

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

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

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

2023CW12 (98CW280, 05CW141, 14CW19) KYM SCHURE, 12826 CR 37, Sterling, CO 80751. 970-520-6808. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LOGAN COUNTY.** Date of original decree: 4-28-99 in case 98CW280 in WD 1. Subsequent decrees: 05-07-08 in case 05CW141 in WD 1, 05-03-17 in case 14CW19 in WD 1. All four wells are located in the NW1/4, S21, T8N, R53W of the 6th PM. Schure Well No. 1 at a point approximately 75 ft. S and 75 ft. E; Schure Well No. 2 at a point approximately 565 ft. S and 1698 ft. E; Schure Well No. 3 at a point approximately 895 ft. S and 1609 ft. E; Schure Well No. 4 at a point approximately 2020 ft. S and 2103 ft. E. Source: Schure Well No. 1 Tributary alluvium; Schure Well Nos. 2, 3, 4 Pierre Shale. Appropriation date: Schure Well No. 1, 05-28-98; Schure Well Nos. 2, 3, 4, 10-08-97. Amount: Schure Well No. 1; 80 gpm; Schure Well Nos. 2, 3, 4; 15 gpm Conditional. Use: Schure Well No. 1, aquaculture, recreation, and fire control. Schure Well Nos. 2, 3, 4, domestic in-house use for each well.

2023CW3048 MCDONALD REVOCABLE TRUST, c/o Patty McDonald, 954 White Leaf Circle, Castle Rock, CO 80108. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES IN THE LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND NOT-NONTRIBUTARY SOURCES IN THE UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: 40 acres generally located in the NE1/4 of the NW1/4 of Section 23, Township 10 South, Range 65 West of the 6th P.M., also known as 1506 County Road 86, Elbert, CO, 80106, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There are currently two wells on the Subject Property operating under Well Permit Nos. 82790 and 82828. These wells will continue to operate under their existing permits. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)*	19.70
Lower Dawson (NT)	13.01
Denver (NT)	16.86
Arapahoe (NT)	19.94
Laramie-Fox Hills (NT)	11.98

* The total estimated amount of Upper Dawson Aquifer groundwater is 21.70 acre-feet per year. 2 acre-feet are withheld from this adjudication for use by Well Permit Nos. 82790 and 82828 (1 acre-foot per year for each well). Proposed Use: Use, reuse, and subsequent use for domestic, including in-house use, commercial, irrigation, livestock watering, industrial, fire protection, and augmentation and replacement purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to

C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

2023CW3049 ADAM STEINBACH, 1900 Federal Blvd., Denver, CO 80204, Telephone: (303) 993-6057 (P. Andrew Jones, #29076, Law Office of P Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Telephone: (970) 235-0252, E-mail: ajones@pandrewjones.com). **APPLICATION FOR UNDERGROUND WATER RIGHT AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN LOGAN COUNTY**. 2. General Description of Application: Applicant seeks to adjudicate a water right for an augmentation plan supporting diversions by Steinbach Well No. 1, which serves a residential apartment complex near Sterling. **APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT** 3. Name of Water Right: Steinbach Well No. 1 a. Location of Point of Diversion: i. PLSS: SE1/4, Section 28, Township 8 North, Range 53 West of the 6th PM ii. GPS coordinates: 1. Format: UTM 2. Zone: 13 3. Units: Meters. 4. Datum: NAD 83 5. Setting: True North 6. Northing (Y): 449,8474 7. Easting (X): 6,438,805 b. Source: Ground water tributary to the South Platte River. c. Date of Appropriation: Date of filing d. How appropriation was initiated: Site inspection and improvement, engineer and legal analysis. e. Amount claimed: .033 c.f.s. (15 g.p.m), conditional. f. Use: Domestic use in residential apartment building, landscape irrigation. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION**. 4. Name of Structure to be Augmented: Steinbach Well No. 1, to be decreed herein. 5. Water Rights to Be Used for Augmentation: Applicant has entered into a Water Supply Agreement with North Sterling Irrigation District (“North Sterling”) to provide augmentation for the Steinbach Well No. 1 (“North Sterling Agreement”). North Sterling owns or controls various water rights decreed for augmentation purposes including, without limitation, the Decree entered by the Water Court in and for Water Division No. 1 in Case No. 1996CW1034 (“1996CW1034 Decree”), which adjudicated, among other things: (1) a change of water right for a portion of the North Sterling Reservoir; (2) a recharge water right; and (3) a substitution and exchange. North Sterling is obligated under the terms of the North Sterling Agreement to deliver up to .24 acre foot per year to the South Platte River through 2040. 6. Statement of Plan for Augmentation: Consumption of water pumped from Steinbach Well No. 1 is expected to cause depletions to the South Platte River in the locations depicted on the map attached as Exhibit A. North Sterling will deliver fully consumable augmentation supply to the South Platte River pursuant to its Water Supply Agreement with the Applicant in time, place and amount sufficient to prevent injury to vested water rights and decreed conditional water rights. Applicant will limit pumping to ensure that depletions do not exceed augmentation supply available under the North Sterling Agreement. 7. Name and Addresses of Owners of Land: a. Applicant owns the land upon which Steinbach Well No. 1 is located. b. North Sterling Irrigation District, 112 North 8th Avenue, Post Office Box 103, Sterling, CO 80751, owns the lands, structures and water rights that will be used to deliver augmentation water to Applicant.

23CW3050 (16CW3097) ABBEY OF ST. WALBURGA – APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN LARIMER COUNTY - to be published in June Resume.

2023CW3051 (Former Case Nos. 87CW296, 95CW250, 03CW326, 10CW144, and 16CW3126). **APPLICATION OF ROXBOROUGH VILLAGE METROPOLITAN DISTRICT FOR A SEXENNIAL FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY, COLORADO.**

1. Name and address of Applicant: Roxborough Village Metropolitan District, Special District Management Services, c/o Peggy Ripko, 141 Union Blvd # 150, Lakewood, CO 80228; 303-987-0835. Please send all correspondence and pleadings to the undersigned counsel for the Applicant: Carlson, Hammond & Paddock, LLC, Lee H. Johnson, Mason H. Brown, Katrina B. Fiscella, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203; Phone Number: (303) 861-9000; Fax Number: (303) 861-9026; Email: ljohnson@chp-law.com; mbrown@chp-law.com; kfiscella@chp-law.com. **2. Name of Structures:** Roxborough Village Reservoir No. 1, Roxborough Village Reservoir No. 2. A map showing the approximate decreed locations of the relevant structures is attached as Exhibit A. **3. Description of the remaining conditional water rights:** By this Application, the Roxborough Village Metropolitan District (“District” or “Applicant”) seeks a judicial finding of reasonable diligence in the development of the conditional water rights for Roxborough Village Reservoir No. 1 and Roxborough Village Reservoir No. 2. **A. Roxborough Village Reservoir No. 1.** (1) Original Decree: Case No. 87CW296, Water Court, Division No. 1, State of Colorado, issued on December 12, 1989. (2) Diligence Decrees: Subsequent findings of reasonable diligence decrees include: Case No. 95CW250 issued on September 29, 1997; Case No. 03CW326, issued on May 18, 2004; Case No. 10CW144, issued on September 28, 2010; and, Case No. 16CW3126 issued on May 16, 2017, all in Water Court, Division No. 1, State of Colorado. (3) Legal Description: Pursuant to the decree entered in Case No. 87CW296, Roxborough Village Reservoir No. 1 is located in the Southwest Quarter of the Southeast Quarter of Section 35, Township 6 South, Range 69 West of the 6th P.M. and the Northeast Quarter of Section 2, Township 7 South, Range 69 West of the 6th P.M. The intersection of the dam axis and the center line of the outlet works is located at a point whence the Southeast Corner of Section 35, Township 6 South, Range 69 West, 6th P.M. bears South 84° 58’50” East 1544 feet. This location was further described in the decree in Case No. 16CW3126 as being the intersection of the center line of the dam axis with the center line of Roxborough Village Reservoir #1 is in the SW 1/4 SE 1/4 of Section 35, Township 6 South, Range 69 West of the 6th P.M., at a point 237 feet North of the South line and 1535 feet West of the East line of said Section 35. *See* Exhibit A. (4) Source: Little Willow Creek. (5) Appropriation Date: October 12, 1984. (6) Amount: 100 acre feet. In Case No. 95CW250, 30.6 acre feet of the original conditional water right was made absolute. The remaining 69.4 acre feet remains conditionally decreed. (7) Use: Storage, irrigation of grasses in parks and open space, recreation and fish and wildlife uses. A map of the current boundaries of the Roxborough Village Metropolitan District is attached as Exhibit B. **B. Roxborough Village Reservoir No. 2.** (1) Original Decree: Case No. 87CW296, Water Court, Division No. 1, State of Colorado, issued on December 12, 1989. (2) Diligence Decrees: Subsequent findings of reasonable diligence decrees include: Case No. 95CW250 issued on September 29, 1997; Case No. 03CW326, issued on May 18, 2004; Case No. 10CW144, issued on September 28, 2010; and, Case No. 16CW3126 issued on May 16, 2017, all in Water Court, Division No. 1, State of Colorado. (3) Legal Description: Pursuant to the decree entered in Case No. 87CW296, Roxborough Village Reservoir No. 2 is located in the Southeast Quarter of Section 35, Township 6 South, Range 69 West of the 6th P.M. The intersection of the dam axis and the center line of the outlet works is located at a point whence the Southeast Corner of Section 35, Township 6 South, Range 69 West, 6th P.M. bears South 83°30’00” East 2014 feet. This location was further described in the decree in Case No. 16CW3126 as being the intersection of the center line of the dam axis with the center line of Roxborough Village Reservoir No. 2 is in the SW 1/4 SE 1/4 of Section 35, Township 6 South, Range 69 West of the 6th P.M., at a point 225 feet North of the South line and 2002 feet West of the East line of said Section 35. *See* Exhibit A. (4) Source: Little Willow Creek. (5) Appropriation Date: October 12, 1984. (6) Amount: 40 acre feet, conditional. (7) Use: Storage, irrigation of grasses in parks and open space, recreation and fish and wildlife uses. A map of the current boundaries of the Roxborough Village Metropolitan District is attached as Exhibit B. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use.** A. During the diligence period, the District continued to store water in Roxborough Reservoir No. 1, but not in amounts greater than already made absolute. B. The conditional direct flow, storage, and appropriative rights of exchange decreed in Case No. 87CW296, and maintained in Case No. 95CW250, Case No. 03CW326, Case No. 10CW144 and Case No. 16CW3126 are part of a unified system for water use at Roxborough Village Metropolitan District. Such a finding was first made in Case No. 95CW250.

Accordingly, the District seeks a finding in the present matter that the Roxborough Village Metropolitan District Water Supply System is an integrated system under § 37-92-301(4)(b), C.R.S. During this diligence period, the District has continued the development of its Water Supply System. Activities have included, among other things: Retaining new water counsel and District engineering consultants; water quality monitoring and improvement activities related to storage facilities within the District's boundaries; completion and operation of a new box culvert associated with a storage structure; repair and replacement of spillway and bank stabilization structures; repair and replacement of a pedestrian access path and bridge at Roxborough Village Reservoir No. 1; continued operation of the District's irrigation system; storage of water in Roxborough Village Reservoir No. 1; and ongoing maintenance efforts related to the District's irrigation system. Costs associated with these efforts were incurred during the diligence period. C. During the diligence period, the District initiated and completed a significant repair project involving replacement of the box culvert associated with Roxborough Village Reservoir No. 1. In connection with these efforts a new box culvert was designed and installed that facilitates the release of water from storage. This project also included replacement of spillway structures and bank stabilization associated with Roxborough Village Reservoir No. 1, and repair and replacement of a pedestrian access path and bridge related to said reservoir. Costs associated with these efforts during the diligence period were incurred in excess of \$130,000. D. During the diligence period, the District has continued to conduct maintenance activities relative to its irrigation system, including pump tests and maintenance activities. Costs associated with these efforts were incurred during the diligence period. **5. Water applied to beneficial use:** N.A. **6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** On information and belief and consistent with earlier diligence filings, the relevant individuals and entities are shown below. Applicant will comply with additional notice requirements by certified or register mail, as set forth in § 37-92-302(2)(b), C.R.S.: Roxborough Village Metropolitan District, Applicant; Konrad J. Gojara, 8008 Eagleview Drive, Littleton, CO 80125; Arrowhead Shores Homeowners Association, P.O. Box 270487, Littleton, CO 80127. **WHEREFORE**, Applicant requests the Court to enter its decree and ruling as follows: 1. To make a finding of reasonable diligence with respect to the remaining conditional amounts of Roxborough Village Reservoir No. 1 and Roxborough Village Reservoir No. 2., and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence in this matter.

2023CW3052 SODA LAKES LODGE, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Soda Lakes Lodge, LLC (the "Soda Lakes Lodge"), c/o David Berton, 2899 N. Speer Blvd., Suite 102, Denver, CO 80211; Email: david@realarchitecture.com; Telephone: (303) 910-1185; 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 Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION IN JEFFERSON COUNTY. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 2. Names of Structures to be Augmented: Soda Lakes Lodge Wells Nos. 1 and 2 ("Subject Wells"). Soda Lakes Lodge is the owner of a parcel of approximately 2.4 acres lying in the SE1/4, Section 1, Township 5 South, Range 70 West of the 6th P.M., Jefferson County Colorado ("Subject Property"), the general location of which is shown on the map attached as **Exhibit A**. The Subject Property is directly adjacent to Soda Lakes Reservoir Nos. 1 and 2 in the drainage of Turkey Creek, tributary to Bear Creek. Soda Lakes Lodge Well No. 1 is an existing well (Well Permit No. 330218). Applicant Soda Lakes Lodge reserves the right to drill a second well, Soda Lakes Lodge Well No. 2, on the Subject Property to be augmented pursuant to this plan for augmentation in the event the Soda Lakes Lodge Well No. 1 is not an adequate physical supply for Soda Lakes Lodge's

needs, provided the total replacement needs for the two wells does not exceed the total amount of consumptive use available under this plan. The rate of diversion for the Subject Wells will not exceed 15 gallons per minute. The Subject Wells will provide water for a tavern and café on the Subject Property. Applicant Soda Lakes Lodge will seek new well permits for the Subject Wells consistent with the final decree entered in this case. 3. Water Rights to be Used for Augmentation Purposes: Soda Lakes Lodge has entered into a contract with North Fork Associates, LLC to purchase 12.7 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.40 of an acre-foot to satisfy the present and anticipated future replacement needs, which firm yield is reflected on **Exhibit B**, attached.

a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the Decree entered in Civil Action No. 6832 on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes

Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this Application shall have the meaning set forth in the Decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this Application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this Application may be used as a Supplemental Supply as defined in the Decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said Decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7 and 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the Decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this Application. 4. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Subject Wells for indoor use as described below. a. The water requirement for the Subject Wells is for use inside a tavern and café. It is conservatively estimated that the per capita water use will be 24 gallons per seat per day with a capacity of 150 seats, with year-round operations, and 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. The plan is estimated to require up to 0.400 of an acre-foot of replacement water as is shown in Table 1 below.

Table 1							
Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Tavern/Cafe	24 gl/seat/dy	150	4.0	10%	0.40	0.20	0.20
Total			4.0		0.40	0.20	0.20

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.033	0.033	0.033	0.033	0.033	0.033	0.034	0.033	0.034	0.034	0.033	0.034

This equates to an average stream depletion of 0.25 of a gallon per minute.

b. The assumed depletions are based on conservative assumptions. If, following a period of operation, the total amount of augmentation water needed to replace the out-of-priority depletions of the Subject Wells is less than that amount needed for replacement, Applicant Soda Lakes Lodge may seek to remove replacement water exceeding 110% of the highest annual usage from the decree in this case and reallocate that surplus replacement water to another development project by filing a subsequent water court application to approve the reallocation. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 3, 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 from storage of short duration. 5. Water Exchange Reach: The total consumptive use water requirement will be met with 0.40 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek water rights. These requirements are needed at the point of depletion in the SW1/4, SW1/4, Section 6, Township 5 South, Range 70 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the Section 5, Township 5 South, Range 69 West of the 6th P.M. The point of depletion to Turkey Creek that is associated with water usage from the Subject Wells is within the exchange reach described in the Decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate exchange priority is required for the operation of this augmentation plan regarding such depletions that occur within the reach described in those cases. The exchanges described in Case Nos. 94CW290 and 01CW293 are operated and administered with priority dates of December 30, 1994 and December 31, 2001, respectively. In the event that there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. 6. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 7. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Co-Applicants, the Soda Lakes Lodge. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) authorizing the claims sought herein, (2) authorizing use of the augmentation supplies described in this Application, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permit(s) required for, the Subject Wells consistent with the final decree entered in this case. (9 pgs., 2 Exhibits)

2023CW3053 MATTHEW A. CANNER, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Matthew A. Canner (“Canner”), 8045 Rossman Gulch Rd., Morrison, CO 80465; Email: mcanner11@msn.com; Telephone: (720) 581-0493; 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 Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY.** 2. Overview of Claims: Co-Applicant Canner owns an approximately 30-acre parcel lying in the SE1/4, Section 31, Township 5 South, Range 70 West of the 6th P.M., currently known as 8045 Rossman Gulch Road, Morrison, CO 80465, Jefferson County, Colorado (“Canner Property”). It is in the drainage of Rossman Gulch and an unnamed stream, both of which are tributary to North Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek. Canner seeks to divide the Canner Property into two lots. One lot will be supplied by Canner Well No. 1, an existing exempt well for in-house use only, which is being adjudicated pursuant to Claim 1 of this Application, while the other lot will be supplied by Canner Well No. 2, which will be subject to the augmentation plan sought in Claim 2 of this Application. The Canner Property on which the Canner Well Nos. 1 and 2 will be located is shown on the map attached as **Exhibit A. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 3. Names of Well and Permit Number: Canner Well No. 1, Well Permit No. 320941. a. Legal Description of the Well: Canner Well No. 1 is located on a parcel in the SE1/4, Section 31, Township 5 South, Range 70 West of the 6th P.M., Jefferson County Colorado, which parcel is shown on the map attached as **Exhibit A.** b. Source: Groundwater in the drainage of Rossman Gulch and North Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek. c. Date of Appropriation: May 27, 2021. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water

Applied to Beneficial Use: June 3, 2021. f. Amount Claimed: 7 gpm, ABSOLUTE. g. Depth: 376 feet. h. Uses: Ordinary household purposes inside one single family dwelling. i. Names and Addresses of Owners of Land on Which the Well is Located: Co-Applicant, Canner. j. Remarks: The Canner Well No. 1 is an exempt well that will keep its exempt status. Senate Bill 20-0155, adopted on July 2, 2020, amended Section 37-92-602(3) to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A) to retain its presumption of noninjury after the land on which the well is located has been divided.

APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING

EXCHANGE 4. Name of Structure to be Augmented: The Canner Well No. 2. The Canner Well No. 2 will divert groundwater on one of the two lots to be subdivided from the Canner Property for in-house use only. The remaining lot will be supplied by Canner Well No. 1, which is an exempt well and is not subject to this plan for augmentation. The rate of diversion for the Canner Well No. 2 will not exceed 15 gallons per minute. An application to construct Canner Well No. 2 will be submitted to the Colorado Division of Water Resources when the Canner Property described herein is subdivided and the well is needed. 5. Water Rights to be Used for Augmentation Purposes: Canner has entered into a contract with North Fork Associates, LLC to purchase 1.0 share of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.0314 of an acre-foot to satisfy the present and anticipated future replacements needs, which firm yield is reflected on **Exhibit B**, attached. Said share was previously associated with Foothills Housing 1, but was contractually returned to North Fork Associates, LLC prior to being subject to the contract with Canner. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. Warrior Ditch: 2.0 shares of 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the Decree entered in Civil Action No. 6832 on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action

No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the Decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7, 22.1, 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application. 6. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Canner Well No. 2 for indoor use, in the manner described below. a. The water requirements for the Canner Well No. 2 is for one single family dwelling, with an average occupancy of 3.5 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use for the Canner Well No. 2 is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption system. This plan will require 0.0314 of an acre-foot of replacement water as is 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	0.314 af/yr	1	0.314	10%	0.0314	0.0157	0.0157
Total			0.314		0.0314	0.0157	0.0157

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.002	0.003	0.002	0.003	0.002	0.003	0.002	0.003	0.003	0.003	0.002	0.003

This equates to a maximum stream depletion of 0.02 of a gallon per minute.

b. 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 from storage of short duration. c. The total consumptive use water requirement will be 0.0314 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek water rights. These requirements are needed at the point of depletion, which is estimated to be in the SW1/4 NW1/4 Section 32, Township 5 South, Range 70 West or the SW1/4, Section 31, Township 5 South, Range 70 West, all in the 6th P.M., depending on the final location of the well upon construction. Except for replacements from Meadowview Reservoir, this is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. 7. Water Exchange Project: Since the point of depletion associated with the Canner Well No. 2 is 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 points of depletion to North Turkey Creek that are associated with water usage from Canner Well No. 2 will be within the exchange reach described in the Decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate priority is required for the operation of this augmentation plan regarding the depletions that occur within the reach described in that case. However, to the extent depletions also impact Rossman Gulch or an adjacent unnamed tributary, both tributary to North Turkey Creek, a new exchange project right is claimed for these reaches. The reaches of said new exchange shall extend from the confluence of North Turkey Creek and Rossman Gulch in the NW1/4 SW1/4, Section 29, Township 5 South, Range 70 West, thence up Rossman Gulch to an approximate point of depletion in the NW1/4, Section 32, Township 5 South, Range 70 West or from the confluence of North Turkey Creek and an unnamed tributary in the SW1/4 SE1/4, Section 25, Township 5 South, Range 71 West thence up the unnamed stream to an approximate point of depletion in the SW1/4, Section 31, Township 5 South, Range 70, all in the 6th P.M. In the event there is a senior call between the source of the replacement water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of May 26, 2023, at a maximum average flow rate of 0.001 cfs. 8. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 9. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Co-Applicant, Canner. 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, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required for, the Canner Well Nos. 1 and 2 consistent with the final decree entered in this case. (11 pgs., 2 Exhibits)

2023CW3054 (16CW3117) (09CW72) (02CW89) (94CW268) CONCERNING THE APPLICATION FOR WATER RIGHTS OF LAKEVIEW VILLAGE, INC. IN BOULDER AND WELD COUNTIES.
Attorneys for Applicant: Gilbert Y. Marchand, Jr., #19870, Cynthia F. Covell, #10169, Andrea L. Benson,

#33176, Alperstein & Covell, P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 80204, Email: gym@alpersteincovell.com; cfc@alpersteincovell.com; alb@alpersteincovell.com. Phone: (303) 894-8191; Fax (303) 861-0420. APPLICATION TO DETERMINE THAT THE DECREED EXCHANGE IS FULLY ABSOLUTE OR IN THE ALTERNATIVE FOR A FINDING OF REASONABLE DILIGENCE.

1. Name, mailing address, email address and telephone number of applicant: Lakeview Village, Inc. (“Applicant”), c/o Jim Nock, 6927 Edgewood Ct., Highlands Ranch, CO 80130, Telephone No.: (303) 905-7033, Email: nockjim@gmail.com. **2. Name of structure/water right:** Lakeview Village Exchange (“Exchange”). **3. Date of Original and Diligence Decrees:** **3.1 Original Decree:** Case No. 94CW268, decreed by the District Court for Water Division 1, State of Colorado, on July 26, 1996. **3.2 Diligence Decrees:** **3.2.1** Case No. 02CW89, decreed by the District Court for Water Division 1, State of Colorado, on June 9, 2003. **3.2.2** Case No. 09CW72, decreed by the District Court for Water Division 1, State of Colorado, on September 14, 2010. **3.2.3** Case No. 16CW3117, decreed by the District Court for Water Division 1, State of Colorado, on May 21, 2017. **4. Description of Exchange:** **4.1 Exchange-to points:** Lakeview Village is the owner of the Lakeview Reservoir No. 1 and the Lakeview Reservoir No. 2. The reservoirs are more particularly described as follows: Lakeview Reservoir No. 1 is located on an unnamed tributary of St. Vrain Creek. The drop outlet structure for the reservoir is located in the southwest quarter of the northeast quarter of Section 13, Township 2 North, Range 68 West, of the 6th P.M., Weld County, Colorado, at a point approximately 1,064 feet south of the north line and 2,459 feet west of the east line of Section 13. Lakeview Reservoir No. 2 is constructed on and between two unnamed tributaries of St. Vrain Creek. The drop outlet structure for the reservoir is located in the northwest quarter of the northeast quarter of Section 13, Township 2 North, Range 68 West, of the 6th P.M., Weld County, Colorado, at a point approximately 948 feet south of the north line and 2,315 feet west of the east line of Section 13. The water is exchanged to these reservoirs. The structures and exchange reach are discernible on the map attached as Exhibit A to the application that is on file with the Court and incorporated herein by reference. **4.2 Source of water:** Applicant is the lessee of 76 acre-feet of water annually from the City of Boulder (“Leased Water”). The Leased Water is water that is available to Boulder or its lessees after the first use of the water rights for instream flow purposes by the Colorado Water Conservation Board (“CWCB”). The lease between Applicant and Boulder provides for delivery during the months of June through September each year of up to 76 acre-feet of water available to Boulder for reuse after its first use for instream flow purposes. The term of the lease expires three years after its effective date, which is three years after it was executed by both parties, which dates of execution are May 27, 2020 by Applicant and June 24, 2020 by Boulder. **4.3 Exchange-from point:** The Leased Water is delivered in Boulder Creek at or near the intersection of Boulder Creek and 75th Street at a point in Section 13, Township 1 North, Range 70 West of the 6th P.M., approximately 950 feet from the west section line and 1,700 feet from the south section line of said Section 13, which is the location of Boulder’s wastewater treatment plant outfall. **4.4 Exchange Reach:** Applicant’s use of the Leased Water is downstream of the instream flow reach of Boulder Creek referenced as “Segment C” in the decree entered in Case No. 90CW193, and more particularly described as follows: That segment of Boulder Creek in Boulder County from a point immediately below the discharge of Public Service Company of Colorado’s hydroelectric plant at Orodell in the northeast quarter of the southwest quarter of Section 34, Township 1 North, Range 71 West, of the 6th P.M., to the 75th Street Bridge near the center of Section 13, Township 1 North, Range 70 West, of the 6th P.M. The Leased Water is delivered in Boulder Creek at or near Boulder’s wastewater treatment plant outfall described above. From that point, the Leased Water is conveyed in Boulder Creek and St. Vrain Creek to the confluence of St. Vrain Creek and unnamed tributaries of St. Vrain Creek in Section 36, Township 3 North, Range 68 West, of the 6th P.M. The Leased Water is then exchanged up the unnamed tributaries to the locations of the Lakeview Village Reservoir Nos. 1 and 2. **4.5 Date of appropriation:** August 15, 1994. **4.6 Amount:** 0.5 cubic feet per second (“cfs”), subject to an annual maximum amount of 100 acre-feet, as further limited by the monthly volumetric limitations stated in paragraph 12 of the decree in Case No. 94CW268. The entire 0.5 cfs of the exchange rate has been made absolute by the decrees entered in Case Nos. 02CW89 and 16CW3117. Regarding the originally decreed maximum annual volumetric limit of 100 acre-feet, previous diligence decrees have been inconsistent in their treatment of it. The first diligence decree in Case No. 02CW89

made no findings suggesting that the 100 acre-foot limit was a part of the appropriation that needed to be “made absolute.” The second diligence decree in Case No. 09CW72 found that the Exchange had been operated up to an amount of 18.7 acre-feet per year and found such amount to have been made absolute, while 38.3 acre-feet remained conditional. The third diligence decree in Case No. 16CW3117 found that the Exchange had been operated up to an amount of 18.55 acre-feet per year during the diligence period and found that 18.7 acre-feet should remain conditional, while 38.3 acre-feet should remain conditional. Applicant believes that the original decree imposed 100 acre-feet as an annual limiting term and condition on the operation of the Exchange at the rate of 0.5 cfs, but did not intend for Applicant to prove in later diligence cases that this term and condition was part of the conditional appropriation that should be required to be “made absolute.” Therefore, Applicant seeks a finding that the Exchange is fully absolute at the rate of 0.5 cfs, subject to an annual maximum limit of 100 acre-feet and that no more findings of diligence should be required with respect to the Exchange. In the alternative, if the Court finds that the 100 acre-foot volumetric limit was originally decreed as a conditional amount that must eventually be made fully absolute or otherwise disposed of, Applicant seeks a finding that 81.3 acre-feet is the amount of the volumetric limit that remains conditional, that 18.7 acre-feet per year remains absolute, and that the entire originally decreed volumetric amount remains in full force and effect. **4.7 Use:** recreation and replacement of evaporation. The storage rights for Lakeview Reservoir No. 1 and the Lakeview Reservoir No. 2 are decreed absolute for recreation, piscatorial, stockwatering, and irrigation uses per the decrees entered by this Court in Case Nos. 84CW443 and 92CW45. **5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** The subject diligence period commenced on May 22, 2017. The property on which Lakeview Village Reservoir Nos. 1 and 2 are located was actively considered for sale beginning in the spring of 2018. In 2022, changes in shareholder ownership of Applicant resulted in the property being taken off the market and a renewed commitment of Applicant to fully operate the reservoirs and exercise the Exchange. During the diligence period, Applicant performed maintenance activities such as work on the dam to enhance safety, making sure the diversion box was functioning appropriately, keeping the ditch adequately clear of debris on both sides of the diversion box, and making sure the ditch downstream was adequately clear and functioning. Applicant incurred expenses to unclog an outflow pipe. Applicant renewed its lease with the City of Boulder during the diligence period and is in the process of another lease renewal. Applicant incurred attorney fees for a review of its water rights and its lease with the City of Boulder. Further details regarding expenditures are available on request. **6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Not applicable. **WHEREFORE**, Applicant respectfully requests this Court to find that the Exchange is fully absolute at the rate of 0.5 cfs, subject to an annual maximum limit of 100 acre-feet and that no more findings of diligence should be required with respect to the Exchange. In the alternative, if the Court finds that the 100 acre-foot volumetric limit was originally decreed as a conditional amount that must eventually be made fully absolute or otherwise disposed of, Applicant seeks a finding that 83.7 acre-feet is the amount of the remaining conditional portion of the volumetric limit, that it has exercised reasonable diligence toward the completion of this remaining conditional portion, that 18.7 acre-feet per year remains absolute, and that the remaining conditional portion should continue in full force and effect. Number of pages of Application: 7 including attorney signature page, verification page, and Exhibit A.

2023CW3055 CITY AND COUNTY OF AURORA, COLORADO, acting by and through its Utility Enterprise, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012- 1555, (303) 739-7370. Please direct all pleadings to Austin Hamre, Alyson Scott, and Teri Pettitt, Hamre, Rodriguez, Ostrander, and Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, (303) 779-0200. **APPLICATION FOR CHANGE OF WATER RIGHTS IN ADAMS AND DENVER COUNTY**. **2. Introduction.** Through this application Aurora seeks to change the well locations decreed for nontributary water in Case Nos. 83CW086, 83CW112, and 83CW121, District Court, Water Division 1, State of

Colorado, in order to allow multiple wells to be located at suitable locations within certain lands generally described as Sections 2, 11, and 23, and portions of Sections 13, 14, 24, and 36, all in Township 3 South, Range 65 West of the 6th P.M in Adams and Denver Counties, as more specifically described and depicted in Exhibits A and B hereto (the “Subject Property”), subject to well separation requirements more fully described in paragraph 4.a., below. Aurora also seeks to modify the uses decreed for these water rights to include all uses currently made by the City. The original decrees entered by the Court in these matters contain provisions for a total of seven wells to be drilled at specific locations identified therein on the original applicant’s land. In 1996 the Court entered amended decrees in each matter which acknowledge the ownership of the rights to withdraw and use the Denver Basin groundwater underlying a portion of the land adjudicated in the original decree had transferred to the City and County of Denver, and another portion had been transferred to Aurora. The Court also confirmed the nontributary character of the water adjudicated in the original decrees. This application seeks to change only that portion of the previously adjudicated rights associated with the Subject Property, which are owned by Aurora.

3. Decreed Groundwater Rights For Which Changes Are Sought.

3.a. Case No. 83CW086. Decree entered by the Court on June 28, 1985, in Case No. 83CW086, District Court, Water Division 1, State of Colorado, as amended by the Court on August 21, 1996.

3.a.i. *Decreed legal description*. The legal description of the overlying lands in the original decree include the Subject Property as well as Section 3, additional portions of Section 24, and Section 25, all in Township 3 South, Range 65 West of the 6th P.M., totaling 4,350 acres. The Subject Property is 2,681 acres, or 61.64 percent of the total amount of the overlying lands that are subject of the decree entered in Case No. 83CW086, District Court, Water Division 1, State of Colorado.

3.a.ii. *Decreed source of water*. Nontributary groundwater from the Denver aquifer.

3.a.iii. *Decreed amount*. 1,031 acre-feet per year. Aurora’s 61.64 percent of the decreed amount is 635.5 acre-feet per year.

3.a.iv. *Appropriation date*. Not applicable.

3.a.v. *Decreed uses*. The waters of the Denver formation that are subject of the appropriation claimed herein will be used, and Denver and the Applicant shall each respectively have the right of succession uses pursuant to C.R.S. § 37-82-106(2), for municipal, domestic, agricultural, commercial, irrigation, stock watering, recreation, fish and wildlife, and fire protection within the South Platte River drainage in Water Division No. 1. The waters may be used through immediate application to beneficial use, for storage and subsequent application to beneficial use, for substitution or exchange purposes, for replacement of depletions resulting from use of water from other sources, for augmentation purposes, and for reuse and right of disposition.

3.b. Case No. 83CW112. Decree entered by the Court on June 18, 1985, in Case No. 83CW112, District Court, Water Division 1, State of Colorado, as amended by the Court on August 21, 1996.

3.b.i. *Decreed legal description*. See paragraph 3.a.i. above in this Application.

3.b.ii. *Decreed source of water*. Nontributary groundwater from the Arapahoe aquifer.

3.b.iii. *Decreed amount*. 1,597 acre-feet per year. Aurora’s 61.64 percent of the decreed amount is 984.4 acre-feet per year.

3.b.iv. *Appropriation date*. Not applicable.

3.b.v. *Decreed uses*. See paragraph 3.a.v. above in this Application.

3.c. Case No. 83CW121. Decree entered by the Court on June 18, 1985, in Case No. 83CW121, District Court, Water Division 1, State of Colorado, as amended by the Court on August 21, 1996.

3.c.i. *Decreed legal description*. See paragraph 3.a.i. above in this Application.

3.c.ii. *Decreed source of water*. Nontributary groundwater from the Laramie-Fox Hills aquifer.

3.c.iii. *Decreed amount*. 966 acre-feet per year. Aurora’s 61.64 percent of the decreed amount is 595.4 acre-feet per year.

3.c.iv. *Appropriation date*. Not applicable.

3.c.v. *Decreed uses*. See paragraph 3.a.v. above in this Application.

3.d. The decrees described in paragraphs 3.a., 3.b., and 3.c. above in this Application are collectively referred to as the “Subject Decrees.”

4. Request for Change in Points of Diversion of Nontributary Water Rights.

4.a. Applicant seeks the right to locate future wells for the withdrawal of the groundwater decreed pursuant to its changed portion of Subject Decrees at any suitable location on the Subject Property, so long as the wells are located at least 600 feet away from any other existing well in the same aquifer owned by another person or entity unless the State Engineer finds, pursuant to C.R.S. § 37-90-137(2)(b)(II), that such 600 foot spacing is not necessary in a particular circumstance. The Applicant waives the 600-foot spacing requirement of C.R.S. § 37-90-137(2) on the Subject Property for future wells constructed by Applicant.

4.b. Parcel Ownership. The right to withdraw and use the Denver Basin groundwater underlying the Subject Property was conveyed to Aurora by deed from Box Elder Investment Company, the applicant

in the original adjudications described above. 5. **Request for Change of Uses.** The Applicant seeks to revise the uses described in the Subject Decrees to conform with its current uses of water by the City. Applicant seeks to revise the stated uses to the following: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes, fire protection, irrigation, commercial, recreation, fish and wildlife propagation, on-site recharge, reservoir evaporation replacement, creation and maintenance of wetlands, maintenance of storage reserves, stock watering, reclamation, revegetation, dust suppression, water treatment and supply, wastewater treatment, storage for such uses, and use as a supply or substitute supply for augmentation, return flow replacement (by direct release or by recharge), replacement, exchanges, and substitute supply plans. All uses include reuse and successive reuse to extinction and storage after initial and subsequent uses for the above purposes, or disposition of effluent for the above purposes. 6. **Names and addresses of owners or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structures, is or will be constructed.** The current surface owners, or reputed surface owners, of the Subject Property are listed below in the table. Aurora has not yet determined the locations of the wells needed to withdraw the groundwater to which it is entitled. Aurora acknowledges that it may utilize the land surface owned by others for wells and related structures necessary to withdraw and use water pursuant to the rights being changed herein only to the extent that it has acquired the rights to do so from the surface owners either by purchase, by exercise of the power of eminent domain, or by other lawful means.

Owner Name	Address	City	State	Zip Code
THE FARM INVESTMENTS LLC	1032 ANACONDA DR	CASTLE ROCK	CO	80108-3491
PROSPER FARMS INVESTMENTS LLC	5641 BROADWAY	DENVER	CO	80216-1021
CITY AND COUNTY OF DENVER	1437 BANNOCK ST	DENVER	CO	80202-5321
CITY AND COUNTY OF DENVER, ATTN: REAL ESTATE DEPT.	8500 PENA BLVD 9TH FLOOR AOB ROOM 9870	DENVER	CO	80249-6340
CITY AND COUNTY OF DENVER	201 W. COLFAX AVE, DEPT. 401	DENVER	CO	80211-5330
EDRI LLC	367 SANTANA HTS UNIT 4031	SAN JOSE	CA	95128-2025
AEROS ASSET CO LLC	26100 E 68TH AVE STE 240	DENVER	CO	80249-6316
HUDSON MILE LLC	9100 E PANORAMA DR STE 300	ENGLEWOOD	CO	80112-7207
MPG MADEAN TRUCKING LLC	10700 WIREWAY DR	DALLAS	TX	75220-2311

FCI PROPERTIES LLC	191 TELLURIDE ST STE 7B	BRIGHTON	CO	80601-4355
MRP TEXAS LLC	PO BOX 73399	PUYALLUP	WA	98373-0399
CLAN CAMPBELL LLC	7979 E TUFTS AVE STE 1125	DENVER	CO	80237-3364
REASONER REAL ESTATE TRUST	31200 E 145TH AVE	BRIGHTON	CO	80603-8320

7. **Prayers for Relief.** Applicant respectfully requests that this Court grant a decree approving the requested changes of Applicant’s interests in the subject water rights. Applicant also requests that this Court grant such additional relief that it deems necessary and appropriate to further the purposes of the change of water right requested herein. (Total of 13 pages, including exhibits).

2023CW3056 (14CW3165) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY. DREAM WEAVER HOLDINGS, LLC, c/o Jennifer M. DiLalla, Moses, Wittmyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 1. Name, address, and telephone number of applicant: Dream Weaver Holdings, LLC (“Dream Weaver”), c/o Jon P. File, P. O. Box 983, Broomfield, CO 80038 2. Stromquist Pond No. 1 Industrial Right (WDID 0603392): 2.1 Original decree: Case No. 14CW3165, entered May 5, 2017, District Court, Water Division 1 (“14CW3165 Decree”). 2.2 Legal description: As shown on **Ex. A-1**, Stromquist Pond No. 1 is located in the SE1/4 of Section 20 and the SW1/4 of Section 21, T2N, R68W of the 6th P.M., Weld County, with the center point of said reservoir being approximately 590 feet west of the east section line and 2,000 feet north of the south section line of said Section 20. 2.3 Sources, points of diversion, and fill rates: Boulder Creek and Idaho Creek via the Carr and Tyler Ditch and the Delehant Ditch. Water can be diverted from Boulder Creek into Idaho Creek at a point 100 feet south of the west quarter corner of Section 29, T2N, R68W of the 6th P.M., Weld County, and then can be diverted from Idaho Creek at the following locations, as shown on **Ex. A-2**: 2.3.1 The headgate of the Carr and Tyler Ditch is located on Idaho Creek at a point in the NW1/4 NE1/4 of Section 29, T2N, R68W of the 6th P.M., approximately 175 feet south of the north line and 1,475 feet west of the east line of said Section 29. Fill rate: 33.73 cfs, ABSOLUTE, cumulative with the fill rate for the Stromquist Pond No. 2 Industrial Right from this point of diversion. 2.3.2 The headgate of the Delehant Ditch is located on Idaho Creek at a point in the SW1/4 NE1/4 of Section 29, T2N, R68W of the 6th P.M., approximately 2,300 feet west of the east line and 1,400 feet south of the north line of said Section 29. Fill rate: 10 cfs, CONDITIONAL, cumulative with the fill rate for the Stromquist Pond No. 2 Industrial Right from this point of diversion. 2.4 Conditional amounts: 84.32 acre-feet per year (“afy”), with the right to one refill in the amount of 306 afy. 2.5 Appropriation date: Mar. 7, 2014. 2.6 Use: Industrial use associated with mining and mining-related uses, including without limitation oil and gas development. 2.7 Total capacity of reservoir: 306 acre-feet. 2.8 Surface area of high water line: 31.1 acres. 2.9 Place of use: Lands located in Boulder and Weld Counties that overlie mineral interests that, as of the date of entry of the 14CW3165 Decree, were owned or under contract by Applicant, by Applicant’s affiliated companies (Party of Five, LLLP; Farfrumwurkin, LLLP; 35 Acre, LLC; JRS Petroleum, L.L.C.; and Hwy 52 LLC, for each of which Applicant is an agent-in-fact), or by Applicant’s successors or assigns in the subject water rights; on which Applicant is contractually obligated to provide water to Encana Oil & Gas (USA) Inc. or its successors or assigns (“Encana”) for industrial purposes for development of the mineral interests described in **Ex. B**; or on which Applicant is contractually obligated to provide water to Crestone Peak Resources Operating LLC or its successors or assigns (“Crestone Peak”) for industrial purposes for development of the mineral interests described in **Ex. C**. The lands overlying mineral interests owned or under contract by Applicant, Applicant’s affiliated

companies, Encana, and Crestone Peak as of the date of the 14CW3165 Decree are generally shown in the map attached as **Ex. D. 3. Stromquist Pond No. 2 Industrial Right (WDID 0603393)**: 3.1 Original decree: The 14CW3165 Decree. 3.2 Legal description: As shown on **Ex. A-1**, Stromquist Pond No. 2 is located in the SE and NE quarters of Section 20 and the SW and NW quarters of Section 21, T2N, R68W of the 6th P.M., Weld County, with the center point of said reservoir being approximately 150 feet west of the east section line and 3,000 feet north of the south section line of said Section 20. 3.3 Sources, points of diversion, and fill rates: As described in paragraph 2.3 above. 3.4 Conditional amounts: 60.21 afy, with the right to one refill in the amount of 406 afy. 3.5 Appropriation date: Mar. 7, 2014. 3.6 Use: Industrial use associated with mining and mining-related uses, including without limitation oil and gas development. 3.7 Total capacity of reservoir: 406 acre-feet. 3.8 Surface area of high water line: 40.9 acres. 3.9 Place of use: As described in paragraph 2.9 above. 4. Subject Water Rights: Together, the Stromquist Pond No. 1 Industrial Right and the Stromquist Pond No. 2 Industrial Right are referred to in this Application as the “Subject Water Rights.” 5. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 5.1 Diligence Period: The diligence period for the Subject Water Rights is May 2017 through May 2023 (“Diligence Period”). 5.2 Integrated system: In paragraph 10 of the 14CW3165 Decree, the Court found that the Subject Water Rights, the water rights decreed to Stromquist Pond No. 1 and Stromquist Pond No. 2 in Case No. 88CW219, and the water rights confirmed in Case No. 02CW216 (in which Dream Weaver’s affiliate Farfrumwurkin, LLLP, was the applicant), are an integrated system by means of which Applicant supplies water in connection with its land and water development business and mineral development activities, including without limitation oil and gas development activities. “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 in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 5.3 Diligence work and expenditures: During the Diligence Period, Applicant and Farfrumwurkin have worked diligently to develop the Subject Water Rights and the integrated system, complete the appropriations of the Subject Water Rights and the water rights decreed in Case Nos. 02CW216 and 88CW219, and put the water to beneficial use, as demonstrated by the activities and expenditures described in paragraphs 5.3.1 through 5.3.7 below. The list of tasks and expenses recited below is representative but not exhaustive. 5.3.1 Dream Weaver completed its project to enlarge Stromquist Pond No. 1 to its full decreed capacity of 406 acre-feet under the decree in Case No. 88CW219. *See* final decree entered on Feb. 6, 2023, in Case No. 22CW3057, ¶ 6.7. In connection with that work, Dream Weaver spent approximately \$300,000 to install riprap around the entire perimeter of the pond and for erosion control; and spent approximately \$250,000 on engineering, labor, and fuel. 5.3.2 Dream Weaver spent over \$300,000 to install riprap around Stromquist Pond No. 2 for wave protection and erosion control. 5.3.3 In 2022, Dream Weaver installed a Montana weir with Sutron stage recorder at the inflow point to Stromquist Pond No. 1. 5.3.4 Dream Weaver installed a new outlet pipe at the outfall of Stromquist Pond No. 2 and stubbed the pipe under the Rural Ditch to deliver water to Boulder Creek. 5.3.5 Throughout the Diligence Period, Dream Weaver devoted significant time to operation, maintenance, repair, and rehabilitation of Stromquist Ponds Nos. 1 and 2 (“Stromquist Ponds”), which are part of the integrated system. 5.3.6 Dream Weaver and/or Farfrumwurkin participated as an objector in the following cases in this Court to protect their interests in the Subject Water Rights and the other water rights within the integrated system: Case Nos. 16CW3052; 16CW3075; 16CW3119; 16CW3160; 17CW3031; 17CW3074; 17CW3202; 19CW3063; 19CW3064; 19CW3236; 20CW3131; 20CW3053; 21CW3138; 21CW3236; and 21CW3146. 5.3.7 Dream Weaver devoted significant time and resources to appropriating new absolute and conditional water rights for the Stromquist Ponds and the integrated water storage and supply system that includes Filly Lake, one of the integrated system water rights decreed in Case No. 02CW216. Dream Weaver filed an application in pending Case No. 21CW3237 for confirmation of those water rights, which will enable Dream Weaver and Farfrumwurkin to maximize the beneficial use of the integrated system by moving water from the Stromquist Ponds to Filly Lake. 6. Claims to make absolute: 6.1 Statutory requirement: Section 37-92-301(4)(e), C.R.S., provides that “a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and

controlled at the decreed storage structure.” Accordingly, the claims to make absolute for all decreed uses are based on Applicant’s in-priority storage of water on the specified dates, as documented in the Priority Worksheet from the as-submitted accounting prepared by Peter Wayland of Weiland, Inc., and attached as **Ex. E.** 6.2 Stromquist Pond No. 1 Industrial Right: 6.2.1 Date water stored: On Nov. 20, 2019, Dream Weaver completed in-priority storage of 306 af under the water right’s decreed first fill. 6.2.2 Amount made absolute: 84.32 af, over and above the 221.68 af decreed as absolute in Case No. 14CW3165. 6.2.3 Uses made absolute: All decreed uses described in paragraph 2.6 above. 6.3 Stromquist Pond No. 1 Industrial Right - Refill: 6.3.1 Date water stored: Following the first fill in the amount of 306 af, as described in paragraph 6.2.1 above, Dream Weaver completed in-priority storage of an additional 165.81 af under the refill right on Nov. 28, 2019. 6.3.2 Amount made absolute: 165.81 af. 6.3.3 Uses made absolute: All decreed uses described in paragraph 2.6 above. 6.4 Stromquist Pond No. 2 Industrial Right: 6.4.1 Date water stored: On Nov. 20, 2019, Dream Weaver completed in-priority storage of 406 af under the water right’s decreed first fill. 6.4.2. Amount made absolute: 60.21 af, over and above the 345.79 af decreed as absolute in Case No. 14CW3165. 6.4.3 Uses made absolute: All decreed uses described in paragraph 3.6 above. 6.5 Stromquist Pond No. 2 Industrial Right - Refill: 6.5.1 Date water stored: Following the first fill in the amount of 406 af, as described in paragraph 6.4.1 above, Dream Weaver completed in-priority storage of an additional 220.01 af under the refill right on November 28, 2019. 6.5.2 Amount made absolute: 220.01 af. 6.5.3 Uses made absolute: All decreed uses described in paragraph 3.6 above. 7. 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. Based on the foregoing, Dream Weaver requests that the Court enter a decree (i) granting this Application; (ii) finding that Dream Weaver exercised reasonable diligence in developing the appropriations of the Subject Water Rights during the Diligence Period; (iii) making the Subject Water Rights absolute in the amounts and for the uses claimed in paragraph 6 above; and (iv) continuing in full force and effect for an additional diligence period those portions of the Subject Water Rights that are not made absolute in this case.

2023CW3057 KEVIN D WIKOFF, 45380 Thunderbolt Circle, Parker, CO 80138. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: 21.92 acres generally located in the SW1/4 of the NW1/4 of Section 2, Township 8 South, Range 66 West of the 6th P.M., also known as 1887 N State Highway 83, Franktown, CO, 80116, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of additional wells. Previously Decreed Amounts: Applicant owns the following annual amounts of groundwater as decreed in Case No. 2018CW3101, District Court, Water Division 1, on January 9, 2019 (the “18CW3101 Decree”). The annual volumes below are based on a 100-year withdrawal period:

Aquifer	Annual Volume (acre-feet)	Total Volume (acre-feet)
Upper Dawson (NNT)	2.19	219
Lower Dawson (NT)	1.97	197
Denver (NT)	9.68	968
Arapahoe (NT)	10.10	1,010
Laramie-Fox Hills (NT)	6.08	608

18CW3101 Decreed Uses: Groundwater withdrawn from the not nontributary and nontributary aquifers underlying the subject parcel will be used, reused, and successively used to extinction for any and all

allowable beneficial uses, including but not limited to domestic, municipal, industrial, commercial, irrigation, livestock watering, fire protection, recreational, fish and wildlife, augmentation, replacement, and exchange. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all of the above uses. 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 Proposed Plan for Augmentation: Groundwater to be Augmented: 2.1 acre-feet per year for 100 years of not-nontributary 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 two wells, as follows: Well One: The well will provide in-house use in up to two single-family dwellings (0.6 acre-feet per year), irrigation of up to 10,000 square-feet (0.5 acre-feet per year), livestock watering of up to 8 large domestic animals (0.1 acre-feet per year), swimming pool and spa fill and refill (0.15 acre-feet per year), and fire protection, on the Subject Property. This well will have a total use of 1.35 acre-feet per year. Well Two: The well will provide in-house use in one single-family dwelling (0.3 acre-feet per year), irrigation of up to 7,000 square-feet (0.35 acre-feet per year), livestock watering of up to 8 large domestic animals (0.1 acre-feet per year), and fire protection, on the Subject Property. This well will have a total use of 0.75 acre-feet per year. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return 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 Applicant 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. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) right and is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2023CW3058 (2002CW216) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY. FARFRUMWURKIN, LLLP, c/o Jennifer M. DiLalla, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 1. Name, address, and telephone number of applicant: Farfrumwurkin, LLLP, c/o Jon P. File, P. O. Box 983, Broomfield, Colorado 80038 2. Filly Lake 2002 Right (WDID 0603372): 2.1 Original decree: Case No. 02CW216, entered May 26, 2017, District Court for Water Division 1 (“02CW216 Decree”). 2.2 Legal description of structure: The W1/2 of Section 32 and the E1/2 of Section 31, T2N, R68W of the 6th P.M., Weld County, as shown on **Ex. A-1**. 2.3 Sources, fill rate, and points of diversion: Boulder Creek and Coal Creek through the Boulder and Weld County Ditch (“BWCD”), which also collects seepage, runoff, and side-channel flows that supply Filly Lake when shareholders of the Boulder and Weld County Ditch Company are not using the same under decreed water rights. Fill rate: 59 cfs. 2.3.1 The headgate of the BWCD is located on Boulder Creek in the NW1/4 of Section 15, T1N, R69W of the 6th P.M., Boulder County, at a point approximately 1,100 feet East and 1,100 feet South of the Northwest corner of said Section 15, as shown on **Ex. A-3**. 2.3.2 Seepage, runoff, and side-channel flows enter the BWCD from numerous points, including but not limited to the NE1/4 NE1/4 of Section 15, T1N, R69W; and the SE1/4 NE1/4 of Section 6, T1N, R68W; all of the 6th P.M., Boulder County, as shown on **Ex. A-3**. 2.3.3 The BWCD diverts water from Coal Creek in the NE1/4 NE1/4 of Section 12, T1N, R69W of the 6th P.M., Boulder County, as shown on **Ex. A-3**. 2.4 Appropriation date: Oct. 1, 2002. 2.5 Total capacity of reservoir: 1,590 acre-feet (“af”) (1,590 af of active capacity and 0 af of dead storage). 2.6 Surface area of high water

line and maximum height of dam: 55 acres; 15 feet. 2.7 Amount: 590 acre-feet, CONDITIONAL, cumulative with the amount decreed to the Filly Lake 2005 Right as described in paragraph 3 below. 2.8 Uses: Industrial (including mining and mining-related), irrigation, and augmentation. 2.9 Place of use: Approximately 226.68 acres owned by Applicant and on approximately 25 acres owned by James and Barbara Eddleman, all in Section 32, T2N, R68W of the 6th P.M., Weld County (“2002 Lands”). 3. Filly Lake 2005 Right (WDID 0603372): 3.1 Original decree: The 02CW216 Decree. 3.2 Legal description of structure: As described in paragraph 2.2 above. 3.3 Sources, fill rate, and points of diversion: As described in paragraph 2.3 above. 3.4 Appropriation date: Dec. 31, 2005. 3.5 Total capacity of reservoir: As described in paragraph 2.6 above. 3.6 Surface area of high water line and maximum height of dam: As described in paragraph 2.6 above. 3.7 Amount: 590 af, CONDITIONAL, cumulative with the amount decreed to the Filly Lake 2002 Right described in paragraph 2 above. 3.8 Uses: As described in paragraph 2.8 above. 3.9 Place of use: Property owned or under contract by Applicant, its affiliated companies, or its successors or assigns, including property owned by 35 Acre, LLC, and consisting of approximately 35 acres located in Section 17, T2N, R68W of the 6th P.M., Weld County; and property owned by Kenneth and Judith Schell and consisting of approximately 63.18 acres in the SE1/4 of Section 31, T2N, R68W of the 6th P.M., Weld County (collectively, “2005 Lands”). 4. Filly Lake Enlargement (WDID 0603372): 4.1 Original decree: The 02CW216 Decree. 4.2 Legal description of structure: As described in paragraph 2.2 above. 4.3 Sources, fill rate, and points of diversion: As described in paragraph 2.3 above. 4.4 Appropriation date: Dec. 31, 2005. 4.5 Total capacity of reservoir: As described in paragraph 2.5 above. 4.6 Surface area of high water line and maximum height of dam: As described in paragraph 2.6 above. 4.7 Amount: 1,000 af, CONDITIONAL. 4.8 Uses: As described in paragraph 2.8 above. 4.9 Place of use: The 2002 Lands and the 2005 Lands. 5. Nelson Lake 2002 Right (WDID 0603376): 5.1 Original decree: The 02CW216 Decree. 5.2 Legal description of structure: The N1/2 SW1/4 and the NW1/4 SE1/4 of Section 32, T2N, R68W of the 6th P.M., Weld County, as shown on **Ex. A-1**. 5.3 Sources, fill rate, and points of diversion: Boulder Creek, Coal Creek, seepage entering the BWCD, flood water and other natural runoff from the lands surrounding the structure, and seepage from the Lower Boulder Ditch and the BWCD. The points of diversion and fill rates are as follows: 5.3.1 Farfrumwurkin Seepage Ditch No. 1, which diverts seepage, flood, and runoff water in the NE1/4 SW1/4 of Section 32, T2N, R68W of the 6th P.M., Weld County, at a point approximately 1,800 feet North of the South Section line and 1,340 feet East of the West Section line of said Section 32, as shown on **Ex. A-1**. Fill rate: 2.0 cfs. 5.3.2 Farfrumwurkin Seepage Ditch No. 3, which diverts seepage, flood, and runoff water in the NE1/4 SW1/4 of Section 32, T2N, R68W of the 6th P.M., Weld County, at a point approximately 1,320 feet North of the South Section line and 1,370 feet East of the West Section Line of said Section 32, as shown on **Ex. A-1**. Fill rate: 1.0 cfs. 5.3.3 Boulder and Weld County Ditch, as described in paragraph 2.2 above. 5.4 Appropriation date: Oct. 1, 2002. 5.5 Total capacity of reservoir: 228 af (228 af of active capacity and 0 af of dead storage). 5.6 Surface area of high water line and maximum height of dam: 14.85 acres; 5 feet. 5.7 Amount: 150 af, CONDITIONAL, cumulative with the amount decreed to the Nelson Lake 2005 Right described in paragraph 6 below. 5.8 Uses: As described in paragraph 2.7 above. 5.9 Place of use: The 2002 Lands. 6. Nelson Lake 2005 Right (WDID 0603376): 6.1 Original decree: The 02CW216 Decree. 6.2 Legal description of structure: As described in paragraph 5.2 above. 6.3 Sources, fill rate, and points of diversion: As described in paragraph 5.3 above. 6.4 Appropriation date: Dec. 31, 2005. 6.5 Total capacity of reservoir: As described in paragraph 5.5 above. 6.6 Surface area of high water line and maximum height of dam: As described in paragraph 5.5 above. 6.7 Amount: 150 af, CONDITIONAL, cumulative with the amount decreed to the Nelson Lake 2002 Right described in paragraph 5 above. 6.8 Uses: As described in paragraph 2.7 above. 6.9 Place of use: The 2005 Lands. 7. Nelson Lake Enlargement (WDID 0603376): 7.1 Original decree: The 02CW216 Decree. 7.2 Legal description of structure: As described in paragraph 5.2 above. 7.3 Sources, fill rate, and points of diversion: As described in paragraph 5.3 above. 7.4 Appropriation date: Dec. 31, 2005. 7.5 Total capacity of reservoir: As described in paragraph 5.5 above. 7.6 Surface area of high water line and maximum height of dam: As described in paragraph 5.6 above. 7.7 Amount: 40 af, CONDITIONAL. 7.8 Uses: As described in paragraph 2.8 above. 7.9 Place of use: The 2002 Lands and the 2005 Lands. 8.0 Rocker Lake (WDID 060337): 8.1 Original decree: The 02CW216 Decree. 8.2 Legal description of structure: SW1/4 NE1/4 of

Section 17, T2N, R68W of the 6th P.M., Weld County, as shown on **Ex. A-2**. 8.3 Sources, fill rate, and points of diversion: The sources of water include Boulder Creek and seepage entering the Godding, Dailey and Plumb Ditch, the headgate of which is located on the west bank of Boulder Creek in the NW1/4 SW1/4 of Section 31, T2N, R68W of the 6th P.M., Weld County, at a point whence the West 1/4 corner of said Section 31 bears North 28° 40' West, 639 feet, as shown on **Ex. A-3**. Fill rate: 27 cfs. 8.4 Appropriation date: Dec. 31, 2005. 8.5 Total capacity of reservoir: 515 af (515 af of active capacity and 0 af of dead storage). 8.6 Surface area of high water line and maximum height of dam: 24.4 acres; 5 feet. 8.7 Amount: 515 af, CONDITIONAL. 8.8 Uses: As described in paragraph 2.8 above. 8.9 Place of use: The 2002 Lands and the 2005 Lands. 9. Subject Water Rights: Together, the conditional water rights described in paragraphs 2 through 8 above are referred to in this Application as the “Subject Water Rights.” 10. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 10.1 Diligence Period: The diligence period for the Subject Water Rights is May 2017 through May 2023 (“Diligence Period”). 10.2 Integrated system: In paragraph 10 of the decree entered on May 5, 2017, in Case No. 14CW3165, the Court found that the Subject Water Rights, along with the water rights decreed to Stromquist Pond Nos. 1 and 2 (“Stromquist Ponds”) in Case Nos. 14CW3165 and 88CW219, constitute an integrated system by means of which Applicant supplies water in connection with its land and water development business and mineral development activities, including without limitation oil and gas development activities. “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 in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). Applicant’s affiliate Dream Weaver Holdings, LLC (“Dream Weaver”), was the applicant in Case No. 14CW3165 and owns the water rights decreed to the Stromquist Ponds in Case No. 88CW219. 10.3 Diligence work and expenditures: During the Diligence Period, Applicant and Dream Weaver have worked diligently to develop the Subject Water Rights and the integrated system, complete the appropriations of the Subject Water Rights and the water rights decreed in Case Nos. 14CW3165 and 88CW219, and put the water to beneficial use, as demonstrated by the activities and expenditures described in paragraphs 10.3.1 through 10.3.9 below. The list of tasks and expenses recited below is representative but not exhaustive. 10.3.1 Farfrumwurkin installed riprap around the upper 4-6 feet of Filly Lake for wave and erosion protection, at a cost of approximately \$300,000. 10.3.2 Farfrumwurkin installed a Parshall measuring flume and a Sutron stage recorder on the Filly Lake outlet. 10.3.3 Throughout the Diligence Period, Farfrumwurkin devoted significant time to operation, maintenance, repair, and rehabilitation of Filly Lake. 10.3.4 Dream Weaver completed its project to enlarge Stromquist Pond No. 1 to its full decreed capacity of 406 acre-feet under the decree in Case No. 88CW219. *See* final decree entered on February 6, 2023, in Case No. 22CW3057, ¶ 6.7. In connection with that work, Dream Weaver spent approximately \$300,000 to install riprap around the entire perimeter of the pond and for erosion control; and spent approximately \$250,000 on engineering, labor, and fuel. 10.3.5 Dream Weaver spent over \$300,000 to install riprap around Stromquist Pond No. 2 for wave protection and erosion control. 10.3.6 Dream Weaver installed a Montana weir with Sutron stage recorder at the inflow point to Stromquist Pond No. 1. 10.3.7 Dream Weaver installed a new outlet pipe at the outfall of Stromquist Pond No. 2 and stubbed the pipe under the Rural Ditch to deliver water to Boulder Creek. 10.3.8 Farfrumwurkin and/or Dream Weaver participated as an objector in the following cases in this Court to protect their interests in the Subject Water Rights and the other water rights within the integrated system: Case Nos. 16CW3052; 16CW3075; 16CW3119; 16CW3160; 17CW3031; 17CW3074; 17CW3202; 19CW3063; 19CW3064; 19CW3236; 20CW3131; 20CW3053; 21CW3138; 21CW3236; and 21CW3146. 10.3.9 Dream Weaver devoted significant time and resources to appropriating new absolute and conditional water rights for the Stromquist Ponds and the integrated water storage and supply system. Dream Weaver filed an application in pending Case No. 21CW3237 for confirmation of those water rights, which will enable Applicant and Dream Weaver to maximize the beneficial use of the integrated system by moving water from the Stromquist Ponds to Filly Lake. 11. Claims to make absolute: 11.1 Statutory requirement: Section 37-92-301(4)(e), C.R.S., provides that “a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed

storage structure.” Accordingly, the claims to make absolute for all decreed uses are based on Applicant’s in-priority storage of water on the specified dates, as documented in the Filly Lake Priority Tracking Worksheet that is part of the regular accounting prepared by Peter Wayland of Weiland, Inc., and attached as **Ex. B. 11.2 Filly Lake 2002 Right and Filly Lake 2005 Right**: The 540 af decreed to the Filly Lake 2002 Right is cumulative with and not in addition to the 540 af decreed to the Filly Lake 2005 Right. Accordingly, because the in-priority storage described below was made under the 2005 priority, with the Filly Lake 2002 Right simultaneously paper-filled, Farfrumwurkin claims the cumulative stored volume of 540 af as absolute for both priorities. 11.2.1 Date water stored: Farfrumwurkin completed its in-priority fill of 590 af on Mar. 26, 2018. 11.2.2 Amount made absolute: 590 af. 11.2.3 Uses made absolute: All decreed uses described in paragraphs 2.8, 2.9, 3.8, and 3.9 above. 11.3 **Filly Lake Enlargement**: 11.3.1 Date water stored: After completing its in-priority fill of Filly Lake to 590 af under the Filly Lake 2002 Right and Filly Lake 2005 Right, Farfrumwurkin completed its in-priority fill of an additional 672.42 af in priority under the Filly Lake Enlargement on May 28, 2018. 11.3.2 Amount: 672.42 af. 11.3.3 Uses made absolute: All decreed uses described in paragraphs 2.8, 4.8, and 4.9 above. 12. 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: 12.1 Filly Lake: Applicant; 833, LLC, P.O. Box 964, Longmont, CO 80502. 12.2 Nelson Lake: Applicant. 12.3 Rocker Lake: 35 Acre LLC (d/b/a Water Valley Partners), P.O. Box 983, Broomfield, CO 80038. Based on the foregoing, Farfrumwurkin requests that the Court enter a decree (i) granting this Application; (ii) finding that Farfrumwurkin exercised reasonable diligence in developing the appropriations of the Subject Water Rights during the Diligence Period; (iii) making the Subject Water Rights partially absolute in the amounts and for the uses claimed in paragraph 11 above; and (iv) continuing in full force and effect for an additional diligence period those portions of the Subject Water Rights that are not made absolute in this case.

2023CW3059 APPLICATION FOR AMENDMENT OF DECREE DETERMINING GROUNDWATER RIGHTS IN DOUGLAS COUNTY. I. Name, Address, and Phone Number of Applicant. HF LIMITED (“Applicant”), 5085 Janga Drive, Colorado Springs, Colorado 80924, (719) 200-3038. Name, Address, and Phone Number of Attorneys. Ryan W Farr, #39394, W. James Tilton, #50213, MONSON, CUMMINS, SHOHET & FARR, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921, (719) 471-1212. **II. Background and Summary of Application.** A. Applicant seeks to amend the decree entered in Case No. 08CW109, District Court, Water Division 1, dated October 7, 2008 (“08CW109 Decree”) to remove a portion of its interest in the Dawson aquifer water in order to supply an exempt well for its property. B. The 08CW109 Decree adjudicated water rights underlying approximately 500 acres located in the E1/2, the NW1/4, and the N1/2 of the NE1/4 of the SW1/4 of Section 36, Township 10 South, Range 66 West of the 6th P.M., Douglas County (“Decree Property”). C. The 08CW109 Decree adjudicated the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifer water underlying the Decree Property. D. On November 29, 2022, Applicant purchased and took ownership of a 40.7-acre parcel of land that was part of the Decree Property. This 40.7-acre parcel is located in NW1/4 or the SE1/4 and the SW1/4 of the SE1/4 of Section 36, Township 10 South, Range 66 West of the 6th P.M. and specifically described on the attached **Exhibit A** deed and shown on the attached **Exhibit B** topographical map (“Applicant’s Property”). E. Included with the purchase of the Applicant’s Property was the right to a portion of the groundwater in the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers subject of the 08CW109 Decree as set forth in **Exhibit A. III. Proposed Revision.** A. Applicant seeks to remove 4 annual acre-feet of Dawson aquifer water from the 413 annual acre-feet adjudicated in the 08CW109 Decree in order to be able to qualify for the issuance of an exempt well permit pursuant to § 37-92-602(1)(b), C.R.S. In order for an exempt well permit to be issued, sufficient water has to be made available to supply the well. As all the water is currently locked up in the adjudication of the 08CW109 Decree, water would need to be removed from the decree to supply an exempt well. B. Applicant seeks no other amendment to the 08CW109 Decree.

2023CW3060 (CA14183, W-73, W-2560, W-2560-79, 83CW215, 88CW90, 95CW92, 03CW289 and 10CW54, 2016CW3114). **CITY OF CENTRAL**, P.O. Box 249, Central City, CO 80427, email: water@cityofcentral.com, telephone: 303-582-5251, c/o Cynthia F. Covell, Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell, P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 802042, 303-894-8191. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GILPIN COUNTY.** Name of structures: James Peak Reservoir and Echo Lake Reservoir. Describe conditional water right (as to each structure) including the following information from previous decree: Original Decree and Subsequent Diligence Decrees: Both structures were originally adjudicated in Case No. CA14183, Boulder County District Court, by decree dated July 17, 1961. Subsequent diligence decrees have been entered in Case Nos. W-73 by decree dated August 19, 1970, Case No. W-2560 by decree dated September 15, 1975, Case No. W-2560-79 by decree dated April 2, 1980, Case No. 83CW215 by decree dated October 3, 1988, Case No. 88CW90 by decree dated April 28, 1989, Case No. 95CW92 by decree dated July 14, 1997, 03CW289 by decree dated January 22, 2004, 10CW54 by decree dated August 4, 2010, and 16CW3114 by decree dated May 4, 2017. Legal descriptions: James Peak Reservoir is located in Sections 21 and 28, Township 2 South, Range 74 West, 6th P.M., Gilpin County. Lake Reservoir is located in Section 21, Township 2 South, Range 74 West, 6th P.M., Gilpin County. A map depicting the locations of the reservoirs is attached. Source of water: Natural runoff and drainage, tributary to South Boulder Creek, tributary to the South Platte River. Appropriation Dates: James Peak Reservoir: January 1, 1933. Echo Lake Reservoir: January 1, 1933. Amounts: James Peak Reservoir: 290.5 acre-feet with the right to fill and refill, **CONDITIONAL**. Echo Lake Reservoir: 275.5 acre-feet with right to fill and refill, **CONDITIONAL**. Use: Domestic and municipal uses for the City of Central for both reservoirs. Provide a detailed outline of what has been done toward completion or for completion of the appropriation as conditionally decreed, including expenditures, during the previous diligence period: The James Peak Reservoir and Echo Lake Reservoir are part of the City's integrated water supply system which provides water within the City and extraterritorially by agreement. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, the City has continued to improve, operate and maintain its water distribution system, of which these conditional water rights will be a part. In particular, the City has spent approximately \$4,946,815 in the overall maintenance, repair and improvement of its water system infrastructure to enable it to more efficiently and effectively provide water service to its existing and future customers. The City has defended its water rights against applications filed by others in cases where the City has determined that injury to its water rights could occur in the absence of appropriate terms and conditions. In addition, the City has filed its own water court applications to maintain diligence or perfect conditional water rights and for administration of its existing water rights, all of which are part of the City's integrated water system. During this diligence period, the City has expended approximately \$35,000 in attorney fees and \$913,083 in engineering and consulting fees in water court cases, including opposition and applications, pertaining to its conditional water rights and protection thereof. In addition, after the last diligence decree was entered, the City consulted with its engineer about conducting an evaluation of the subject water rights for purposes of determining the best method of incorporating them into the City's integrated water system. The City conducted site visits on August 16, 2021 and August 4, 2022 of the reservoir locations in order to gather information on these locations and potential designs for development of the conditional water rights. In connection with those site visits, the City also purchased a drone that was used to investigate the site at which the reservoirs are located and water is diverted into storage. The City expended approximately \$4,500 for the drone and this investigation. Name and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. US Forest Service Rocky Mountain Region, 1617 Cole Blvd. Building 17, Lakewood, CO 80401. Applicant City of Central, having demonstrated that it has steadily applied effort to complete the appropriation of this water right in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that it has

exercised reasonable diligence in putting to beneficial use the conditional water rights decreed to James Peak Reservoir and Echo Lake Reservoir, and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law. (5 pages plus 1 Exhibit)

2023CW3061 TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Alison Gorsevski, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, mwg@lyonsgaddis.com; agorsevski@lyonsgaddis.com; **APPLICATION FOR CHANGES OF WATER RIGHTS AND CLAIM FOR APPROPRIATIVE RIGHTS OF EXCHANGE IN JEFFERSON AND DOUGLAS COUNTIES.**

2. Description of Water Rights. Applicant seeks entry of a decree changing the water rights decreed to the Glen Plym No. 1 Ditch and the Deer Creek Canon Ditch and Mann Reservoir (together, “Deer Creek Water Rights”) for Applicant’s purposes, as described below. A map showing the general location of the Deer Creek Water Rights and associated structures is attached as **Exhibit A**. **A. Glen Plym No. 1 Ditch (a/k/a Glen Plym Ditch No. 1).** **i. Original Decree:** Original adjudication, District Court, Douglas County, entered on December 10, 1883. **ii. Original Legal Description:** The Glen Plym No. 1 Ditch [WDID 0801120] (a/k/a Glen Plym Pump, WDID 0801145) was originally decreed for diversion from the west side of Deer Creek in Sec. 8, T.6.S, R.69.W, of the 6th PM, Jefferson County, Colorado. **iii. Changed Legal Description:** By a decree entered on December 8, 1919, in Civil Action W-830, District Court, Douglas County, the point of diversion was changed to the south side of Deer Creek in the NW1/4 Sec. 7, T.6.S., R.69.W, of the 6th PM, Jefferson County, at a point about 1,603 feet distant from the point where Deer Creek crosses the west line of said Sec. 7 in Jefferson County. **iv. Current Legal Description:** Based on records available through the Colorado’s Decision Support System website, the headgate was washed out in May 1969 and was subsequently reconstructed in the SE1/4 NW1/4, Sec. 7, T.6.S, R.69.W., of the 6th P.M., Jefferson County. The UTM coordinates are NAD 83, Zone 13, Easting 486298, Northing 4377390. **v. Source:** Deer Creek, tributary to South Platte River. **vi. Rate:** 1.95 c.f.s. **vii. Uses:** Irrigation. **viii. Appropriation Date:** December 1, 1864; Priority No. 36. **B. Deer Creek Canon Ditch and Mann Reservoir.** **i. Original Decree:** Original adjudication, District Court, Douglas County, entered on December 10, 1883. **ii. Original Legal Description:** The Deer Creek Canon Ditch and Mann Reservoir [WDID 0801121] (a/k/a Glen Plym Pump, WDID 0801145) was decreed to divert in Sec. 7, T.6.S., R.69.W, of the 6th PM, Jefferson County. **iii. Current Legal Description:** See paragraph 2.A.iv. **iv. Source:** Deer Creek, tributary to South Platte River. **v. Rate:** 3.33 c.f.s. **vi. Uses:** Irrigation, domestic, and as a feeder for Mann Reservoir. **vii. Appropriation Date:** December 8, 1877; Priority No. 99. **C. Previous Changes of the Deer Creek Water Rights.** **i. Case No. W-7390:** In Case No. W-7390, by a decree dated October 23, 1974, as amended on August 2, 1983 (“W-7390 Decree”), Ken-Caryl West Ranch Water District (“West Ranch”) was granted approval of a plan for augmentation for its municipal wells and a change of water rights for the Deer Creek Water Rights. The change authorized use of the Deer Creek Water Rights as a source of augmentation supply, among other claims. The consumptive use associated with the historical irrigation use of the Deer Creek Water Rights was quantified as 60 acre-feet per year. **ii. Case No. 95CW060:** In Case No. 95CW60, by a decree dated October 2, 1996, the 60 acre-feet per year consumptive use component of the Deer Creek Water Rights was further changed to allow for irrigation of lands other than the historically irrigated lands and for storage at additional places of storage, among other claims. **3. Claim for Change of Deer Creek Water Rights.** Applicant seeks a further change of the Deer Creek Water Rights to allow use of the water for Applicant’s purposes, including a change in place of use, type of use, means of diversion, and additional locations of storage, as follows: **A. Place of use:** Use on and for the benefit of lands within Applicant’s water service area boundaries, as such boundaries currently exist or may exist in the future, and outside such boundaries by contract(s) existing as of the filing of the Application and at locations where the Town has return flow and augmentation obligations. A map showing Applicant’s water service area is attached as **Exhibit B**. **B. Types of Use:** All municipal uses, industrial use, and augmentation and replacement use, with the right to fully consume and to use, reuse, and successively use to extinction the Deer Creek Water Rights and associated return flows. **C. Change in the Means of Diversion:** In addition to the historical

practice of diverting the Deer Creek Water Rights at the existing headgate for delivery into storage in Mann Reservoir, Applicant will: **i.** Divert the Deer Creek Water Rights at the existing pumpstation or a similar structure, then measure and return that water to Deer Creek for delivery to storage for beneficial uses; and/or **ii.** Quantify the legal and physical availability of the Deer Creek Water Rights based on streamflow measurements at or near the location of the existing pumpstation, then deliver that water in Deer Creek to storage for beneficial uses. **D. Additional Locations of Storage:** Applicant will store the Deer Creek Water Rights for subsequent beneficial use at the following locations. A map showing the locations of storage is attached as **Exhibit C.** **i. Mann Reservoir** (historic decreed storage location) [WDID 0803507] – Mann Reservoir is located in the NE1/4 NE1/4, Sec. 6, T.6.S, R.69.W, of the 6th P.M., Jefferson County, at UTM: 486900 E, 4379400 N, NAD 83. Mann Reservoir is filled from Deer Creek, pursuant to the existing decrees described in paragraph 2, above. **ii. Chatfield Reservoir** – Chatfield Reservoir is an on-channel reservoir located on the mainstem of the South Platte River, at the confluence with Plum Creek, Massey Draw, and Deer Creek. The right abutment of the Chatfield Reservoir dam is located in Douglas County, Colorado, in Secs. 6 and 7, T.6.S., R.68.W. of the 6th P.M.; the left abutment of the dam is located in Jefferson County, Colorado, in Sec. 1, T.6.S., R.69.W. of the 6th P.M. **iii. Castle Rock Reservoir No. 1** – Castle Rock Reservoir No. 1 is an off-channel reservoir located in the NE1/4, Sec. 15, T.7.S., R.68.W. of the 6th P.M., Douglas County, at a point 1607 feet from the north section line and 2340 feet from the east section line. The reservoir is filled from Plum Creek through the Plum Creek Diversion, as described in paragraph 5.D.i below. **iv. Castle Rock Reservoir No. 2** – Castle Rock Reservoir No. 2 is an off-channel reservoir located in the E1/2, Sec. 15, T.7.S., R.68.W. of the 6th P.M., Douglas County, at a point 1830 feet from the north section line and 790 feet from the east section line. The reservoir is filled from Plum Creek through the Plum Creek Diversion, as described in paragraph 5.D.i below. **v. Reuter-Hess Reservoir** – Reuter-Hess Reservoir is an on-channel reservoir located on Newlin Gulch, tributary of Cherry Creek. The axis of the dam intersects the thread of Newlin Gulch at a point on the south line of Sec. 30, T.6.S., R.66.W. of the 6th P.M., Douglas County, which point is approximately 2,400 feet east of the southwest corner of said Sec. 30. **vi. Plum Creek Reservoir** – Plum Creek Reservoir is an off-channel reservoir located in the N1/2, SW1/4, the SE1/4, SW1/4, and the W1/2, W1/2, SE1/4, Sec. 20, T.7.S., R.67.W., of the 6th P.M., Douglas County. The reservoir will be filled from East Plum Creek through the Castle Pines Diversion Point S-1, as described in paragraph 5.D.ii below; and the Castle Pines Diversion Point S-2, as described in paragraph 5.D.iii below. **4. Claim to Add Chatfield Reservoir as an “Equivalent Storage Facility” under the W-7390 Decree.** Applicant owns the Deer Creek Water Rights subject to a deed granting West Ranch a right of first use of certain water rights, including the Deer Creek Water Rights, to provide a water supply to the Ken-Caryl Ranch Highlands Subdivision in Jefferson County. Under West Ranch’s W-7390 Decree, depletions to Massey Draw associated with its municipal well pumping are augmented by releasing water available under the Deer Creek Water Rights, among other sources, from storage in Mann Reservoir and/or Tinker and Shaffer Reservoir. Paragraph 19.B of the W-7390 Decree contemplates that the augmentation water supplies may also be stored in “equivalent storage facilities” and subsequently released from such facilities for West Ranch’s augmentation use. Accordingly, Applicant seeks a decree confirming that Chatfield Reservoir, as described in paragraph 3.D.ii, above, is an equivalent storage facility for purposes of the W-7390 Decree. As such, the Deer Creek Water Rights can be released from or booked over in Chatfield Reservoir for West Ranch’s augmentation purposes in accordance with the terms and conditions of the W-7390 Decree. Applicant does not seek any changes to the W-7390 Decree. **5. Claim for Appropriative Rights of Exchange.** Applicant seeks a decree confirming its appropriation of conditional appropriative rights of exchange (“Castle Rock-Deer Creek Exchanges”) to use, reuse, and successively use the Deer Creek Water Rights to extinction. A map depicting the location of the Castle Rock-Deer Creek Exchanges is attached as **EXHIBIT C**, and an exchange matrix is provided as **Exhibit D.** **A. Name of Exchange.** Castle Rock-Deer Creek Exchanges. **B. Exchange Reach.** The Castle Rock-Deer Creek Exchanges will operate from its downstream-most terminus at Chatfield Reservoir on Plum Creek to the upstream-most terminus at the Castle Rock Diversion No. 1 on East Plum Creek. **C. Downstream Termini.** **i.** Chatfield Reservoir, as described in paragraph 3.D.ii, above **ii.** Outfall of Plum Creek Regional Wastewater Authority, located in the SW1/4 SW1/4, Sec. 21, T.7.S., R.67.W., of the 6th P.M., Douglas

County, at a point 770 feet from the south section line and 100 feet from the west section line. **D. Upstream Termini.** **i. Plum Creek Diversion:** Located in the SE1/4, Sec. 15, T.7.S., R.68.W. of the 6th P.M., Douglas County, at a point 1660 feet from the south section line and 725 feet from the east section line. **ii. Castle Pines Diversion Point S-1:** Located in SE 1/4 SW 1/4 Sec. 21, T.7.S., R.67.W of the 6th P.M., at a point 20 feet from the south section line and 1,530 feet from the west section line. **iii. Castle Pines Diversion Point S-2:** Located in the NE 1/4 SW 1/4 Sec. 20, T.7.S., R.67.W. of the 6th P.M., at a point 2,540 feet from the south section line and 2,590 feet from the west section line. **iv. Castle Rock Surface Diversion No. 1:** Located in the SE1/4 NW1/4, Sec. 2, T.8.S., R.67.W., of the 6th P.M., Douglas County, at a point 2,205 feet from the north section line and 1,550 feet from the west section line. **v. Castle Rock Surface Diversion No. 2:** Located in the SW 1/4 SW 1/4 Sec. 21, T.7.S., R. 67.W. of the 6th P.M., at a point 791 feet from the south section line and 45 feet from the west section line. **vi. Castle Rock Surface Diversion No. 3:** Located in the NW 1/4 SE 1/4 Sec. 20, T.7.S., R.67.W. of the 6th P.M., at a point 1,602 feet from the south section line and 1,678 feet from the east section line. **E. Sources of Substitute Supply.** Deer Creek Water Rights, including reusable effluent derived from the water rights. **F. Amount of Exchange:** **i.** For exchanges from Chatfield Reservoir: 15.0 c.f.s., conditional. **ii.** For exchanges from the outfall of Plum Creek Regional Wastewater Authority: 3.0 c.f.s., cumulative to all exchange to points, conditional. **G. Date of Initiation of Appropriation:** May 31, 2023. **H. How Appropriation was Initiated:** Applicant initiated this appropriation by: acquiring the Deer Creek Water Rights; conducting engineering studies to support the change of water rights claimed herein and the appropriation of new conditional exchanges; passing a director's resolution evidencing the appropriation; and approving and filing this Application. **I. Date Applied to Beneficial Use:** Not applicable. **J. Proposed Uses:** All types and location of use described in paragraphs 3.A., 3.B., and 3.D., above. **6. Owners of land upon which structures are or will be located.** Name and address of owner of land upon which any new diversion structure or storage structure, or modification to an existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool. **A.** Castle Rock Surface Diversion No. 1 and Plum Creek Wastewater Treatment Plant Outfall are owned by Applicant. **B.** Plum Creek Reservoir is owned by the Plum Creek Water Reclamation Authority, 4255 N. US Highway 85, Castle Rock, CO 80108. **C.** Castle Rock Surface Diversion No. 3 and Castle Pines Diversion Point S-2 are located on land owned by Plum Creek Water Reclamation Authority, 4255 NW Highway 85, Castle Rock, CO 80108. **D.** Castle Rock Surface Diversion No. 2 and Castle Pines Diversion Point S-1 are located on land owned by Castle Rock Development Company, 3303 E. 1st Ave, Suite 305, Denver CO 80206. **E.** Castle Rock Reservoir Nos. 1 and 2, and the Plum Creek Diversion are located on land owned by Plum Creek Trust, c/o Patricia Rhodes, Trustee, 5 Canon Place, Greenwood Village, CO 80111. **F.** The Glen Plym / Deer Creek Canon diversion and Mann Reservoir are located on land owned by Jefferson County, 100 Jefferson County Parkway, Golden, CO 80419. **G.** Chatfield Reservoir is owned by the US Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128. **H.** Reuter-Hess Reservoir is owned by Parker Water and Sanitation District, 18100 Woodman Dr., Parker, CO 80134. WHEREFORE, Applicant respectfully requests the Court to enter a decree granting all claims in the Application, including approving the change of the Deer Creek Water Rights, confirming Chatfield Reservoir as an "equivalent storage facility" under the W-7390 Decree, and confirming Applicant's appropriation of the conditional Castle Rock-Deer Creek Exchanges. (Number of pages in application: 10, excluding exhibits.)

2023CW3062 (17CW3010) APPLICATION TO AMEND PLAN FOR AUGMENTATION IN DOUGLAS COUNTY. 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicants. **WILDSTONE HOLDINGS, LLC** c/o Duncan Stewart, Manager, 630 Southpointe Court, Suite 200, Colorado Springs, Colorado 80906, Phone: (719) 650-4103, Email: duncan@stewarthub.com; **THE HOLMES LIVING TRUST**, dated November 27, 2000, and Restated January 9, 2014, 7 Avenue de la Mer, Unit 201, Palm Coast, Florida 32137, Email: holmesdw@outlook.com; **MICHAEL LINDSEY WILLIAMS AND PAMELA KAY WILLIAMS**, 1721 Creedmoor Ct., Castle Rock, Colorado 80109, Email: wlindsey@gmail.com; **JONATHAN SANDERS AND HALEY SANDERS**, 37910 Winook Circle, Elizabeth, Colorado 80107, Email: jonathan@altitudeplanninggroup.com; **RICHARD ALLAN**

SUPPES AND LOUISE C. SUPPES; 6679 Prairie Wind Drive, Colorado Springs, Colorado 80923, Email: rasuppes@msn.com; **TAMARA L. HANNA REVOCABLE LIVING TRUST** Dated 07 December 2004, 5550 Crains Run Road, Miamisburg, Ohio 45342, Email: johnandtammy@hannanet.com; **DUNCAN STEWART, KATHY STEWART, AND ZACHARY STEWART**, 13932 Sierra Star Court, Colorado Springs, Colorado 80921, Email: duncan@stewarthub.com. Copies of all pleadings and other correspondence to: David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100 Louisville, Colorado 80027, Phone: (303) 442-1900, Email: dfbower@j-rlaw.com.

2. Overview. Wildstone Holdings, LLC is the developer of Wildstone Ranch, an approximately 478-acre development located in Section 8, Township 10 South, Range 65 West of the 6th P.M., in Douglas County. The other applicants are current owners of residential lots within Wildstone Ranch. Groundwater rights in the Denver Basin aquifers and a plan for augmentation for the Wildstone Ranch property were originally decreed in Case No. 17CW3010. By this application, Applicants seek to amend the plan for augmentation for the property to be consistent with the final development plan approved for the Wildstone Ranch. A map showing the general location of the property is attached as Exhibit 1.

3. Amendment to Plan for Augmentation. (a) Original Decree. The plan for augmentation to be amended was originally approved in Case No. 17CW3010, Water Division 1, dated August 25, 2017. (b) Description of Amendment to Plan for Augmentation. Since the original plan for augmentation was approved, the subject property has been subdivided and platted as the Wildstone Ranch. The final Wildstone Ranch Cluster 35 Plan is recorded in the Douglas County real property records at Reception No. 2022054637. This application seeks to amend and supersede the original plan for augmentation to be consistent with the final development approval for the property. The Wildstone Ranch consists of 12-residential lots (the “Residential Lots”) and a central lot that may include residential, agricultural, recreational, and/or hospitality facilities (the “Main Ranch”). (c) Complete Statement of Amended Plan for Augmentation. Each Residential Lot has been or will be deeded a minimum of 5 acre-feet per year and the Main Ranch lot has been allocated 35 acre-feet per year from each of the Upper Dawson, Lower Dawson, and Denver aquifers originally decreed in Case No. 17CW3010. The Upper Dawson aquifer at this location is Not Non-Tributary (NNT). Therefore, to the extent that the Upper Dawson aquifer is used to provide a physical water supply to the Residential Lots and Main Ranch, the associated depletions will be replaced by this amended plan for augmentation. (i) Name and Description of Structures to be Augmented. (A) *Wildstone Ranch Upper Dawson Residential Wells.* The wells constructed on the Residential Lots are collectively referred to as the Residential Wells. The Residential Wells will be located on each of the lots that they serve (*i.e.* Lots 2-13 of the Wildstone Ranch). The requested plan augments up to 5 acre-feet/year of pumping from the Upper Dawson aquifer on each of the Residential Lots. Applicants reserve the right to locate the Residential Wells anywhere on each of their respective lots. Each lot may also utilize more than one well structure to pump the 5 acre-feet/year of Upper Dawson water associated with each Residential Lot. The final as-built location of each of the Residential Wells will be identified at the time that the wells are permitted. Applicants also reserve the right to use Upper Dawson aquifer under an exempt well permit and/or nontributary Lower Dawson and Denver aquifer water to provide water to each of the Residential Lots. (B) *Wildstone Ranch Upper Dawson Main Ranch Wells.* The wells constructed on the Main Ranch are collectively referred to as the Main Ranch Wells. The Main Ranch Wells will be located on the Main Ranch (*i.e.* Lot 1 of the Wildstone Ranch). The requested plan will augment up to 35 acre-feet/year of pumping from the Upper Dawson aquifer. The final as-built location of any Main Ranch Wells will be identified at the time that the wells are permitted. Applicants also reserve the right to use water pumped from any of the nontributary Denver Basin aquifers (*i.e.* the Lower Dawson, Denver, and Laramie-Fox Hills) underlying the property to provide water service to the Main Ranch. (ii) Water Rights to be Used for Augmentation. (A) *Upper Dawson Return Flows.* The primary source of replacement water will be return flows associated with the use of the not nontributary Upper Dawson aquifer decreed in Case No. 17CW3010. (B) *Additional or Alternative Replacement Supplies.* Pursuant to C.R.S. § 37-92-305(8), Applicants also reserve the right to use additional or alternative sources of water for replacement on a temporary or permanent basis, subject to approval by the Water Court and/or the State Engineer’s Office, including return flows or direct discharge of nontributary groundwater decreed in Case No. 17CW3010. (iii) Projected Demands. (A) *Residential Lots.* Indoor/household domestic demand

for each residence on the Residential Lots is estimated to be 0.35 acre-feet/year. Irrigation is assumed to average 1.6 acre-feet/year, based on an acre of irrigated land and demand of ~1.6 acre-feet/acre/year. Stock watering is estimated to require 0.05 acre-feet/year based on 0.013 acre-feet/year/animal and the average lot having four horses or other large livestock. All other demands, such as storage in ponds and water features, filling pools and hot tubs, and evaporation from those structures, is estimated to be about 3 acre-feet/year/lot, with evaporation calculated at 42.2 inches per year or 1.17 acre-feet/acre. In total, up to 5 acre-feet/year can be pumped from the Upper Dawson aquifer on each of the Residential Lots for any combination of the decreed uses, so long as actual depletions are replaced. (B) *Main Ranch*. Indoor domestic and commercial demands for the Main Ranch are estimated to be up to 4.5 acre-feet/year, which uses may include primary, guest, and caretaker residences, an events facility with a catering kitchen, a riding arena, restrooms, barns, and other outbuildings. Indoor/household domestic demand for each residence is estimated to be 0.35 acre-feet/year, with three residences currently planned for the Main Ranch. Irrigation is assumed to require up to 20 acre-feet/year for pasture, gardens, and greenhouses, with an average irrigation water demand of ~1.6 acre-feet/acre/year. Stock watering is estimated to require ~0.5 acre-feet/year based on 0.013 acre-feet/year/animal, with ~40 horses, cattle, and other livestock on the property. All other demands, such as storage in ponds and water features, filling pools and hot tubs, and evaporation from those structures, is estimated to be about 9 acre-feet/year, with evaporation calculated at 1.17 acre-feet/acre. In total, up to 35 acre-feet/year can be pumped from the Upper Dawson aquifer on the Main Ranch for any combination of the decreed uses, so long as actual depletions are replaced. (iv) Projected Depletions. Consistent with the decree entered in Case No. 17CW3010, return flows from indoor/household domestic and commercial use are estimated to be 90% based on the use of a use of non-evaporative septic systems discharged into the South Platte River system via Cherry Creek. Return flows from irrigation are assumed to be 15%. Stock watering, pools and hot tubs, filling fishing ponds, evaporation, and all other uses are assumed to be 100% consumptive without return flows. (v) Operation of Plan for Augmentation. Applicants will replace actual depletions to the stream system from Upper Dawson well pumping with return flows from water used in the development. Upper Dawson groundwater may only be used for stock watering, storage in ponds, and other fully-consumptive purposes if sufficient return flows from domestic, commercial, and irrigation uses is available to replace the actual well pumping depletions. Different uses will be metered and/or accounted for separately so that return flows can be properly calculated. Applicants demands are estimated and the mix in uses may be changed (e.g. increased domestic use and decrease in other fully-consumptive uses) so long as all depletions are replaced. Additional releases from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers may be made as necessary to supplement replacements. In order to account for any post-pumping depletions, Applicants may also reserve water from the Laramie-Fox Hills aquifer or other nontributary groundwater underlying the property, or any other source (including return flows), which is legally available for such purposes. (vi) Reserved Water. The decree entered in Case No. 17CW3010 reduced the amount of water available from the Upper Dawson aquifer by 32 acre-feet annually (3,200 acre-feet total) for any uses which are legally available pursuant to C.R.S. §37-92-602, including withdrawal through seven exempt wells on the property. Applicants request that any final decree entered in this case be amended to reflect the appropriate amount of reserved water and exempt wells consistent with the final approved Wildstone Ranch Cluster 35 Plan. (vii) Other Remarks. All other terms and conditions decreed in Case No. 17CW3010, except as expressly modified by the decree entered in this matter, shall remain in full force and effect. Pursuant to C.R.S. § 37-92-305(8), the Division Engineer shall curtail all out-of-priority diversions, the depletions from which are not so replaced as to prevent injury to vested water rights. Applicants shall install and maintain such meters, gauges, or other measuring and recording devices as may be reasonably required by the State or Division Engineer to administer the amended plan for augmentation. Applicants reserve the right to operate this plan using a different mix in uses so long as the calculation of depletions is in accordance with the depletion factors decreed herein and Applicants' replacement supply is sufficient to cover all out-of-priority depletions. Return flows from the use of the Upper Dawson aquifer shall be used only to replace depletions under this plan for augmentation and will not be sold, leased, traded, or assigned in whole or in part for any other purpose. Applicants reserve the right to bifurcate this application or any final decree entered in this case

between the 12 Residential Lots and the Main Ranch. Applicants may also add additional applicants during the pendency of this case as Residential Lots and/or the Main Ranch are conveyed to non-parties. **4. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** All of the structures are located on land owned by Applicants. (7 pages plus exhibit)

****AMENDED** 2023CW3033**, Applicant: **FORT COLLINS/I-25 INTERCHANGE CORNER, LLC**, c/o Jeannie Cox, P.O. Box 7388, Colorado Springs, CO 80933, (719) 540-5800, jeannie@contrarianholdings.com. Please serve all pleadings on: Scott Holwick, Casey J. Weaver, Lyons Gaddis, P.C., P.O. Box 978, Longmont, Colorado 80502-0978, (303) 776-9900 sholwick@lyonsgaddis.com, cweaver@lyonsgaddis.com. **AMENDED APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN LARIMER COUNTY.** 2. Decreed water right for which correction is sought: 2.1. Name of structure: Kitchell and Ladd Ditch (the “Ditch”). 2.2. Prior decrees: 2.2.1 Original decree and legal description of the point of diversion as described in the decree: The District Court, Larimer County, entered the original decree on April 11, 1882, in Case No. CA 320. The decree described the Ditch as being in the Southwest quarter of Section No. Ten (10), Township No. Seven (7), North, Range No. Sixty-eight (68), West, length near one mile. 2.2.2. Subsequent decrees changing the Ditch’s point of diversion and the legal descriptions of the points of diversion as described in the decrees: 2.2.2.1. Case No. CA 3227: The District Court, Larimer County, entered the decree in Case No. CA 3227 on December 16, 1913. The decree recognized that the original decree had incorrectly identified the location of the Ditch’s point of diversion as being in the SW 1/4 of Section 10, Township 7 North, Range 68 West, rather than in SW 1/4 of Section 9 of the township and range, and changed the point of diversion from the actual original location to “a point up stream located in Section nine (9), Township seven (7) North, Range sixty-eight (68) West, whence the northeast corner of said Section bears north 55°30’ East, 2622 feet.” 2.2.2.2. Case No. CA 9967: The District Court, Larimer County, entered the decree in Case No. CA 9967 on September 7, 1948. The decree changed the Ditch’s point of diversion “from its present location to a point down stream on the left bank of Cooper Slough at a point whence the Southeast corner of Section nine (9), Township seven (7) North, Range sixty-eight (68) West of the 6th P.M. bears South 34°10’ East a distance of 3060 feet.” 2.3. Decreed source: Cooper Slough, a tributary of the Cache la Poudre River. 2.4. Appropriation date: October 1, 1875. 2.5. Total amount decreed to structure: 2.95 cfs, absolute. 2.6. Decreed uses: Irrigation and domestic. 3. Detailed description of proposed correction to an established but erroneously described point of diversion: 3.1. Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. See §§ 37-92-305(3.6)(a) & (b), C.R.S.: This Application seeks to correct the erroneous legal description for the Ditch. Though the original decree correctly described the Ditch as diverting from the Cooper Slough, the original decree erroneously described the point of diversion as located on property in the SW 1/4 of Section 10, Township 7 North, Range 68 West of the 6th P.M., in Larimer County. The correct and actual existing point of diversion is instead located on property in the SE 1/4 of Section 9, Township 7 North, Range 68 West of the 6th P.M., in Larimer County (Larimer County Assessor Parcel No. 8709400938), as depicted on **Exhibit A**. The District Court, Larimer County, entered a decree in Case No. CA 3227 on December 16, 1913, recognizing that the original decree had erroneously described the point of diversion of the Ditch and changing the point of diversion from the actual original point of diversion to “a point up stream located in Section nine (9), Township seven (7) North, Range sixty-eight (68) West, whence the northeast corner of said Section bears north 55°30’ East, 2622 feet.” The District Court, Larimer County, again changed the point of diversion in Case No. 9967, entered September 7, 1948, “from its present location to a point down stream on the left bank of Cooper Slough at a point whence the Southeast corner of Section nine (9), Township seven (7) North, Range sixty-eight (68) West of the 6th P.M. bears South 34°10’ East a distance of 3060 feet.” The location of the actual and existing point of diversion differs from those described in the decrees entered in Case Nos. 3227 and 9967. The water right has been continually used for decades on a parcel located in the East half of Section 16, Township 7 North, Range 68 West of

the 6th P.M., Larimer County, on property in the Northwest quadrant of Prospect Road and I-25 in Fort Collins (the "Property"). FCIC purchased the parcel in 2013, along with the water right. See the Special Warranty Deed attached as **Exhibit B** and Quit Claim Deed (Water Rights) attached as **Exhibit C**. Since the purchase, FCIC has leased the parcel and the water right to Robert Becker, Jr. to farm. Mr. Becker has used, and will continue to use, the water right, along with FCIC's Lake Canal shares and C-BT project water, to irrigate the Property. Mr. Becker began leasing the parcel and water right from FCIC's predecessor-in-interest in or around 1995. Throughout the course of his tenure farming the Property, the point of diversion for the Ditch has been located at its current location, as described above. In a USGS aerial photograph taken on September 24, 1953, attached as **Exhibit D**, the Ditch's diversion structure appears in the location of the Ditch's actual and existing point of diversion. Though the photograph supports the inference that the Ditch's point of diversion has been in the same location since the change adjudicated in Case No. 9967 and that the decree in Case No. 9967 again erroneously described the point of diversion, it is not inconceivable that the point of diversion was again physically moved in the just over five years intervening between entry of the decree in Case No. 9967 and the date the photograph was taken. In the end, the location described in the decree entered in Case No. 9967, the most recent decree changing the Ditch's point of diversion, differs from the location of the actual and existing point of diversion. By this Application, FCIC seeks to correct the Ditch's decreed point of diversion. 3.2. Legal description of the corrected point of diversion (i.e., the actual location of the Ditch's point of diversion) [UTM format]: As noted above, the corrected or actual and existing point of diversion of the Ditch is located in the SE 1/4 of Section 9, Township 7 North, Range 68 West, of the 6th P.M., Larimer County. The UTM coordinates of the actual and existing point of diversion appear in the attached Exhibit A. 3.3. Map: A map showing the locations of the points of diversion decree in Case Nos. CA 3227 and 9967 and the actual and existing point of diversion is attached as **Exhibit E**. 4. Name(s) and address(es) of the owner(s) of land upon which FCIC will construct a new diversion or storage structure, modify an existing diversion or storage structure, or either stores or will store water: The City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522, owns the land on which the Ditch's actual and existing point of diversion is located.

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

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