

**DISTRICT COURT, WATER DIVISION 1, COLORADO
MAY 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, protests to final revised abandonment list and certain amendments filed in the Office of the Water Clerk during the month of **MAY 2022** for each County affected.

2022CW4 (2016CW37, 2010CW96) MIKE PRYOR AND JANICE PRYOR, 7304 S. Robb St. Littleton, CO 80127. (303) 250-1185. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 08-20-2010 in case 10CW96, WD1. Subsequent decree: 08-07-2017 in case 16CW37, WD1. Well located SW 1/4, SW1/4, S5, T10S, R75W of the 6th PM in Park County. Lot 4, Filing 2, Elkhorn Ranches Subdivision aka 304 Caracara Ln. Source: Groundwater. Appropriation date: 02-28-1975. Amount: 15 gpm, Conditional. Use: Household use only inside a single-family dwelling not including irrigation.

2022CW5 and bifurcated protest Case No. 21CW3216. PROTESTANTS/OWNERS: BARBARA J. BARRON, 10888 E. 120th Ave., Henderson, CO 80640 **AND DONAVON N. SPARROW**, 10888 E. 120th Ave., Henderson, CO 80640. David P. Jones, David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970)622-8181; david@lcwaterlaw.com; dstrait@lcwaterlaw.com. **PROTEST TO FINAL ABANDONMENT LIST INVOLVING WATER RIGHTS IN ADAMS COUNTY**. 2. Description of Water Right: 2.1. Name of Structure: Petrocco Well 1 (WDID 0207616). 2.2. Date of Original Decree: April 10, 1974, Case No. W-2783, Water Division 1, 2.3. Legal Description: NE/4NW/4 Section 2, Township 2 South, Range 67 West, 6th P.M., Weld County, Colorado. 2.4. Source of Water: Groundwater. 2.5. Decreed Uses: Irrigation of approximately 18 acres NE/4NW/4 Section 2, Township 2 South, Range 67 West, 6th P.M., Weld County, Colorado. 2.6. Appropriation Date: November 30, 1944. 2.7. Decreed Amount: 1.55cfs. 2.8. Amount and use or uses listed as having been abandoned: 1.55cfs, all decreed uses. 2.9. Former District Number and Page Number where listed on Abandonment List: page 31 of 44. 2.10. Remarks: Protestants note that various documents regarding the Petrocco Well mistakenly indicate that the Well is located in Weld County, Colorado. However, the actual physical location of the Petrocco Well in the NE/4NW/4 Section 2, Township 2 South, Range 67 West, 6th P.M in Adams County, Colorado. 3. Statement of factual and legal basis for protest: 3.1 History of Ownership and Permitting The Petrocco Well 1 (“Petrocco Well”) was originally decreed to Albert Petrocco in Case No. W-2783 as Unregistered Well No. 1 for the irrigation of approximately eighteen (18) acres in the NE/4NW/4 Section 2, Township 2 North, Range 67 West, 6th P.M., Weld County, Colorado. The Decree in Case No. W-2783 was subsequently amended on April 10, 1974, to reflect the location of Unregistered Well No. 1 in the NE/4NW/4 Section 2, Township 2 South, Range 67 West, 6th P.M. See Exhibit 1. Protestants/Owners Barbara J. Barron and Donavon N. Sparrow (“Protestants”) obtained a certain parcel of property upon which the Petrocco Well is located by Warranty Deed dated September 16, 1994 and recorded September 26, 1994 at Reception No. C0019146 of the records of Adams County, Colorado (hereinafter the “Property”). See Exhibit 2. On April 4, 2011, the Division of Water Resources issued a Cease and Desist order to Protestants to curtail the non-exempt use of the Petrocco Well as decreed in Case No. W-2783 operating without a plan for augmentation or substitute water supply plan. In response to the April 4, 2011 Cease and Desist Order, Protestants abandoned all non-exempt use of the Petrocco Well and proceeded to downgrade the well for exempt uses. During this time, the Division of Water Resources represented that “the full water right for this well will be placed on the next decennial abandonment list.” See Exhibit 3. On May 22, 2012, Protestants submitted an application to register for the well for the exempt uses of irrigation of one (1) acre of land and the watering of poultry domestic animals and livestock on a farm or ranch and submitted an affidavit of abandonment of the nonexempt use. See Exhibit 3. Thereafter, Protestants were issued Well Permit No. 288376 on May 24, 2012. Well Permit No. 288376 allows for pumping of the Petrocco Well at a rate not to exceed 50gpm, use for fire protection, the watering of domestic animals, poultry and livestock on a farm or ranch, and the

irrigation of not more than 1-acre of home gardens and lawns. See Exhibit 4. 3.2 Abandonment The Petrocco Well water right was included on the initial Abandonment List of Water Rights in Water Division 1 dated July 1, 2020 (“2020 Abandonment List”), and the Final Revised Abandonment List of Water Rights in Water Division 1 dated December 20, 2021 (“Final Abandonment List”) published by the Division Engineer, Water Division No. 1 (“Division Engineer”). Findings of abandonment are strongly disfavored under Colorado law. *Wolfe v. Jim Hutton Educational Foundation*, 344 P.3d 855, 861 (Colo. 2015); *Williams v. Midway Ranches*, 938 P.2d 515,527 (Colo. 1997). A water right is abandoned when there is nonuse and intent to abandon. See *City & Cnty. of Denver v. Snake River Water Dist.*, 788 P.2d 772, 776 (Colo. 1990); *Arnold v. Roup*, 61 Colo. 316, 157 P. 206, 209 (1916). A rebuttable presumption of intent to abandon arises from the failure to apply a water right to beneficial use for ten years. C.R.S. § 37-92-402(11); *E. Twin Lakes Ditches & Water Works, Inc. v. Bd. of Cnty. Comm'rs*, 76 P.3d 918, 921 (Colo.2003). The burden of proof then shifts to the owner to rebut the presumption of abandonment. *Id.* Colorado Courts have identified various factors to determine whether a water right holder intended to abandon his water right, including: (1) repair and maintenance of diversion structures; (2) attempts to put the water to beneficial use; (3) active diversion records and non-appearance of the water right on the State Engineer's abandonment list; (4) diligent efforts to sell the water right; (5) filing documents to protect, change, or preserve the right; (6) leasing the water right; and (7) economic or legal obstacles to exercising the water right. See *Wolfe* at 859; *E. Twin Lakes* at 922. The Courts explained that while none of these factors is necessarily conclusive, their cumulative weight may be enough to rebut a presumption of abandonment. *Id.* In addition to use of the Well throughout their period of ownership of the Property, Protestants have continually used the Petrocco Well for its permitted uses under Well Permit No. 288376 since issuance on May 24, 2012. Protestants have not abandoned the water right associated with the Petrocco Well to the extent the same allows for use of the Well in accordance with Well Permit No. 288376. Further, Protestants expended time, money and resources to downgrade the well for uses permitted by Well Permit No. 288376 and more recently, for the installation of new measuring devices. See Exhibit 5. As detailed further in the attached Affidavits, Protestants have not shown, and do not have the intent to abandon the use of the Petrocco Well in accordance with Well Permit No. 288376. See Exhibits 6 and 7. The Division Engineer issued a notice dated July 1, 2020, of his determination of the abandonment of the Petrocco Well water right to Protestant Barbara J. Barron. No such notice of abandonment of the Petrocco Well water right appears to have been sent to and was not received by Protestant Donavon N. Sparrow. Due to the circumstances of the COVID-19 global pandemic, Protestants were unable to respond to the initial listing of the Petrocco Well water right on the 2020 Abandonment List. 3.3. Protest to Determination of Abandonment C.R.S. § 37-92-401 *et seq.* governs objections and protests to determinations of abandonment of water rights and in relevant part, provides as follows: *Any person wishing to object to the manner in which a water right or conditional water right is listed in the tabulation or to the omission of a water right or conditional water right from the tabulation, and not later than July 1, 1991, and every tenth anniversary thereafter, any person wishing to object to the inclusion of any absolute water right or portion thereof in the decennial abandonment list must file a statement of objection in writing with the division engineer.* C.R.S. § 37-92-401(3). *Any person who wishes to protest the inclusion of any water right in a decennial abandonment list after its revision by the division engineer shall file a written protest with the water clerk and with the division engineer. All such protests to the decennial abandonment list shall be filed not later than June 30, 1992, or the respective tenth anniversary thereafter. Such protest shall set forth in detail the factual and legal basis therefor. Service of a copy of the protest or any other documents is not necessary for jurisdictional purposes, but the water judge may order service of a copy of the protest or any other document on any person and in any manner which he or she may deem appropriate. The fee for filing such protest with the water clerk shall be forty-five dollars.* C.R.S. § 37-92-401(5)(a). Due to circumstances related to the COVID-19 global pandemic, including the hospitalization of Protestant Donavon N. Sparrow, Protestants did not initially file an objection to the inclusion of the Petrocco Well water right on the 2020 Abandonment List as provided by C.R.S. § 37-92-401(3). However, the filing of a protest to the abandonment of a water right pursuant to C.R.S. § 37-92-401(5)(a) is not conditioned upon a protestant first filing an objection to the initial determination of abandonment pursuant to C.R.S. § 37-92-401(3).

Accordingly, Protestants protest to the inclusion of the Petrocco Well water right on the Final Abandonment List is timely filed pursuant to C.R.S. § 37-92-401(5)(a). Protestants hereby protest to the Division Engineer's determination of abandonment of the Petrocco Well water right to the extent a determination of abandonment would result in the termination of Protestants continued ability to operate the Petrocco Well structure for all lawful uses pursuant to Well Permit No. 288376. Protestants respectfully file this protest to ensure that the abandonment of the Petrocco Well water right is limited to the non-exempt use of the Well as decreed in Case No. W-2783, and that that lawfully permitted exempt use of the Petrocco Well will not be affected. In accordance with C.R.S. § 37-92-401(5)(a), this protest has been contemporaneously filed with the Division Engineer. The deadline for filing an entry of appearance is **August 31, 2022**. This Protest consists of seven (7) pages.

2022CW6 and bifurcated protest Case No. 21CW3216. PROTESTANTS DAVID RUBERG AND TARA RUBERG, c/o Paul L. Noto, Esq. and Jason M. Groves, Esq. Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. **PROTEST TO FINAL ABANDONMENT LIST OF WATER RIGHTS IN JEFFERSON COUNTY.** Structure name. The Rosedale Ditch. Original decree. September 24, 1935, C.A. 91471, District Court, City and County of Denver. Legal description. Headgate originally located on the north bank of Bear Creek, in the SW ¼ of the SE ¼ of Section 6, Township 5 South, Range 71 West, in Jefferson County, Colorado, at a point whence the southeast corner of Section 6 bears south 36°13'30" east 2,284.8 feet. Source. Bear Creek, tributary to the South Platte River. Uses. Irrigation and domestic use, including livestock. Appropriation date. September 1, 1878. Amount. 0.5 c.f.s., absolute. Amount and uses listed as having been abandoned. 0.5 c.f.s. for irrigation and domestic. District number and page number where listed on Abandonment List. Water District 9, page 29, Case No. 21CW3216, Water Division 1. Factual and legal basis for the protest. The protestants and their predecessors have consistently beneficially used the Rosedale Ditch water right at its decreed point of diversion, and never intended to abandon the water right. Thus, there can be no abandonment. A full statement of the factual and legal basis is contained in the Protest, on file with the Water Court.

2022CW7 TRACY A. LARSON, 1905 15th St., Unit 4670, Boulder, CO 80306. (720) 314-3442. **APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE) IN BOULDER COUNTY.** Name of Structure: No Name Mtn Spring, NE ¼ SE ¼ NW ¼ S17 T1S R73W 6th PM, UTM Coordinates: Northing 4423808.9 Easting 449876.1. Source of UTMs: PLSS Locator. Source: unnamed tributary to Boulder Creek (00178354), Date of Appropriation 06-26-2020, appropriation was initiated: existing fifty (50) gallon barrel and pipeline at spring, amount claimed: 3.15 gpm, uses for cistern as domestic household/residential use including zoned forestry uses by right, personal hygiene, septic, construction, cooking, cleaning, recreation, and domesticated animal watering.

2022CW3050 and bifurcated protest Case No. 21CW3216. PROTESTANT HOWARD RASMUSSEN, c/o Cynthia Rasmussen-Dykes, Agent, 18 Tide Mill Road, Portland, Maine, 04102-1940, dykesc@gmail.com, **DAVID N. SONNESYN**, Attorney for Protestant/Owner, The Sonnesyn Law Firm, 655 4th Avenue, Suite B, Longmont, Colorado, 80501, sonnesyn@qwestoffice.net, Reg. #4260. **PROTEST TO FINAL ABANDONMENT LIST INVOLVING WATER RIGHTS IN WELD COUNTY.** 1. Howard V. Rasmussen, age 93, is the owner of the water right known as 2A. Nelson Well #1-10458-F, also known as the Hauck Sump. 2B. The original decree was December 31, 1971, Case #W-1335. 2C. The legal description of the structure is located whence the Southeast corner of Section 29, Township 2 North, Range 68 West of the 6th P.M. Weld County, Colorado, bears South 88°40'40" East, 2600.64 feet. 2D. The source of the water is groundwater used for 2E. irrigation of the SE ¼ of the SW ¼ of Section 29, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado. 2F. The appropriation date was March 5, 1965, decreed amount is 2 cfs. 2G. 1 cfs is owned by the Protestant. 3. The deadline for protesting was missed by the Protestant because of the name of the well and the age of Mr. Rasmussen. A protest was mailed on December 28, 2021, to the Division Engineer. This water right has been used over the last 10 years. Appropriation of this water was made in 2013, when it was shut down

by the Water Commissioner or a Division employee stating that because of groundwater being temporarily stored, the appropriation was not allowed if the water had been stored for more than 24 hours. This was a flood year, so none of the water was needed later that year. Attached are **Ex. A:** Power of Attorney and **Ex. B:** a map prepared by Mark McLean, Civil Engineer.

2022CW3067 Applicant: **DEUEL AND SNYDER IMPROVEMENT COMPANY**, c/o Brian Kembel, Ditch Board President, P.O. Box 89, Fort Morgan, CO 80701. Please send correspondence and pleadings to: David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronal Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; david@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE, IN MORGAN COUNTY**. 2. Previous Decrees: Case No. 14CW3167, dated May 18, 2016. 2.1. Name of Structure. Well No. 5 (Layne Doty), WDID #0106363 2.1.1. Legal Description. In the NE1/4 of the SW1/4 of Section 19, Township 4 North, Range 56 West of the 6th P.M., at a point 1650 feet from the South section line and 1350 feet from the West section line of said section 19. 2.1.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.1.3. Source. Groundwater tributary to the South Platte River. 2.1.4. Amount. 1.55 c.f.s. 2.1.5. Date of Appropriation. December 30, 2014 2.1.6. How Appropriation was Initiated: the filing of this application and the formation of the intent to appropriate water for beneficial use. 2.1.7. Date Water Applied to Beneficial Use: N/A 2.1.8. Remarks: The WDID number identified above for this well is incorrect. The correct WDID is #0107782. 2.2. Name of Structure: Well No. 8 (Guthrie Land Co.), WDID #0106777 2.2.1. Legal Description. In the SE1/4 of the SW1/4 of Section 27, Township 4 North, Range 57 West of the 6th P.M., at a point 310 feet from the South section line and 1500 feet from the West section line of said section 27. 2.2.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.2.3. Source. Groundwater tributary to the South Platte River. 2.2.4. Amount. 2.00 c.f.s. 2.2.5. Date of Appropriation. December 30, 2014 2.2.6. How Appropriation was Initiated: the filing of this application and the formation of the intent to appropriate water for beneficial use. 2.2.7. Date Water Applied to Beneficial Use: N/A 2.3. Name of Structure: Well No. 9 (Guthrie Land Co.) WDID #0106778 2.3.1. Legal Description. In the NW1/4 of the NE1/4 of Section 33, Township 4 North, Range 57 West of the 6th P.M., at a point 265 feet from the North section line and 2620 feet from the East section line of said section 33. 2.3.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.3.3. Source. Groundwater tributary to the South Platte River. 2.3.4. Amount. 3.81 c.f.s. 2.3.5. Date of Appropriation. December 30, 2014 2.3.6. How Appropriation was Initiated: the filing of this application and the formation of the intent to appropriate water for beneficial use. 2.3.7. Date Water Applied to Beneficial Use: N/A 2.4. Name of Structure. Well No. 15 (William Larrick), WDID #0108867 2.4.1. Legal Description. In the NW1/4 of the NW1/4 of Section 31, Township 4 North, Range 57 West of the 6th P.M., at a point 1028 feet from the North section line and 1540 feet from the West section line of said section 33. 2.4.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.4.3. Source. Groundwater tributary to the South Platte River. 2.4.4. Amount. 4.25 c.f.s. 2.4.5. Date of Appropriation. December 30, 2014 2.4.6. How Appropriation was Initiated: the filing of this application and the formation of the intent to appropriate water for beneficial use. 2.4.7. Date Water Applied to Beneficial Use: N/A 2.5. Name of Structure. Well No. 18 (Dwayne Cushman), WDID #0107987 2.5.1. Legal Description. In the SE1/4 of the NE1/4 of Section 24, Township 4 North, Range 57 West of the 6th P.M., at a point 2390 feet from the North section line and 250 feet from the East section line of said section 24. 2.5.2. Use. Recharge to the South Platte Alluvial aquifer for augmentation and replacement purposes. 2.5.3. Source. Groundwater tributary to the South Platte River. 2.5.4. Amount. 1.09 c.f.s. 2.5.5. Date of Appropriation. December 30, 2014 2.5.6. How Appropriation was Initiated: the filing of this application and the formation of the intent to appropriate water for beneficial use. 2.5.7. Date Water Applied to Beneficial Use: N/A 3. Outline of Work Toward Completion of the Appropriation During the Diligence Period. During the diligence period, Applicant diverted the Well No. 5 (Layne Doty) for recharge purposes. Amounts of up to 279 acre feet were delivered for recharge in 2020. The maximum rate of diversion achieved exceeded 1.09 c.f.s. Recharge accretions from said deliveries have been used as a source of replacement water in the plan for augmentation decreed

in Case No. 03CW222. 4. Claim for Finding of Reasonable Diligence and to Make Water Right Absolute. Applicant seeks a decree making the Well No. 5 absolute for the full 1.09 c.f.s. for augmentation and replacement purposes. Applicant seeks a finding that it has been reasonably diligent in the development of the remainder of the conditional water rights and a decree maintaining the water rights as conditional for the statutory period. The original format of this application is five pages in length.

2022CW3068 (04CW28, 15CW3121) TOWN CENTER METROPOLITAN DISTRICT, (“Town Center”); c/o Jerry Jacobs, District Manager; 25633 Roxana Point Dr Evergreen, CO 80439; (303) 359-9330; jacobs@timberlinedc.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN DENVER COUNTY, COLORADO.** 1. Please direct all pleadings and correspondence to: Douglas M. Sinor, Michael A. Kopp; Trout Raley; 1120 Lincoln Street, Suite 1600 Denver, Colorado 80203; Telephone Number: 303-861-1963. 2. Names of structures: A. Green Valley Ranch Alluvial Well #1. B. Green Valley Ranch Alluvial Well #2. C. Green Valley Ranch Alluvial Well Field, including up to four proposed wells in the alluvial aquifer of First Creek. 3. Description of Conditional Water Rights: A. Date of Original Decree: September 9, 2009. Case No.: 2004CW28. Court: District Court, Water Division No. 1. B. Subsequent Diligence/Absolute Decree: May 31, 2016. Case No.: 2015CW3121. Court: District Court, Water Division No. 1. C. Legal Description: i. Green Valley Ranch Alluvial Well #1: A proposed well to be located in the NW 1/4 of the NW 1/4 of Section 15, T3S, R66W, 6th P.M., City and County of Denver, Colorado, within 200 feet of a point 1,050 feet from the West line and 1,100 feet from the North line of said Section 15. ii. Green Valley Ranch Alluvial Well #2: A proposed well to be located in the SW 1/4 of the NE 1/4 of Section 15, T3S, R66W, 6th P.M., City and County of Denver, Colorado, within 200 feet of a point 2,240 feet from the East line and 2,315 feet from the North line of said Section 15. iii. Green Valley Ranch Alluvial Well Field: Up to four additional wells are proposed to be located in the Green Valley Ranch North development, which is located in Sections 14, 15, 22 and 23, T3S, R66W, 6th P.M., City and County of Denver, Colorado. D. Source of Water: Alluvial ground water tributary to First Creek, tributary to the South Platte River. E. Appropriation Date and Amount: i. Green Valley Ranch Alluvial Wells #1 and #2: Date: February 13, 2004. Amount: 200 gpm, 0.45 cfs, each, not to exceed a total of 450 acre- feet per year, conditional. ii. Green Valley Ranch Alluvial Well Field: Date: February 13, 2004. Amount: Each well will have a maximum pumping rate of 200 gpm, 0.45 cfs, conditional. The total combined maximum pumping rate for all wells will be 1,200 gpm, 2.7 cfs, conditional, not to exceed 450 acre-feet per year. F. Use: For all wells: Irrigation of the Green Valley Ranch Golf Course and surrounding trails, parks, green belts, schools and streetscapes within the Green Valley Ranch North development; recreation; fish and wildlife propagation; replacement of evaporation and seepage; augmentation and replacement by direct use or storage. The Green Valley Ranch Golf Course and the Green Valley Ranch North development are located in Sections 14, 15, 22 and 23, T3S, R66W, 6th P.M., City and County of Denver, Colorado. G. Depth: i. Green Valley Ranch Alluvial Well #1 and #2, and Green Valley Ranch Alluvial Well Field: unknown. 4. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed including expenditures during the previous diligence period: A. During the diligence period, Town Center performed water supply planning activities related to the subject conditional water rights, made numerous improvements to the existing irrigation system, and added irrigation areas. These activities are described in more detail below. B. Town Center evaluated supply and demand (including cost efficiency of alluvial wells versus other supply options) in 2019, 2020, and 2022. Town Center performed a pumping test on Pond 15 in 2021 to evaluate yield from the aquifer for Pond 15, as well as for Green Valley Ranch Alluvial Well #1 and #2, and the Green Valley Ranch Alluvial Well Field. Town Center expended approximately \$85,000 for consultants related to this work. C. Town Center developed an irrigation system and golf course irrigation pipeline map, which included individual zone data for use in increasing irrigation efficiency, maintenance and add-ons in 2017 and 2018. Town Center has updated the map annually with improvements to the system. Total cost for this work equaled approximately \$20,000. D. During the diligence period, Town Center performed maintenance on, as well as improvements to, the Green Valley Ranch irrigation system and the Denver Basin, nontributary irrigation wells, which provide a source of augmentation water for the subject water rights, pursuant to the

augmentation plan decreed in Case No. 04CW28. Town Center replaced pumps, flowmeters, SCADA equipment, and pipelines to maintain all water supply and irrigation systems. Town Center added irrigation improvements such as magnation treatments to improve irrigation efficiency and added updated irrigation software. This work involved approximately 50 staff hours and equipment and installation costs of approximately \$62,250. E. During the diligence period Town Center added new irrigation areas to the system, along with clocks and timer upgrades at a cost of approximately \$100,000. F. During the diligence period, Town Center maintained the irrigation system and operated the Green 15 Pond Well under the augmentation plan decreed in Case No. 04CW28. 5. Name and address of owners of land upon which all structures will be located or upon which water will be placed to beneficial use: Town Center Metropolitan District; 25633 Roxana Pointe Drive Evergreen, Colorado 80439 6. Remarks or any other pertinent information: WHEREFORE, Town Center respectfully requests that the Court enter an order and decree: A. Finding that Town Center has been reasonably diligent in the development of the conditional water rights described herein; and B. Continuing the conditional water rights decreed to the Green Valley Ranch Alluvial Well #1 and #2, and Green Valley Ranch Alluvial Well Field in full force and effect for another six-year diligence period; and C. Providing such other relief as the Court deems proper. (6 pages)

2022CW3069 (2015CW3125, 2008CW304, 2000CW102) SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT 6595 E. 70th Avenue, P. O. Box 597, Commerce City, CO 80022 (c/o Richard J. Mehren, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302 (303) 443-8782 **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, WELD, JEFFERSON AND CLEAR CREEK COUNTIES** 1. Name, address, and telephone number of Applicant: South Adams County Water and Sanitation District (“South Adams” or the “District”) c/o Kipp Scott, 6595 E. 70th Avenue, P. O. Box 597, Commerce City, Colorado 80022, kscott@sacwsd.org (303) 288-2646 2. Description of Conditional Water Right: 2.1 Name of structure: SACWSD Well No. 80. 2.2 Original decree: The conditional water right for SACWSD Well No. 80 was originally decreed by this Court in Case No. 2000CW102 on December 31, 2002. 2.3 Subsequent diligence decrees: A finding of reasonable diligence for this conditional water right was made and decreed by this Court in Case No. 2008CW304 on September 10, 2009, and in Case No. 2015CW3125 on May 5, 2016. 2.4 Decreed location: SW1/4 SE1/4, Section 29, T2S, R67W of the 6th P.M., Adams County, Colorado, at or within 200 feet of a point 916 feet from the South section line and 1,640 feet from the East section line of said Section 29. The decreed location of SACWSD Well No. 80 is shown on the map attached as **Exhibit A**. 2.5 Appropriation date: May 30, 1996. 2.6 Amount: 2,000 gpm CONDITIONAL, subject to an annual volumetric limit of 1,600 acre-feet. 2.7 Source: Ground water tributary to the South Platte River. 2.8 Depth: Approximately 100 feet. 2.9 Use: Municipal water supply for South Adams County Water and Sanitation District for domestic, commercial, industrial, fire protection, irrigation, recreation, fish and wildlife preservation and propagation and all other beneficial municipal uses of said District. 2.10 Well Permit: N/A. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** 3. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use: The conditional water right decreed to SACWSD Well No. 80 described in paragraph 2, above, that is the subject of this application is referred to as the “Well No. 80 Water Right.” The diligence period for the Well No. 80 Water Right is May 2016 through May 2022 (“Diligence Period”). The Well No. 80 Water Right is an integral component of the District’s overall water supply system, and the District has during the Diligence Period and will continue to pursue development and beneficial use of this water right as growth continues and water demands increase within District. The District provides water and wastewater services to approximately 65,000 customers in Commerce City and Adams County. The District maintains a diverse portfolio of water rights – both conditional and absolute – in order to provide potable and non-potable water to its present and future customers. The District owns the land on which SACWSD Well No. 80 will be built and has secured all easements necessary for construction of the well and associated infrastructure. The Well No. 80 Water Right is part of the District’s integrated water supply system to supply water for municipal purposes. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in

finding that reasonable diligence has been shown on the development of the water rights for all features of the entire project or system.” C.R.S. §37-92-301(4)(b). Consequently, all work and expenditures by the District in connection with its municipal water system directly and indirectly constitute part of the District’s reasonable diligence in developing the Well No. 80 Water Right. During the Diligence Period, the District has engaged in the following activities and incurred the following costs in its efforts to develop, operate and maintain its municipal water supply system and develop the Well No. 80 Water Right, to complete the appropriation, and place the water to beneficial use: 3.1 The District has incurred an average of approximately \$3,800,000 per year in general costs and expenses in support of its municipal water supply system and for maintaining, protecting and expanding its system. 3.2 Over the Diligence Period, the District has incurred an average of \$76,000 per year in engineering fees for engineering work in support of its municipal supply system generally, and has incurred additional engineering fees each year associated with specific capital improvement projects. 3.3 On average during the Diligence Period, the District spent approximately \$3,500,000 per year on capital improvement projects associated with its municipal supply system. Since 2015, the District’s improvements have been focused on increasing the availability of non-potable water for irrigation uses within the District, and beginning in 2017, the District undertook an expansion of its non-potable irrigation supply. The District estimates that it will ultimately spend more than \$202 million for build-out of its municipal water system by 2056. 3.4 The District incurred a total of approximately \$750,000 in engineering fees associated with maintenance of its existing water supplies, including but not limited to such activities as accounting for the District’s water use, operation of and accounting for the District’s plan for augmentation, protecting the District’s water rights from injury by opposing water court applications, and assisting the District with daily water operations. Of the total amount of engineering fees incurred during the Diligence Period, approximately \$10,000 was spent on operating, maintaining, and accounting for the District’s plan for augmentation, which is part of the District’s integrated system along with the SACWSD Well No. 80. 3.5 The District has incurred a total of \$1,558,000 in legal fees to obtain decrees for water rights that are part of the District’s integrated water system and for participating as an opposer in various Water Court cases to protect the District’s water rights against injury from other water users. 3.6 Additionally, the District has and continues to work with the City of Commerce City on planning, growth projections and water supply demands, as the District’s service area is primarily within the City’s boundaries. In addition to in-house staff time at the District, the District incurred approximately \$1,400,000 in consultants’ fees for planning-related work during the Diligence Period. 4. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, the District respectfully requests that the Court enter a decree finding that the District has proceeded with reasonable diligence toward the completion of the appropriation of the Well No. 80 Water Right, and continuing in full force and effect for an additional diligence period the Well No. 80 Water Right.

2022CW3070 (85CW406)(97CW140)(06CW205)(15CW3009) – APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY – 1. Name and Mailing Address of Applicant. CITY OF LAFAYETTE, c/o City Administrator, 1290 South Public Road, Lafayette, Colorado 80026. Attorney for City of Lafayette: David F. Bower, #39405, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900; Fax: (303) 442-0191; E-mail: dfbower@j-rlaw.com. 2. Overview. By this application, Lafayette seeks to continue the conditional portion of the water right decreed to the Goose Haven Reservoir Complex. A map of the Goose Haven Reservoir Complex and its filler structures is attached hereto as Exhibit A. **3. Name and Description of Conditional Storage Right.** (a) Name of Structure. Goose Haven Reservoir Complex. (b) Original and Subsequent Decrees. The Goose Haven Reservoir Complex was originally decreed on April 11, 1991, in Case No. 85CW406, Water Division 1. Decrees awarding findings of reasonable diligence and making portions of the right absolute were entered on September 28, 2000, in Case No. 97CW140, Water Division 1, January 30, 2009, in Case No. 06CW205, Water Division 1, and May 18, 2016, in Case No. 15CW3009,

Water Division 1. (c) Legal Description of Structure. The Goose Haven Reservoir Complex consists of interconnected excavated clay lined reservoirs located in Sections 15, 16, 21, and 22, Township 1 North, Range 69 West, of the 6th P.M. (d) Source. Boulder Creek, South Boulder Creek, Dry Creek, and all the tributaries to these streams upstream of the points of diversion described below. (e) Points and Rate of Diversion. The Goose Haven Reservoir Complex is off-channel and is decreed to fill from the following points of diversion at the rates described below: (i) Lower Boulder Ditch. The Lower Boulder Ditch diverts from the south bank of Boulder Creek, in the SW1/4 SW1/4 of Section 16, Township 1 North, Range 69 West, of the 6th P.M., at a point approximately 1,100 feet north and 600 feet east of the Southwest Corner of said Section 16, at a rate of 27.62 cfs, absolute, and 22.38 cfs, conditional. (ii) Lafayette Boulder Creek Pipeline No. 1. The Lafayette Boulder Creek Pipeline No. 1 diverts from the south bank of Boulder Creek in the SW1/4 NE1/4 of Section 13, Township 1 North, Range 70 West, of the 6th P.M., at a point approximately 2,476 feet south of the north section line and 2,500 feet west of the east section line of said Section 13, at a rate of 25.0 cfs, absolute. (iii) Leyner-Cottonwood Ditch. The Leyner-Cottonwood Ditch diverts from the east bank of Dry Creek, in the SW1/4 NW1/4 of Section 30, Township 1 North, Range 69 West, of the 6th P.M., at a point approximately 2,500 feet south and 900 feet east of the Northwest Corner of said Section 30, at a rate of 12.5 cfs, absolute. (f) Appropriation Date. January 22, 1985. (g) Amount. 1,161.6 acre-feet, conditional, and 1,038.4 acre-feet, absolute. The Goose Haven Reservoir Complex was decreed for 2,200 acre-feet, conditional. In Case No. 97CW140, 582 acre-feet was recognized as absolute. In Case No. 15CW3009, an additional 456.4 acre-feet was recognized as absolute, bringing the total absolute to 1,038.4 acre-feet. (h) Decreed Uses. Municipal, domestic, industrial, commercial, recreational, irrigation, piscatorial, and all other beneficial purposes related to, occurring in, or deriving from the operation of the City of Lafayette municipal utility system. Lafayette is also allowed to use this water for augmentation, replacement, or exchange purposes decreed in Case Nos. 79CW387, 90CW108 and 97CW195, and as may be allowed by future decrees of the Water Court. **4. Claim for Finding of Reasonable Diligence**. Lafayette requests that the Water Court continue the 1,161.6 acre-feet conditional Goose Haven Reservoir Complex water right. Besides storing water under the subject right during the diligence period from May 2016 through May 2022, the following activities have been performed to develop the subject water right to its full decreed amount, and show that Lafayette has diligently pursued the development of and continues to have a need for the Goose Haven Reservoir Complex conditional right: (a) Expansion of Complex. The Goose Haven Reservoir Complex has continued to be mined throughout the entire diligence period. Currently, there are a total of five cells that have either been finished or are under construction. The capacity of the two finished cells at last survey was determined to be ~1,750 acre-feet, and the total anticipated capacity at full build-out is estimated to be between 3,500 and 4,000 acre-feet. More detailed stage-area-capacity tables will be created once all the cells are completed. Lafayette continues to work with its operator to have the gravel pits excavated and lined consistent with the requirements of the Division of Water Resources and Division of Mining, Reclamation and Safety. (b) Reuse Line. A raw water line extending from Coal Creek near the location of Lafayette's wastewater treatment plan to the Goose Haven Reservoir Complex has been designed and is the process of being constructed. (c) Other System Improvements. Lafayette also continues to plan for, design, and implement other major water supply system improvements, which includes and relies in part on storage in Goose Haven Reservoir Complex to meet the demands of the community. (d) Other Water Court Cases. Lafayette prosecuted applications in Case Nos. 2018CW3035, 19CW3020, 19CW3201, and 19CW3201, all of which involve diligence for conditional exchange rights on Coal Creek, Boulder Creek, Dry Creek, and South Boulder Creek. The decrees were entered on April 16, 2019, October 13, 2019, June 17, 2020, and August 27, 2020, respectively. Lafayette also coordinated with the City of Boulder on a water storage application for the Gross Reservoir Environmental Pool as envisioned in Intergovernmental Agreements with the City and County of Denver, acting by and through its Board of Water Commissioners, and the City of Boulder. That decree was entered on February 11, 2021, in Case No. 17CW3212. Lafayette has also participated as an opposer in numerous Water Court matters to protect the conditional water right being continued in this case. (e) General Costs. Lafayette has also incurred general operational, engineer, and legal costs during the subject diligence period relating to the subject rights, including diverting the subject rights, operating

Lafayette's water treatment system, and monitoring and evaluating other water rights cases on Boulder Creek, South Boulder Creek, and Dry Creek to protect the Goose Haven Reservoir Complex and other water rights in its portfolio against injury. **5. Name of Landowner upon which any New or Modified Diversion Structure is Located.** The Goose Haven Reservoir Complex is on land owned by Lafayette. (5 pages plus exhibits)

2022CW3071 OAK BLUFF SUBDIVISION, LLC AND SUNDOWN SUBDIVISION, LLC, 609 W Littleton Blvd, Suite 206, Littleton, CO 80120. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: Approximately 177.323 acres on 4 contiguous parcels generally located in the N1/2 of the NE1/4 of Section 1, Township 8 South, Range 66 West of the 6th P.M., and the N1/2 of the NW1/4 and the NW1/4 of the NE1/4 of Section 6, Township 8 South, Range 65 West of the 6th, P.M., Douglas County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). Applicants are the sole owners of the Subject Property and there are no lien or mortgage holders, therefore no notice is required under C.R.S. 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amount: 12 acre-feet of the Upper Dawson Aquifer groundwater was reserved for exempt uses under Parcel A in Case No. 1995CW288 (the "95CW288 Decree"). The Subject Property is a part of Parcel A. By this application Applicants wish to decree and augment said 12 acre-feet. Applicants own all of the groundwater underlying the Subject Property. Proposed Uses: Domestic, including in-house use, commercial, irrigation, stockwatering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 12 acre-feet per year for 100 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used in up to twelve (12) wells, each withdrawing in up to 1 acre-foot per year as follows, in-house use (0.3 acre-feet per year per well), irrigation, including home lawn, garden, and trees, of up to 12,000 square-feet per lot (0.6 acre-feet per well), stockwatering for up to 8 domestic animals per lot (0.1 acre-feet per lot), and fire protection, on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

2022CW3072 (13CW3053) APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY – 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicant. MARTIN MARIETTA MATERIALS, INC. c/o James

Sharn, Natural Resource Manager, 1627 Cole Boulevard, Suite 200, Lakewood, Colorado 80401, Phone: (720) 245-6400, E-mail: James.Sharn@martinmarietta.com. Copies of all pleadings and other correspondence to: David F. Bower, Esq., Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900, Fax: (303) 442-0191, E-mail: dfbower@jrlaw.com. With copy to: Martin Marietta Materials, Inc., c/o Martin Stratte, Assistant General Counsel, 4123 Parklake Avenue, Raleigh, North Carolina, 27612, Phone: (919) 783-4682, E-mail: Martin.Stratte@martinmarietta.com. **2. Original Decree.** The conditional water rights that are the subject of this application were decreed on May 23, 2016, in Case No. 13CW3053, Water Division 1. **3. Description of Conditional Storage Right.** (a) Name of Structure. Spec Agg Pit. (b) Legal Description. The approximate center of the Spec Agg Pit is located at a point from whence the NW corner of Section 15, Township 4 South, Range 70 West of the 6th P.M. bears North 47°0' West approximately 2,200 feet. A map showing the location of the Spec Agg Pit is attached as Exhibit A. (c) Sources. Jackson Gulch and an unnamed tributary to Lena Gulch, both of which are tributary to Lena Gulch, tributary to Clear Creek, tributary to the South Platte River. (d) Point and Rate of Diversion. The Spec Agg Pit is on the channel of Jackson Gulch. The Spec Agg Pit may also fill from an unnamed tributary of Lena Gulch through the Lena Gulch Feeder Ditch No. 2 at a rate of 2.0 cfs. (e) Appropriation Date. October 30, 2015. (f) Amount. 320 acre-feet, conditional. (g) Uses. Commercial and industrial purposes, reclamation of mined lands, irrigation, dust control, concrete and asphalt production, rock washing, replacement of return flows, and augmentation and exchange. (h) Remarks. The Spec Agg Pit is also decreed as an alternate place of storage for the Magic Mountain Reservoir, which is described in ¶11 of the decree in Case No. 13CW3053. **4. Description of Conditional Direct Flow Right.** (a) Name of Structure. Lena Gulch Feeder Ditch No. 2. (b) Legal Description. The point of diversion for the Lena Gulch Feeder Ditch No. 2 is located at a point from whence the NE corner of Section 15, Township 4 South, Range 70 West of the 6th P.M. bears North 19°46' East approximately 1,743 feet. A map showing the location of the Lena Gulch Feeder Ditch No. 2 is attached as Exhibit A. (c) Source. An unnamed tributary of Lena Gulch, tributary to Lena Gulch, tributary to Clear Creek, tributary to the South Platte River. (d) Appropriation Date. October 30, 2015. (e) Amount. 2.0 cfs, conditional. (f) Uses. Commercial, industrial, reclamation of mined lands, irrigation, dust control, concrete and asphalt production, rock washing, replacement of return flows, and augmentation and exchange, both directly and after storage in Magic Mountain Reservoir or the Spec Agg Pit. **5. Description of Conditional Appropriative Rights of Exchange.** (a) Name of Exchange. Coors Lease Exchange. (b) Exchange-From Point. The downstream terminus of the Coors Lease Exchange is the confluence of Clear Creek and Lena Gulch, in the SW1/4 of Section 22, Township 3 South, Range 69 West of the 6th P.M. (c) Exchange-To Points. The upstream termini of the Coors Lease Exchange are described as follows: (i) Magic Mountain Reservoir. On Jackson Gulch, at a point that bears North 71°20' East approximately 933 feet from the south corner of Section 10, Township 4 South, Range 70 West of the 6th P.M. (ii) Lena Gulch Feeder Ditch. On the west bank of Lena Gulch, at a point from whence the NE corner of Section 15, Township 4 South, Range 70 West of the 6th P.M. bears North 11°0' East approximately 2,050 feet. (iii) Apex Gulch Feeder Ditch. On the south bank of Apex Gulch Creek, at a point from whence the SW corner of Section 10, Township 4 South, Range 70 West of the 6th P.M., bears South 72°40' East approximately 3,480 feet. (iv) Spec Agg Pit. On Jackson Gulch, at a point from whence the NW corner of Section 15, Township 4 South, Range 70 West of the 6th P.M. bears North 47°0' West approximately 2,200 feet. (v) Lena Gulch Feeder Ditch No. 2. On an unnamed tributary of Lena Gulch, at a point from whence the NE corner of Section 15, Township 4 South, Range 70 West of the 6th P.M. bears North 19°46' East approximately 1,743 feet. (d) Appropriation Dates. (i) Exchange to Magic Mountain Reservoir. March 22, 2007. (ii) Exchange to Lena Gulch Feeder Ditch. March 22, 2007. (iii) Exchange to Apex Gulch Feeder Ditch. March 22, 2007. (iv) Exchange to Spec Agg Pit. October 30, 2015. (v) Exchange to Lena Gulch Feeder Ditch No. 2. October 30, 2015. (e) Amounts. (i) Exchange to Magic Mountain Reservoir. 0.06 cfs, absolute, 0.94 cfs, conditional. (ii) Exchange to Lena Gulch Feeder Ditch. 1.0 cfs, conditional. (iii) Exchange to Apex Gulch Feeder Ditch. 0.08 cfs, absolute, 0.92 cfs, conditional. (iv) Exchange to Spec Agg Pit. 1.0 cfs, conditional. (v) Exchange to Lena Gulch Feeder Ditch No. 2. 1.0 cfs, conditional. (f) Uses. The exchanged water is to be stored in Magic Mountain Reservoir and the Spec Agg Pit and to be used for industrial, commercial, reclamation,

irrigation, dust control, concrete and asphalt production, rock washing, plant operations, replacement of evaporation from ponds and reservoirs, augmentation of out-of-priority depletions at the Spec Agg Quarry, and to replace return flows under the decree entered in Consolidated Case Nos. 90CW215 and 91CW47 (referred to in Case No. 13CW3053 as the Consolidated Decree). **6. Claim to Make Absolute in Part.** Since the decree was entered in Case No. 13CW3053, Applicant has made absolute certain portions of the subject conditional water rights by storing, diverting, and/or exchanging water in-priority for their decreed beneficial uses. An engineering letter report prepared by Applicants' water resources consultants, BBA Water Consultants, Inc., evidencing that certain of the subject rights have been made absolute in the amount and for the uses claimed is attached hereto as Exhibit B. Applicant's request that the conditional water rights be made absolute in the amounts and for the uses as follows: (a) Spec Agg Pit. 154.92 acre-feet of the Spec Agg Pit storage right should be made absolute for all decreed uses. As shown in Applicant's April 2019 accounting for the Spec Agg Quarry, a total of 154.92 acre-feet was in storage under the Spec Agg Pit storage right on April 10, 2019. All storage was during periods in which the Spec Agg Pit storage right was in-priority. The remaining 165.08 acre-feet right should be continued as conditional. (b) Coors Lease Exchange. (i) Exchange to Magic Mountain Reservoir. An additional 0.22 cfs of the Coors Lease Exchange to Magic Mountain Reservoir should be made absolute for all decreed uses. As shown in Applicant's April 2021 accounting, the exchange was operated in priority on April 27, 2021 at a rate of 0.28 cfs. The remaining 0.72 cfs exchange right should be continued as conditional. (iii) Exchange to Apex Gulch Feeder Ditch. An additional 0.20 cfs of the Coors Lease Exchange to the Apex Gulch Feeder Ditch should be made absolute for all decreed uses. As shown in Applicant's April 2021 accounting, the exchange was operated in priority on April 27, 2021 at a rate of 0.28 cfs. The remaining 0.72 cfs exchange right should be continued as conditional. (iv) Exchange to Spec Agg Pit. 0.28 cfs of the Coors Lease Exchange to the Spec Agg Pit should be made absolute for all decreed uses. As shown in Applicant's April 2021 accounting, the exchange was operated in priority on April 28, 2021. The remaining 0.72 cfs exchange right should be continued as conditional. **7. Claim for Finding of Reasonable Diligence.** Applicant seeks to continue as conditional the water rights from Case No. 13CW3053 that are not claimed to be made absolute in this case, including the 2.0 cfs decreed to the Lena Gulch Feeder Ditch No. 2 and the 1.0 cfs Coors Lease Exchange to the Lena Gulch Feeder Ditch and Lena Gulch Feeder Ditch No. 2. Applicant also seeks to continue the conditional portions of the Spec Agg Pit storage right and Magic Mountain Reservoir, Apex Gulch Feeder Ditch, and Spec Agg Pit exchange rights set forth in paragraph 6 above, as well as any right not recognized as absolute as requested in paragraph 6 above. Besides storing and exchanging water under the conditional rights decreed in Case No. 13CW3035 during the diligence period from May 2016 through May 2022, the following activities were performed to develop the subject water rights to their full decreed amounts and uses, and show that Applicant continues to have a need for the conditional rights: (a) Expansion of Spec Agg Pit. The Spec Agg Pit has continued to be mined throughout the diligence period, developing capacity for the subject storage right. (b) Capital Improvements. In addition to continued mining, Applicant installed a new wash down exit road at an approximate cost of \$150,000. This is in addition to the other general capital costs associated with the acquisition and operation of the quarry. (c) Liner Test. Applicant also had a liner test completed on the Spec Agg Pit in 2018. (d) General Maintenance. Applicant also incurred general maintenance costs associated with the subject structures, including weed control along the Apex Feeder Ditch. (e) Other Water Court Cases. Applicant prosecuted another diligence case in Case No. 20CW3155, which involved the Spec Agg Pit site and certain of the structures that are implicated by this application. The decree in that case was entered on July 6, 2021. Applicant has also participated as an opposer in Water Court matters to ensure that the conditional water rights being continued in this case are not injured. (f) General Legal and Engineering Costs. Applicant has also incurred general legal and engineering costs during the subject diligence period in performing water rights related work, including monitoring and evaluating other water rights cases on Clear Creek, in order to protect the subject rights and other water rights in its portfolio against injury. **8. Name of Landowner upon which any New or Modified Diversion Structure is Located.** There are no new or modified structures implicated by this application. All of the subject structures are on land owned by Martin Marietta Materials Real Estate Investments, Inc., PO Box 8040, Fort Wayne, Indiana 46898. (17 pages including exhibits)

2022CW3073 T3 LAND & INVESTMENT LLC (“T3”), Attn: Dan Timmerman 32295 U.S. Highway 34, P.O. Box 384, Brush, Colorado 80723, Phone: (970) 842-0701; **RIVERSIDE RESERVOIR AND LAND COMPANY** (“Riverside Company”); and **RIVERSIDE IRRIGATION DISTRICT** (“Riverside District”) Attn: Don Chapman, Superintendent 221 East Kiowa Avenue Fort Morgan, Colorado 80701 (970) 867-6586. PLEASE DIRECT ALL PLEADINGS TO: *For T3*: James S. Witwer, Michael M. Golz, Davis Graham & Stubbs LLP; 1550 Seventeenth Street, Suite 500, Denver, Colorado 80202; Telephone: (303) 892-9400; E-mail: james.witwer@dgsllaw.com, michael.golz@dgsllaw.com; *and for Riverside Company and Riverside District*: Peter Ampe, Hill & Robbins P.C.; 1600 Lincoln Street, Suite 2720, Denver, Colorado 80264; Telephone: (303) 296-8100; Email: peterampe@hillandrobbins.com.

APPLICATION FOR CHANGE OF WATER RIGHT IN MORGAN COUNTY. 1. Name, address email address, and telephone number of Applicants: (see above). 2. Description of Application: Applicants seek a change of the water storage right decreed to Headley Recharge Pond No. 6. in Case No. 90CW189, in order to change the place of storage. Applicants seek to relocate Headley Recharge Pond No. 6 to a point closer to Headley Recharge Ponds No. 1 through 5, also decreed in Case No. 90CW189. Headley Recharge Ponds No. 1 through 6 are referred to herein as the “Recharge Ponds.” 3. Decreed Water Right for Which Change Is Sought: A. Name of Structure: Headley Recharge Pond No. 6 (a/k/a Headley East Pond) B. Date of Original Decree: November 23, 1992, in Case No. 90CW189 (District Court, Water Division 1) C. Subsequent Decrees Finding Diligence and/or Making Absolute: (i) Case No. 98CW416; decree entered January 31, 2001 (ii) Case No. 07CW21; decree entered November 4, 2009 (iii) Case No. 15CW3152; decree entered May 27, 2016. D. Legal Description of Headley Recharge Pond No. 6: The decree entered in Case No. 90CW189, dated November 23, 1992 (“90CW189 Decree”), states that Headley Recharge Pond No. 6 is located in the SE1/4 SE1/4 of Section 20, at a point located 786 feet North and 112 feet West of the Southeast corner of Section 20, Township 5 North, Range 55 West, 6th P.M., Morgan County, Colorado. (1) Headley Recharge Pond No. 6 is filled by water diverted under the surface water right decreed in Case No. 90CW189 and delivered by the Riverside Canal. The headgate of the Riverside Canal is located on the north bank of the South Platte River in the SW1/4 SW1/4 of Section 20, at a point 700 feet North and 40 feet East of the Southwest corner, Township 5 North, Range 63 West of the 6th P.M. in Weld County, Colorado. Water diverted pursuant to the surface water right decreed in Case No. 90CW189 is delivered to Antelope Draw for the Recharge Ponds either directly or after temporary storage in Riverside Reservoir or Wildcat Reservoir (when constructed). E. Decreed Source of Water: South Platte River together with all tributaries intersecting the Riverside Canal, as well as natural runoff intercepted by the Riverside Canal and the Recharge Ponds. F. Appropriation Date: August 10, 1990. G. Use: Water placed into Headley Recharge Pond No. 6 is used for wildlife habitat, recreation, and aesthetic purposes; or used for recharge of the alluvial aquifer and augmentation purposes. (1) The recharge credits (“Recharge Credits”) from water recharged under the Plan for Augmentation decreed in Case No. 90CW189 (“Headley Recharge and Augmentation Project”) are divided between T3, Riverside Reservoir and Land Company (“Riverside Company”), and Riverside Irrigation District (“Riverside District”), with 50% belonging to Riverside Company and Riverside District, and 50% belonging to T3 as successor-in-interest to Farmers State Bank of Brush. Farmers State Bank of Brush, Riverside Company, and Riverside District were the co-applicants in Case No. 90CW189. T3 acquired its 50% share of the Recharge Credits available under the Headley Recharge and Augmentation Project from Pinneo Feedlot, LLC (“Pinneo”), which had acquired the 50% share of the Recharge Credits from Farmers State Bank of Brush. (2) Riverside Company and Riverside District’s 50% share of the Recharge Credits will be used to replace depletions resulting from out-of-priority diversions from wells. T3’s 50% share of the Recharge Credits is used as the augmentation source in the Headley Recharge and Augmentation Project and as an augmentation source in T3’s separate augmentation plan, decreed in Case No. 03CW407. H. Amount: 3.5 acre-feet, absolute; and 56.5 acre-feet, conditional. I. Amount of Water Applicant Intends to Change: 3.5 acre-feet, absolute; and 56.5 acre-feet, conditional. 4. Detailed Description of the Proposed Change in Place of Storage for Headley Recharge Pond No. 6: A. Applicants seek to change the place of storage for the water storage right decreed to Headley Recharge Pond No. 6 in Case No. 90CW189. B. Headley Recharge Pond No. 6 is one of the six Recharge Ponds

decreed in Case No. 90CW189. T3 owns property in Sections 20 and 29, Township 5 North, Range 55 West of the 6th P.M. in Morgan County, Colorado (“Headley Property”), on which Headley Recharge Ponds No. 1 through 5 are located. T3 acquired the Headley Property from Pinneo in 2019. C. According to Paragraph 25 of the 90CW189 Decree, the Headley Recharge and Augmentation Project operates as follows: (1) Water is diverted into the Riverside Canal when the Riverside Canal surface water right decreed in Case No. 90CW189 is in priority. Such water is then delivered for storage in Riverside Reservoir, Wildcat Reservoir, or the Recharge Ponds. Water stored in Riverside Reservoir or Wildcat Reservoir may subsequently be released and delivered by the Riverside Canal for storage in the Recharge Ponds. Water stored in the Recharge Ponds infiltrates, recharges, and augments the South Platte River and its alluvium. In addition, when such water is released into and delivered through the Riverside Canal from the Bruce Weir to Antelope Draw and through Antelope Draw to the Recharge Ponds, a certain percentage of such water also infiltrates, recharges, and augments the South Platte River and its alluvium during transit. (2) Pursuant to Paragraph 31(C) of the 90CW189 Decree, deliveries to each Recharge Pond are estimated based upon known pond capacities and weekly observation of the water levels in each pond. The total delivery to the Headley Property is prorated among the Recharge Ponds according to their relative capacities, unless a particular pond is observed to be totally dry for an extended period of time. D. Applicants seek to change the place of storage for Headley Recharge Pond No. 6 to the following location: (1) The new place of storage for Headley Recharge Pond No. 6 is located in the SE 1/4 of the SW 1/4 of Section 20, Township 5 North, Range 55 West of the 6th P.M., at a point approximately 160 feet north of the south section line and 2,080 feet east of the west section line. E. To fill Headley Recharge Pond No. 6, Applicants intend to divert water to the Headley Property as described in Paragraph 4(C)(1) above and into the new place of storage for Headley Recharge Pond No. 6 through an existing diversion structure located on the Headley Property. F. In accordance with Paragraph 18(C)(6) of the 90CW189 Decree, the surface area of the relocated pond at the high-water line will not exceed 8 acres, and the capacity will not exceed 60 acre-feet. G. Paragraph 38 of the 90CW189 Decree established a Stream Depletion Factor (“SDF”) of 327 days for Headley Recharge Pond No. 6 at its current place of storage. T3 has estimated the SDF at the place of storage proposed in Paragraph 4(D)(1) at 640 days based on SDF factors developed by the United States Geological Survey as digitized by Mario Mejia-Navarro with the IDS Group at Colorado State University. H. Applicants’ proposed new place of storage will not enlarge, expand, or increase the capacity of Headley Recharge Pond No. 6 or the quantity of the underlying surface water right with which the pond is filled in priority pursuant to the 90CW189 Decree. 5. Name and Address of Owners of the Land Upon Which New Diversion or Storage Structure Will Be Located or Upon Which Existing Diversion or Storage Structure Is Located: The new place of storage for Headley Recharge Pond No. 6 is on T3’s land and will use a diversion structure also on T3’s land. The remaining Recharge Ponds are also located on T3’s land. Riverside Company and/or Riverside District own or control the land upon which existing diversion structures are located that divert water under the surface water right decreed in Case No. 90CW189 to fill the Recharge Ponds. WHEREFORE, Applicants respectfully request that this Court enter findings of fact, conclusions of law, and a judgment and decree: (1) approving the new place of storage for Headley Recharge Pond No. 6 as requested herein; (2) finding that such change will not injuriously affect the owner of, or persons entitled to use water under, a vested water right or a decreed conditional water right; and (3) granting other relief this Court deems just and proper.

2022CW3074 ANDREA AND DAVID ANDERSON, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; ANDREA AND DAVID ANDERSON, 11805 Redtail Road, Littleton, CO 80127; Email: sampsonmtn4@gmail.com; Telephone: (720) 635-9096; MOUNTAIN MUTUAL RESERVOIR COMPANY, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and NORTH FORK ASSOCIATES, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. APPLICATION FOR UNDERGROUND WATER

RIGHT AND APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES.

2. Summary of Claims: This Application includes two claims. Claim No. 1 seeks to adjudicate an underground water right for an existing exempt domestic well. Claim No. 2 seeks approval of a plan for augmentation including exchange. Applicants own a 35-acre parcel of land presently known as 11805 Redtail Road, Littleton, Colorado 80127, Jefferson County, which will be subdivided into three lots, with one well on each lot (three wells total). Consisting of the existing exempt well described in Claim No. 1 and two non-exempt wells that will be operated for indoor and outdoor use only pursuant to the plan for augmentation described in Claim 2. **CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT**

3. Name of Well and Permit Number: Anderson Well No. 1, Well Permit No. 162257. a. Legal Description of the Wells: The Anderson Well No. 1 is located in the NW1/4 NW1/4, Section 26, Township 6 South, Range 70 West of the 6th P.M., in Jefferson County, as shown on the map attached as **Exhibit A**, 500 feet from the North section line and 1,200 feet from the West section line. b. Source of Water: Groundwater in the drainage of Bluejay Gulch, tributary to South Deer Creek, Deer Creek and the South Platte River at Chatfield Reservoir. c. Date of Appropriation: November 4, 1991. d. How Appropriation was Initiated: By constructing the well and applying water to beneficial use. e. Dates Water Applied to Beneficial Use: November 4, 1991. f. Amount Claimed: 8 gpm, ABSOLUTE. g. Depth: Alluvial Aquifer (presently, 200 feet). h. Uses: Ordinary household purposes inside a single-family dwelling, the irrigation of not more than one acre of home gardens and lawns and the watering of domestic animals. i. Name and Address of Owner of Land on which the Well is Located: Co-Applicants, Andrea and David Anderson (the “Andersons”). j. Remarks: The Anderson Well No. 1 is an exempt well that will keep its exempt status. Senate Bill 20-0155, adopted on July 2, 2020, amended Section 37-92-602(3) to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A) to retain its exemption after the land on which the well is located has been divided, provided that the existing well is only used on a single lot of the divided land and remains the only well serving that lot. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE**

4. Name of Structure to be Augmented: Anderson Well No. 2 and Anderson Well No. 3 (“Subject Wells”) will divert groundwater on two separate lots to be subdivided from a parcel of land located in the in the NW1/4 of Section 26, Township 6 South, Range 70 West of the 6th P.M. in Jefferson County, located in the drainage of South Deer Creek, Deer Creek and the South Platte River at Chatfield Reservoir and the drainage of Bluejay Gulch, South Deer Creek. The rate of diversion for the Subject Wells will not exceed 15 gallons per minute each. An application to construct the wells will be submitted to the Division of Water Resources when the property described herein is developed and the wells are needed. The Andersons’ property on which the Subject Wells will be located is shown on the map attached as **Exhibit A**. The exact location of the Subject Wells will be determined as the property within the area described above is developed and described in the well permits issued for the wells. Return flow from the use of the Subject Wells will be through an individual septic tank-soil absorption system for each well where the return flows are returned to the same drainage in which the well is located. 5. Water Rights to be Used for Augmentation Purposes: The Andersons have entered into a contract with North Fork Associates, LLC to purchase 4.4 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.139 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Subject Wells. a. The water rights associated with the MMRC shares include the following: i. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet

East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaughter Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. vi. Guiraud 3T Ditch. MMRC owns 3.481 cubic feet per second of the water rights decreed in the Guiraud 3T Ditch as follows:

<u>Adjudication Date</u>	<u>Appropriation Date</u>	<u>Amount</u>
Oct. 18, 1889 (Original Adjudication Water District 23)	July 1, 1867	20 cfs

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE1/4 of said Section 8 bears North 63° 35" East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre-feet per year per 1.0 cfs. MMRC therefore owns 75.972 acre-feet of consumptive use replacement water

associated with its 3.481 cfs interest in the Guiraud 3T Ditch. MMRC also seeks the right to use the Guiraud 3T Ditch, Nickerson No. 2 Ditch, and/or Lower Sacramento Creek Reservoir as an alternate supply to make replacements pursuant to this augmentation plan. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as “Slaght Ditch Rights.” Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC’s diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the “Nickerson Ditch Rights.” The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Section 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physical and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaght Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section

29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. 6. Statement of Plan for Augmentation: The Andersons are the owners of a 35-acre parcel of property located in the NW1/4, Section 26, Township 6 South, Range 70 West of the 6th P.M., Jefferson County. The Andersons propose to subdivide the property into three (3) lots. The Anderson Well No. 1 adjudicated pursuant to Claim 1 will remain exempt and serve one lot. The Subject Wells will be non-exempt wells and will serve the other two lots. This augmentation plan will replace out-of-priority depletions associated with the Subject Wells, for indoor and outdoor use, as described below. a. The water requirements for the Subject Wells are for indoor uses for two single-family dwellings, with an average occupancy of 3.5 persons per house (“Indoor Use”), the watering of four horses (or equivalent animals), and the irrigation of 2,000 square-feet of turf irrigation (or the consumptive equivalent of garden irrigation). The estimated water requirements for Indoor Use for this well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. The estimated water requirements for turf irrigation will be 1.25 af/ac with 80% consumption, garden irrigation will be 0.50 acre-feet per acre with 80% consumption, and up to four horses (or equivalent animals) requiring 10 gal per head per day with 100% consumption (“Outdoor Uses”). This plan will require 0.139 of an acre-foot of replacement water as shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-family In-house Use	80 gl/cap/dy(3.5 cap)	2	0.628	10%	0.0628	0.0314	0.0314
Turf irrig.* 2,000 sq. ft.	1.25 af/ac	0.046	0.057	80%	0.023	0.023	0.0000
Horses (or equivalent animals)	10 gl/hd/dy	4	0.045	100%	0.0448	0.0224	0.0224
Tran. Chg.	0.15%/Mi	42	0.008	100%	0.0083	0.0049	0.0034
Total			0.74		0.139	0.082	0.057
*Garden irrig. 5,000 sq. ft.	0.50 af/ac	0.115	0.012	80%	0.023	0.023	0.0000

*Replacement requirements for combined turf and/or garden irrigation will not exceed 0.023 acre-feet annually. The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.009	0.009	0.009	0.009	0.009	0.009	0.013	0.014	0.014	0.014	0.013	0.009

b. The total consumptive use water requirement will be met with 0.139 of an acre-foot of the annual yield from the Slaght Ditch Rights as described above and 0.057 of an acre-foot of space in Maddox Reservoir. (See Exhibits “B” and “C” respectively). The calculated requirements of the direct flow water rights from May through October are a total of 0.077 of an acre-foot at the point of depletion on an unnamed stream in the NW1/4 SE1/4, Section 26 and/or SE1/4 SE1/4, Section 22, all in Township 6 South, Range 70 West of the 6th P.M. The point of delivery of this water will be the confluence of Deer Creek and the South Platte River in Chatfield Reservoir in Section 10 and 11, Township 6 South, Range 69 West of the 6th P.M. The distance from the headgate of the Slaght Ditch on the North Fork of the South Platte River to the exchange point at the confluence of Deer Creek and the South Platte is 42 miles. At 0.15% per mile the stream loss from the headgate of the Slaght Ditch to the point of delivery is 6.3% (0.005 AF). The calculated requirements of the flow of storage water from November through April are a total of 0.055 of an acre-foot at the point of depletion on an unnamed stream in the NW1/4 SE1/4, Section 26 and/or SE1/4 SE1/4, Section 22, all in Township 6 South, Range 70 West of the 6th P.M. The point of delivery of this water will be the confluence of Deer Creek and the South Platte River in Chatfield Reservoir in Section 10 and 11, Township 6 South, Range 69 West of the 6th P.M. The distance from the point of delivery from Maddox Reservoir on the North Fork of the South Platte River to the exchange point at the confluence of Deer Creek and the South Platte is 42 miles. At 0.15% per mile the stream loss from the headgate of the Slaght Ditch and the Maddox Reservoir to the point of delivery is 6.3% (0.003AF). c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 5, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 7. Water Exchange Project: Since the point of depletion associated with the Subject Wells are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend from the confluence of Deer Creek and the South Platte River at Chatfield Reservoir in Sections 10 and 11, Township 6 South, Range 69 West, thence up Deer Creek to its confluence with the South Fork of Deer Creek in the SE1/4 SE1/4, Section 11, Township 6 South, Range 70 West, thence up the South Fork of Deer Creek to the point of depletion in the NW1/4 SE1/4 Section 26, Township 6 South, Range 70 West all in the 6th P.M. An alternate point of depletion for one lot may be from the confluence of the South Fork of Deer Creek and Bluejay Gulch in the SW1/4 SW1/4, Section 13, Township 6 South, Range 70 West, thence up Bluejay Gulch to the point of depletion in the SE1/4 SE1/4, Section 22, Township 6 South, Range 70 West. In the event that there is a senior call within the exchange project reach precludes the exchange, the Applicants can have replacement water delivered via trucking to make replacements above the calling water right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of May 27, 2022, at a maximum flow rate of 0.001 of a cubic foot per second. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for Anderson Well No. 1 and the Subject Wells consistent with the final decree entered in this case. (14 pgs., 4 Exhibits)

2022CW3075 T3 LAND & INVESTMENT LLC (“T3”), Attn: Dan Timmerman, 32295 U.S. Highway 34, P.O. Box 384, Brush, Colorado 80723, (970) 842-0701, James S. Witwer, Michael M. Golz, Davis Graham & Stubbs LLP, 1550 17th Street, Suite 500, Denver, Colorado 80202 and **RIVERSIDE RESERVOIR AND LAND COMPANY** (the “Riverside Company”) and **RIVERSIDE IRRIGATION DISTRICT** (the “Riverside District”), Attn: Don Chapman, Superintendent, 221 East Kiowa Avenue, Fort Morgan, Colorado 80701, (970) 867-6586, Peter Ampe, Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO 80264. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PORTIONS OF CONDITIONAL WATER RIGHTS ABSOLUTE IN WELD AND MORGAN COUNTIES**. 2. Name of structures: Wildcat Reservoir and Headley Recharge Pond Nos. 1, 2, 3, 4, 5, and 6 (the “Recharge Ponds”). 3. Description of conditional water rights from original decree entered in Case No. 90CW189 and diligence decrees entered in Case Nos. 98CW416, 07CW21, and 15CW3152: A. Decrees: i. Original Decree: Case No. 90CW189, Water Division No. 1, decree dated November 23, 1992. In Case No. 90CW189, the District Court in and for Water Division No. 1 (“Water Division No. 1”) approved the Plan for Augmentation (a/k/a the “Headley Recharge and Augmentation Project”) and confirmed an absolute water right, in the amount of 120 cfs, for the Riverside Canal for wildlife habitat, recreation, and aesthetic purposes; or for recharge of the alluvial aquifer and augmentation purposes. The decree in Case No. 90CW189 also confirmed absolute and conditional water rights for additional structures, for identical purposes. The portions of the water rights decreed to those additional structures that have remained conditional are the subject of this application. ii. Decree making absolute and finding reasonable diligence: Case No. 98CW416, Water Division No. 1, decree dated January 31, 2001. Case No. 98CW416, Water Division No. 1 made absolute one such previously decreed conditional water right, for the Riverside Reservoir, in the amount of 3,000 acre-feet. The decree in Case No. 98CW416 also entered a finding of reasonable diligence with respect to the other conditional water rights originally confirmed in Case No. 90CW189. iii. Decree making absolute and finding reasonable diligence: Case No. 07CW21, Water Division No. 1, decree dated November 4, 2009. Case No. 07CW21, Water Division No. 1 made absolute additional portions of the conditional water rights for the Headley Recharge Pond No. 2. The decree in Case No. 07CW21 also entered a finding of reasonable diligence with respect to the other conditional water rights originally confirmed in Case No. 90CW189. iv. Decree making absolute and finding reasonable diligence: Case No. 15CW3152, Water Division No. 1, decree dated May 27, 2016. Case No. 15CW3152 made absolute the conditional rights for Headley Recharge No. 1 and made absolute additional portions of the conditional water rights for the Headley Recharge Pond No. 2 and Headley Recharge Pond No. 3. The decree in Case No. 15CW3152 also entered a finding of reasonable diligence with respect to the other conditional water rights originally confirmed in Case No. 90CW189. This application seeks a finding to make absolute an additional portion of the conditional water rights decreed in Case No. 90CW189. The application also seeks a finding of reasonable diligence in the development of the remaining conditional water rights associated with the Headley Recharge and Augmentation Project and a finding of reasonable diligence in the development of the water right conditionally decreed to Wildcat Reservoir as part of the Headley Recharge and Augmentation Project. B. Legal Description of Structures: i. The dam of the proposed Wildcat Reservoir is located at a point from whence the northeast corner of Section 31, Township 5 North, Range 57 West, 6th P.M., Morgan County, bears north 17°00’ east 1,350 feet, thence along the axis of the proposed dam north 65°30’ east approximately 5,700 feet (bearings assume east line of Section 31 bears north 0°00’ east). ii. The Recharge Ponds, except Headley Recharge Pond No. 1, are entirely below the natural ground level and do not have dams. For the recharge ponds identified below, the legal description references the deepest point in the pond. The decreed location of each of the Recharge Ponds is as follows: a. Headley Recharge Pond No. 1 (a/k/a Headley Reservoir No. 1) is located in the NW1/4 of Section 29, at a point located 1,123 feet South and 1,236 feet East of the Northwest corner of Section 29, Township 5 North, Range 55 West, 6th P.M., Morgan County. b. Headley Recharge Pond No. 2 (a/k/a Headley Reservoir No. 2) is located in the N1/2 SW1/4 and the S1/2 NW1/4 of Section 29, at a point located 2,921 feet South and 2,247 feet East of the Northwest corner of Section 29, Township 5 North, Range 55 West, 6th P.M., Morgan County. c. Headley Recharge Pond No. 3 (a/k/a Headley Reservoir No. 3) is located in the NE1/4 SW1/4 of Section 29, at a point located 3,483 feet South and 2,471

feet East of the Northwest corner of Section 29, Township 5 North, Range 55 West, 6th P.M., Morgan County. d. Headley Recharge Pond No. 4 (a/k/a Headley Settling Pond) is located in the N1/2 SW1/4 of Section 20, at a point located 2,415 feet North and 843 feet East of the Southwest corner of Section 20, Township 5 North, Range 55 West, 6th P.M., Morgan County. e. Headley Recharge Pond No. 5 (a/k/a Headley North Pond) is located in the NW1/4 SE1/4 of Section 20, at a point located 1,629 feet North and 2,752 feet East of the Southwest corner of Section 20, Township 5 North, Range 55 West, 6th P.M., Morgan County. f. Headley Recharge Pond No. 6 (a/k/a Headley East Pond) is located in the SE1/4 SE1/4 of Section 20, at a point located 786 feet North and 112 feet West of the Southeast corner of Section 20, Township 5 North, Range 55 West, 6th P.M., Morgan County. (1) Headley Recharge Pond No. 6 is the subject of a recent application for change of water right filed by T3, Riverside Company, and Riverside District (“Applicants”) in Case No. 22CW3073, in which Applicants seek to change the place of storage. iii. The Recharge Ponds are filled by water diverted under the surface water right decreed in Case No. 90CW189, which water is delivered by the Riverside Canal, the headgate of which is located on the north bank of the South Platte River in the SW1/4 SW1/4 of Section 20, Township 5 North Range 63 West of the 6th P.M. in Weld County, Colorado, to Antelope Draw for the Recharge Ponds either directly or after temporary storage in Riverside Reservoir or Wildcat Reservoir (when constructed). C. Source of Water: South Platte River together with all tributaries intersecting the Riverside Canal, as well as natural runoff intercepted by the Riverside Canal and the Recharge Ponds. D. Appropriation Date: August 10, 1990. E. Absolute and/or Conditional Amounts Previously Decreed: i. Wildcat Reservoir: 2,500 acre-feet, conditional. ii. Headley Recharge Pond No. 1: 166.0 acre-feet, absolute. iii. Headley Recharge Pond No. 2: 119.9 acre-feet, absolute; and 20.1 acre-feet, conditional. iv. Headley Recharge Pond No. 3: 41.6 acre-feet, absolute; and 28.4 acre-feet, conditional. v. Headley Recharge Pond No. 4: 9.2 acre-feet, absolute; and 60.8 acre-feet, conditional. vi. Headley Recharge Pond No. 5: 2.1 acre-feet, absolute; and 122.9 acre-feet, conditional. vii. Headley Recharge Pond No. 6: 3.5 acre-feet, absolute; and 56.5 acre-feet, conditional. F. Use: Water temporarily stored in Riverside Reservoir or Wildcat Reservoir may be released and delivered by the Riverside Canal System for placement into the Recharge Ponds. Water placed into the Recharge Ponds will be used for wildlife habitat, recreation, and aesthetic purposes; or used for recharge of the alluvial aquifer and augmentation purposes. Water so recharged is divided between Applicants with 50% belonging to the Riverside Company and the Riverside District and 50% belonging to T3, as successor-in-interest to Farmers State Bank of Brush. The 50% of the Recharge Credits belonging to the Riverside Company and the Riverside District will be used to replace depletions resulting from out-of-priority diversions from wells. The 50% of the Recharge Credits belonging to T3 is used as the augmentation source in the Headley Recharge and Augmentation Project, decreed in Case No. 90CW189, and as one of the augmentation sources in T3’s separate augmentation plan, decreed in Case No. 03CW407. T3 has acquired the land containing Recharge Ponds No. 1-5 and the 50% share of the Recharge Credits available under the Headley Recharge and Augmentation Project from Pinneo Feedlot, LLC (“Pinneo”), which had acquired these interests from Farmers State Bank of Brush. G. Integrated System: The decree in Case No. 90CW189 found that the surface water right, augmented structures, Recharge Ponds, and other structures involved in the Headley Recharge and Augmentation Project are parts of an integrated system. Accordingly, work on any one plan feature will be considered in finding that reasonable diligence has been shown in the development of the other water rights for all features of the Headley Recharge and Augmentation Project. 4. Claims to make absolute and for a finding of reasonable diligence: T3 seeks to make additional portions of the following water rights absolute: A. Headley Recharge Pond No. 2: 20.1 acre-feet, absolute. New total absolute amount: 140.0 acre-feet. Remaining conditional amount: 0.0 acre-feet. B. Headley Recharge Pond No. 3: 28.4 acre-feet, absolute. New total absolute amount: 70.0 acre-feet. Remaining conditional amount: 0.0 acre-feet. The portions of the water rights T3 seeks to make absolute were diverted in priority for the period from April 28, 2019, to October 19, 2019, to generate recharge credits in accordance with the decree in Case No. 90CW189. *See* Table-1 to Headley Diligence Report, attached hereto as Exhibit A. The recharge credits generated were used in T3’s projection tool and accounting for the Headley Recharge and Augmentation Project and the augmentation plan decreed in Case No. 03CW407. In the alternative, T3 seeks a finding of reasonable diligence with respect to such portions of these water rights. T3 also seeks a

finding of reasonable diligence with respect to the development of all other remaining conditional water rights described in Paragraph 3.E hereof. 5. Detailed outline of work performed and the expenditures made toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: A. The Riverside Company and the Riverside District's actions and expenses on the Headley Recharge and Augmentation Project. During the diligence period, the Riverside Company and the Riverside District have spent in excess of \$4,479,850.00 on canal and inlet maintenance, reservoir maintenance, defense and prosecution of water right applications, spillway planning and construction, and river diversion maintenance, including over \$1,563.00, related specifically to these conditional water rights. The Riverside system is an integrated system with Riverside Reservoir and Canal being integral to the continued development of these conditional water rights. The peak diversion rate at the headgate during the diligence period was 120 cfs on May 15, 2021. The peak storage in Riverside Reservoir was 2,990 acre-feet on October 19, 2016. B. T3's actions and expenses on the Headley Recharge and Augmentation Project. T3 acquired its interest in the Headley Recharge and Augmentation Project from Pinneo in 2019. During the diligence period, both T3 and Pinneo performed diligence activities related to the Project, including for Headley Recharge Ponds No. 2 through 6 (the water storage right decreed to Headley Recharge Pond No. 1 has been made absolute). i. During the diligence period, T3 and Pinneo incurred more than \$145,000 in costs associated with operation, maintenance, and repair of the Recharge Ponds and related structures. These costs include the costs to hire a contractor to (1) excavate the bottom of Headley Recharge Pond No. 4 to increase the seepage rate; (2) reconstruct Headley Recharge Pond No. 5 at its original location; and (3) trench a new delivery canal to Headley Recharge Pond No. 5 from Antelope Draw. The costs also include assessments for the water shares and water running fees associated with T3's shares in Jackson Lake Reservoir and Irrigation Company in order to use such water pursuant to the decree in Case No. 03CW407. ii. During the diligence period, Pinneo spent more than \$14,000 in attorneys' fees and expenses for legal work associated with these water rights, including negotiations between the co-applicants regarding operation and maintenance activities for the Headley Recharge and Augmentation Project structures. iii. During the diligence period, Pinneo retained an engineer to evaluate and optimize improvements to the Recharge Ponds and related structures, including the pond excavation activities described in Paragraph 5(B)(i) above. Pinneo spent approximately \$11,500 for these engineering services. iv. During the diligence period, T3 incurred more than \$4,000 in attorneys' fees and approximately \$1,500 in engineering fees to evaluate and file an application for change of water right to relocate Headley Recharge Pond No. 6 from its originally decreed location to property owned by T3. T3 filed its application on May 31, 2022, in Case No. 22CW3073. 6. Name and address of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: A. T3 owns the land on which Headley Recharge Pond Nos. 1, 2, 3, 4, and 5 are located. B. Stephen Daniel Hess and April Anna Hess, 31695 County Road AA, Snyder, Colorado 80750, are the owners of the land upon which Headley Recharge Pond No. 6 is presently located. C. The Riverside Company and/or the Riverside District own or control all land on which all remaining structures described in this application are located. Number of pages of Application 10 pages plus additional exhibit pages.

2022CW3076 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION, OF MICHELE L. HONAKER RITCHIE AND JODY L. RITCHIE, IN DOUGLAS COUNTY. I. Name, Address, and Telephone Number of Applicant. Michele L. Honaker Ritchie and Jody L. Ritchie ("Applicants"), 15731 El Dorado Way, Larkspur, Colorado 80118, (719) 660-0062. Name, Address, and Telephone Number of Attorneys. Ryan W Farr, #39394, Emilie B. Polley, #51296, MONSON, CUMMINS, SHOHET & FARR, LLC 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921, (719) 471-1212. II. **Summary of Application.** Applicants seek to quantify the Denver Basin groundwater underlying the Applicants' Property, as defined below, and approval of a plan for augmentation for the use of a not-nontributary Dawson aquifer well for water provision to the Applicants' Property. III. **Application for Underground Water Rights.** A. Property Information. 1. Property Description. Applicants own an approximately 6.1-

acre property that is depicted on the attached **Exhibit A** map, located in the NE1/4 of the SE1/4 of Section 34, Township 10 South, Range 66 West of the 6th P.M., specifically described as Lot 5 El Dorado Acres, County of Douglas, State of Colorado and referred to as 15731 El Dorado Way, Larkspur, Colorado 80118 (“Applicants’ Property”).

2. Existing Wells. There is one existing in-house only exempt well on the Applicants’ Property under Division of Water Resources Permit No. 294015 (“Ritchie Well”). The Ritchie Well is constructed to a total depth of 320 feet to the Dawson Aquifer, and located approximately 2,296 feet from the south section line and 1,111 feet from the east section line. Upon approval of this plan for augmentation, this well will be re-permitted.

B. Water Source. 1. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying Applicants’ Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants’ Property is nontributary.

C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 200 g.p.m. The actual pumping rates for the wells will vary according to aquifer conditions and well production capabilities. Applicants request the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any wells to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions.

2. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying Applicants’ Property. Said amounts may be withdrawn over a 100-year life of the aquifers pursuant to C.R.S. § 37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants’ Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson (NNT)	388	473	4.73
Denver (NT)	513	532	5.32
Arapahoe (NT)	279	290	2.9
Laramie Fox Hills (NT)	218	200	2.0

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer.

D. Requested Uses. Applicant requests the right to use the ground water for beneficial uses upon the Applicants’ Property consisting of domestic, irrigation (indoor and outdoor), commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants’ Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that Applicants shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c.5).

E. Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants’ Property through any combination of wells. Applicants request that these wells be treated as a well field.

F. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of groundwater in excess of the average

annual amount decreed to the aquifers beneath the Applicants' Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. G. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are to be located as well as the underlying groundwater is owned by the Applicants. **IV. Application for Plan for Augmentation.** A. Structures to be Augmented. The structure to be augmented is a Dawson aquifer well constructed on the Applicants' Property, along with any replacement or additional wells as needed that are constructed to the Dawson aquifer underlying the Applicants' Property. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer wells, together with water rights from the nontributary Denver aquifer for any injurious post-pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer. D. Uses. Pumping from the Dawson aquifer will be a maximum of 2.10 acre-feet of water per year. Such uses shall be for domestic, irrigation (indoor and outdoor), commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. E. Depletions. Applicants' consultant has determined that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 10.67% of pumping. Maximum annual depletions are therefore 0.224 acre-feet in year 100. Should Applicants' pumping be less than the 2.10 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced. 1. Augmentation of Depletions During Pumping. Applicants' consultant has determined that depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for a non-evaporative septic system is 10% per year. Therefore, at an in-house use rate of 0.25 acre-feet per year, replacement amounts to 0.225 acre-feet to the stream system annually. Thus, during pumping, stream depletion replacement requirements will be more than adequately met. 2. Augmentation for Post Pumping Depletions. For the replacement of any injurious post pumping depletions which may be associated with the pumping from the Dawson aquifer as set forth herein, Applicants will utilize non-evaporative septic return flows and potentially irrigation return flows from the subsequent usage of the Denver aquifer underlying the Applicants' Property. Additionally, Applicants may utilize water from the Arapahoe or Laramie-Fox Hills aquifers as a replacement source if needed. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Applicants reserve the right in the future under the Court's retained jurisdiction to prove that post pumping depletions will be noninjurious. Upon entry of a decree in this case, Applicants will be entitled to apply for and receive a new well permit for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. **V. Remarks.** A. The Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system, where the majority of such depletions will occur, and it is Applicants' intent to consolidate the instant matter with the pending Division 1 application in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that they have complied with C.R.S. § 37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. § 37-90-137(9)(c.5). C. The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from

adequate information obtained from well drilling or test holes. E. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. F. All wells shall be installed and metered as reasonably required by the State Engineer. The well will be equipped with a totalizing flow meter and Applicants, or their successors and assigns, shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. Applicants, or their successors and assigns, shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. G. Applicants intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. H. Applicants have provided notice at least 14 days prior to the filing of this application to all well owners pursuant to Douglas County Assessor Records whose wells are within 600 feet of the location of the Ritchie Well. Such owners and related well permits are as follows: a. Russell and Carol Pitts 15705 El Dorado Way, Larkspur, Colorado 80118; b. Paul and Sonia Chizzo, 15716 El Dorado Way Larkspur, Colorado 80118; c. Carl and Donna Borys, 15755 El Dorado Way, Larkspur, Colorado 80118. I. Applicants will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

**2022CW3077 – ORDER GRANTING MOTION FOR NO PUBLICATION IN WD1 ENTERED-
WD2 TO PUBLISH IN THEIR CASE NUMBER 22CW3036.**

2022CW3078 (96CW1144) ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (“ACWWA”), c/o Steve Witter, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ARAPAHOE AND DOUGLAS 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). **2. Original Decree**. The original decree was entered in Case No. 96CW1144 (“1144 Decree”) on May 19, 2016, by the District Court, Water Division 1 (“Water Court”). **3. Description of the Conditional Groundwater Rights**. By the 1144 Decree, the Water Court approved conditional groundwater rights for the following ten (10) wells located in the alluvium of Cherry Creek (“Cherry Creek Wells”) and five (5) wells located in the alluvium of Happy Canyon Creek (“Happy Canyon Creek Wells”)(collectively the “1144 Wells”). **3.1. Cherry Creek Wells**. **3.1.1. Race Well No. 2**. **3.1.1.1. Legal Description**. By the 1144 Decree, the point of diversion of Race Well No. 2 was relocated to the SW1/4 of the SE1/4 of Section 32, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point 1,280 feet from the South section line and 1,500 feet from the East section line of said Section 32. **3.1.1.2. Original Decree**. Case No. W-3098, entered on September 17, 1973 by the Water Court, with an appropriation date of May 12, 1950, decreed for irrigation use. The original decreed point of diversion for Race Well No. 2 was located in the SW1/4 of the SE1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 220 feet from the South section line and 1,400 feet from the East section line of said Section 32. **3.1.1.3. Subsequent Decrees**. The decree entered in Case No. 84CW681(B), dated January 30, 1990, by the Water Court, quantified the historical consumptive use attributable to Race Well No. 2 as 124 acre-feet per year. **3.1.2. Wieder Well**. **3.1.2.1. Legal Description**. The point of diversion of the Wieder Well is decreed in this case to be the SE 1/4 of the NW 1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 2,500 feet from the North section line and 1,600 feet from the West section line of said Section 29. **3.1.2.2. Original Decree**. Case No. W-1740, entered on December 1, 1972 by the Water Court. The original decreed point of diversion for the Wieder Well was located in the NW 1/4 of the NW 1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 520 feet south and 400 feet east of the Northwest corner of said Section 29. **3.1.2.3. Subsequent Decrees**. **3.1.2.3.1. Case No. W-8513-77**. Case No. W-8513-77, entered on September 3, 1982 by the Water Court. In Case No. W-8513-77, the priority decreed to Murdock Well No. 2 (decreed as Rich Well 4-RF770) for

1.33 cfs with a priority date of May 25, 1935, as previously decreed in Case No. W-1740, was transferred to Wieder Well No. 6702-F. Also in Case No. W-8513-77, the original priority for Wieder Well No. 6702-F for 1.78 cfs with a priority date of January 19, 1965, as previously decreed in Case No. W-1740, was transferred to Murdock Well No. 2. 3.1.2.3.2. Case No. 84CW681(A). The point of diversion for the Wieder Well was changed by the decree entered in Case No. 84CW681(A), entered on September 28, 1989 by the Water Court, to the NW 1/4 of the NW 1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 520 feet from the North section line and 400 feet from the West section line of said Section 29. In Case No. 84CW681(A) the water right transferred to the Wieder Well in Case No. W-8513 was determined to have 0.0 acre-feet of historical consumptive use. Therefore, the Wieder Well will only operate under the water rights adjudicated pursuant to the 1144 Decree. The original priority for Murdock Well No. 2 (as transferred to Wieder Well No. 6702-F in Case No. W-8513-77) and Wieder Well No. 6702-F (as transferred to Murdock Well No. 2) was abandoned pursuant to the 1144 Decree. 3.1.3. Murdock Well No. 1. 3.1.3.1. Legal Description. Pursuant to the decree entered in Case No. 14CW3154, entered on June 9, 2017 by the Water Court, the point of diversion of Murdock Well No. 1 was relocated to the SW1/4 of the NW1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,950 feet from the North section line and 1,150 feet from the West section line of said Section 29. 3.1.3.2. Original Decree. Case No. W-1740, with an appropriation date of April 26, 1953, entered on December 1, 1972 by the Water Court. Murdock Well No. 1 was originally permitted as Well Permit No. 19246-S. The source of water was groundwater, and the original decreed point of diversion for Murdock Well No. 1 was located in the SE 1/4 of the NE 1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,400 feet south and 20 feet west of the Northeast corner of said Section 29. 3.1.3.3. Subsequent Decrees. 3.1.3.3.1. Case No. W-445. The following water rights were changed from irrigation to all municipal uses and were transferred to Murdock Well No. 1 by the decree entered in Case No. W-445, entered on April 14, 1972 by the Water Court.

Ditch	Priorities	Amounts	Appropriation Dates	Adjudication Date
Hawkey, Dane & Gird Ditch	No. 43	2.5 cfs	7/30/1869	12/10/1883
	No. 77	2.0 cfs	12/30/1873	
	No. 144	15.15 cfs	12/30/1879	
George Dane Ditch	No. 87	1.8 cfs	6/30/1874	12/10/1883
	No. 113	0.49 cfs	10/30/1879	

3.1.3.3.2. Case No. 84CW681(A). The point of diversion for Murdock Well No. 1 was changed pursuant to the decree entered in Case No. 84CW681(A), entered on September 28, 1989 by the Water Court, to the SW 1/4 of the NW 1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 1,370 feet from the North section line and 839 feet from the West section line of said Section 29. In addition, this decree found that ACWWA is not entitled to any consumptive use credits associated with the following Hawkey, Dane & Gird Ditch or George Dane Ditch water rights and, therefore, no consumptive use amounts were assigned to the following priorities. The following priorities were abandoned pursuant to the 1144 Decree:

Ditch	Priorities	Amounts	Appropriation Dates	Adjudication Date
Hawkey, Dane & Gird Ditch	No. 77	2.0 cfs	12/30/1873	12/10/1883
	No. 144	15.15 cfs	12/30/1879	
George Dane Ditch	No. 113	0.49 cfs	10/30/1879	12/10/1883

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3.1.3.3.3. Case No. 01CW284. In Case No. 01CW284, the Water Court declared that the water rights decreed in Case No. W-1740 for Murdock Well No. 1 were abandoned. 3.1.3.3.4. Remaining water rights for Murdock Well No. 1:

Ditch	Priorities	Amounts (cfs)	ACWWA's 5/7 th Interest (cfs)	Annual limit (acre-feet)	Appropriation Dates	Adjudication Date
Hawkey, Dane & Gird Ditch	No. 43	2.5	1.79	192*	7/30/1869	12/10/1883
George Dane Ditch	No. 87	1.8	1.08	43**	6/30/1874	12/10/1883

*The 192.0 acre-feet annual limit represents the total historical consumptive use for the Hawkey, Dane & Gird Ditch water right of which an undivided 5/7ths interest was transferred to Murdock Wells No. 1 and No. 2 in Case No. W-445, an undivided 1/7th interest was transferred to the Mee Wells No. 1 and No. 2 in Case No. W-7445, and an undivided 1/7th interest in this water right was transferred to the Hodge No. 1 Well in Case No. W-7517.

**The 43.0 acre-feet annual limit represents the total historical consumptive use for the George Dane Ditch water right which right was transferred to Murdock Wells No. 1 and No. 2, in Case No. W-445.

3.1.4. Gillen Well. 3.1.4.1. Legal Description. The point of diversion of the Gillen Well is located in the SW1/4 of the SW1/4 of Section 20, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,117 feet from the West section line and 104 feet from the South section line of said Section 20. 3.1.4.2. Original Decree. Case No. CA3635, entered on May 18, 1972 by the Water Court, with an appropriation date of December 31, 1948, decreed for domestic and agricultural use. The original decreed point of diversion for the Gillen Well was located in the SW1/4 of the SW1/4 of Section 20, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 1,117 feet from the West section line and 104 feet from the South section line of said Section 20. 3.1.4.3. Subsequent Decree. 3.1.4.3.1. Case No. 84CW681(A). The point of diversion of the Gillen Well was changed by the decree entered in Case No. 84CW681(A), entered on September 28, 1989 by the Water Court, to the SW1/4 of the SW1/4 of Section 20, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 1,117 feet from the West section line and 104 feet from the South section line of said Section 20. In addition, the water right was changed from irrigation use to include all municipal purposes. The Water Court quantified the historical consumptive use attributable to the Gillen Well as 61 acre-feet per year at the rate of 1.07 cfs. 3.1.5. Mee Well No. 2. 3.1.5.1. Legal Description. The point of diversion of Mee Well No. 2 is located in the NW1/4 of the NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 2,550 feet from the East section line and 600 feet from the North section line of said Section 19. 3.1.5.2. Original Decree. Case No. W-4619, entered on June 13, 1974 by the Water Court, with an appropriation date of May 12, 1955, decreed for irrigation use. The original decreed point of diversion for Mee Well No. 2 (known as Well No. 2-13167 (RF 1003)) was located in the NW1/4 of the NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point beginning at the Southeast corner of said Section 19 and bearing North 28°40' West, 5,000 feet. 3.1.5.3. Subsequent Decree. The point of diversion for Mee Well No. 2 was changed by the decree entered in Case No. 84CW681(A), entered on September 28, 1989 by the Water Court, to the NW1/4 of the NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 2,550 feet from the East section line and 600 feet from the North section line of said Section 19. In addition, the water right

was changed from irrigation use to include all municipal purposes. The Water Court quantified the historical consumptive use attributable to Mee Well No. 2 as 55 acre-feet per year. 3.1.6. Hodge Well No. 1. 3.1.6.1. Legal Description. The point of diversion of Hodge Well No. 1 is located in the NE1/4 of the NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 450 feet from the North section line and 400 feet from the East section line of said Section 19. 3.1.6.2. Original Decree. Case No. W-4839, entered on April 10, 1975 by the Water Court, with an appropriation date of September 19, 1867 for the amount of 0.004 cfs and December 31, 1917 for the amount of 0.026 cfs, decreed for domestic use. The original decreed point of diversion for Hodge Well No. 1 was located in the NW1/4 of the NW1/4 of Section 20, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 18° West, 350 feet. 3.1.6.3. Subsequent Decrees. 3.1.6.3.1. Case No. W-7517. Pursuant to the decree entered in Case No. W-7517, entered on October 14, 1975 by the Water Court, Hodge Well No. 1 was decreed as an alternate point of diversion to an undivided 1/7th interest in the Hawkey, Dane & Gird Ditch water right. 3.1.6.3.2. Case No. 84CW681(A). The point of diversion for Hodge Well No. 1 was changed by the decree entered in Case No. 84CW681(A), entered on September 28, 1989 by the Water Court, to the NE1/4 of the NE1/4 of Section 19, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point approximately 450 feet from the North section line and 400 feet from the East section line of said Section 19. In addition, the water right was changed to include all municipal purposes. The Water Court quantified the historical consumptive use attributable to Hodge Well No. 1 as 0 acre-feet per year; therefore, the Hodge Well No. 1 water right is hereby abandoned. 3.1.7. Braun Well. 3.1.7.1. Legal Description. The point of diversion of Braun Well is located in the NW1/4 of the NE1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 920 feet from the North section line and 1,420 feet from the East section line of said Section 32. 3.1.7.2. Original Decree. Case No. W-1740, entered on December 1, 1972 by the Water Court, decreed as Rich Well No. 1-5379-F, for irrigation use, at a rate of 1.33 cfs, with an appropriation date of May 7, 1964. 3.1.7.3. Subsequent Decrees. 3.1.7.3.1. Case No. 84CW681(A). The decree entered in Case No. 84CW681(A) on September 28, 1989 by the Water Court quantified the historical consumptive use attributable to the Braun Well as 73.0 acre-feet per year. 3.1.7.3.2. Case No. 86CW388(A). The consumptive use water attributable to the Braun Well was included as a source of augmentation water in the plan for augmentation decreed in Case No. 86CW388(A). 3.1.7.3.3. Case No. 90CW201. In Case No. 90CW201, the consumptive use water associated with the Braun Well water right was included as a source of augmentation water in the decreed plan for augmentation and a source of substitute supply in the decreed appropriative right of substitution and exchange. 3.1.8. Race Well No. 4. 3.1.8.1. Legal Description. The point of diversion of Race Well No. 4 is located in the NE1/4 of the NW1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 15 feet from the North section line and 2,230 feet from the West section line of said Section 32. 3.1.9. Smith Well No. 2. 3.1.9.1. Legal Description. The point of diversion of Smith Well No. 2 is located in the SW1/4 of the SE1/4 of Section 29, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 2,970 feet from the West section line and 450 feet from the South section line of said Section 29. 3.1.9.2. Original Decree. Case No. W-4396, decreed by the Water Court on June 13, 1977, for irrigation use at a rate of 1.66 cfs, with an appropriation date of July 14, 1950 as to 1.44 cfs and of January 27, 1966 as to 0.22 cfs. 3.1.9.3. Subsequent Decrees. 3.1.9.3.1. Case No. 84CW681(A). The decree entered in Case No. 84CW681(A), entered on September 28, 1989 by the Water Court, quantified the historical consumptive use attributable to Smith Well Nos. 1 and 2 was quantified as 228.0 acre-feet per year. 3.1.9.3.2. Case No. 86CW388(A). In Case No. 86CW388(A), a conditional water right was decreed to Smith Well No. 2, which was decreed as an alternate point of diversion for ACWWA's other tributary water rights. 3.1.10. Loyd Well No. 4-14737. 3.1.10.1. Legal Description. The point of diversion of Loyd Well No. 4-14737 is located in the NE1/4 of the NE1/4 of Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point 1,200 feet from the East section line and 1,000 feet from the North section line of said Section 9. 3.1.10.2. Original and all Subsequent Decrees. Case No. W-2640, entered on May 14, 1973 by the Water Court. The use of the water rights decreed to Loyd Well No. 4-14737 was changed pursuant to the decree entered in Case No. 84CW156, entered on December 13, 1988

by the Water Court. The Water Court quantified the historical consumptive use attributable to Loyd Well No. 4-14737 as 30.64 acre-feet per year. 3.2. Happy Canyon Creek Wells. 3.2.1. Happy Canyon Creek Well No. 1 (“HCC-1”). 3.2.1.1. Legal Description. The point of diversion of HCC-1 is located in the NE1/4 of the SW1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,550 feet from the South section line and 1,750 feet from the West section line of said Section 32. 3.2.2. Happy Canyon Creek Well No. 2 (“HCC-2”). 3.2.2.2. Legal Description. The point of diversion of HCC-2 is located in the NE1/4 of the SW1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,360 feet from the South section line and 1,410 feet from the West section line of said Section 32. 3.2.3. Happy Canyon Creek Well No. 3 (“HCC-3”). 3.2.3.1. Legal Description. The point of diversion of HCC-3 is located in the SW1/4 of the SW1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,025 feet from the South section line and 1,085 feet from the West section line of said Section 32. 3.2.4. Happy Canyon Creek Well No. 4 (“HCC-4”). 3.2.4.1. Legal Description. HCC-4 will be located in the SW1/4 of the SW1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 1,200 feet from the West section line and 100 feet from the South section line of said Section 32. 3.2.5. Happy Canyon Creek Well No. 5 (“HCC-5”). 3.2.5.1. Legal Description. HCC-5 will be located in the SE1/4 of the SE1/4 of Section 6, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point 920 feet from the South section line and 130 feet from the East section line of said Section 6. 3.3. Source of the 1144 Wells. Groundwater from the alluvium of Cherry Creek and/or Happy Canyon Creek. 3.4. Appropriation Date. December 31, 1996 for the Cherry Creek Wells and Happy Canyon Creek Wells. 3.5. Amounts. 3.5.1. Cherry Creek Wells. 1,200 gpm (2.67 cfs.), each, conditional. 3.5.2. HCC-1 – HCC-5. 300 gpm, each, conditional. 3.6. Uses. 3.6.1. Type of Use. HCC-1, HCC-2, and HCC-3 have been drilled and are currently being used to supply water to ACWWA’s Joint Water Purification Plant (the “JWPP”) for treatment and potable uses. The 1996 conditional water rights may be used for all municipal uses, including all domestic, agricultural, industrial, commercial, irrigation, stockwatering, fire protection, recreation, fish and wildlife preservation and propagation, augmentation and exchange purposes, the replacement of depletions resulting from the use of water from other sources, and the recharge of Denver Basin aquifers, either by immediate application or by storage and subsequent application to said uses. No exchange is decreed herein, and any exchange of the 1996 conditional water rights may occur pursuant to a subsequent decree authorizing such exchange. If all out-of-priority depletions are fully augmented pursuant to the plan for augmentation decreed herein, then the 1996 conditional water rights may be used, reused, and successively used to extinction pursuant to the terms and conditions decreed herein. 3.6.2. Place of Use. Within the present and future boundaries and service area of ACWWA. ACWWA may also use the 1996 conditional water rights in the Upper Cherry Creek Water Users Association (“UCCWA”) plan for augmentation decreed in Case No. 01CW284 (“UCCWA Decree”) as described in paragraph 22.C of that decree, or outside the boundaries of ACWWA pursuant to existing agreements entered into prior to entry of this decree with nearby municipal water providers in the Cherry Creek basin, such as CWSD, as part of the joint use of the JWPP, IWSD, and Stonegate. The 1996 conditional water rights may be stored at Rueter-Hess Reservoir (pursuant to an agreement with Parker Water and Sanitation District) and Chambers Reservoir, or within the Denver Basin aquifer, as part of ACWWA’s aquifer storage recharge and recovery program pursuant to a separate future administrative approval or judicial decree. 3.6.3. Integrated System. The 1996 conditional water rights will be used throughout, and will be a part of, ACWWA’s integrated water system. 3.7. Alternate Points of Diversion. The 1144 Decree approved and decreed changes of water rights to facilitate use of ACWWA’s tributary water rights at alternate points of diversion described in paragraph 14 of the 1144 Decree and for all municipal purposes, including use by storage and augmentation. The approval of wells as alternate points of diversion in the 1144 Decree allows the lagged stream depletions from the operation of ACWWA’s wells to replicate historical in-priority stream depletions from the changed water rights, so long as the depletions occur when the changed water rights are in priority and the depletions do not exceed the daily, monthly, annual, and long-term depletion limits associated with the changed water rights, subject to the terms and conditions of the 1144 Decree and this Decree. 3.8. Places of Storage. 3.8.1. Rueter-Hess Reservoir. The

axis of the dam intersects the thread of Newlin Gulch at a point on the South section line of Section 30, Township 6 South, Range 66 West of the 6th P.M., in Douglas County, Colorado, which point is approximately 2,400 feet east of the Southwest corner of said Section 30. The northwest abutment of the dam is in the SW1/4 of the SW1/4 of said Section 30, approximately 1,300 feet east of the West section line, and approximately 550 feet north of the South section line, of said Section 30. The southeast abutment of the dam is in the NW1/4 of the NE1/4 of Section 31, same range and township, approximately 1,900 feet west of the East section line and 250 feet south of the North section line, of said Section 31.

3.8.2. Chambers Reservoir. Described in paragraph 4.2, below.

3.8.3. Aquifer Storage and Recovery (“ASR”). There is ASR in both the Arapahoe aquifer and the Laramie-Fox Hills aquifer underlying ACWWA’s present and future service area. ACWWA’s extraction of any fully-reusable and fully-consumable water stored by ASR in the Arapahoe aquifer through the Airport-3 Well, Denmark-Arap Well, A-3 Well, and the Chaparral A-3 Well, shall be in compliance with the State Engineer’s Denver Basin Artificial Recharge Extraction Rules, 2 C.C.R. 402-11, as such rules may be amended. ACWWA will store by ASR any fully-consumable and reusable water lawfully captured, possessed, and controlled by ACWWA for subsequent withdrawal and application to beneficial use. Storage by ASR shall not occur until ACWWA first obtains a subsequent decree authorizing such storage.

4. Description of Conditional Water Storage Right.

4.1. Name of Structure. Chambers Reservoir.

4.2. Legal Description and Location. Chambers Reservoir is an off-stream lined reservoir located in the W1/2 of the NW1/4 of Section 8, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado. The centerline of the Chambers Reservoir dam crosses an unnamed tributary of Happy Canyon Creek, in the NW1/4 of the NW1/4 of said Section 8, at a point 340 feet from the North section line and 630 feet from the West section line of said Section 8.

4.3. Lined Storage. By letter dated July 6, 2012, the State Engineer determined that the reservoir lining met the design standard set forth in the “State Engineer Guidelines for Lining Criteria for Gravel Pits dated August 1999.”

4.4. Surface Area. 31.41 acres.

4.5. Capacity. 1,405.43 acre-feet.

4.6. Sources Filling the Structure.

4.6.1. Direct precipitation on the reservoir; and

4.6.2. Local tributary inflows into the reservoir.

4.7. Legal Description of Reservoir Outlets.

4.7.1. Discharge Point to Storm Sewer. The location of the discharge point from Chambers Reservoir to a proposed storm sewer pipe, which is tributary to an unnamed tributary of Happy Canyon Creek, is in the NW1/4 of the NW1/4 of Section 8, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point 244 feet from the North section line and 920 feet from the West section line of said Section 8.

4.7.2. Discharge Point to Unnamed Tributary. The location of the discharge point from Chambers Reservoir to an unnamed tributary of Happy Canyon Creek is in the SW1/4 of the SW1/4 of Section 5, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point 790 feet from the South section line and 65 feet from the West section line of said Section 5.

4.8. Date of Appropriation. December 8, 2010.

4.9. Amount. 96.0 acre-feet, conditional, with the right of continuous refills totaling 96.0 acre-feet in a given year, and a maximum inflow rate of 6.4 cfs for the storage right.

4.10. Types of Use. ACWWA plans to use Chambers Reservoir to store raw water to supply its nonpotable irrigation system and to make releases for augmentation. The water will be used for all municipal purposes, including domestic, agricultural, industrial, commercial, irrigation, augmentation, stock watering, recreation, fish and wildlife, and fire protection uses. Water may be produced for immediate application to beneficial use, for storage in the locations described in paragraph 3.8, above, or by aquifer storage and recovery, and subsequent application to beneficial use or release and re-diversion to storage, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for all other augmentation and replacement purposes, including augmentation of not nontributary groundwater diversions. Water may be used, reused, and successively used to extinction and may be used by disposition to other parties described in paragraph 4.11, below, by sale, lease, trade, or other means.

4.11. Place of Use. The water may be used within the boundaries and service area of ACWWA as it exists now or may exist in the future. ACWWA may also use the water in the UCCWA Decree described in paragraph 22.C of that decree, or outside the boundaries of ACWWA pursuant to existing agreements entered into prior to entry of this decree with nearby municipal water providers in the Cherry Creek basin, such as CWSD, as part of the joint use of the JWPP, IWSD, and Stonegate.

5. Detailed Outline of Work Done For the Completion of the Conditional Appropriation and For Reasonable Diligence. 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. A detailed list of work done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed includes, but is not limited to, the following:

5.1. Well Maintenance. During this diligence period ACWWA spent approximately \$6.6 million on repairs and maintenance and capital equipment for ACWWA's water distribution system and wells.

5.2. Upper Cherry Creek Water Association. ACWWA is a member of UCCWA. UCCWA developed a very complex regional plan for augmentation, involving one conditional water storage right and one conditional appropriative right of exchange with several exchange-to and exchange-from points, which was originally decreed in Case No. 01CW284 on December 4, 2007. The water rights under the regional plan were continued as conditional and certain portions made absolute by the decree entered on October 21, 2015 in Case No. 13CW3184 by the Water Court. An application to continue the water rights as conditional and make certain portions absolute was filed by UCCWA on behalf of its members on October 29, 2021 in Case No. 21CW3197. ACWWA is currently operating under the UCCWA plan, and has expended substantial sums on engineering and legal fees in participating in the UCCWA regional plan.

5.3. Joint Water Purification Plant. During this diligence period, ACWWA and Cottonwood Water and Sanitation District ("CWSD") made improvements at the JWPP, a water treatment facility which is co-owned by ACWWA, CWSD, and the Arapahoe County Water and Wastewater Public Improvement District. The improvements included the replacement of reverse osmosis membranes and the design, construction, and commissioning of a new biological treatment system ("BTS"). The BTS treats the reverse osmosis concentrate produced by the JWPP prior to discharge. The JWPP was constructed specifically to fully use and reuse the alluvial water rights of ACWWA and CWSD. Nine of CWSD's alluvial wells and several of ACWWA's alluvial wells are specifically listed as exchange-to points under the decree entered in Case No. 01CW284. Water which is exchanged up to the alluvial wells of ACWWA and CWSD is typically treated at the JWPP before delivery to customers. Therefore, the improvements made at the JWPP increase and support the ability of ACWWA and CWSD to use the subject exchange. ACWWA expended approximately \$8.2 million for the design and construction of the JWPP concentrate biological treatment system.

5.4. Lawn Irrigation Return Flow Analysis. In 2018, ACWWA's engineering consultants prepared and submitted to the Division Engineer an analysis of lawn irrigation return flows throughout ACWWA's service area pursuant to the decree entered in Case No. 86CW388(A). Said return flows will provide part of the physical and legal water supply for all of the structures and conditional water rights described herein.

5.5. Chambers Reservoir. During the subject diligence period, the Division of Water Resources Dam Safety Branch performed a final construction inspection of the synthetic liner installation project at Chambers Reservoir Dam and approved the synthetic liner. This reservoir operation will increase the demand for ACWWA to operate the subject exchange. Additionally, releases from Chambers Reservoir are a source of augmentation water and may be exchanged to the upstream point of ACWWA's depletions pursuant to the subject exchange.

5.6. Case No. 15CW3144. ACWWA was awarded a decree in Case No. 15CW3144, entered on February 8, 2018 by the Water Court, which contains findings of reasonable diligence for and made portions absolute of ACWWA's conditional water rights decreed in Case No. 86CW388(A). These conditional rights are also part of ACWWA's integrated water system.

5.7. ACWWA Flow Project. In 2009 ACWWA contracted with United Water and Sanitation District ("United") and East Cherry Creek Valley Water & Sanitation District ("ECCV") to develop the ACWWA Flow Project. When fully developed, this project will acquire, treat, and deliver 4,400 acre-feet of annual average yield water rights from ditch systems in the South Platte Basin to the ECCV Water Treatment Plant for treatment, then to ACWWA for use. This water will be used for ACWWA's customers and its return flows will be used in ACWWA's augmentation plan, which will use ACWWA's alluvial wells to supply ACWWA additional potable and nonpotable water supplies. ACWWA has numerous wells that are listed as exchange points in this Application. Water which is exchanged up to ACWWA's alluvial wells can be stored in Chambers Reservoir for use. Therefore, the development of the ACWWA Flow Project increases and supports ACWWA's ability to use the subject exchange. 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 for the following: • Expansion of the Northern Water Treatment RO Plant (2018-2020); • Expansion of the North and South Booster Pump Stations (2018-2019); and • Construction of Deep Injection Well II (2018). 5.8. 2019 Draft Integrated Master Plan. During this diligence period, ACWWA began updating its 2011 Master Plan. The updated integrated master planning effort involves assessing the condition and performance of the existing systems, including improvements that have occurred since the 2011 master plan, analyzing existing and future water storage needs, examining existing and future supply and demand/load analysis, analyzing and assessing treatment plant and lift station capacity, identifying capital improvement projects, and proposing an overall phased capital improvement program. The plan fully relies on ACWWA's alluvial water rights (including numerous wells that are listed as exchange points in Case No. 01CW284) and the augmentation of the use of those wells when not in priority to ensure that ACWWA has an efficient system. Therefore, the development of this planning document increases and supports ACWWA's ability to use the subject exchange. 5.9. Protection of Water Rights. During the diligence period, ACWWA has been an active opposer in numerous Water Court cases involving Cherry Creek, in which it seeks to protect its decreed and vested water rights. 5.10. ACWWA continues to rely upon and develop the conditional water right described herein and has no intent to abandon them. 6. Claim to Make Absolute. During this diligence period, ACWWA has made absolute portion of the following water rights: 6.1. Chambers Reservoir Storage Right. A total of 4.06 acre-feet was stored in priority from precipitation and local inflows on May 4-17, May 23, and May 29-June 3, 2021. 6.2. Braun Well. During the week of February 14-20, 2022 (UCCWA's accounting week), ACWWA pumped (February 15-22) 32.58 acre-feet, or 4.07 acre-feet per day, assuming 8 days of pumping. This equates to 2.05 cfs/day for the week. The original May 7, 1964 appropriation for the Braun Well was 1.33 cfs. Subtracting the original appropriation flowrate from the prorated max rate in February 2022 would leave 0.72 cfs made absolute as of the December 31, 1996 appropriation. 7. 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. Applicant owns all the land on which the Cherry Creek Wells and Chambers Reservoir are located. Cottonwood Water & Sanitation District owns the land on which the Happy Canyon Wells are located, 2 Inverness Drive East, Suite 200 Englewood, Colorado 80112. WHEREFORE, ACWWA respectfully request that this Court enter an order finding that (1) 4.06 acre-feet of the 96.0 acre-feet of the Chambers Reservoir Water Storage Right has been made absolute, and 91.94 acre-feet is continued as conditional; (2) 1.02 cfs of 2.67 cfs of the Braun Well Conditional Water Right has been made absolute, and 1.65 cfs is continued as conditional; and (3) reasonable diligence has been exercised in the development of the conditional water rights associated with the Cherry Creek Wells, Happy Canyon Creek Wells, and Chambers Reservoir Water Storage Right described herein, and such rights be continued as conditional. (16 pages, 0 exhibits)

2022CW3079 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND PLAN FOR AUGMENTATION, IN DOUGLAS COUNTY. I. Name and Address of Applicants: **NATHANIEL THORNTON & KAELA MONAHAN**, 15855 El Dorado Way, Larkspur, Co 80118, 719-325-6612. Name and Address of Attorneys: David M. Shohet, #36675, MONSON, CUMMINS, SHOHEIT & FARR, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212, E-mail: dms@cowaterlaw.com. II. Application for Denver Basin Groundwater Rights. A. Property Description. The Applicants own approximately 4.5 acres located in portions of E 1/2 of the SW 1/4 and the West 1/2 of the SE 1/4, all in Section 34, Township 10 South, Range 66 West of the 6th P.M. in Douglas County, Colorado, more specifically described as Lot 30 of El Dorado Acres, with an address of 15855 El Dorado Way, Larkspur, Colorado 80118, and depicted on the **Exhibit A** map ("Applicants' Property"). B. Water Source. 1. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying the Applicants' Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills

aquifers underlying the Applicants' Property is nontributary. B. Estimated Rates of Withdrawal and Groundwater Available. 1. Estimated Rates of Withdrawal. Pumping from any well to be drilled on the Applicants' Property will not exceed 100 g.p.m. The actual pumping rates for each and every well will vary according to aquifer conditions and well production capabilities. The Applicants request the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Groundwater Available. Applicants requests a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicants' Property. Said amounts may be withdrawn over the 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants' Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson (NNT)	387	348	3.48
Denver (NT)	519	397	3.97
Arapahoe (NT)	279	213	2.13
Laramie Fox Hills (NT)	219	148	1.48

Decreed amounts may vary based upon the State's Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. C. Requested Uses. The Applicants request the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic (including long and short term rentals), irrigation, stock water, commercial (home office), recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. §37-90-137(9)(c.5). D. Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the Applicants' Property through any combination of wells. Applicants request that these wells be treated as a well field. E. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicants' Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. F. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells are located is owned by the Applicants. III. Application for Approval of Plan for Augmentation. A. Structure to be Augmented. The structure to be augmented is the Thornton/Monahan Well No. 1, which is currently completed to the Dawson aquifer in the NW 1/4 of the SE 1/4 of Section 34, Township 10 South, Range 66 West of the 6th

P.M., in Douglas County, Colorado, and permitted under Well Permit No. 210673, along with any replacement or additional wells associated therewith. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Thornton/Monahan Well No. 1, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicants seek to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by one well herein. Water use criteria and their consumptive use component for replacement of actual depletions for the Applicants' Property are estimated as follows: 1. Use. The Thornton/Monahan Well No. 1 will pump a maximum total of 1.0 acre feet of water from the Dawson aquifer annually. Such use shall be a combination of household use, irrigation of lawn and garden, pool/hot tub, and the watering of horses or equivalent livestock. 2. Depletions. It is estimated that maximum stream depletions over the 100 year pumping period for the Dawson aquifer amounts to approximately 10.67% percent of pumping. Maximum annual depletions for total residential pumping from all wells are therefore 0.1067 acre feet, in year 100. Should Applicants' pumping be less than the 1.0 acre feet described herein, resulting depletions will be correspondingly reduced. 3. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of a well completed to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems, and depletions from irrigation will be adequately replaced by irrigation return flows. The annual consumptive use for non-evaporative septic systems is 10%. At a household use rate of 0.25 acre feet per residence per year, 0.225 acre-feet is replaced to the stream system per year, assuming the use of a non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. 4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Thornton/Monahan Well No. 1, Applicants will reserve water from the nontributary Laramie-Fox Hills aquifer, less the amount of actual stream depletions replaced during the plan pumping period. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Thornton/Monahan Well No. 1, for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. IV. Remarks. A. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient and do not cause injury. B. Applicants request a finding that they have complied with C.R.S. §37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by the requested not-nontributary well upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). C. The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of groundwater withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. E. The Applicants request a finding that vested water rights of others will not be materially injured by the withdrawals of groundwater and the proposed plan for augmentation. F. Wells shall be installed and metered as reasonably required by the State Engineer. Each well may be required to be equipped with a totalizing flow meter and Applicants may be required to submit diversion

records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicants may also be required to provide accountings to the Division Engineer and Water Commissioner to demonstrate compliance under this plan of augmentation. G. The Applicants intend to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. H. Applicants will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

2022CW3080 (1993CW121) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 80216 (Please address all correspondence and inquiries regarding this matter to Ema I. G. Schultz 720-508-6307 and Tarn Udall 720-508-6266, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203. APPLICATION TO MAKE WATER RIGHTS ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE, IN DENVER AND ARAPAHOE COUNTIES, COLORADO. 1.

Name, mailing address, e-mail address, and telephone number of Applicant: Colorado Division of Parks and Wildlife ("CPW"); Attn: Ed Perkins, Water Rights Administrator; 6060 Broadway, Denver, Colorado 80216; 303-291-7466; ed.perkins@state.co.us. **2. Original Decree:** Case No. 93CW121, Water Division 1, entered May 19, 2016. **3. Description of structures and conditional water rights:** A map depicting the exchange reaches described herein is attached as Exhibit A. **A. Chatfield Reservoir to Cherry Creek Reservoir Exchange:** i. Exchange reach: from the confluence of the South Platte River and Cherry Creek, upstream along Cherry Creek to Cherry Creek Reservoir. ii. Legal description of structures involved in the exchange: a. Cherry Creek Reservoir: located in the NW1/4 NW 1/4 of Sect. 2, T5D R67W, 6th P.M. b. Chatfield Reservoir Outlet Structure: located SW 1/4 of Section 1, Township 6 South, Range 69 West. iii. Maximum rate of exchange: 40 c.f.s., conditional, not to exceed 2,000 acre feet annually. iv. Date of appropriation: June 30, 1997. v. Source of replacement water: Water stored in Chatfield Reservoir under CPW's water storage right decreed in Case No. 09CW265, that will be introduced into the South Platte River at the outlet of Chatfield Reservoir. vi. Use: Water stored by exchange in Cherry Creek Reservoir under this exchange may be used for recreation, aesthetics, piscatorial, wildlife and commercial use in Cherry Creek Reservoir, commercial use within Cherry Creek State Park, and for augmentation use under the augmentation plan decreed in Case No. 01CW284. **B. North Fork of the South Platte to Cherry Creek Reservoir Exchange:** i. Exchange reach: From the confluence of the South Platte River and Cherry Creek, upstream along Cherry Creek to Cherry Creek Reservoir. ii. Legal description of structures involved in the exchange: a. Cherry Creek Reservoir: described above. b. Nickerson No. 1 Ditch: headgate located in the NW 1/4 of Section 9, Township 7 South, Range 72 West. c. McDonald North Ditch: headgate located in the NE 1/4 of Section 36, Township 6 South, Range 73 West. d. McDonald South Ditch: headgate located in the NE 1/4 of Section 36, Township 6 South, Range 73 West. e. Remarks related to structure locations: In Case No. W-7434, the water right attached to the Carruthers No. 1 was transferred to the McDonald South Ditch, the water right attached to Carruthers No. 2 was transferred to Nickerson No. 1 and the water right attached to the Flume Ditch was transferred to the McDonald North Ditch, so no other structures are involved in this exchange plan. iii. Maximum rate of exchange: 1.15 c.f.s., not to exceed the flow rates and volume limits set forth in the decree in Case No. 84CW566, shown below, conditional, after subtracting the rates and volumes of such water rights exchanged or used for augmentation under the decree in Case No. 10CW305 and exchanged or used under the decree in Case No. 01CW284.

Maximum Volumetric and Diversion Rate Limits for the Changed 84CW566 Water Rights					
<i>Name of Water Right</i>	<i>Priority Date of Changed Water Right</i>	<i>Maximum Volumetric Limits in Acre-Feet</i>			
		<i>May</i>	<i>June</i>	<i>July</i>	<i>Annual</i>
Caruthers No. 1 Ditch, Caruthers No. 2 Ditch, Flume Ditch (combined)	May 1, 1867	13.3	32.5	22.5	68.3
Nickerson No. 1 Ditch	May 1, 1869	1.0	1.5	1.4	3.9
McDonald North Ditch,	April 1, 1880	12.7	34.7	28.5	75.9

McDonald South Ditch (combined)					
Totals		27.0	68.7	52.4	148.1
<i>Maximum Diversion Rate Limits in c.f.s.</i>					
Caruthers No. 1 Ditch, Caruthers No. 2 Ditch, Flume Ditch (combined)	May 1, 1867	0.22	0.55	0.37	_____
Nickerson No. 1 Ditch	May 1, 1869	0.02	0.02	0.02	_____
McDonald North Ditch, McDonald South Ditch (combined)	April 1, 1880	0.21	0.58	0.46	_____
Totals		0.45	1.15	0.85	

iv. Date of appropriation: June 30, 1997. v. Source of replacement water: North Fork Water Rights.

Ditch Name	Appropriation Date
1. Nickerson No. 1	May 1, 1869
2. McDonald North Ditch	April 1, 1880 April 1, 1880
3. McDonald South Ditch	May 1, 1867 May 1, 1867
4. Carruthers No. 1	May 1, 1867
5. Carruthers No. 2	
6. Flume Ditch	

These water rights were originally decreed by the Park County District Court on May 22, 1913 in Case No. 1678 for diversion from Deer Creek, a tributary of the North Fork for irrigation purposes. On December 30, 1993, in Case No. 84CW566, these water rights were changed to domestic, municipal, industrial, commercial, irrigation, recreational, and piscatorial purposes directly or by substitution, exchange or augmentation. In Case No. 10CW305, these water rights were included as a source of augmentation supply for CPW's augmentation plan decreed therein for Staunton State Park and as a source of substitute supply for the exchange decreed therein. In Case No. 01CW284, these water rights were included as a source of augmentation supply for the augmentation plan decreed therein and as a source of substitute supply for the exchange decreed therein. vi. Use: Water stored by exchange in Cherry Creek Reservoir under this exchange may be used for recreation, commercial, and piscatorial uses within Cherry Creek Reservoir, commercial and irrigation purposes within Cherry Creek State Park, and for augmentation use under the augmentation plan decreed in Case No. 01CW284. **4. Claim to make North Fork of the South Platte to Cherry Creek Reservoir Exchange partially absolute:** A. Date water applied to beneficial use: June 13, 2018. B. Amount: 0.49 cfs C. Uses: As described in Paragraph 3.B.vi. **5. Outline of work completed toward diligence:** A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period (May 2016 through May 2022) follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 1, including the exchanges described herein. B. CPW has the right to use Cherry Creek Reservoir by virtue of a lease with the United States Army Corps of Engineers ("Corps"), which owns the land on which the Reservoir is located. C. CPW retains a consultant to manage the operation of and accounting for all CPW exchanges into Cherry Creek Reservoir. CPW has paid the consultant approximately \$1,000.00 - \$2,000.00 per year during the diligence period. D. CPW has remained an active member in the Upper Cherry Creek Water Association ("UCCWA") during the diligence period. CPW has paid a yearly membership fee to UCCWA for management of various Cherry Creek water resources and storage in Cherry Creek Reservoir, including operation of and accounting for the plan for augmentation decreed in Case No. 01CW284, District Court, Water Division 1. The use of the exchange described above

in paragraph 3.B includes use in this plan for augmentation. The yearly membership dues paid by CPW to UCCWA are approximately \$15,000.00. E. A CPW staff member attends monthly UCCWA meetings about the coordination of the Cherry Creek water resources and Cherry Creek Reservoir. F. CPW has the right to store water in Chatfield Reservoir by virtue of an agreement with the Colorado Department of Natural Resources (“CDNR”). The agreement with CDNR affords CPW the right to use a portion of the Chatfield Storage Reallocation Project. CDNR has the right to use space in Chatfield Reservoir by agreement for the Chatfield Storage Reallocation Project with the Corps. CPW has paid approximately \$8,300,940.00 to implement the Chatfield Storage Reallocation Project and secure the right to store water in Chatfield Reservoir. The Corps approved storage in the Chatfield Storage Reallocation Project space on May 7, 2020. G. CPW has remained an active member in the Chatfield Reservoir Mitigation Company (“CRMC”) during the diligence period. CPW has paid annual assessments to CRMC for the development and management of the Chatfield Storage Reallocation Project. CPW has paid annual assessments of approximately \$30,000.00 – \$65,000.00 to CRMC. H. CPW staff members serve on the board of directors for the CRMC and participate in the Chatfield Reservoir operations committees. CPW staff members also served on the Technical Advisory Committee for the Chatfield Storage Reallocation Project during the diligence period. I. CPW maintained diligence for the water right decreed in Case No. 09CW265 by filing and obtaining a decree in Case No. 19CW3058. This water right is the replacement source for the exchange described in paragraph 3.A. J. CPW participated in a cost sharing agreement to install and maintain a stream gage on Deer Creek that is used to quantify the North Fork water rights that serve as the replacement source for the exchange described in paragraph 3.B. CPW has paid approximately \$43,192.50 as part of the agreement during the diligence period. **6. Name of owners of land upon which structures are located:** Metropolitan Wastewater Reclamation District, 6450 York Street, Denver, CO 80229-7499; U.S. Army Corps of Engineers, 9307 Hwy 121, Littleton, CO 80123-6901. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the water rights as described herein, and for such other relief as this Court deems just and proper. Application is 7 pages.

****AMENDED** 2020CW3096. EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT (“ECCV”), c/o David Kaunisto, General Manager, 6201 South Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800; UNITED WATER AND SANITATION DISTRICT (“United”), c/o Robert Lembke, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, Telephone: (303) 773-1005. The above-listed parties shall be collectively referred to as the “Applicants.” **FIRST AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS AND PLAN FOR AUGMENTATION in ADAMS AND WELD COUNTIES.** Please send all pleadings and correspondence 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, (Attorneys for ECCV); Tod J. Smith, Esq., Law Office of Tod J. Smith, LLC, 5777 Central Avenue, Suite 228, Boulder, Colorado 80301, (Attorney for United).** 2. Introduction. In the original application, Applicants sought to change the use of the decreed water rights associated with shares in the Fulton Irrigating Ditch Company for use by ECCV. In this Amended Application, Applicants seek to change the use of additional Fulton Shares. 3. Summary of Subject Water Rights. ECCV seeks to change the use of 66.3 shares out of 7,185 outstanding shares of the Fulton Irrigating Ditch Company (“ECCV’s Fulton Shares”). **CLAIM FOR CHANGE OF WATER RIGHTS** 4. Decreed Water Rights for Which Change is Sought and Structure Associated with the Decreed Water Rights. 4.1. Name of Structure. Fulton Ditch. 4.2. Decreed Point of Diversion: The original decreed headgate location for the Fulton Ditch is near Section 9, between Sections 16 and 17, in Township 2S, Range 67W of the 6th P.M., Adams County, Colorado. The actual headgate location is on the east bank of the South Platte River in the NE¼ SE¼ of Section 17, Township 2S, Range 67W of the 6th P.M., Adams County, Colorado. 4.3. Previous Decree. Case No. 6009, Arapahoe County District Court, decreed April 28, 1883. 4.4. Source. South Platte River. 4.5. Dates of Appropriation and Amounts.

Priority No.	Appropriation Date	Amount (cfs)	Pro Rata Amount for 66.3 Shares (cfs)
8	May 1, 1865	79.7	0.735
43	July 8, 1876	74.25	0.685
51	November 5, 1879	50.23	0.464
TOTAL		204.18	1.884

Historical Use. ECCV's Fulton Shares were historically used to irrigate the lands described below and shown on the map attached as **Exhibit 1**. 5.1. Calvin Farm. The Calvin Farm is located in the W1/2 of the SE1/4 of Section 8, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3 shares, represented by Share Certificate 3800,¹ were used to irrigate alfalfa. 5.2. Hansen Farm. The Hansen farm is located in the W1/2 of the SW1/4 of Section 16 and the E1/2 of the NE1/4 of the SE1/4 of Section 17, all in Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. 23.75 shares, represented by Share Certificate No. 4146, were used to irrigate a mix of alfalfa, corn grain, corn silage, sweet corn, pasture grass, sorghum, grain, and potatoes. 5.3. Hattendorf Farm. The Hattendorf farm was located in the W½ of Section 18, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. 1.55 shares, represented by Share Certificate No. 4017, were used to irrigate a mix of sugar beets, sweet corn, silage corn, alfalfa, and vegetables. 5.4. King Farm. The King Farm is located in the S½ of the SW¼ of Section 4, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3 shares, represented by Share Certificate 3799,² were used to irrigate a mix of sugar beets, vegetables, spring grain, corn grain, alfalfa, wheat, and barley. 5.5. Windler Farm. The Windler farm was located in the NE1/4 of the NW1/4 of Section 5, and in part of the W1/2 of the NE1/4 of Section 5, all in Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. 35 shares, represented by Share Certificate No. 4039, were used to irrigate a mix of corn grain, corn silage, sugar beets, small vegetables, and alfalfa. 6. Proposed Change of ECCV's Fulton Shares. 6.1. Change in Type of Use. The uses described below may occur directly, following storage, following recharge, and/or by exchange. 6.1.1. Use in ECCV's Augmentation Plans. ECCV seeks to use the water attributable to its Fulton Shares as a source of replacement water in ECCV's augmentation plans decreed in Case Nos. 02CW403 and 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, in Case Nos. 13CW3026, 19CW3075, and 19CW3084, and in pending Case No. 20CW3117. In addition, ECCV seeks to use the water attributable to its Fulton Shares as a source of replacement water in any future ECCV plan for augmentation. 6.1.2. Source for ECCV's Recharge Projects. ECCV seeks to deliver ECCV's Fulton Shares to ECCV's recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the decrees entered in Case Nos. 02CW404/03CW442 and 10CW306, and will store excess accretion credits generated therefrom in any reservoir available to ECCV including, but not limited to, Milton Lake. ECCV will also deliver its Fulton Shares to ECCV's recharge facilities decreed in Case No. 16CW3196. In addition, ECCV seeks to deliver its Fulton Shares to any future recharge site, aquifer storage and recovery project, and aquifer recharge and recovery project to which ECCV is legally permitted to recharge water. 6.1.3. Source for ECCV's Exchanges. ECCV will deliver ECCV's Fulton Shares as a source of substitute supply in the exchanges decreed in Case Nos. 11CW285, 16CW3196, and 19CW3075. ECCV may also use ECCV's Fulton Shares as a source of supply in any future exchange operated or decreed for use by ECCV. 6.1.4. Places of Storage. ECCV may store ECCV's Fulton Shares in any facility ECCV is legally permitted to store water, including: 6.1.4.1. United Reservoir No. 3. United Reservoir No. 3 is an off-channel reservoir located in the E1/2 of Section 26 and the N½ of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 6.1.4.2. Barr Lake. Barr Lake is 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. 6.1.4.3. Milton Lake. Milton Lake is an off-channel reservoir located in Sections 10, 11, 14, 15,

¹ A new share certificate for ECCV is in the process of being issued and will be included in the final decree.

² A new share certificate for ECCV is in the process of being issued and will be included in the final decree.

22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.4. Milliken Reservoir (a/k/a Gilcrest Reservoir). Milliken Reservoir is a lined off-channel reservoir located within a part of 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. 6.1.4.5. 70 Ranch Reservoir. 70 Ranch Reservoir is a lined off-channel reservoir located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M. and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 6.1.4.6. Serfer Pit. Serfer Pit is an off-channel lined gravel pit reservoir on the north side of the Cache la Poudre River, 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. 6.1.4.7. Binder Reservoir. Binder Reservoir is 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. 6.1.4.8. Ken Mitchell Lakes. Ken Mitchell Lakes is located in parts of Sections 11, 12, 13, and 14, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. Storage of ECCV's Fulton Shares in Ken Mitchell Lakes is subject to approval by the City of Brighton. 6.1.4.9. 124th Avenue Reservoir. 124th Avenue Reservoir is located in the NE 1/4 of the SW 1/4 and the NW 1/4 of the SE1/4 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. Storage of ECCV's Fulton Shares in the 124th Avenue Reservoir is subject to approval by the City of Brighton. 6.1.4.10. Erger's Pond. Erger's Pond is located adjacent to Cell 1 of Ken Mitchell Lakes, in Section 12, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. Storage of ECCV's Fulton Shares in Erger's Pond is subject to approval by the City of Brighton. 6.1.4.11. Holton Lake. Holton Lake is 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. 6.1.4.12. Any existing or future storage facility in which ECCV is legally permitted to store water. 6.1.5. Replacement of Return Flow Obligations. ECCV seeks to use its Fulton Shares to replace return flow obligations associated with its Fulton Shares and with the agricultural water rights changed in Case Nos. 02CW403, 02CW404/03CW442, 06CW40, 12CW73, 13CW3026, 05CW58/11CW151, 16CW3200, and 16CW3196, and any future change for which ECCV's Fulton Shares may be used to replace return flow obligations. 6.1.6. Use in ACWWA's Augmentation Plans and Delivery to ACWWA's Recharge Projects. ECCV may lease and/or trade water attributable to ECCV's Fulton Shares to Arapahoe County Water and Wastewater Authority ("ACWWA") for use as a source of augmentation and replacement water in ACWWA's augmentation plans and recharge projects, including those decreed in Case Nos. 10CW306, 13CW3026, 16CW3195, 19CW3074, and 19CW3084, and the plans for augmentation currently pending in Case Nos. 20CW3117 and 20CW3142. 6.1.7. All Municipal Uses. ECCV seeks to use the water attributable to its Fulton Shares for all municipal uses via augmentation and exchange, including after recharge or storage. ECCV's municipal uses include but are not limited to irrigation, domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within ECCV's present and future service area. 6.1.8. Right of Reuse, Successive Use, and Disposition. ECCV reserves the right to reuse, successively use, and dispose of by sale, lease, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted, and/or impounded pursuant to the decree entered in this case. As such, ECCV's Fulton Shares will be fully consumable water. 6.2. Change in Place of Use. ECCV seeks to use the water attributable to its Fulton Shares on lands within ECCV's present and future service area, at such locations as to allow ECCV to pump water at the ECCV/ACWWA Well Field or provide direct deliveries for municipal use within ECCV's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. A map of ECCV's present service area is attached as **Exhibit 2**. 7. Delivery of Fulton Shares. ECCV does not seek a change in point of diversion of its Fulton Shares. ECCV will continue to take delivery of its Fulton Shares at the Fulton Ditch headgate at times when Fulton is delivering to other shareholders. ECCV may also deliver its Fulton Shares through any other structure located on the Fulton Ditch if approved by the Fulton Board of Directors. 8. Return Flow Obligations. ECCV will maintain historical surface runoff and groundwater return flows on a daily basis

whenever the downstream calling water right on the South Platte River, including exchanges, is senior to July 13, 2020. ECCV shall meet its return flow obligations for its Fulton Shares by any of the sources described in the attached **Exhibit 3**, either directly, by substitution, by exchange, or following storage or recharge. ECCV may also deliver water from other fully consumable sources, either directly, by substitution, by exchange, or following storage or recharge, owned or controlled by ECCV or any other available sources so long as the sources are decreed for augmentation purposes by the Water Court, or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 and -309 of the Colorado Revised Statutes, or successor statutes, or are otherwise lawfully available for such use. 9. Integrated System. ECCV's Fulton Shares will be used pursuant to and in accordance with the applicable terms and conditions of the plans for augmentation, exchanges, and recharge projects decreed in Case Nos. 02CW403, 02CW404/03CW442, 10CW306, 13CW3026, 11CW280, 11CW285, 16CW3200, 16CW3196, and 19CW3075. **CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION** 10. Purpose of the Plan for Augmentation. Through this plan for augmentation, ECCV will provide sources of replacement water to replace the historical return flow obligations associated with ECCV's Fulton Shares. 11. Location of Return Flows. The locations where the return flows associated with ECCV's Fulton Shares historically accrued are shown in **Exhibit 4**. 12. Replacement Sources. ECCV will use water derived from the sources described in paragraph 8, above, to replace the historical return flow obligations associated with its Fulton Shares in time, location, and amount in order to prevent injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 13. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of replacement in the plan for augmentation described in this Application. Those supplies may be acquired and/or leased to replace or supplement water from the sources identified in paragraph 8. ECCV will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes. 14. Names and Addresses of the Owners of the Structures and Diversion Facilities Listed Above. 14.1. Fulton Irrigating Ditch is owned by Fulton Irrigating Ditch Company, whose address is 25 South 4th Avenue, Brighton, Colorado 80601. 14.2. United Reservoir No. 3 is owned by United, whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. United Reservoir No. 3 is on land owned by Bromley District Water Providers, LLC, whose address is the same. United holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 14.3. Barr Lake and the canals which will be used to deliver water to Barr Lake are owned by Farmers Reservoir and Irrigation Company ("FRICO"), whose address is 80 South 27th Avenue, Brighton, Colorado 80601. 14.4. Milton Lake is owned by FRICO, whose address is 80 South 27th Avenue, Brighton, Colorado 80601. 14.5. Milliken Reservoir is owned by United Milliken Reservoir Enterprise, LLC, whose address is 8301 East Prentice Ave, Suite 100, Greenwood Village, Colorado 80111, and Scout Investments, LLC, whose address is the same. 14.6. Weld Adams Water Development Authority ("WAWDA"), whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, holds an easement for 70 Ranch Reservoir and its diversion and outlet facilities. The land underlying the easement is owned by 70 Ranch, LLC, whose address is the same. 14.7. Serfer Pit is owned by United, whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 14.8. Binder Reservoir is owned jointly by Ronald E. vonLembke, 73 Falcon Hills Drive, Highlands Ranch, CO 80126 and Andrew Damiano, 15 Cherry Vale Drive, Englewood, Colorado 80113. 14.9. Ken Mitchell Lakes is owned by the City of Brighton, whose address is 500 South 4th Avenue, Brighton, Colorado 80601. 14.10. 124th Avenue Reservoir is owned by the City of Brighton, whose address is 500 South 4th Avenue, Brighton, Colorado 80601. 14.11. Erger's Pond is owned by the City of Brighton, whose address is 500 South 4th Avenue, Brighton, Colorado 80601. 14.12. Holton Lake is owned by CAW Equities, LLC, whose address is 8301 East Prentice Ave, Suite 100 Greenwood Village, CO 80111. 15. Additionally, ECCV provided notice to FRICO of the Application pursuant to Article XVI(2) of the FRICO Bylaws on June 26, 2020, but in so doing does not waive any claims or defenses related to the application of the FRICO Bylaws to this Application. WHEREFORE, ECCV requests that the Court enter a decree granting the change of water

rights and the conditional appropriation of return flows, and approving the plan for augmentation, and for such other relief which it deems proper. (10 pages, 4 exhibits)

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 AND PROTEST 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 **JULY 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.

YOU ARE HEREBY NOTIFIED that any person who wishes to support or oppose a protest and/or may be affected by the subject matter of a protest or by a ruling thereon and desiring to participate in any protest hearing must file with the Water Clerk, P.O. BOX 2038, Greeley, CO 80632, an entry of appearance, under Water Court Rule 12(d), and file a completed JDF 320W - Entry of Appearance in Protest to Final Abandonment List (forms available on www.courts.state.co.us or in the Clerk's office). Such Entry of Appearance must be filed by **AUGUST 31, 2022**. A copy of such entry of appearance must also be served upon the Opposer and the Applicant's attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.