed pursuant to this application. F. Place of Use: The Greeley service area, as it now exists or may from time to time be expanded, and locations to serve users with whom Greeley has contracts to deliver water from its water system. **CLAIM FOR CONDITIONAL DIRECT FLOW WATER RIGHT.** 12. Claim for Conditional Direct Flow Water Right: Greeley claims a conditional water right for the purpose of replacing required return flows attributable to the native portion of the Subject Shares, as follows. The water would be diverted at the diversion structures described below, and released to the Cache la Poudre River at one or more of the release structures or augmentation stations associated with those structures: A. Diversion Structures: i. The Overland Trail Diversion Structure: A diversion structure located as described in Paragraph 4(B)(iii) above. ii. New Cache la Poudre Irrigation Company Canal (a.k.a. Greeley No. 2 Canal): A diversion structure located as described in Paragraph 4(B)(xii) above. iii. The Greeley No. 3 Canal: A diversion structure located as described in Paragraph 4(B)(xix) above. iv. The Boyd and Freeman Ditch: A diversion structure located as described in Paragraph 4(B)(xx) above. B. Release Structures. i. Overland Trail Reservoirs Release Structure Nos. 1-5: to be constructed at the locations described in Paragraphs 7(A)(i)-(v) above. ii. New Cache la Poudre Irrigation Company Augmentation Stations, further described in Paragraphs 7(B)(i)-(xiii) above. iii. Greeley No. 3 Canal Release Structures, further described in Paragraphs 7(E), (F), (I), and (K) above. iv. Outlets for Flatiron Reservoir Nos. 1-5, to be constructed in Section 36, Township 6 North, Range 66 West. v. F Street Reservoir Outlet, to be constructed in Section 34, Township 6 North, Range 66 West. vi. 35th Avenue Reservoir Outlet(s), to be constructed in Sections 34 and/or 35, Township 6 North, Range 66 West. C. Source: Cache la Poudre River. D. Appropriation: i. Date: January 19, 2022. ii. How Appropriation Initiated: Approval by the Greeley Water and Sewer Board for the filing of this application. iii. Date Water First Applied to Beneficial Use: Not applicable for a conditional water right. E. Amount claimed: 3.10 c.f.s. F. Uses: Greeley will beneficially use the water diverted pursuant to this conditional water right to replace return flow requirements when the conditional water right is in priority. Greeley will divert the water at the diversion structures and return it to the Cache la Poudre River at one or more of the Release Structures at the same flow rate and in the same amount as the return flow requirement for the Subject Shares. 13. Names and addresses of the 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: Greeley does not propose to construct any new diversion or storage structures or to construct any modification to any existing diversion or storage structure. The owners of the land and reservoirs where water will be stored are as follows: A. Overland Trail Reservoirs: i. Western-Mobile Northern, Inc., c/o Baden Tax Management, P.O. Box 8040, Fort Wayne, IN 46898-8040. ii. Fort Collins-Loveland Water District, 5150 Snead Drive, Fort Collins, CO 80525. iii. North Weld County Water District, P.O. Box 56, Lucerne, CO 80646. iv. East Larimer County Water District, 232 South Link Lane, Fort Collins, CO 80524. v. Martin Marietta Materials, Inc., c/o Baden Tax Management, LLC, P.O. Box 8040, Fort Wayne, IN 46898-8040. B. Glade Reservoir: i. Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, CO 80513. ii. United States of America, Bureau of Land Management, General Delivery, Washington, DC 20090. iii. State Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, Colorado 80203-2206. iv. Platte River Power

Authority, 2000 Horsetooth Road, Fort Collins, CO 80525. v. Weaver Cattle Company, Inc., c/o Maxine Weaver, 260 Boattail Drive, Fort Collins, CO 80524. vi. Amanda and Brad Baldwin, 9720 N Highway 287, LaPorte, CO 80535. vii. Delores J. Barger, 11585 N Hwy 287, LaPorte, CO 80535. viii. Robert L. Graves and Sherry E. Graves, 5821 W County Road 54E, Bellvue, CO 80512-7109. ix. Gaile Rosemary Mink and Edgar G. Allen, 413 White Mountain Meadows Drive, Ruidoso, NM 88345-5814. x. Heidi A. Olinger and Lewis James Striggow, P.O. Box 7812, Loveland, CO 80537. C. Milton Seaman Reservoir: i. City of Fort Collins, Water Department, P.O. Box 580, Fort Collins, CO 80522-0580. ii. State of Colorado, Department of Natural Resources, 6060 Broadway, Denver, CO 80216. iii. United States of America, Rocky Mountain National Park, 2150 Centre Avenue, Building E, Fort Collins, CO 80526-8119. iv. State Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, CO 80203-2206. v. U.S. Department of Agriculture, Forest Service, Inspector General, 2850 McClelland Drive, Fort Collins, CO 80525-2586. vi. James R. Kahn, 6065 Obenchain Road, LaPorte, CO 80535. vii. Overview Business Holdings, LLC, Genoa Lansing Towline Road, King Ferry, New York 13081. viii. Bureau of Reclamation, 11056 W. County Road 18E, Loveland, CO 80537-9711. ix. Colorado State University, State School Land Board of Land Commissioners, 1313 Sherman Street, Denver, CO 80203-2236. Linda A. McMurry Trust and Murry R. McMurry Trust, 3673 Bradford Street NE, Grand Rapids, Michigan 49525. D. Halligan Reservoir: i. State of Colorado, Division of Wildlife, 6060 Broadway Avenue, Denver, CO 80216. ii. United States of America Bureau of Land Management, 1313 Sherman Street, Denver, CO 80203-2236. iii. Landowners Association for Phantom Canyon Ranches, 1738 Bonny Drive, Loveland, CO 80538. iv. Free Enterprises, Inc., c/o Lee Stark, 1803 N. Garfield Avenue, Loveland, CO 80537. v. City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522. vi. Geo A. Henderson Co. Inc., and Chris Vandemoer; P.O. Box 668, Sterling, CO 80751-0668. vii. The Gary C. and Mary J. Packard Revocable Trust, 865 Three Corner Gate Road, Livermore, CO 80536. viii. Meadow Creek Cabin Association, LLC, c/o Sandy Beardmore, 12212 Kiowa Court, Fort Collins, CO 80525. E. Peterson Lake Reservoir: i. United States of America, Arapaho/Roosevelt National Forest, 2150 Centre Ave., Building E, Fort Collins, CO 80526. F. Rockwell Reservoir: i. United States of America, Bureau of Reclamation, General Delivery, Washington, DC 20090-9999. G. Fossil Creek Reservoir: i. North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80549. **WHEREFORE:** Greeley requests the Court enter a decree approving the requested change of water rights, plan for augmentation including water exchange project, appropriation of return flows, and the proposed conditional direct flow water right, as described herein.

22CW3043 APPLICANT: REDMOND LANDHOLDINGS, LLC 345 Howell Avenue, Brush, CO 80723. Please send all future correspondence to Ryan M. Donovan and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534. **APPLICATION FOR CHANGE OF WATER RIGHT IN MORGAN COUNTY**. 2. Water Rights Sought to be Changed: Peterson Well No. 1 and Peterson Well No. 3 (collectively the “Redmond Wells”). 2.1. *Prior Decrees:* 2.1.1. A decree was entered in Case No. W-2033 on April 14, 1977, approving water rights for the Redmond Wells. The W-2033 Decree also approved water rights for Peterson Well No. 2, Peterson Well No. 4, Peterson Well No. 5, and Peterson Well No. 6 (collectively, the “Peterson Wells”). 2.1.2. In Case No. 10CW33, the location of Peterson Well No. 3 was changed from the location described in the decree in Case No. W-2033 to the SW 1/4 of the SW 1/4 of Section 28, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, at a point 1175 feet from the South section line and 300 feet from the West section line of said Section 28. By this Application, Applicant seeks a decree which conforms to the actual location of Peterson Well No. 3, that being in the SW 1/4 SW 1/4 of Section 28, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet North and 605 feet East of the SW Corner of said Section 28. 2.1.3. The Peterson Wells are not subject to this Application. Peterson Well No. 2, 4, and 6 were the subject of Case No. 09CW10, for which a decree was entered on April 15, 2015 approving a change in the place of use of the Peterson Wells. Reference to the Peterson Wells is made in this Application only because the Peterson Wells and Redmond Wells were previously used to irrigate a single combined farm. The Redmond Wells, 360 acres of land, 58 shares of the A.A. Smith Irrigating Canal, Reservoir, Milling and Pipe Line Co. (“Smith”), and 363 shares of the

Pioneer Water & Irrigation Inc. (“Pioneer”) were conveyed to Applicant on December 23, 2010. 2.1.4. A decree was entered in Civil Action No. 17282 on April 17, 1969 which allows the Redmond Wells to operate as alternate points of diversion to the Smith water rights owned by Applicant. The Smith water right is for 20 c.f.s. with an appropriation date of June 18, 1887 (Ditch Priority No. 33; C.A. 0433; WDID1-522). Nothing in this Application is intended to amend Applicant’s right to divert its Smith water rights at the Redmond Wells. 2.1.5. Appropriation Dates: 2.2.1. Peterson Well No. 1 – June 20, 1934. 2.2.2. Peterson Well No. 3 – February 28, 1956. 2.3. Diversion Rates: 2.3.1. Peterson Well No. 1 – 3.55 c.f.s. 2.3.2. Peterson Well No. 3 – 4.444 c.f.s. 2.4. Source: Groundwater tributary to the South Platte River for both Peterson Well No. 1 and Peterson Well No. 3. 2.5. Location: 2.5.1. Peterson Well No. 1: NE 1/4 of the SW 1/4 of Section 28, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado at a point approximately 1410 feet North and 1325 feet East of the SW Corner of said Section 28. 2.5.2. Peterson Well No. 3: SW 1/4 SW 1/4 of Section 28, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet North and 605 feet East of the SW Corner of said Section 28. 3. Historical Use of Redmond Wells. In combination with the Peterson Wells, the Redmond Wells were used to irrigate 676 acres in Sections 28 and 33, Township 5 North, Range 55 West of the 6th P.M. in Morgan County. As described in ¶ 2.1.3 above and ¶ 3.2 of the 09CW10 Decree, 323 irrigated acres of the 676 acres, along with the Redmond Wells, the 58 shares of Smith water rights, and 363 shares of Pioneer were conveyed to Applicant by deed dated December 23, 2010. Reference is made to ¶ 10 of the 09CW10 Decree which describes the historical use of the Redmond Wells and Peterson Wells. 4. Proposed Changes. Applicant seeks a decree approving changes to the Redmond Wells as follows: 4.1.1. The first change is to correct the location of Peterson Well No. 3 from the location decreed in Case No. 10CW33 to the actual physical location of said Well, that being in the SW 1/4 SW 1/4 of Section 28, Township 5 North, Range 55 West of the 6th P.M., Morgan County, Colorado, at a point approximately 95 feet North and 605 feet East of the SW Corner of said Section 28. Nothing herein is intended to amend, nor shall it amend, any finding of fact or conclusion of law related to Peterson Well No. 4 for which a corrected location was decreed in Case No. 10CW33. 4.1.2. The second change is to correct the legal description of the lands irrigated by the Redmond Wells. Applicant is not requesting an increase in the number of acres irrigated. Rather, Applicant seeks to modify the legal description of the decreed lands irrigated by the Redmond Wells to include the SW 1/4 of the SE 1/4 in Section 28 and the NW 1/4 of the NE 1/4 in Section 33, both Sections being of Township 5 North, Range 55 West of the 6th P.M. in Morgan County. Therefore, the legal description of the total acres lawfully irrigated by the Redmond Wells will be 323 acres in the W 1/2, the NW 1/4 of the SE 1/4, and the SW 1/4 of the SE 1/4 of Section 28; and the N 1/2 of the NW 1/4, the SW 1/4 of the NW 1/4, and the NW 1/4 of the NE 1/4 of Section 33, all in Township 5 North, Range 55 West of the 6th P.M., Morgan County. See **Exhibit 1**. 5. Plan for Augmentation. Applicant owns 363 Pioneer shares out of a total 4,000 Pioneer shares. The Redmond Wells are presently augmented pursuant to the plan for augmentation decreed in Case No. 81CW407 by Pioneer (“Pioneer Plan”). A decree amending the Pioneer Plan was entered in Case No. 02CW349 on April 8, 2014 (“02CW349 Decree”). The decrees in Case Nos. 81CW407 and 02CW349 are collectively referred to hereinafter as the “Pioneer Decree.” The exact location of the acres irrigated by the Redmond Wells is not specified in the Pioneer Decree, therefore approval of the change of location of acres decreed in Case No. W-2033 is all that is required. Redmond Wells will continue to be augmented under the terms of the Pioneer Decree using Pioneer shares owned by Applicant for the irrigation of a maximum of 323 acres. No changes in the Pioneer Decree are proposed and all the terms and conditions of the Pioneer Plan will continue to be applicable to the Redmond Wells. 6. Name and Address of Owners of Structures. 6.1. Applicant owns the Redmond Wells and the Redmond Acres. 6.2. Pioneer owns and operates the Pioneer Plan, P.O. Box 1218, Fort Morgan, CO 80701. This application consists of 4 pages and 1 exhibit.

22CW3044 BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN c/o County Manager Ray Rears and County Attorney Bradford Benning, P.O. Box 366; 203 Eureka St., Central City, Colorado 80427; Email: rrears@gilpincounty.org and bbenning@gilpincounty.org. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR EXCHANGES IN GILPIN, CLEAR CREEK,**

AND JEFFERSON COUNTIES, Name of Appropriative Rights of Substitution and Exchange: Gilpin County Clear Creek Exchanges and Gilpin County North Clear Creek Exchanges. **Original Decree Date:** March 22, 2016; **Case No.** 2011CW271; **Court:** District Court Water Div. 1 **Legal Description of Exchange Reach and Points of Substitution and Exchange:** *Exchange Reach.* **Legal Description of Exchange Reaches and Points of Substitution and Exchange:** The Gilpin County Clear Creek Exchanges and North Clear Creek Exchanges consist of many separate exchanges involving three exchange-from-points and twenty-three exchange-to-points. These separate exchanges are listed in the Table 1 Exchange Matrix of Application. Exhibit 1 and 2 of the Application shows the approximate locations of the exchange reaches, exchange-to-points, and exchange-from-points. **Gilpin County Clear Creek Exchange Reach.** The attached **Exhibit 1** Map shows the approximate locations of the exchange reach, exchange-to-points, and exchange-from-points. The Map is incorporated herein by reference. The exchange reach extends from at or near the headgate of the Farmers High Line Canal, located on the North Bank of Clear Creek in the NW 1/4 SW 1/4, Section 27, T3S, R70W, 6th P.M., Jefferson County, Colorado, more particularly described in Case No. 89CW99, upstream on Clear Creek to its confluence with the Fall River, and then up Fall River to the City of Central's Fall River Pumping Pipeline located on the east bank of the Fall River in the SE 1/4 SE 1/4 of Section 28, T3S, R73W of the 6th P.M., Clear Creek County, Colorado, at a point from whence the South one quarter corner of Section 34, T3S, R73W, bears south 24 degrees 42'24" east a distance of 6,792.96 feet. **Gilpin County North Clear Creek Exchange Reach.** The exchange reach extends from at or near the headgate of the Farmers High Line Canal, located on the North Bank of Clear Creek in the NW 1/4 SW 1/4, Section 27, T3S, R70W, 6th P.M., Jefferson County, Colorado, more particularly described in Case No. 89CW99, upstream on Clear Creek to the confluence of Clear Creek and North Clear Creek and extends from said confluence up North Clear Creek to various diversion points on North Clear Creek and then extending up its tributaries which include Miners Gulch to a location approximately in Section 30, T2S, R73W, 6th P.M., Gilpin County; Peck's Gulch to a location in the NE 1/4 NW 1/4 of Section 5, T3S, R73W of the 6th P.M., Gilpin County, Colorado; Broomfield Gulch to a location approximately in the NE 1/4 NE 1/4 of Section 31, T2S, R73W of the 6th P.M., Gilpin County; Chase Gulch to a location in the NW 1/4 SW 1/4 of Section 3, T3S, R73W, 6th P.M., Gilpin County; Pickle Gulch to a location described in paragraph 4.3.2.11, below; and Missouri Creek to a location described in paragraph 4.3.2.15 below. **Exchange-to-Points/Points of Diversion:** Water will be diverted under the Gilpin County Clear Creek and North Clear Creek Exchanges respectively at the following points of diversion. **Gilpin County Clear Creek Exchanges: Fall River Pumping Pipeline** is located on the east bank of the Fall River in the SE 1/4 SE 1/4 of Section 28, T3S, R73W of the 6th P.M., Clear Creek County, Colorado, at a point from whence the South one quarter corner of Section 34, T3S, R73W, bears South 24 degrees 42'24" East a distance of 6,792.96 feet, as more particularly described and decreed in Case No. 94CW063, which decree is incorporated herein by reference. The source is the Fall River, tributary to Clear Creek, tributary to the South Platte River.; **Hidden Valley Surface Water Diversion Point** is located in the SW 1/4 SE 1/4 NE 1/4 of Section 32, T3S, R72W of the 6th P.M., Clear Creek County, Colorado, at a location 1,000 feet West of the East boundary of Section 32 and 2,140 feet South of the North boundary of Section 32, as more particularly described and decreed in Case No. 96CW463, District Court, Water Division 1, which decree is incorporated herein by reference. The source is water in Clear Creek, tributary to the South Platte River; **Hidden Valley Groundwater Diversion Point** is located in the SW 1/4 SE 1/4 NE 1/4 of Section 32, T3S, R72W of the 6th P.M., Clear Creek County, Colorado, at a location 800 feet West of the East boundary of Section 32 and 2,030 feet South of the North boundary of Section 32, as more particularly described and decreed in Case No. 96CW463, District Court, Water Division 1, which decree is incorporated herein by reference. The source is groundwater tributary to Clear Creek, tributary to the South Platte River; **Hidden Valley Diversion Point No. 3 (Infiltration Gallery)** is located under Clear Creek in the SW 1/4 of the SE 1/4 of the NE 1/4 of Section 32, T3S, R72W of the 6th P.M., at point 2,313 feet south of the North Section Line and 1,229 feet West of the East Section Line of said Section 32, as more particularly described and decreed in Case No. 12CW286, District Court, Water Division 1, which decree is incorporated herein by reference. The source is groundwater and surface water tributary to Clear Creek, a tributary to the South Platte River. **Gilpin County North Clear Creek Exchanges: Central City Chase**

Gulch Reservoir is located in the S 1/2 NW 1/4 and the N 1/2 SW 1/4, Section 2, and the SE 1/4 NE 1/4 of Section 3, T3S, R73W, 6th P.M., Gilpin County, Colorado as particularly described in Case No. 91CW125, District Court, Water Division 1, which decree is incorporated herein by reference, with a dam axis intersecting Chase Gulch at a point approximately 2,200 feet from the West Section Line and 2,590 feet from the South Section Line of said Section 2. The source is Chase Gulch and water in the drainages tributary to Chase Gulch, and water diverted by the Central City Pipeline and all of its diversion points in Miners Gulch, Peck's Gulch, and Broomfield Gulch, the Hole-In-the-Ground Reservoir, and water diverted from North Clear Creek by Central City's North Clear Creek Pumping Pipeline, all tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Black Hawk Chase Gulch Reservoir** is located in the S 1/2 NW 1/4 and the N 1/2 SW 1/4, Section 2, T3S, R73W, 6th P.M., Gilpin County, with a dam axis to intersect Chase Gulch at a point approximately 1,600 feet from the West Section Line and 2,400 feet from the North Section Line of said Section 2, as more particularly described and decreed in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source is water in Chase Gulch and water in the drainages tributary to Chase Gulch, and water diverted from North Clear Creek by Black Hawk's Upper North Clear Creek Pumping Station and Pipeline, all tributary to Clear Creek, tributary to the South Platte River; **Central City Pipeline, Miners Gulch Diversion** is located in the SE 1/4 SW 1/4, Section 30, T2S, R73W, 6th P.M., Gilpin County, Colorado, at approximately 1,700 feet from the West Section Line and 400 feet from the South Section Line of said Section 30, as particularly described and decreed in Case Nos. 91CW125 and 92CW168, District Court, Water Division 1. Also originally decreed in CA-41340, which decrees are incorporated by reference. The source is water in Miner's Gulch, tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Central City Pipeline, Peck's Gulch Diversion** is located in the NE 1/4 NW 1/4 of Section 5, T3S, R73W of the 6th P.M., Gilpin County, Colorado at a point approximately 2,100 feet from the West Section Line and 100 feet from the North Section Line of said Section 5, as particularly described and decreed in Case Nos. 91CW125 and 92CW168, District Court, Water Division 1. Also originally decreed in CA-41340, which decrees are incorporated by reference. The source is water in Peck's Gulch, tributary to North Clear Creek tributary to Clear Creek, tributary to the South Platte River; **Central City Pipeline, Broomfield Gulch Diversion** is located in the NE 1/4 NE 1/4 of Section 31, T2S, R73W of the 6th P.M., Gilpin County, Colorado, at a point approximately 200 feet from the East Section Line and 600 feet from the North Section Line of said Section 31, as particularly described and decreed in Case Nos. 91CW125 and 92CW168, District Court, Water Division 1, which decrees are incorporated by reference. The source is water in Broomfield Gulch, tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Hole-In-The-Ground Reservoir** is in the NW 1/4 SW 1/4, Section 3, T3S, R73W, 6th P.M., Gilpin County, Colorado, as particularly described in Case No. W-117, District Court, Water Division 1. Hole-in-the-Ground Reservoir is filled by diversions from Chase Gulch Reservoir that can be pumped to Hole-In-The-Ground Reservoir and diversions from the Central City Pipeline and its three diversion points in Miners Gulch, Pecks Gulch, and Broomfield Gulch, tributary to North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **North Clear Creek Pumping Pipeline** is located on the North bank of North Clear Creek at a point in the NW 1/4 SE 1/4 of Section 34, T2S, R73W of the 6th P.M., Gilpin County, Colorado at a point approximately 1,650 feet from East Section Line and 1,630 feet from the South Section Line of said Section 34. The source is water in North Clear Creek tributary to Clear Creek, tributary to the South Platte River; **Black Hawk North Clear Creek Pump Station (Infiltration Gallery No. 1)** is in the NW 1/4 SW 1/4 SW 1/4, Section 6, T3S, R72W, 6th P.M., Gilpin County, Colorado at a point located approximately 500 feet from the West Section Line and 1,100 feet from the South Section Line of said Section 6 and as particularly described in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source is water in North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Upper North Clear Creek Pump Station No. 1** is located on North Clear Creek in the NW 1/4 of the SW 1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 900 feet from the West Section Line and 2,100 feet from the South Section Line of said Section 34, as decreed in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source is water in North

Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Upper North Clear Creek Pumping Station & Pipeline** is located in the NE 1/4 SW 1/4 of Section 34, T2S, R73W of the 6th P.M., Gilpin County, Colorado, at a point approximately 2,500 feet from the West Section Line and 1,900 feet from the South Section Line of Section 34, as particularly described in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source of water is North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Pickle Gulch Reservoir** is located in the NW 1/4 SE 1/4 of Section 35, T2S, R73W of the 6th P.M., Gilpin County, Colorado, with a dam axis intersecting Pickle Gulch at a point approximately 1,500 feet from the East Section Line and approximately 1,700 feet from the South Section Line of said Section 35, as particularly described in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source of the water is Pickle Gulch and water in the drainages tributary to Pickle Gulch, a tributary of North Clear Creek and water diverted from North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Quartz Valley Reservoir** is located in an unsurveyed area, based on the 1975 USGS Central City 7-1/2 minute quadrangle map, in the NW 1/4 NW 1/4 Section 12, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 4,014 feet from the West Section Line of Section 7, Township 3 South, Range 72 West, and 259 feet from the South Section Line of Section 1, Township 3 South, Range 73 West, as particularly described in Case No. 10CW309, District Court, Water Division 1, which decree is incorporated herein by reference. The source of the water is Chase Gulch and water in the drainages tributary to Chase Gulch, a tributary of North Clear Creek, and waters diverted from North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **City of Black Hawk Effluent Diversion** is located in the NE 1/4 SW 1/4 of Section 26, T3S, R72W of the 6th P.M., Gilpin County, Colorado, at a point 1,550 feet East of the West Section Line and 2,100 feet North of the South Section Line of said Section 26. The source of the water is effluent discharged at said location including, but not limited to, the reusable effluent and water rights decreed in Case No. 93CW055, District Court, Water Division 1, on August 22, 2003, reusable effluent and water rights decreed in Case Nos. 94CW277 and 2003CW217; **Black Hawk Chase Gulch Diversion** is located the SW 1/4 NW 1/4 of Section 7, T3S, R72 W of the 6th P.M., Gilpin County, Colorado, at a point approximately 900 feet from the West Section Line and 2,200 feet from the North Section Line of Said Section 7, as particularly described in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source of the water is Chase Gulch and water in the drainages tributary to Chase Gulch, a tributary of North Clear Creek, and water diverted from North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Missouri Creek Reservoir** is located in the W 1/2 of Section 36, T2S, R73W of the 6th P.M., Gilpin County, Colorado, with a dam axis intersecting Missouri Creek at a point approximately 1,700 feet from the West Section Line and 2,400 feet from the North Section Line of said Section 36, as particularly described in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source of the water is water in Missouri Creek, and water in the drainages tributary to Missouri Creek, a tributary to North Clear Creek, and water diverted from North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Upper North Clear Creek Pump Station No. 2** is located in the NW 1/4 NE 1/4 of Section 2, T3S, R73W of the 6th P.M., Gilpin County, Colorado at a point located approximately 1,400 feet from the East Section Line and 400 feet from the North Section Line of said Section 2, as particularly described in Case No. 92CW058, District Court, Water Division 1, which decree is incorporated herein by reference. The source is water in North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Wheeler Diversion Point** is located on the South Bank of North Clear Creek in the SE 1/4 NW 1/4 Section 1, T3S, R73W of the 6th P.M., at a point approximately 1,969 feet from the North Section Line and approximately 2,287 feet from the West Section Line of said Section 1, as particularly described in Case No. 10CW309, District Court, Water Division 1, which decree is incorporated herein by reference. The source of water is water in North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; **Black Hawk North Clear Creek Diversion Point No. 1** is located in the NW 1/4 of the NW 1/4 of Section 17, T3S, R72W of the 6th P.M., at a point approximately 105 feet from the North section line and approximately 1,285 feet from the West section line of said Section 17, as particularly described in Case No. 10CW310, District Court, Water Division 1, which

decree is incorporated herein by reference. The source of water is water in North Clear Creek, tributary to Clear Creek, tributary to the South Platte River; ***Black Hawk North Clear Creek Diversion Point No. 2*** is located in the NW 1/4 of the NW 1/4 of Section 17, T3S, R72W of the 6th^h P.M., at a point approximately 105 feet from the North Section Line and approximately 1,285 feet from the West Section Line of said Section 17, as particularly described in Case No. 10CW310, District Court, Water Division 1, which decree is incorporated herein by reference. The source of water is water in North Clear Creek, tributary to Clear Creek, tributary to the South Platte River. **Exchange-from-Points/Points of Release of Substitute Supply:** A substitute supply of water will be released under the Gilpin County Clear Creek and North Clear Creek Exchanges from the following locations: ***Farmers' High Line Canal Headgate*** located on the North Bank of Clear Creek in the NW 1/4 SW 1/4, Section 27, T3S, R70W, 6th P.M., Jefferson County, Colorado, more particularly described in Case No. 89CW99; ***Coors Brewing Company's ("Coors") Farmers High Line Canal Augmentation Station*** located at a point on the North bank of Clear Creek in the NE 1/4 SW 1/4 of Section 27, T3S, R70W of the 6th P.M., Jefferson County, Colorado; ***Other augmentation stations from the Farmers High Line Canal*** if located on Clear Creek anywhere between the Farmers' Highline Canal Headgate and the intersection of Clear Creek and the East Section Line of Section 23, T3S, R70W, 6th P.M., Jefferson County, Colorado; ***Church Ditch Headgate***: located on the North Bank of Clear Creek in the NW 1/4 NE 1/4, Section 32, T3S, R70W, 6th P.M., Jefferson County, Colorado, more particularly described in Case No. 89CW99; ***Black Hawk's Church Ditch Augmentation Station***: located at a point on the North bank of Clear Creek in the NE 1/4 NE 1/4 of Section 32, T3S, R70W of the 6th P.M., Jefferson County, Colorado; ***Westminster's Church Ditch Augmentation Station*** located at a point on the North bank of Clear Creek in the NE 1/4 NE 1/4 of Section 32, T3S, R70W of the 6th P.M., Jefferson County, Colorado; ***Other augmentation stations from the Church Ditch on Clear Creek*** if located on Clear Creek anywhere between the Church Ditch Headgate and above the start of the City of Golden's White-Water Course decreed in Case No. 98CW448, which Course is located in the NW 1/4 of the NE 1/4 of Section 33, T3S, R70W of the 6th P.M., Jefferson County, Colorado, and its start located as specifically described in the 98CW448 decree; ***Black Hawk-Central City Sanitation District ("BHCC") Wastewater Treatment Plant and its outfall*** located in the NE 1/4 SW 1/4 of Section 26, T3S, R72W of the 6th P.M., Gilpin County, Colorado, at a point 1,550 feet East of the West Section Line and 2,100 feet North of the South Section Line of said Section 26. The source of the water is effluent discharged at said location including, but not limited to, reusable effluent decreed and included in Case Nos. 94CW277 and 2003CW217. For the purposes of Gilpin County's Clear Creek Exchanges, water from the BHCC Wastewater Treatment Plant will be delivered via North Clear Creek to the confluence of North Clear Creek and Clear Creek, and subsequently exchanged up to the exchange-to-points on Clear Creek. The Division Engineer or his designated representative may determine if transit losses apply to the delivery of such water to the confluence of North Clear Creek and Clear Creek and shall assess stream transit losses in the same manner as for other water users on the same stretch of stream. **Water and Water Rights to Be Used for Substitution and Exchange Supply:** ***One (1) share of the Farmers High Line Canal Company water rights*** The Farmers High Line Canal & Reservoir Company ("FHL") water rights were originally decreed in the original general adjudication of October 4, 1884, in Arapahoe County District Court, with a first supplemental adjudication in September 10, 1895, in Case No. 21886, Arapahoe County District Court, and a second supplemental adjudication on May 13, 1936, in Case No. 60052, Denver County District Court. Gilpin County has the following interests in the FHL water rights; ***Four (4.0) acre-feet of fully consumable water provided by Central City under an Intergovernmental Agreement dated May 20, 2003.*** Gilpin County is entitled to 4 acre-feet of fully consumable water annually from Central City pursuant to an Intergovernmental Agreement dated May 20, 2003. To the extent this fully consumable water is made available to Gilpin County at the Coors' Farmers High Line Canal Augmentation Station or other Augmentation Stations on Clear Creek from the Farmers High Line Canal, it may be included in the exchanges decreed herein that utilize the Farmers High Line Canal exchange- from-points; ***Gilpin County's Four (4) Church Ditch Inches.*** The Church Ditch water rights were originally decreed in the original general adjudication of October 4, 1884, in Arapahoe County District Court, with a first supplemental adjudication in September 10, 1895, in Case No. 21886, Arapahoe County District Court, and a second

supplemental adjudication on May 13, 1936, in Case No. 60052, Denver County District Court; ***Black Hawk Central City Wastewater Treatment Plant Reusable Effluent:*** Gilpin County's reusable effluent may be released from the BHCC Wastewater Treatment Plant or other treatment plants on North Clear Creek and Clear Creek that may be located within the exchange reaches set forth in this Decree. Gilpin County's reuse rights were recognized in the decrees in Case Nos. 94CW277, 2003CW217 and 2011CW273; **Four Acre-Feet of Fully Consumable Water Perpetually Provided by Central City Pursuant to an Intergovernmental Agreement Dated May 20, 2003.** Gilpin County's effluent rights also include 4.0 acre-feet of fully consumable water annually from Central City pursuant to an Intergovernmental Agreement dated May 20, 2003. This fully consumable water is available to Gilpin County on a year-round basis. The fully consumable water may be derived from various sources including reusable effluent from the BHCC Wastewater Treatment Plant at its present location or as it may hereafter be relocated. **Sources of Water:** The sources of water to be diverted by exchange in the above-described exchanges are Fall River, North Clear Creek, Clear Creek and all tributaries to these sources, including, but not limited to Miners Gulch, Peck's Gulch, Broomfield Gulch, Chase Gulch, Pickle Gulch, Missouri Creek, and all waters tributary to these tributaries as well. The source of substitute supply on North Clear Creek also includes reusable effluent including, but not limited to, reusable effluent resulting from Gilpin County's use of groundwater which is discharged after use from the BHCC Wastewater Treatment Plant or other future wastewater facility. **Priority Date of Gilpin County Clear Creek Exchanges and North Clear Creek Exchanges:** December 20, 2011; **Amount Decreed:** The Gilpin County Clear Creek and North Clear Creek Exchanges involve many separate exchanges. These separate exchanges and the amounts claimed for each are shown in the Table 1 - Exchange Matrix included in this Decree. With one exception, the amounts decreed for each of these separate exchanges is 1 c.f.s., conditional. The exception is the exchange involving the Central City Pipeline and Broomfield Gulch Diversion, which are each decreed an amount of 0.445 c.f.s., conditional. These exchanges will be operated so that maximum combined diversions at any one time under any of these claimed exchanges do not exceed 1 c.f.s. **Decreed Use of Exchanges:** All municipal uses including, without limitation, all uses authorized by the decree in Case No. 89CW99, irrigation, domestic, commercial, fire protection, recreational, and piscatorial, directly, after storage, or by augmentation of uses pursuant to the plan for augmentation decreed in Case No. 2003CW217 and 2011CW273 or a separately decreed augmentation plan. The water diverted by substitution and exchange is fully consumable and may be fully consumed by first use, reuse, and successive use or disposition to extinction and completely disposed of for the above-described purposes. The place of use of such water may be anywhere within Gilpin County that may be served by delivery from the exchange-to points. **Reasonable Diligence – Unified Water System Activities.** The Gilpin County Clear Creek and North Clear Creek Exchanges are part of the County's unified water system and integrated project to provide for Gilpin County's water needs. Those needs include helping enable water use and replacement of depletions from the County's Justice Center Wells, Justice Center Complex, and other County uses. Those Wells provide water for the many uses on the Justice Center Complex including the Gilpin County's Combined Courts, Recreation Center, Event Arena, athletic fields, and sites, parks, and certain County government offices. The Wells also provide water for maintaining Gilpin County roads and other projects and uses throughout Gilpin County. The use of water from Gilpin County's Justice Center Wells impacts Ralston Creek and Clear Creek including North Clear Creek. See Case Nos. 94CW277, 2003CW217, 2011CW273, 2011CW272, and 2011CW271. Additionally, the Exchanges will allow Gilpin County to move adequate water resources upstream to Gilpin County in the Clear Creek and North Clear Creek River Systems to support the needs of Gilpin County and its residents. Consequently, Gilpin County needs a multifaceted means of replacing depletions and effectively and efficiently managing its water needs, supplies, and development in both of these river systems. The Exchanges are some of the various features of Gilpin County's integrated system supporting the County's water needs. Gilpin County's diligence includes retaining water engineers, BBA Water Consultants, Inc. ("BBA"), and formerly retained and now dissolved private legal firm Petrock, Fendel, & Poznanovic, P.C. fka Petrock & Fendel, P.C. to assist in all water and water rights matters including the Gilpin County Clear Creek and North Clear Cree Exchanges. Additionally, Gilpin County personnel assist Gilpin County with these Exchanges and other water and water

rights matters. During the diligence period for Case No. 11CW272, Gilpin County expended approximately \$170,000.00 to BBA for water resource consulting services pertaining to the County's plan for augmentation for the Justice Center and Recreation Center facilities, including, but not limited to, assistance with operating Dory Lake, augmentation accounting, communications with the water commissioner and City of Arvada, and planning, operations, and management of Gilpin County's North Clear Creek water rights and supplies. These efforts included tasks applicable to Ralston Creek operations, Clear Creek basin operations and both basins. These efforts are further described below: **Ralston Creek Basin-Specific Tasks:** Prepared annual summaries of Dory Lake storage volume amounts for compliance with DLPOA lease agreement; On-going communications with the City of Arvada regarding Tucker Lake operations and Gilpin's storage accounts every month. Communication and coordination with the Water Commissioner and City of Arvada each year for in-priority diversion of water into Dory Lake during limited periods of available water; Monitoring of weather forecasts and spring runoff conditions for potential opportunities to store water in Dory Lake; Multiple site visits to Dory Lake to calibrate lake data logger and inlet ditch transducer; Communications with Road and Bridge Department regarding use of Slough Pond for diversions when needed and as water becomes legally available; Reviewed a SWSP Request by Colorado Parks and Wildlife (CPW) regarding pond depletions on Ralston Creek. Evaluated potential impact of depletions and replacement plan on Gilpin County's augmentation plan and Dory Lake operations; Reviewed Youth With a Mission SWSP on Ralston Creek and provided comments and concerns and Followed SWSP process; Various activities researching potential Tucker Lake share from Randolph property. Researched and obtained available historical photographs. Review aerial photos in detail for evidence of irrigation, land use. Review of County Assessor records regarding property ownership. Review prior change of use decrees for Tucker Lake shares, prepare summary table and provide to County Attorney. Various activities researching historical information and approximate value of Tucker Lake share potentially available and provided a brief summary to client. **Clear Creek Basin-Specific Tasks:** Requested and coordinated releases to be made by Central City on behalf of Gilpin to provide additional water supplies; Various communications with Central City and Black Hawk regarding joint use of Clear Creek basin water facilities (e.g., emails with Central City regarding acquisition of storage space in Chase Gulch Q1 2021); Communications with Central City regarding potential exchange operations. **Tasks Applicable to Both Ralston and Clear Creek Basins:** Revisions to and finalization of Gilpin's accounting forms for Case No. 11CW273 based upon requests by the Water Commissioner and the Division Engineer's Office. Prepare, review, and submit Gilpin's monthly water accounting report to the State; Ongoing monitoring of Ralston Creek and Clear Creek streamflow and call conditions; Annual communication with Farmers Highline augmentation station operator regarding Gilpin's augmentation station deliveries; Provided assistance with Gilpin's well meter calibration. Reviewed Gilpin's well permits and provided recommendations and considerations regarding the potential conditions of the well structures and pumps, including the Justice Center wells and a well located on a property acquired by Gilpin; Communicated with client and subcontractors regarding replacement and upgrade of water monitoring devices. Prepared detailed workplan regarding the same. Participated part-day in installation of water monitoring devices. Prepared a memorandum to document the installation of new water monitoring devices at Dory Lake; In response to a residential well complaint, reviewed information on Black Hawk wells, including diversion records, decrees, and agreements between Black Hawk and Gilpin County; prepared a memorandum summarizing Black Hawk and Gilpin County Justice Center municipal groundwater withdrawals and trends, and implications of those withdrawals to nearby wells. Prepared a map of Black Hawk and Gilpin County wells and various residential wells. Updated a figure presenting Gilpin County Justice Center well pumping and water levels. Researched and summarized well pumping amounts by Black Hawk. Interviewed local well driller and pump installer; Various activities related to leak at potable water storage tank. Requested approval from DWR to deduct tank leakage from well pumping volume; Addressed issues regarding possible water quality issues associated with County effluent used in Plan for Augmentation; Review of water rights applications by others in both Ralston and Clear Creek basins to ensure protection of County water resources and water rights; Preparation of County water operations manual/SOP guidelines for operations in both Clear Creek and Ralston Creek basins. **Outside Legal Counsel Diligence Work:**

Gilpin County's former water attorneys (Petrock Fendel Poznanovic P.C. fka Petrock & Fendel, P.C) regularly reviewed water court resumes and other matters that could affect exchange operations to determine if action was needed. Gilpin County's attorneys filed statements of opposition and participated in water court proceedings during the diligence period to protect its water rights including the Exchange. This work was done between 2016 and 2019. In 2020, Brad Benning former partner with Petrock Fendel Poznanovic, P.C. accepted an offer to come inhouse as the County Attorney for Gilpin County. Petrock Fendel Poznanovic P.C. regularly reviewed monthly resumes to protect Gilpin County's water rights and review accounting and regular updated provided by BBA; Petrock Fendel Poznanovic, P.C. completed final litigation and settlement necessary to obtain its decree in Case No. 2011CW271 in March 2016, which is part of Gilpin County's integrated water project and unified water system; Petrock Fendel Poznanovic, P.C. obtained a diligence decree in Case No. 2017CW3016 for an exchange originally decreed in Case No. 2003CW217 for return flows from water used from the Justice Center Wells. This exchange was also found to be part of Gilpin County's unified water system and integrated project. **Gilpin Personnel Diligence Work:** Gilpin County's employees performed regular maintenance, repair, and work on the unified water system and recorded data for the County's accounting for its augmentation plan and operations of Dory Lake and worked with the BBA as well as Petrock Fendel Poznanovic, P.C.; Gilpin County employees undertook investigation into improving the pumps and pump design and placement for better operation, longevity, capability, and efficiency. This work is presently ongoing; Gilpin County's inhouse legal department including the County Attorney and paralegal assist in reviewing all water and water rights related matters including the operation of this Exchange and related water matters, reviewing accounting provided by BBA reviewing water resumes for applications or other matters of concern, pursuing water rights purchases, addressing Gilpin County's water needs, maintaining contracts, payments, and business relationships with the ditch companies; Gilpin County further paid \$158,224.83 in this diligence period to preserve and continue Gilpin County's water rights and rights to use water infrastructure necessary for operations of its unified water system including annual payments for use of the Coors' augmentation station; lease of Dory Lake storage capacity from the Dory Lakes Property Owners' Association; Church Ditch Water Authority annual member fees and costs; and Denver View Res. and Irr. Co (Denver View) annual shareholder dues. **C.R.S. § 37-92-301(4)(b) and (c).** Gilpin County's diligence is especially reasonable considering the Covid-19 pandemic impact on Gilpin County. Gilpin County was the most heavily financially impacted county in the United States in 2020 and into 2021 due to the closure of most businesses in the County in 2020 and subsequent limited operations. This resulted in the loss of the County's tax revenue including the primary revenue source, gaming taxes from casinos. This impact as well as the public health impacts necessitated that Gilpin County issue a county-wide disaster declaration. The lack of revenue caused the need to furlough and then terminate approximately half of Gilpin County's employees and eliminate necessary capital improvements and needed equipment purchases. This created increased work and responsibilities for the remaining employees with less resources. The pandemic, its health impacts, and novel business and legal issues also created additional work. Addressing these issues became the primary and necessary focus of the County between 2020-2022. The County Attorney's transition from private practice to being inhouse as an employee of Gilpin County in 2020 also presented challenges during this incredible time given the amount of work the County Attorney was asked to handle while his office and large amount of files were in flux from his move and unable to be set up and organized because of his many new and additional responsibilities, lack of time, and lack of a paralegal, the budget for which was eliminated due the financial impacts caused by the pandemic, and his additional role as an acting County Manager from July 9, 2021 until March 6, 2022 due to a vacancy in that important position. **Names and address(es) of owner(s) or reputed owner(s) 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.** See **Exhibit 3** of Application.

REVISED (ORIGINALLY PUBLISHED IN FEBRUARY RESUME IN GILPIN COUNTY ONLY - REVISED TO BE PUBLISHED MARCH RESUME IN JEFFERSON COUNTY)

2022CW3027 BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN c/o County Manager, P.O. Box 366; 203 Eureka St., Central City, Colorado 80427 (Attorney: County Attorney Bradford Benning. APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR EXCHANGE AND TO MAKE ABSOLUTE ADDITIONAL AMOUNT OF EXCHANGE ABSOLUTE, **GILPIN AND JEFFERSON COUNTIES**, **Name of Appropriative Rights of Substitution and Exchange:** Gilpin County Ralston Creek Exchange (“Exchange”). **Introduction.** In Case No. 2003CW217, Gilpin County obtained a decree amending its augmentation plan that included operation of an exchange of water from Tucker Lake to both Dory Lake and the Dory Lake Inlet Ditch (hereinafter collectively “Dory Lake”). The exchange allows Gilpin County to store water upstream in Dory Lake for a like amount of Gilpin County’s Tucker Lake water available at Tucker Lake. The exchange will be operated by transferring, delivering, or releasing Gilpin County’s water in Tucker Lake at the Tucker Lake Inlet or at Tucker Lake itself. In Case No. 2003CW217, Gilpin County did not apply for a decreed priority for this exchange and subsequently obtained a decree for this Exchange in Case No. 2011CW272. **Legal Description of Exchange Reach and Points of Substitution and Exchange:** *Exchange Reach.* The attached Exhibit 1 Map from the decree in Case No. 11CW272 shows the approximate locations of the exchange reach, exchange-to-points, and exchange-from-points. The Map is incorporated herein by reference. The exchange reach extends from Tucker Lake, including but not limited to Tucker Lake itself and any future outlet works and its inlet through the Haines and Piquette Ditch on Ralston Creek in Jefferson County, upstream to both the Dory Lake Inlet Ditch and to Dory Lake itself in Gilpin County. *Exchange-to-Points/Points of Diversion:* Water will be diverted under the claimed exchange at the following points of diversion. Dory Lake Inlet Ditch: The Inlet Ditch to Dory Lake is located in the SE1/4 NW1/4, Section 29, T2S, R72W, 6th P.M., Gilpin County, Colorado, at a point approximately 1,350 feet east of the West Section Line and 2,225 feet south of the North Section Line of said Section 29. Dory Lake: Dory Lake is located in the SE1/4 NW1/4, Section 29, T2S, R72W, 6th P.M., Gilpin County, Colorado. Dory Lake itself is a decreed point of diversion for Dory Lake, diverting inflows and local runoff. *Exchange-from-Points/Points of Release of Substitute Supply:* A substitute supply of water will be released, booked over, or delivered under the exchange from or at the following locations. Tucker Lake Inlet: Tucker Lake is filled by the Haines and Piquette Ditch, the headgate of which is located on the north bank of Ralston Creek in the SE1/4 SW1/4, Section 33, T2S, R70W, 6th P.M., Jefferson County, Colorado. Tucker Lake: Tucker Lake is located in the S1/2 SW1/4, Section 35, T2S, R70W and the N1/2 NW1/4, Section 2, T3S, R70W, 6th P.M., Jefferson County, Colorado. This includes any release structure that currently exists or could be constructed in the future from Tucker Lake. Gilpin County’s available Tucker Lake water will be transferred from Gilpin County’s Tucker Lake storage account into Denver View’s account, Arvada’s account, or other accounts in Tucker Lake. Additionally, the water will also be released from Tucker Lake through outlet works that may be constructed in the future in Section 2, T3S, R70W and Section 35, T2S, R70W, 6th P.M., Jefferson County, Colorado. Gilpin County will not attempt to construct any outlet structure without first demonstrating or obtaining a legal right to do so. **Water and Water Rights to Be Used for Substitution and Exchange Supply:** Tucker Lake Water Rights. Gilpin County owns 8 of the 300 shares of capital stock of the Denver View Reservoir and Irrigation Company (“Denver View”), or 2.67% of Denver View. Denver View stock represents water rights totaling 1,064.6 acre-feet, which water rights are owned pro rata by the shareholders of Denver View. The Gilpin County portion of the Tucker Lake water rights are further described in Case Nos. 94CW277 and 2003CW217. Under these decrees, Gilpin County is entitled to storage and full consumptive use of up to 21.2 acre-feet annually under its Tucker Lake water rights; 11.15 acre-feet per year under Priority 2 (June 1, 1869) and 10.05 acre-feet under Priority No. 4 (March 19, 1899). **Source:** The source of water to be diverted by exchange at Dory Lake and/or through the Dory Lake Inlet Ditch is an unnamed tributary of

Ralston Creek sometimes referred to as South Ralston Creek and waters tributary to Ralston Creek. The source of water and water rights to be used for the substitution and exchange supply described herein is Ralston Creek. **Date of Initiation of Appropriation:** November 23, 2010. **Amount Decreed:** 21.2 acre-feet per year in total at a rate that is the lesser of either: (1) 3.0 c.f.s. or (2) the combined flow rate available at the Dory Lake Inlet Ditch and Dory Lake itself. A total of 8.27 acre-feet of this amount and 0.64 c.f.s. was decreed absolute and the remaining 12.93 acre-feet and 2.36 c.f.s. was decreed conditional. **Decreed Use:** All municipal uses, including without limitation irrigation, domestic, commercial, fire protection, recreational, and piscatorial, directly, after storage, or by augmentation of uses pursuant to the plan for augmentation decreed in Case No. 2003CW217 and 2011CW273 or a separately decreed augmentation plan. The water diverted by substitution and exchange is fully consumable and will be fully consumed by first use, reuse, and successive use or disposition to extinction and completely disposed of for the above-described purposes. **Additional Amount Claimed Absolute.** During the 2016 through 2021 seasons, Gilpin County has utilized and continued to work towards perfecting all of its Ralston Creek Exchange. Gilpin County has exchanged a portion of its Tucker Lake water up to Dory Lake in every year except 2016. In 2016, Gilpin County was able to fill Dory Lake under its own priorities. In the remaining years, the exchange was completed by diversions of water into storage in Dory Lake during times of a call from water rights owned by City of Arvada, with a like amount of water booked-over to Arvada in Tucker Lake. The maximum amount of water exchanged during this six-year period occurred in 2020. In 2020, water was delivered to storage in Dory Lake by exchange beginning May 11, 2020 and continuing through May 30, 2020. During this period a total of 14.78 ac-ft was exchanged to the Dory Lake Inlet Ditch. The decree in Case No. 11CW272 made 8.27 ac-ft of the 21.2 ac-ft exchange right absolute. Based on the water exchanged in 2020, an additional 6.51 ac-ft has been diverted and put to beneficial use since the original filing and should be determined absolute. During the diligence period, the maximum rate of exchange of 0.555 c.f.s. occurred on May 15, 2020. This exchange rate is less than the previously decreed absolute exchange rate of 0.64 c.f.s. Therefore, no additional exchange rate is being claimed absolute herein. All exchanges occurred with the knowledge and approval of the Water Commissioner and the City of Arvada, which operates Tucker Lake. **Reasonable Diligence.** Unified Water System Activities. The Gilpin County Ralston Creek Exchange is an integral feature in Gilpin County's unified water system and integrated project supporting Gilpin County's water needs in Gilpin County. The Exchange is dependent upon continued adequate water supplies, measurement, accounting, and operations of, water rights, the augmentation plan, and Dory Lake. This Exchange supports Gilpin County's water use from its Justice Center Wells on the Justice Center Complex, which is the location of Gilpin County's Combined Courts, Recreation Center, Event Arena, athletic fields and sites, parks, certain County government offices, as well as supporting Gilpin County's Public Works and Road and Bridge Department in maintaining Gilpin County roads and other projects throughout Gilpin County. The use of water from Gilpin County's Justice Center Wells impacts both Ralston Creek and North Clear Creek. See Case Nos. 94CW277, 2003CW217, 2011CW273, 2011CW272, and 2011CW271. Consequently, Gilpin County needs a multifaceted means of replacing depletions and effectively and efficiently managing its water needs, supplies, and development in both of these river systems. The Ralston Creek Exchange is an integral part of Gilpin County's unified water system by providing for Gilpin County's water needs and helping to better manage its water needs and replacement obligations within the Ralston Creek stream system. This Exchange allows Gilpin County to store water in Dory Lake, a location higher upstream and within the headwaters of Ralston Creek. This provides at times for greater utility in both water storage efficiency and replacement to impacted senior rights above Tucker Lake as well as providing redundancy and an alternate storage option depending on the circumstances. The exchange is part of the County's unified water system and integrated project allowing water use for the County's Justice Center Complex. Gilpin County's diligence includes retaining BBA Water Consultants, Inc. and formerly retained the now defunct private legal counsel (Petrock, Fendel & Poznanovic, P.C. fka Petrock & Fendel, P.C.) to assisting in all water and water rights matters including the Gilpin County Ralston Creek Exchange. Additionally, Gilpin County's employees assist Gilpin County with this Exchange and other water and water rights matters. During the diligence period for Case No. 11CW272, Gilpin County expended approximately \$170,000 to BBA Water Consultants, for water resource

consulting services pertaining to the County's plan for augmentation for the Justice Center and Recreation Center facilities, including, but not limited to, assistance with operating Dory Lake, augmentation accounting, and communications with the water commissioner and City of Arvada. These efforts included tasks applicable to Ralston Creek operations, Clear Creek basin operations and both basins. These efforts are further described below:

Ralston Creek Basin-Specific Tasks: Preparation of annual summaries of Dory Lake storage volume amounts for compliance with DLPOA lease agreement. Communications with the City of Arvada regarding Tucker Lake operations and Gilpin's storage accounts every month. Communication and coordination with the Water Commissioner and City of Arvada each year for in-priority diversion of water into Dory Lake during limited periods of available water. Monitoring of weather forecasts and spring runoff conditions for potential opportunities to store water in Dory Lake. Multiple site visits to Dory Lake to calibrate lake data logger and inlet ditch transducer. Communications with Road and Bridge Department regarding use of Slough Pond for diversions when needed and as water becomes legally available. Reviewed a SWSP Request by Colorado Parks and Wildlife (CPW) regarding pond depletions on Ralston Creek. Evaluated potential impact of depletions and replacement plan on Gilpin County's augmentation plan and Dory Lake operations. Reviewed Youth With a Mission SWSP Request on Ralston Creek and provided comments and concerns. Followed SWSP process. Various activities researching and assisted with the purchase of additional Tucker Lake share from Randolph property. Researched and obtained available historical photographs Review of County Assessor records regarding property ownership. Review prior change of use decrees for Tucker Lake shares, prepare summary table and provide to County Attorney. Various activities researching historical information and approximate value of Tucker Lake share potentially available and provided a brief summary to client. **Clear Creek Basin-Specific Tasks:** Requested and coordinated releases to be made by Central City on behalf of Gilpin to provide additional water supplies. Various communications with Central City and Black Hawk regarding joint use of Clear Creek basin water facilities (e.g., emails with CC regarding acquisition of storage space in Chase Gulch Q1 2021). Communications with Central City regarding potential exchange operations. **Tasks Applicable to Both Ralston and Clear Creek Basins:** Revisions to and finalization of Gilpin County's accounting forms for Case No. 11CW273 based upon requests by the Water Commissioner and the Division Engineer's Office. Prepare, review, and submit Gilpin County's monthly water accounting report to the State. Ongoing monitoring of Ralston Creek and Clear Creek streamflow and call conditions. Annual communication with Farmers Highline augmentation station operator regarding Gilpin County's augmentation station deliveries. Provided assistance with Gilpin County's well meter calibration. Reviewed Gilpin County's well permits and provided recommendations and considerations regarding the potential conditions of the well structures and pumps, including the Justice Center wells and a well located on a property acquired by Gilpin County. Communicated with client and subcontractors regarding replacement and upgrade of water monitoring devices. Prepared detailed workplan regarding the same. Participated in installation of water monitoring devices. Prepared a memorandum to document the installation of new water monitoring devices at Dory Lake. In response to a residential well complaint, reviewed information on Black Hawk wells, including diversion records, decrees, and agreements between Black Hawk and Gilpin County; prepared a memorandum summarizing Black Hawk and Gilpin County Justice Center municipal groundwater withdrawals and trends, and implications of those withdrawals to nearby wells. Prepared a map of Black Hawk and Gilpin County wells and various residential wells. Updated a figure presenting Gilpin County Justice Center well pumping and water levels. Researched and summarized well pumping amounts by Black Hawk. Interviewed local well driller and pump installer. Various activities related to a leak at potable water storage tank. Requested approval from DWR to deduct tank leakage from well pumping volume. Addressed issues regarding possible water quality issues associated with County effluent used in Plan for Augmentation. Review of water rights applications by others in both Ralston and Clear Creek basins to ensure protection of County water resources and water rights. Preparation of County water operations manual/SOP guidelines for operations in both Clear Creek and Ralston Creek basins. Outside Legal Counsel Diligence Work. Gilpin County's former water attorneys (Petrock Fendel Poznanovic P.C. fka Petrock & Fendel, P.C) regularly reviewed water court resumes and other matters that could affect the exchange

operation to determine if action was needed. Gilpin County's attorneys filed statements of opposition and participated in water court proceedings during the diligence period to protect its water rights including the Exchange. This work was done between 2016 and 2019. In 2020, Brad Benning, former partner with Petrock Fendel Pozanovic, P.C., accepted an offer to come inhouse as the County Attorney for Gilpin County. Petrock Fendel Pozanovic regularly reviewed monthly resumes to protect Gilpin County's water rights and review accounting and regular updated provided by BBA Water Consulting, Inc. Petrock Fendel Pozanovic, P.C. completed final litigation and settlement necessary to obtain its decree in Case No. 2011CW271 in March 2016, which is part of Gilpin County's integrated water project and unified water system. Petrock Fendel Pozanovic, P.C. obtained a diligence decree in Case No. 2017CW3016 for an exchange originally decreed in Case No. 2003CW217 for return flows from water used from the Justice Center Wells. This exchange was also found to be part of Gilpin County's unified water system and integrated project. County Personnel Diligence Work and County. Gilpin County's staff performed regular maintenance, repair, and work on the unified water system and recorded data for the County's accounting for its augmentation plan and operations of Dory Lake and worked with the County's water engineers, BBA Water Consultants, as well as Petrock Fendel Pozanovic, P.C., former water law firm for Gilpin County. Gilpin County staff undertook investigation into improving the pumps and pump design and placement for better operation, longevity, capability, and efficiency. This work is presently ongoing. Gilpin County staff engaged in water planning and development research periodically during this diligence period to assess the current needs, projects, and actions needed to address Gilpin needs in addressing its water needs including diligence and use of its water rights and exchanges. Gilpin County's legal department including the County Attorney and paralegal assist in reviewing all water and water rights related matters including the operation of this Exchange and related water matters, reviewing accounting provided by BBA Water Consultants, reviewing water resumes for applications or other matters of concern, pursuing water rights purchases addressing Gilpin County's water need, maintaining contracts, payments, and business relationships with the ditch companies, Gilpin County further paid \$158,224.83 in this diligence period to preserve and continue Gilpin County's water rights and rights to use water infrastructure necessary for operations of its unified water system including annual payments for use of the Coors' augmentation station; lease of Dory Lake storage capacity from the Dory Lakes Property Owners' Association; Church Ditch Water Authority annual member fees and costs; and Denver View Reservoir and Irrigation Co. (Denver View) annual shareholder dues; Gilpin County purchased 1 additional share in the Denver View in 2020 at a price of \$100,001.00 to be changed or otherwise incorporated into Gilpin County's water supply in the future.

Name(s) and address(es) of owner(s) or reputed owner(s) 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. Property owner of Tucker Lake: The City of Arvada, c/o Ken Peterson, Water Resources Administrator, P.O. Box 8101, Arvada, CO 80001-8101 Wendy Essert at 8101 Ralston Rd., Arvada, CO 80002, Email: ken-p@arvada.org with copy to Wendy Essert at wessert@arvada.org; and Arvada's water attorneys: Steven P. Jeffers and Madoline Wallace-Gross, Lyons Gaddis, PC Attorneys for City of Arvada, 950 Spruce Street, Suite 1B Louisville, CO 80027, Telephone: (720) 726-3671, E-mail: sjeffers@lyonsgaddis.com; mwg@lyonsgaddis.com. Property owner of Dory Lake: Dory Lakes Property Owners Association (DLPOA), c/o , Gary Sloneker, president of the DLPOA a P.O. Box 666, Black Hawk, CO 80422, Email: dorylakespoa@gmail.com; and DLPOA's water attorney Gilbert Marchand, Alperstein & Covell, P.C., 2299 Pearl St., Ste. 400-C, Boulder, CO 80302; Email: gym@alpersteincovell.com

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 31, 2022** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.