

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

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

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

2022CW22 (16CW19) JAN SCHENCK AND KAREN SCHENCK, 302 Berthoud Way, Golden, CO 80401. 303-279-8285 Schenck_J@msn.com **APPLICATION FOR FINDING REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 01-15-04 in case 96CW509, WD1. Subsequent decrees: 06-03-10 in case 10CW47, WD1; 11-28-16 in case 16CW19, WD1. Schenck Well located SE 1/4, SW 1/4, S34, T9S, R75W of the 6th p.m. Park County, Colorado at a point approximately 160 ft. from S and 1870 ft. from W. UTM Coordinates: Easting 4333877.69 Northing 4341235.98. Indian Mountain Subdivision, Lot 67, Filing 18, also know as 2671 Warrior Circle, Como, CO. Source: Groundwater. Appropriation date: 3-31-73. Amount: 15gpm. Use: Household, 1 single family dwelling.

2022CW23 CHAD SMITH AND REBECCA SMITH, APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY. Please send all correspondence to Chad and Rebecca Smith, 7490 Patrick Trail, Elizabeth, CO 80107. 303-704-6312. chadsmith20@hotmail.com Name of Structure: Smith Well located NE 1/4, SE 1/4, S2, T6S, R64W of the 6th PM in Elbert County, distances from section lines 3100 ft. from North Section line and 800 ft. from East Section line. Foxwood Estates Subdivision, Lot 7. Parcel of land consists of 35 acres of land. One well located on property. Well Permit 220636. Source: Denver Aquifer. Depth to bottom of well 261 ft. Appropriation date 8-5-99. Date water applied to beneficial use: 10-27-99. Claimed pumping rate 9 gpm; amount claimed in acre-fee annually 2.9; single family dwelling; lawn and garden irrigation less than 1 acres; watering domestic animals and livestock.

2022CW24 (16CW18) WILLIAM G. WORTHAM, 2902 Albin Dr., San Antonio, TX 78209. 210-364-6683. fishing001@aol.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 01-28-04 in case 96CW836, WD1. Subsequent decrees: 06-03-10 in case 10CW55, WD1 and 11-28-16 in case 16CW18, WD1. Well located NE 1/4, NE 1/4, S26, T9S, R75W, of the 6th PM in Park County. Indian Mountain Subdivision, Lot 214, Filing 27, 510 Nez Perce Rd. Source: Groundwater. Appropriation date: 03-31-73. Amount: 15 gpm. Conditional. Use: Household inside single family dwelling, not including irrigation.

2022CW25 (16CW17) MARCIA J. LOGAN REVOCABLE TRUST, Marcia J. Logan 1360-C Raven Circle, Estes Park, CO 80517. 970-586-9194. ep.mjlogan@yahoo.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 03-25-04 in case 96CW968, WD1. Subsequent decrees: 06-25-10 in case 10CW108, WD1 and 11-28-16 in case 16CW18, WD1. Logan Well located NE 1/4, SE 1/4, S8, T10S, R75W, of the 6th PM in Park County at a distance of 2,630 ft. from the South section line and 220 ft. from the East section line. Elkhorn Ranches Subdivision, Lot 99, Filing 2, 8212 Remington Rd. Source: Groundwater. Appropriation date: 02-28-75. Amount: .033 cfs, 15 gpm. Conditional. Use: Household for single family dwelling, no irrigation.

2022CW26 (16CW21) HOLLY NICHOLSON KLUTH AND ARLAN KLUTH, Holly Nicholson Kluth and Arlan Kluth, 7456 Chipmunk Place, Littleton, CO 80125. 303-880-6696. hkluth50@gmail.com **APPLICATION TO MAKE ABSOLUTE IN PARK COUNTY**. Date of original decree: 03-08-04 in case 96CW561, WD1. Subsequent decrees: 06-04-10 in case 10CW72 WD1 and 11-28-16 in case 16CW21, WD1. Kluth Well located NE 1/4, NW 1/4, S23, T9S, R75W, of the 6th PM in Park County. Indian Mountain Subdivision, Filing 9, Lot 5, 312 Thunder Lane. Source: Groundwater. Appropriation date: 05-31-73. Amount: 4.3 gpm. Date water applied to beneficial use: 06-01-19. Use: Household.

2022CW3168 MADISON LIVING TRUST, 975 Finn Avenue, Littleton, CO 80124. 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 ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY.** Subject Property: Applicant is the owner of a 5.00 acre lot generally located in the SW1/4 of the NW1/4 of Section 21, Township 6 South, Range 67 West of the 6th P.M., also known as Tract 48-B, McArthur Ranch Filing 3, First Amendment, also known as 975 Finn Ave, Littleton, CO 80124, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). The Applicant has provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently one Denver Aquifer well on the Subject Property operating under Well Permit No. 387200. This well will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of wells. Source of Water Rights: The 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)
Arapahoe (NT)	2.68
Laramie Fox Hills (NT)	1.19

Proposed Uses: The groundwater will be used, reused, and successively used for domestic (including in-house), commercial, irrigation, stockwatering, fire protection, and augmentation and exchange 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: Applicants claim 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. Applicants request 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. Applicants request the Court approve the above underground water rights, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

2022CW3169 (16CW3083, 10CW050, 03CW233, 96CW011, 86CW207, 81CW450) **BEAR CREEK DEVELOPMENT CORPORATION**, Attn: Ross Bradley, Vice President 16371 Morrison Road, PO Box 465 Morrison, CO 80465 303-818-1462 ross@bradleyblastingco.com Please send pleadings to: Steven P. Jeffers, Casey J. Weavers, Lyons Gaddis, PC, 950 Spruce Street, Unit 1B Louisville, CO 80027, sjeffers@lyonsgaddis.com; cweavers@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN JEFFERSON COUNTY**

2. **Name of structure**: Quaintance Reservoir 3. **Describe Conditional Water Right from the Previous Decrees**: A) **Original Decree**: The original decree was entered in Case No. 81CW450 on October 12, 1982, District Court, Water Division 1. B) **Subsequent Decrees**: Diligence decrees were entered in Case No. 86CW207 on January 30, 1990, Case No. 96CW011 on May 13, 1997, and in Case No. 03CW233 on January 22, 2004, Case No. 10CW050 on June 28, 2010, and Case No. 16CW3083 on November 8, 2016. C) **Legal Description**: Section 29, Township 4 South, Range 69 West, 6th P.M. beginning at the south quarter corner of Section 29, north 0°00'00" east, 386 feet; thence south 64°00'00" east, 64 feet to the beginning of the dam; thence, south 64°00'00" east, 558 feet to the beginning of a curve described with a radius of 400 feet, a delta of 26°35'00", and a length of 185 feet; thence from the terminus of the curve, north 89°25'00" east, a distance of 228 feet to the end of the dam. Located on an unnamed dry wash tributary to Bear Creek. D) **Source of Water**: Bear Creek through the Ward Canal and natural runoff. E) **Appropriation**: i) **Date**: January 3, 1981 ii) **Amount**: The original decreed amount was 198 acre-feet, conditional. F) **Uses**: Irrigation, municipal, recreation, augmentation, and exchange purposes. G) **Amounts**

previously made absolute: 128 acre-feet of the 198 acre-feet were made absolute for recreational purposes and 106 acre-feet were made absolute for irrigation purposes in Case No. 86CW207. The absolute amounts were increased to 191.4 acre-feet for recreational purposes and 176 acre-feet for irrigation in Case No. 96CW011. The court determined in Case No. 96CW011 that 191.4 acre-feet were diverted to and stored in Quaintance Reservoir pursuant to this water right from May 1 through October 31, 1995. H) **Map:** A map showing the location of the reservoir and general place of use is included as **APPENDIX A**. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the diligence period, Applicant has continued to operate and maintain the reservoir as a key component of the Bear Creek Golf Course and its irrigation system. Applicant was prepared to store water in the reservoir whenever water was physically and legally available and there was space in the reservoir. During the diligence period, Applicant expended approximately \$5,046,000 in the operation and maintenance of the golf course and grounds, including Quaintance Reservoir and the rest of the irrigation system. Applicant intends to store and beneficially use the full decreed amount when stream flow conditions allow. 5. **If a claim to make absolute, the date water was applied to beneficial use:** Applicant claims 191.4 acre-feet absolute for all decreed purposes pursuant to C.R.S. § 37-92-301(4)(e). In the previous decree in Case No. 96CW011, the court determined that 191.4 acre-feet of the storage right had been stored in the reservoir between May 1 and October 31, 1995. §37-92-301(4)(e), C.R.S states 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.” A copy of that decree is attached as **APPENDIX B**. As a result of the previous storage of the 191.4 acre-feet in the reservoir, that amount should be made absolute for all decreed purposes. The remaining 6.6 acre-feet should be continued as conditional for all decreed purposes. 6. **Name and address of owner of land on which any new structure or modification is or will be constructed or upon which water is or will be stored:** Applicant owns the land upon which the water is stored. No new or modified structures are proposed. Number of pages in application: 4, excluding the exhibits.

2022CW3170 Name, mailing address, email address, and home telephone number of applicants: **DONNA FRITZLER** c/o Bill Fritzler Box 12, Route 1, Merino CO 80741; 970 522 4926; **BILL FRITZLER** Box 12, Route 1, Merino, CO 80741; 970 522 4926: Attorney: Brammer Law Office, PC, PO Box 1827, Sterling, CO 80751; 970 521 0700; brammer@brammerlaw.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LOGAN COUNTY, Summary of Application** Applicants seek to find diligence on Fritzler Spring and Fritzler Spring Reservoir. 3. Date of Original Decree: January 27, 2010 Case No. 05CW329 District Court Water Division No. 1 with a diligence filing in 16CW3005 District Court Water Division No. 1. 4. Location: Logan County, NW1/4 of the NE 1/4 of Section 23, Township 6 North, Range 54W of the 6th. P.M. Fritzler Spring is located at a point approximately 640 feet from the north and 2460 feet from the east section line of Section 23, and Fritzler spring Reservoir is located at a point approximately 690 Feet from the north and 2460 feet from the east section line of Section 23, as shown on Exhibit 2.) 5. Source: Fritzler Spring: Natural spring; Fritzler Spring Reservoir: Fritzler Spring and surface runoff. 6. Appropriation Date for both structures: December 29, 2005; 7. Amount of water claimed: Fritzler Spring: 3 cfs (conditional) Fritzler Spring Reservoir: 25 acre-feet with the right to fill and refill when water is legally available, (conditional). 8. Uses for both structures: i. Irrigation of up to 120 acres in the NE ¼ of Section 23, Township 6 North, Range 54 West, 6th P.M. The irrigated parcel is owned by Applicants, stock water, wildlife habitat, wetlands and recharge. ii. The Fritzler Spring and Fritzler Spring Reservoir were decreed absolute rights for 3 cfs and 25 acre feet respectively for stock-watering and wildlife habitat in 16CW3005 and diligence was found for the remaining uses in 16CW3005. iii. The augmentation use will consist of the in-priority deliveries of the subject water right into the alluvial aquifer to generate accretions in the South Platte River for assignment to the South Platte Ditch Plan for Augmentation as decreed in 04CW110, in which two of the applicants’ wells are covered. iv. This application seeks to make the above claimed right **CONDITIONAL** for the uses contained herein. 9. 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 Applicant has maintained and repaired keeping the spring and reservoir in good working order. The application has installed a flow meter to the Reservoir. (See attached Exhibit 3.) 10. Names and addresses of owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicants 11. Remarks or any other pertinent information: All water diverted herein has been measured and/or diverted with the knowledge and consent of the Water Commissioner. The water has been put to the beneficial use of watering livestock and for wildlife habitat.

2022CW3171 (15CW3074, 03CW060 & 95CW238) BIG ELK MEADOWS ASSOCIATION, 29 Willow Drive, Lyons, Colorado, 80540, 303-835-7557. Please direct all pleadings to: John M. Dingess, Austin Hamre, Teri L. Pettitt, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite Street, Suite 500, Denver, Colorado 80237, 303-779-0200. **APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE, FOR A FINDING OF REASONABLE DILIGENCE, AND TO CONTINUE CONDITIONAL WATER RIGHT in BOULDER AND LARIMER COUNTIES.** 2. **Exchange Structures** (see **Exhibit A** attached hereto). 2.1. **Exchange-From Structures**. 2.1.1. Headgate of the Boulder and Larimer County Ditch, which is decreed as the downstream terminus of exchanges for BEM's share of the direct-flow rights of the Boulder and Larimer County Irrigation and Manufacturing Company (B&L Company), in paragraph 16.F. of the decree in Case No. 95CW238, February 25, 1997, and which headgate is located at a point on the south bank of the Little Thompson River at a point whence the Northwest corner of Section 1, Township 3 North, Range 70 West, 6th P.M., bears North 56°East, 360 feet; North 72°East, 900 feet; North 73°East, 1100 feet. 2.1.2. The point of release to the Little Thompson River of water stored in Ish Reservoir, which is decreed as the downstream terminus for exchanges of BEM's share of the storage water rights of the B&L Company in paragraph 15.A. of the decree in Case No. 95CW238, February 25, 1997, and which is the point of discharge of the River Glen Homeowners' Association Pipeline on the south bank of the Little Thompson River in the SE 1/4 of the SE 1/4 of Section 27, Township 4 North, Range 69 West of the 6th P.M. (approximately 40° 16' 41.86" N and 105° 05' 41.34" W). 2.2. **Exchange-To Structures**. 2.2.1. The following exchange-to points, where out-of-priority depletions may occur and need to be replaced under BEM's plan for augmentation, were decreed water rights for storage purposes in the following Water Division No. 1 cases.¹ 2.2.1.1. **Rainbow Lake**. Decreed in Case No. W-1771, June 16, 1977. Rainbow Lake is located at a point whence the South 1/4 corner of Section 35, T. 4 N., R. 72 W of the 6th P.M. bears S 67°25' E a distance of 2646 feet, thence S 52°22' W a distance of 176 feet, thence S 46°03' W a distance of 262 feet, thence S 41°27' W a distance of 135 feet, thence S 19°07' W a distance of 144 feet, thence S 7°13' W a distance of 84 feet, thence S 15°17' W a distance of 233 feet, thence S 14°26' W a distance of 222 feet, thence S 8°53' W a distance of 57 feet, thence S 84°32'E a distance of 146 feet, thence N 27°18' E a distance of 137 feet, thence N 34°43' E a distance of 152 feet, thence N 17°33' E a distance of 177 feet, thence N 21°27' W a distance of 128 feet, thence N 6°14' E a distance of 132 feet, thence N 67°17' E a distance of 164 feet, thence N 50°28' E a distance of 400 feet to the point of beginning. 2.2.1.2. **Mirror Lake**. Decreed in Case No. W-1772, June 16, 1977. Mirror Lake is located at a point whence the South 1/4 corner of Sec. 35, T. 4 N., R. 72 W of the 6th P.M. bears S 28°27' E a distance of 1891 feet; thence N 88°52' W a distance of 330 feet, thence S 63°43' W a distance of 83 feet, thence S 53°59' W a distance of 106 feet, thence S 64°04' W a distance of 65 feet, thence S 72°04' W a distance of 118 feet, thence S 84°39' W a distance of 126 feet, thence N 70°04' W a distance of 104 feet, thence S 52°45' W a distance of 168 feet, thence S 77°31' E a distance of 258 feet, thence N 80°59' E a distance of 139 feet, thence N 73°04' E a distance of 150 feet, thence N 86°14' E a distance of 125 feet,

¹ The lakes described in paragraph 2.2.1 were reconstructed after being destroyed in the flood of September 2013. The dams for all lakes were reconstructed at the originally decreed locations; however, the shoreline of such lakes may differ slightly from the descriptions herein. All lakes were reconstructed to the same storage capacity as originally decreed.

thence N 77°32' E a distance of 85 feet, thence S 84°16' E a distance of 244 feet to the point of beginning.

2.2.1.3. Sunset Lake. Decreed in Case No. W-1766, June 16, 1977. Sunset Lake is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W. of the 6th P.M. bears N 58°01' E a distance of 697 feet, thence N 53°23'30" W a distance of 172 feet, thence S 59°32' W a distance of 26 feet, thence N 77°07' W a distance of 20 feet, thence N 10°02' W a distance of 56 feet, thence N 60°26' W a distance of 27 feet, thence S 42°55'30" W a distance of 114 feet, thence S 66°26'30" W a distance of 105 feet, thence S 28°24'30" W a distance of 61 feet, thence S 76°12'30" W a distance of 101 feet, thence S 23°55'30" W a distance of 135 feet, thence S 20°19'30" E a distance of 77 feet, thence S 65°08' E a distance of 47 feet, thence S 36°59'30" W a distance of 48 feet, thence S 16°28' W a distance of 55 feet, thence S 78°51' E a distance of 26 feet, thence N 20°50' E a distance of 125 feet, thence N 05°07' W a distance of 77 feet, thence S 39°31' E a distance of 66 feet, thence N 50°50' E a distance of 116 feet, thence 80°23' E a distance of 116 feet, thence N 70°18' E a distance of 46 feet, thence N 43°21' E a distance of 88 feet, thence S 55°47' E a distance of 82 feet, thence N 48°57' E a distance of 64 feet, thence N 02°00' W a distance of 56 feet to the point of beginning.

2.2.1.4. Meadow Lake. Decreed in Case No. W-1768, June 16, 1977. Meadow Lake is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W. of the 6th P.M. bears S 69°02' W a distance of 3140 feet, thence N 11°01' E a distance of 211 feet, thence S 82°31' W a distance of 109 feet, thence N 34°50' W a distance of 79 feet, thence N 67°46' W a distance of 717 feet, thence S 16°42' W a distance of 88 feet, thence S 88°18' W a distance of 170 feet, thence N 64°45' W a distance of 196 feet, thence S 31°55' W a distance of 40 feet, thence S 12°17' E 60 feet, thence S 52°25' E a distance of 90 feet, thence S 35°48' E a distance of 50 feet, thence S 56°47' E a distance of 150 feet, thence S 72°22' E a distance of 97 feet, thence S 39°28' E a distance of 90 feet, thence S 70°32' E a distance of 54 feet, thence S 42°35' E a distance of 47 feet, thence S 69°33' E a distance of 224 feet, thence S 81°52' E a distance of 68 feet, thence S 58°49' E a distance of 82 feet, thence N 78°50' E a distance of 110 feet, thence S 62°58' E a distance of 69 feet, thence S 32°55' E a distance of 41 feet, thence S 76°25' E a distance of 51 feet, thence N 51°50' E a distance of 139 feet to the point of beginning.

2.2.1.5. Willow Lake. Decreed in Case No. W-1770, June 16, 1977. Willow Lake is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W of the 6th P.M. bears S 24°54' W a distance of 1605 feet, thence N 18°24' W a distance of 265 feet, thence S 65°16' W a distance of 155 feet, thence S 39°59' W a distance of 319 feet, thence S 32°59' W a distance of 416 feet, thence S 46° 17' E a distance of 167 feet, thence N 48°11' E a distance of 104 feet, thence N 71°37' E a distance of 141 feet, thence N 44°42' E a distance of 130 feet, thence N 29°11' E a distance of 146 feet, thence N 16°01' E a distance of 81 feet, thence N 45°09' E a distance of 102 feet, thence N 60°24' E a distance of 77 feet to the point of beginning.

2.2.1.6. Canyon Lake. Decreed CONDITIONAL in Case No. W-1769, June 16, 1977. Canyon Lake is decreed to be located as follows: That portion of Section 35, Township 4 North, Range 72 West and that portion of Section 36, Township 4 North, Range 72 West of the 6th P.M., Larimer County, Colorado, more particularly described as follows: Considering the East line of the SE 1/4 of Section 35, Township 4 North, Range 72 West of the 6th P.M. as bearing North 03°05'35" East and with all bearings contained herein relative thereto: Beginning at the SE corner of said Section 35; thence North 04°35'09" East 2425.40 feet to the TRUE POINT OF BEGINNING, said point being the approximate center-point of the proposed dam; thence along the approximate high-water water line of the proposed reservoir the following courses and distances: North 56°08'18" East 74.77 feet; North 21°47'14" West 64.74 feet; North 83°28'32" West 86.91 feet to a point which bears South 05°14'40" East 61.68 feet from the East Quarter corner of said Section 35; thence continuing along said approximate high water line North 49°51'58" West 144.38 feet; North 06°38'51" East 96.93 feet; North 13°26'04" West 175.35 feet; North 31°37'02" West 133.91 feet; North 08°53'08" West 54.40 feet; South 15°58'06" West 48.82 feet; South 00°24'02" East 78.12 feet; South 15°44'09" West 65.61 feet; North 81°59'24" West 30.59 feet; North 29°52'36" West 115.18 feet; North 57°11'32" West 157.69 feet; North 80°13'50" West 95.17 feet; South 71°13'42" West 91.03 feet; South 45°20'18" West 586.35 feet; South 30°54'47" West 150.80 feet; South 21°57'12" West 303.16 feet; South 35°19'02" West 224.68 feet; South 62°47'32" West 298.27 feet; South 28°42'48" West 101.37 feet; South 12°58'54" West 81.90 feet; South 22°13'10" West 81.70 feet; South 10°19'40" West 222.54 feet; South 39°20'37" West 147.28 feet; South 33°49'20" East 48.78 feet; South 21°48'14" West 85.58 feet; South 80°54'27" West 180.51 feet; North 65°21'43' West 67.10 feet; South 54°52'55" East 87.74 feet; South

89°20'21" East 163.34 feet; North 56°34'51" East 69.66 feet; North 37°14'12" East 214.38 feet; North 06°39'18" East 48.00 feet; North 28°43'35" East 436.22 feet; North 47°33'15" East 179.65 feet; North 76°45'37" East 69.78 feet; North 59°08'31" East 99.22 feet; North 31°29'21" East 45.81 feet; North 44°37'04" East 152.80 feet; North 20°27'56" East 123.37 feet; North 28°58'41" East 100.27 feet; North 27°48'13" East 206.17 feet; North 55°08'23" East 294.38 feet; South 62°21'48" East 129.89 feet; South 29°12'53" East 73.27 feet; South 25°54'13" East 130.96 feet; South 33°33'09" East 71.63 feet; South 59°58'50" East 147.23 feet; South 75°54'06" East 91.32 feet; North 71°26'21" East 109.88 feet; North 47°12'43" East 83.58 feet; North 56°08'18" East 74.77 feet to the TRUE POINT OF BEGINNING. 2.2.2. The following exchange-to points, where out-of-priority depletions may occur and need to be replaced under BEM's plan for augmentation, were decreed for diversion purposes in the following Water Division No. 1 cases. 2.2.2.1. Pasture Spring. Decreed ABSOLUTE in Case No. 95CW238, February 25, 1997, for stock watering purposes (paragraphs 5-10, 12, 14.C. and 21), which is located at a point in the SW 1/4 SE 1/4, Section 35, Township 4 North, Range 72 West, 6th P.M., Larimer County, Colorado, at a point 1880 feet from the east section line and 100 feet from the south section line of said Section 35. 2.2.2.2. Big Elk Meadows Pipeline. Decreed CONDITIONAL in Case No. W-1767, June 16, 1977. The Big Elk Meadows Pipeline water right is decreed to be located as follows: A point whence the SW corner of Section 35, Township 4 North, Range 72 West of the 6th P.M. bears North 64° East, 1,650 feet. In Case No. 02CW251, Water Division No. 1 (pending) Applicant has applied to transfer the point of diversion of the Big Elk Meadows Pipeline water right to an alternate point of diversion at the Intake Facility, as constructed, located in the SW1/4 of Section 35, Township 4 North, Range 72 West of the 6th P.M in Larimer County, Colorado: Beginning at the SW Corner of said Section 35, heading in a true North Direction 1,921 feet, thence East 1,508 feet, is the North end of said 4 inch diameter pipeline that extends 90 feet South. 2.2.2.3. Well No. 1. Decreed in Case No. W-6464, August 31, 1977. Well No. 1 is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W., 6th P.M. bears S. 25°13' West, 3794 feet. 2.2.2.4. Well No. 2. Decreed in Case No. W-6464, August 31, 1977. Well No. 2 is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W., 6th P.M. bears S. 31°28' W., 2593 feet. 2.2.2.5. Well No. 3. Decreed in Case No. W-6464, August 31, 1977. Well No. 3 is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W., 6th P.M. bears S. 03°36' W., 1278 feet. 2.2.2.6. Well No. 4. Decreed in Case No. W-6463, August 31, 1977. Well No. 4 is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W., 6th P.M. bears N. 63°47' E., 589 feet. 2.2.2.7. Well No. 5. Decreed in Case No. W-6464, August 31, 1977. Well No. 5 is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W., 6th P.M. bears S. 46°15' W., 3096 feet. 2.2.2.8. Well No. 6. Decreed in Case No. W-6464, August 31, 1977. Well No. 6 is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W., 6th P.M. bears S. 08° 15' W., 5000 feet. 2.2.2.9. Well No. 8. Decreed in Case No. W-6464, August 31, 1977. Well No. 8 is located at a point whence the SW corner of Sec. 35, T. 4 N., R. 72 W., 6th P.M. bears S. 32°00' W., 2750 feet. 3. **Description of Conditional Water Right**. 3.1. **Original Decree**. The Decree in Case No. 95CW238, Water Division 1, granted Applicant a conditional appropriative right of exchange of direct flow and storage rights utilizing water represented by the Applicant's 12 shares of Boulder and Larimer County Irrigation and Manufacturing Ditch Company water rights. 3.2.2. **Subsequent Decrees**. 3.2. The Decree in Case No. 03CW060, Water Division 1, found the Applicant had been reasonably diligent in its efforts to complete the appropriation of the subject conditional water right, and continued the subject conditional water right in full force and effect. 3.2.2. The Decree in Case No. 15CW3074, Water Division 1, found the Applicant had been reasonably diligent in development of the conditional appropriative right of exchange decreed in 95CW238. In addition, the Court made the conditional right of exchange absolute in the amount of 0.15 cfs for exchange of the direct-flow water rights associated with the Big Elk Meadows' shares in the Boulder and Larimer County Irrigating and Manufacturing Company, and absolute in the amount of 0.80 cfs for exchange of the storage water right associated with the same shares. The Decree in Case No. 15CW3074 required an application for reasonable diligence as to the remaining conditional water right to be filed on or before November 30, 2022. 3.3. **Description of Exchange**. The Big Elk Meadows appropriative right of exchange is described as follows: The downstream terminus of the exchange is the headgate of the Boulder and Larimer County Ditch, more fully described herein. Per the decree in Case No. 95CW238, water may be

exchanged from any point upstream of the Rockwell Ditch upstream on the Little Thompson River to the confluence with the West Fork of the Little Thompson River and to the uppermost point of stream depletion on the West Fork of the Little Thompson River caused by each well, pipeline and lake within the Big Elk Meadows water system, as described more particularly herein. 3.4. **Source.** Little Thompson River. 3.5. **Appropriation Date.** September 5, 1995. 3.6. **Amounts.** 3.6.1. The maximum rate of exchange of the direct flow rights for the Boulder and Larimer County Irrigation and Manufacturing Ditch Company water rights, priorities 27 and 36, is 0.72 cfs, with a maximum annual diversion of 3.6 acre-feet. In Case No. 15CW3074, 0.15 cfs of this exchange was made absolute; 0.57 cfs remains conditional. 3.6.2. The maximum rate of exchange of the storage rights for the Boulder and Larimer County Irrigation and Manufacturing Ditch Company water rights, priorities 4, 5, 8 and 15, is 85 cfs, limited to annual filling of 42.07 acre-feet. The ten-year running average of combined storage and direct flow water available for augmentation and replacement shall not exceed 31.40 acre-feet. In Case No. 15CW3074, 0.80 cfs of this exchange right was made absolute; 84.2 cfs remains conditional. 3.7. **Uses.** Domestic, fireflow, irrigation, recreational, piscatorial, stockwatering, and augmentation. 3.8. **Table of Exchanges.**

	95CW258 Decree	03CW060 Decree	15CW3074 Decree
Exchange of Direct Flow Rights	0.72 cfs Conditional 0 cfs Absolute	0.72 cfs Conditional 0 cfs Absolute	0.57 cfs Conditional 0.15 cfs Absolute
Exchange of Storage Rights	85 cfs Conditional 0 cfs Absolute	85 cfs Conditional 0 cfs Absolute	84.2 cfs Conditional 0.80 cfs Absolute

4. **Integrated Water Supply System.** The subject conditional water right constitutes a feature of an integrated water system. “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 water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 5. **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 conditional water right is part of Applicant’s integrated water supply system. This system currently serves, or will serve, approximately 166 homes, and consists of decreed wells, a surface spring, five reservoirs, plus Canyon Lake, and the Big Elk Meadows Pipeline water right. During the subject diligence period, Applicant has completed work necessary to put the subject conditional water right to beneficial use and has performed additional activities on its integrated water supply system, including the following. 5.1. Between October 2015 and May 2017, the dam and spillway of Rainbow Lake was replaced and upgraded to handle 100-year weather events, at a cost of \$962,227. Applicant obtained a grant from the Federal Emergency Management Agency to cover a portion of this cost. The project was completed in January 2020 when a bridge was built across the spillway at a cost of \$114,448. 5.2. Between October 2017 and January 2018, the dam and spillway of Willow Lake was replaced and upgraded to handle 100-year weather events, at a cost of \$1,055,534. Applicant obtained a Community Development Block Grant to cover a portion of this cost. 5.3. Between September 2018 and September 2019, the dam and spillway of Meadow Lake was replaced and upgraded to handle 100-year weather events, at a cost of \$1,618,670. Applicant obtained Community Development Block Grants to cover a portion of this cost. 5.4. Between November 2019 and July 2020, the dam and spillway of Sunset Lake was replaced and upgraded to handle 100-year weather events, at a cost of \$1,145,011. Applicant obtained a Community Development Block Grant to cover a portion of this cost. 5.5. In October 2021 the Applicant spent approximately \$8,900 to replace and upgrade the equipment for the Big Elk Meadows Pipeline alternate point of diversion. 5.6. In October 2017 the Applicant obtained a Community Development Block Grant of \$599,719 to repair and establish the riparian zones surrounding their lakes. The project was completed in June 2020. 5.7. Between April 30, 2022 and July 31, 2022, the Applicant and Applicant’s consulting engineer worked with the local Water Commissioner to determine the best practice for releasing water required to fulfill its return flow replacement obligations under its water right decrees. The Applicant spent more than \$7,016 on this endeavor. 5.8. In September 2019 the Applicant spent \$64,695 to replace its lower flume and add metering devices to the flume and Meadow Lake dam

outlet works. 5.9. In 2021 and 2022 the Applicant worked with the Colorado Rural Water Association to develop a Source Water Protection Plan to prevent pollution of water supplies that serve Big Elk Meadows and downstream users. The Applicant and other stakeholders contributed over \$14,000 in recorded time and resources and will receive an initial in-kind match grant of \$5,000 from the Colorado Rural Water Association to be applied toward the plan's implementation costs. 5.10. The Applicant spent an average of \$18,200 per year on employee and professional services along with over 700 volunteer hours to operate their exchanges and to prepare and submit their water rights accounting to the state. 5.11. Between July 2020 and August 2022, the Applicant spent \$6,075 on brush and noxious weed removal from the Rainbow, Willow, Mirror, and Meadow Lake Dams. 6. **Claim to make exchange of storage rights absolute.** 6.1. **Source.** The storage water rights represented by Applicant's 12 shares (1.2 percent) of the Boulder and Larimer County Irrigation and Manufacturing Ditch Company water rights. 6.2. **Exchange Reach.** From the point of discharge of Big Elk Meadows' release pipe from Ish Reservoir to the Little Thompson River at a point on the south bank of the Little Thompson River in the SE¼ of the SE¼ of Section 27, Township 4 North, Range 69 West of the 6th P.M. (approximately 40° 16' 41.86" N and 105° 05' 41.34" W) then upstream on said River to the confluence of the West Fork of the Little Thompson River and upstream on the West Fork to the completed structures described in paragraph 2.2 herein. 6.3. **Dates of Application to Beneficial Use.** June 29, 2021. 6.4. **Amount.** 1.19 c.f.s., ABSOLUTE. 6.5. **Uses.** As described in paragraph 3.7 above. 7. **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.** The State Board of Land Commissioners, although not an impacted landowner, is an owner of the mineral estate and is included below at its request. 7.1. **Boulder and Larimer County Ditch headgate:** Boulder and Larimer County Irrigating and Manufacturing Ditch Company, PO Box 1079, Berthoud, CO 80513. 7.2. **Canyon Lake** is decreed to be located on land partially owned in common by the Applicant, a Homeowners Association, and partially owned by the following: United States Department of Agriculture, Arapahoe and Roosevelt National Forest, Canyon Lakes Ranger District, 1311 South College Avenue, Fort Collins, CO 80524; United States Forest Service, 2150 Center Ave., Bldg E. Fort Collins, CO 80526-8119; National Park Service, 1313 Sherman Street, Denver, CO 80203-2236; State Board of Land Commissioners, 1127 Sherman Street, #300, Denver, CO 80203. 7.3. **Rainbow Lake Dam:** Lundin/Tolle Families LLLP, c/o Melinda Rothschild, 10821 Willow Reed Circle W., Parker, CO 80134; Curt James Loomis & Anette Rae Loomis, 2514 Lake Meadow Dr., Lafayette, CO 80026. 7.4. **Meadow Lake Dam:** Donald W. Park & Connie K. Park, P.O. Box 1842, Lyons, CO 80540. 7.5. All other structures identified in paragraph 2, herein, are located on land commonly owned by Applicant, a Homeowner's Association. (13 pages total, including one exhibit)

2022CW3172 BEAR MOUNTAIN RIDGE SUBDIVISION HOMEOWNERS ASSOCIATION, c/o Greg Pixley, 177 Territory Dr., Pine, CO 80470. Direct all correspondence to Mirko L. Kruse, Kruse Law PLLC, 134 F Street, Suite 203, Salida, CO 81201, mkruse@kruselawpllc.com. APPLICATION TO MAKE PORTIONS OF CONDITIONAL UNDERGROUND WATER RIGHTS ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY. 1. **Name of structures:** Bear Mountain Ridge Subdivision Wells 1 through 12 (the "Wells"). 2. **Description of the Wells:** A. **Decrees:** Decreed by the District Court in and for Water Division No. 1 in Case No. 03CW27 on January 14, 2004. B. **Diligence Decrees:** Previous diligence decrees were entered in Case No. 10CW16 on May 26, 2010 and Case No. 16CW3077 on November 4, 2016 by the District Court in and for Water Division No. 1. C. **Decreed Location:** The Wells are all located in the Bear Mountain Ridge Subdivision, comprising 35.471 acres in the NE 1/4 of the NW 1/4 of Section 1 and Government Lot 4, Township 7 South, Range 72 West of the 6th P.M. in Park County, Colorado. A Map depicting the Bear Mountain Ridge Subdivision is attached hereto as **Exhibit A**. D. **Source:** Groundwater tributary to Elk Creek, a tributary of the North Fork of the South Platte River. E. **Appropriation Date:** January 31, 2003, for each well. F. **Amount:** 50 gpm, for each well. G. **Uses:** Well Nos. 1 through 7 are decreed for domestic, landscape irrigation, horse watering, and firefighting purposes. Well Nos. 8 through 12 are decreed for commercial, landscape irrigation, and

firefighting purposes. H. Depth of Wells: i. Well No. 1: 200 ft; ii. Well No. 2: 148 ft; iii. Well No. 3: 320 ft; iv. Well No. 5: 180 ft; v. Well No. 6: 140 ft; vi. Well No. 7: 140 ft. I. Remarks: i. The Wells are included within an augmentation plan, also decreed in the above-referenced Case No. 03CW27. ii. The Wells were decreed before the final subdivision plat for Bear Ridge Mountain Subdivision was approved and before the layout of the Lots was finalized. Pursuant to State Engineer Policy Memorandum 99, the conditional Wells were permitted to be described by reference to, and located anywhere within, the proposed subdivision lots. The proposed Subdivision Plat filed with the Application in Case No. 03CW27 was labeled with Lot/Tract Nos. 23 through 27, however the Lot/Tracts were subsequently renamed Lot Nos. 1 through 8. Well Nos. 1 through 7 correspond to Lot Nos. 1 through 7, respectively. Well Nos. 8 through 12 are all to be located on Lot. No. 8, formerly Lot No. 27. The exact location of the Wells that have been constructed to date are depicted on the map attached as **Exhibit B**. iii. Portions of the Well Nos. 2, 3, 5, 6, and 7 and the entirety of the Bear Mountain Ridge Subdivision Exchange were made absolute in Case No. 16CW3077. 3. Claim to Make Portions Absolute: Bear Mountain Ridge Subdivision Well No. 1 (Well Permit No. 84792-F) was drilled and completed on Lot 1 in January of 2021 and a Well Construction and Yield Estimate Report filed that same month. Since that time, the well has been pumped and used for all decreed and permitted purposes at the rate of 15 gpm. Applicant seeks to make such amount absolute for all decreed uses. Well No. 1 is located in the North 1/2 of the NW 1/4, Section 1, Township 7S, Range 72W, 6th P.M. (UTM 465166E, 4369573N, Zone 13). 4. Claim for Reasonable Diligence: A. Since the last diligence decree was entered in November 2016, Applicant and its members have undertaken specific activities which demonstrate diligence with regard to the remaining conditional rights, including but not limited to: i. Well No. 1 was drilled and put to beneficial use. ii. All of the lots have been sold, an additional home was constructed, and the only remaining residential lot without a home constructed was marketed and sold to a new owner who has conducted wildfire mitigation on the property and is working to towards construction of a home. iii. Applicant has maintained its contracts and paid assessments in order to provide a source of augmentation and exchange for the Wells. B. Therefore, Applicant and its members seek findings of reasonable diligence and a ruling retaining the conditional status of Well Nos. 4, 8, 9, 10, 11, and 12, and the conditional status of all beneficial uses and amounts not made absolute in this case or previously in Case No. 16CW3077 for Well Nos. 1, 2, 3, 5, 6, and 7. 4. The name and address of the owners of the land on which the Wells are located: The Wells are located on the lots owned by Applicant's members. Their names and addresses are included in the Application. Notice and a copy of the Application will be provided by certified mail within 14 days of the filing of this Application.

22CW3173 AARON KINGSTROM LIVING TRUST – TO BE CONSOLIDATED IN DIVISION 2 AND PUBLISHED IN DIVISION 2

2022CW3174 (Former Case Nos. 16CW3070; 09CW130, 02CW342) APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF THE BAR FIFTEEN RANCH, LLLP IN DOUGLAS COUNTY, COLORADO. 1. Name, address and telephone number(s) of Applicant: **BAR 15 RANCH, LLLP²**, C/o Michael R. Barber, 8999 E. Palmer Divide Avenue, Larkspur, CO 80118. Please send all correspondence and pleadings to attorneys for Applicant: William A. Paddock, Karl D. Ohlsen, and Sarah B. Wiedemann, Carlson, Hammond & Paddock, L.L.C., 1900 Grant Street, Suite 1200, Denver, Colorado 80203-4539; Phone Number: (303) 861-9000; bpaddock@chp-law.com, kohlsen@chp-law.com, swiedemann@chp-law.com. 2. Name of Structure: Bar 15 Middle Pond. 3. Description of Conditional Water Right: A. Original Decree: September 25, 2003, Case No. 02CW342, District Court, Water Division No. 1. B. Subsequent Decrees: November 28, 2016, Case No. 16CW3070, District Court, Water Division No. 1; April 29, 2010, Case No. 09CW130, District Court, Water Division No. 1. C. Location: an on-channel reservoir to be located in the SE1/4 of the SE1/4 of Section 25, Township 10 South, Range 66 West of the 6th P.M., at a point 1,320 feet from the South Section Line and 705 feet from the East Section Line,

² Applicant's name is spelled "Bar Fifteen Ranch, LLLP" in entity organizational documents, but this Application uses the spelling from prior water court cases in order to avoid confusion.

Douglas County, Colorado. *See* Exhibit A, Bar 15 Ranch Water Plan and Map. D. Source: Crowfoot Creek and springs tributary to Crowfoot Creek, tributary to Cherry Creek, tributary to South Platte River. E. Appropriation Date: April 18, 2002. Amount: 34 acre-feet conditional. F. Use: Irrigation, recreation, fish and wildlife, livestock, aesthetic, augmentation and replacement. 4. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: A. Bar 15 Middle Pond is part of an integrated water system under § 37-92-301(4)(b) that provides water service for the Bar 15 Ranch. The integrated water system includes the Bar 15 Upper Pond, Bar 15 Lower Pond, and related water supply wells and appurtenances. *See* Decree entered in Case No. 09CW130. B. During the diligence period, the Applicant continued to work to develop the integrated water system of which the Bar 15 Middle Pond is a part. The Bar 15 Middle Pond will be located immediately downstream of the existing Bar 15 Upper Pond, and immediately upstream of the existing Bar 15 Lower Pond. Water rights for the two existing ponds were adjudicated to these structures in September 2003 in Case No. 02CW342 (the same case in which the subject conditional water right was adjudicated). C. During the diligence period, the Applicant expended approximately \$21,390.89 on efforts related to expansion, replacement, improvement, operation, management, and repairs of its integrated water supply system. D. During the diligence period, the Applicant procured an assessment study regarding water quality and recommendations for aquatic development regarding the Bar 15 Middle Pond. The first phase of this report was completed in October 2022. E. Because of the reduced water supply available to the Bar 15 Ranch ponds caused by the current drought, during the diligence period, the Applicant contracted for the investigation of seepage from the Bar 15 Upper Pond and for the recommended addition of a sealant to the Bar 15 Upper Pond. Given the close proximity of the Bar 15 Upper Pond to the future site of the Bar 15 Middle Pond, the Applicant plans to evaluate the success of efforts to seal the Bar 15 Upper Pond prior to deciding whether to implement similar sealing techniques in the construction of the Bar 15 Middle Pond, thereby avoiding expending unnecessary resources and preventing the loss of water that may arise from similar seepage issues. F. During the diligence period, the Applicant regraded and repaired the access road across the Bar 15 Upper Pond embankment and to the pumphouse. G. During the diligence period, the Applicant began designing the access road for the Bar 15 Middle Pond by obtaining a survey and topographic plan. H. During the diligence period, the Applicant performed repair and maintenance on the pumphouse for the Bar 15 Middle Pond and the integrated water system supplying Bar 15 Ranch, including the installation of a new roof on the pumphouse. I. During the diligence period, the Applicant contracted for the inspection of a water supply pipeline, which resulted in replacement of a cracked pipeline valve that was impairing the function of the pumps. This pipeline is part of the integrated water system supplying Bar 15 Ranch and may directly serve the Bar 15 Middle Pond. J. During the diligence period, the Applicant procured bi-annual monitoring of static and dynamic water levels at the Applicant's wells completed into the Denver and Dawson formations, which are part of the integrated water system supplying Bar 15 Ranch. K. During the diligence period, the Applicant contracted for the inspection and service of commercial grade well pumps, storage, booster pumps, the control system, and service lines for the integrated water system supplying Bar 15 Ranch. L. During the diligence period, the Applicant submitted a request for proposal to replace the current 3-phase power supply with a more energy efficient system, a Variable Frequency Drive Controller, for the integrated water system supplying Bar 15 Ranch. 5. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Bar 15 Ranch, LLLP, 8999 E Palmer Divide Avenue, Larkspur, CO 80118. WHEREFORE, Applicant requests that the Court enter an order making a finding of reasonable diligence in the development of the Bar 15 Middle Pond originally adjudicated in Case No. 02CW342, and providing that a subsequent showing of diligence for said conditional water right be made six years from the date of entry of a decree of diligence in this matter.

2022CW3175 ALFRED C STEWART AND DONNA M STEWART, 16850 Stepler Road, Colorado Springs, CO 80908. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM**

NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN EL PASO COUNTY. Subject Property: 36.38 acres generally located in the NE1/4 of the SE1/4 of Section 23, Township 11 South, Range 66 West of the 6th P.M., also known as 16850 Stepler Road, Colorado Springs, El Paso County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants certify that they have provided notice to all parties that have a mortgage or lien interest in the Subject Property as required under C.R.S. § 37-92-302(2)(b). The Subject Property is located in Water Division 1 close to the border with Water Division 2. This Application is being filed concurrently in Water Division 1 and 2 for notice purposes. A motion to consolidate multidistrict litigation into Water Division 1 will be filed once the time for filing statements of opposition has expired. Well Permits: There is currently one well on the Subject Property under Well Permit No. 101508. This well will be re-permitted under the augmentation plan applied for herein. Additional well permits will be applied for prior to construction of wells. Source of Water Rights: The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal based on a 300-year withdrawal period:

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

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, industrial, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 3.15 acre-feet per year for 300 years of Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Dawson Aquifer groundwater will be used in up to four (4) wells for in-house use in up to five (5) single-family homes (1.5 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 28,000 square-feet (1.4 acre-feet per year total), stockwatering for up to 20 large domestic animals (0.25 acre-feet total), and fire protection, on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the East and West Cherry Creek, and Monument Creek, stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3176 ELDORADO ARTESIAN SPRINGS, INC., 1783 Dogwood Street, Louisville, Colorado 80027, Telephone: (303) 499-1316. Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Telephone: (303) 296-8100. **APPLICATION FOR CHANGE OF WATER RIGHTS IN BOULDER AND WELD COUNTIES.** **2. Overview of Application:** Eldorado Artesian Springs, Inc. (“EAS” or “Applicant”) owns and operates an artesian spring facility that provides water for, among other things, bottling for sale, a resort with a swimming pool, and domestic uses in Eldorado Springs, Colorado (the “EAS Artesian Spring Facility”). The EAS Artesian Spring Facility includes artesian springs wells, used for domestic, municipal, industrial, and commercial purposes, that are augmented under the plan for augmentation decreed in Case No. 02CW292 (Water Div. 1) (the “EAS Plan for Augmentation”). For the purposes of the EAS Plan for Augmentation, EAS owns 14.425 shares of stock in the Farmers Reservoir and Irrigation Company – Marshall Lake Division that were changed in Case No. 02CW292 (“EAS’ Marshall Lake Shares”). EAS also operates a water bottling facility in Louisville, Colorado (the “EAS Bottling Facility”). In 2021, EAS acquired 2.915 shares of preferred stock represented by Share Certificate No. P97 (“EAS’ Lower Boulder Shares”) in the New Consolidated Lower Boulder Ditch and Reservoir Company (the “Lower Boulder Ditch”). The purpose of this Application is to change the type and place of use of EAS’s Lower Boulder Shares, so that, in addition to their currently decreed irrigation use, these water rights may be used directly, after storage, and by exchange for domestic, municipal, commercial, and industrial uses at the EAS Artesian Spring Facility, the EAS Bottling Facility, the EAS Property (defined below) and in Eldorado Springs, Colorado, and as a source of augmentation and replacement water, including as an additional source of augmentation and replacement water under the EAS Plan for Augmentation and/or to replace historical return flows associated with EAS’ Marshall Lake Shares by direct delivery to the stream or via trucking. A general vicinity map is attached as **Exhibit A.** **3. Water Rights to be changed:** EAS’ Lower Boulder Shares are a pro-rata portion of those water rights decreed to the Lower Boulder Ditch, as described in paragraphs 3.1 through 3.6 below. EAS’ Lower Boulder Shares represent a pro-rata interest in the water rights, ditches, canals, and other facilities for the delivery and use of water and all other assets of the Lower Boulder Ditch. **3.1. Name of Structure:** Lower Boulder Ditch (WDID 0600538). **3.2. Original Decree:** June 2, 1882, Civil Action No. 1282 in the District Court for Boulder County (“CA 1282”). **3.3. Legal Description:** The decreed point of diversion is in the SW1/4 of Section 16, T1N, R69W of the 8th P.M. The Lower Boulder Ditch diverts water from Boulder Creek in the SW1/4, SW1/4 of Section 16, T1N, R69W of the 6th P.M. (UTM: 488995.0 East, 4432965.0 North). **3.4. Source:** Boulder Creek, tributary to the South Platte River. **3.5. Amounts and Appropriation Dates:** **3.5.1.** 25 cubic feet per second (“cfs”) absolute with an appropriation date of October 1, 1859 (“1859 Priority”). **3.5.2.** 97 cfs absolute with an appropriation date of June 1, 1870 (“1870 Priority”). **3.6 Use:** Irrigation. **3.7. Amount to be Changed:** **3.7.1.** EAS’ Lower Boulder Shares amount to 1.46% of the 199.9767 shares outstanding of the preferred stock of the Lower Boulder Ditch. None of the 197.7793 shares outstanding of the common stock of the Lower Boulder Ditch are the subject of this Application. **3.7.2.** Under the Lower Boulder Ditch Bylaws, all of the 1859 Priority and the first 23 cfs of the 1870 Priority are delivered to the preferred shares; the next 48 cfs of the 1870 Priority is delivered to the common shares; and the remaining 26 cfs of the 1870 Priority is split equally between the preferred shares and common shares. EAS therefore seeks to change the following pro-rata share of the Lower Boulder Ditch water rights: **3.7.2.1.** 1859 Priority: 0.364 cfs of 25 cfs. **3.7.2.2.** 1870 Priority: 0.336 cfs of the first 23 cfs; 0.0 of the next 48 cfs; and 0.190 cfs of the last 26 cfs. **4. Detailed Description of Proposed Change:** EAS will quantify the historical consumptive use of EAS’ Lower Boulder Shares and will determine the amount, timing, and location of return flows resulting from the historical use of those water rights. **4.1. Change in Type, Place, and Manner of Use:** EAS seeks to change EAS’ Lower Boulder Shares such that, in addition to their currently decreed irrigation use, they may be used directly, after storage, and by exchange for domestic, nonconsumptive recreational, municipal, commercial uses at EAS Artesian Spring Facility, the EAS Bottling Facility, and in Eldorado Springs, Colorado, and as a source of augmentation and replacement water, including as an additional source of augmentation and replacement water under the EAS Plan for Augmentation and/or to replace historical return flows associated with EAS’ Marshall Lake Shares. **4.2. Places of Storage:** Water attributable to EAS’ Lower Boulder Shares will be stored in the structures

described in this paragraph 4.2, and in any reservoir in which EAS acquires storage capacity in the future and to which EAS may deliver water off the Lower Boulder Ditch. **4.2.1.** Goose Haven Pond No. 2, located in the NW/4, SW/4 and the SW/4, SW/4, Section 15, T1N, R69W of the 6th P.M., in Boulder County, Colorado. **4.2.2.** In accordance with § 37-87-101(3)(a), C.R.S., any pond or reservoir located on the Lower Boulder Ditch system and available for EAS' use. **4.3. Use, Reuse, and Successive Use to Extinction:** Provided that EAS replaces the historical return flows in accordance with the decree to be entered in this case, EAS will use, reuse, and successively use to extinction the fully consumable portion of the changed water rights, and may dispose of such water by sale or otherwise. No reuse plan, quantification or reusable return flows, augmentation plan, or appropriative right of exchange is sought in this Application; instead, EAS will use the water attributable to EAS' Lower Boulder Shares in accordance with existing decrees and/or administrative approvals and/or seek separate water court or administrative approval(s) in the future for any claimed reuse or successive use, augmentation plan, and/or exchange. **4.4. No Change in Point of Diversion:** EAS does not seek any change in the point of diversion for EAS' Lower Boulder Shares. **5. Historical Use:** EAS' Lower Boulder Shares were used historically for irrigation on property legally described as Lot One, Block One, Skyline Ridge Subdivision Amendment, Weld County, Colorado, and located at 5111 Bella Rosa Parkway, Frederick, Colorado 80504 ("EAS Property"). In accordance with § 37-92-302(2)(a), C.R.S., **Exhibit B** shows the approximate location of the EAS Property, and **Exhibit C** summarizes records of actual diversions of each water right described in paragraphs 3.1 through 3.6 above, to the extent such records exist. **5.1. Prior Ditchwide Analysis:** Based on the City of Lafayette's ditchwide analysis, the Court in Case No. 90CW108 found that the Lower Boulder Ditch system is water-short, with historical consumptive use limited by the available water supply and controlled by an overall efficiency of 57.5%. EAS will rely on the 90CW108 ditchwide analysis in quantifying the transferable yield of EAS' Lower Boulder Shares. **5.2. No Changed Circumstances:** There have been no changed circumstance on the Lower Boulder Ditch System that would warrant reconsideration of the Court's findings in the 90CW108 decree with respect to Lafayette's ditchwide analysis. **5.3. Transferable Yield:** A summary of diversions, historical consumptive use, and historical return flows attributable to EAS' Lower Boulder Shares is shown in **Exhibit D**. **5.3.1.** The average annual diversion attributable to the Subject Preferred Shares were 136.4 acre-feet, with an average annual historical consumptive use of 78.4 acre-feet. **5.3.2.** Consistent with the Court's findings in Case No. 90CW108, EAS' technical consultant estimated that the distribution of return flows from historical use of the LBDC Shares was 35% surface runoff, which returned to the stream within the month of irrigation application; and 65% deep percolation, the timing of which EAS' technical consultants will determine using a Glover analysis. **5.3.3.** Return flows from the historical use of the Subject Preferred Shares averaged 47.0 acre-feet. **6. Replacement of Historical Return Flows:** EAS will replace to Godding Hollow and Saint Vrain River systems, in the amounts and at the times and locations necessary to prevent injury to other water rights, the historical return flows associated with EAS' Lower Boulder Shares. EAS will replace the historical return flows with water available to the EAS Lower Boulder Shares or with other fully consumable water legally and physically available to EAS for that purpose. **7. Terms and Conditions:** **7.1. Point of Diversion:** Water available to the EAS' Lower Boulder Shares will continue to be diverted at the headgate of the Lower Boulder Ditch as described in Paragraph 3.3 above. **7.2. Places of Delivery:** **7.2.1 Layton (a.k.a. Leyton) Lateral:** The Layton Lateral diverts from the Lower Boulder Ditch at a point in the NW1/4 of Section 25, T2N, R68W of the 6th P.M., in Weld County, Colorado. The farm headgate to the EAS Property diverts from the Layton Lateral in the S/2 of Section 26, T2N, R68W of the 6th P.M., in Weld County, Colorado. **7.2.2. Goose Haven Pond No. 2:** Goose Haven Pond No. 2 diverts from a turnout on the north bank of the Lower Boulder Ditch located approximately 1535 feet from the south section line and approximately 1100 feet from the west section line of Section 15, T1N, R69W of the 6th P.M., in Boulder County, Colorado. **7.2.3. Godding Hollow Turnout:** Located at a point where the Lower Boulder Ditch intersects Godding Hollow in the NE1/4 NE1/4, Section 2, T1N, R68W of the 6th P.M., in Weld County, Colorado. (UTM: 503039.4 East, 4437230.8 North). **7.2.4. Future Lateral Headgates:** Subject to Lower Boulder Ditch approval, EAS may develop additional lateral headgates on the Lower Boulder Ditch in the future. **7.3. TCA Assessment:** Water available to the EAS' Lower Boulder Shares will be subject to an assessment of transit loss in the Lower Boulder Ditch as

determined by the ditch rider, who will apply the same loss percentage to all shares. The EAS' Lower Boulder Shares may also be subject to a reservation of water by the Lower Boulder Ditch to fulfill the demands of holders of the "Leyner" and "Briggs" contracts. The transit loss assessment and contract reservation are referred to collectively as a "TCA Assessment." **7.4. Diversion Season:** The diversion season for EAS' Lower Boulder Shares will be the same as the diversion season for all Lower Boulder Ditch shareholders. **7.5. Lower Boulder Approval:** As required by the Lower Boulder Ditch Bylaws, EAS applied to the Lower Boulder Ditch Board of Directors for approval of EAS' proposed changes of use of EAS' Lower Boulder Shares. The Lower Boulder Ditch Board of Directors approved the proposed change and authorized the filing of this Application on September 8, 2022, subject to the terms and conditions the approval. **7.5. Augmentation Stations:** EAS will measure water delivered to EAS' Lower Boulder Shares for return to the stream system at the Godding Hollow turnout and/or via a pipeline constructed from the Tiefel Pond to Boulder Creek at a point where the West Line of the NW/4 of Section 15, T1N, R69W of the 6th P.M. intersects the south bank of Boulder Creek. EAS may develop other augmentation stations for that purpose and seeks the court's approval to add such new augmentation stations under the decree to be entered in this case. **8. Names and addresses of owners or reputed owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** **8.1.** There will be no new diversion or storage structure constructed and no existing diversion of storage structure modified under this Application. **8.2.** The Tiefel Family, LLC, P.O. Box 17130, Boulder, Colorado 80308, owns Goose Haven Pond No. 2. **WHEREFORE**, EAS respectfully requests that the Court enter a decree approving this Application for Change of Water Rights and granting all such other and further relief, whether in law or equity, as the Court may determine necessary or desirable.

2022CW3177 STEVEN C. SCHLUTER AND TONIA R. SCHLUTER, 166 Zion Road, Birdsboro, PA 19508. 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 AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: 39.85 acres generally located in the S1/2 of the S1/2 of Section 2, Township 9 South, Range 65 West of the 6th P.M., also known as 1237 County Road 118, Elizabeth, Elbert County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). Applicants certify that there are no parties that have a mortgage or lien interest in the Subject Property, therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently one well on the Subject Property under Well Permit No. 36045-A. This well will be re-permitted under the augmentation plan applied for herein. Additional well permits will be applied for prior to construction of wells. Source of Water Rights: The 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: Applicants estimate the following annual amounts may be available for withdrawal based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	6.02
Lower Dawson (NT)	3.42
Denver (NT)	4.89
Arapahoe (NT)	5.03
Laramie-Fox Hills (NT)	4.16

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, industrial, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on

and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 2.1 acre-feet per year for 300 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used in up to three (3) wells for in-house use in up to five (5) single-family homes, or their equivalent (1.5 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 22,000 square-feet (1.1 acre-feet per year total), stockwatering for up to 32 large domestic animals (0.4 acre-feet total), and fire protection, on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Running and Cherry Creek stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3178 (13CW3062) HENDERSON AGGREGATE, LTD., a Colorado Limited Partnership, Attn: Albert R. Frei, Jr., as Manager of Frei Management LLC, General Partner 35715 Hwy 40, Bldg B, Suite 120, Evergreen, Colorado 80439, Telephone: 303-475-4101. APPLICATION FOR FINDING OF REASONABLE DILIGENCE in ADAMS COUNTY. Please address all correspondence to: Geoffrey M. Williamson, Megan Gutwein, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, Telephone: 303-402-1600. 2. Names of Structure: Stagecoach Reservoir. 3. Description of Conditional Water Rights: A. Structure: Stagecoach Reservoir. Stagecoach Reservoir will consist of a single storage cell surrounded by an impermeable soil-bentonite slurry wall keyed into the bedrock of a reclaimed sand and gravel pit near Henderson, Colorado adjacent to the South Platte River. Stagecoach Reservoir is bounded by the South Platte River on the west, Brighton Road on the east at approximately East 126th Avenue in Adams County (see Exhibit 1). B. Original and Subsequent Decrees: Stagecoach Reservoir was originally decreed on November 16, 2016, in Case No. 13CW3062, Water Division 1. There are no subsequent decrees. C. Legal Description: Stagecoach Reservoir is located in the S1/2, SW1/4 of Section 26 and W1/2, NW1/4 and NE1/4, NW1/4 of Section 35 all in Township 1 South, Range 67 West of the 6th P.M. in Adams County; the centroid of the reservoir being approximately 550 feet from the West Section Line and 700 feet from the North Section Line of said Section 35. The location of Stagecoach Reservoir is shown on Exhibit 1. This is a below grade reservoir. D. Size of Reservoir: i. Surface Area at High Water Line: 44.2 acres. ii. Vertical Height of Dam: Not applicable; below grade reservoir (excavated and lined gravel pit). iii. Length of Dam: Not applicable. iv. Total Capacity of Reservoir: 1,000 acre-feet. a. Active Capacity: 1,000 acre-feet. b. Dead Storage: 0 acre-feet. v. Maximum Depth: 65 feet. E. Source: The South Platte River. F. Name and Capacity of Structures Used to Fill Off-Channel Reservoir: All of the ditches and facilities described herein shall divert surface water only and no groundwater. i. The Fulton Irrigating Ditch: The Fulton Ditch headgate capacity is approximately 200 cfs, but the Fulton Lateral that would serve Stagecoach Reservoir will have a capacity of 25 cfs. The Fulton Ditch headgate is located in the NE1/4 SE1/4 of Section 17, Township 2 South, Range 67 West, 6th P.M., approximately 2,450 feet from the South Section Line and 175 feet from the East Section Line. This new Fulton Lateral would be constructed off the Fulton Ditch in the SE1/4, NW1/4 of Section 35, Township 1 South, Range 67 West of the 6th P.M. in Adams County along 124th Avenue before

turning north into Stagecoach Reservoir on the west side of Brighton Road. Fulton Ditch could serve Stagecoach if and when an agreement to that effect is reached with the Fulton Irrigation Ditch Company.

ii. Zigan Lake: Is located in the SW1/4, NW1/4 and SE1/4, NW1/4 of Section 35, Township 1 South, Range 67 West of the 6th P.M. in Adams County. It is east of Stagecoach Reservoir (see Exhibit 1) and connected by a pipeline from the west side of Zigan Lake; starting at a point approximately 2,150 feet from the North Section Line and 1,000 feet from the West Section Line. No Stagecoach Reservoir water will be stored in Zigan Lake, the Lake is only to be used as a means to transport water that is diverted at the Fulton Ditch headgate and is limited to the inlet capacity of Zigan Lake from the Fulton Ditch which is estimated at 10 cfs. No Zigan Lake water is to be stored in Stagecoach Reservoir.

iii. United Water and Sanitation District Pipeline #3: Diverts from the east bank of the South Platte River in the NE1/4 of SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., approximately 1,636 feet from West Section Line and 1,531 feet from South Section Line in Adams County (WDID 0201511). United Pipeline #3 crosses the Applicant's property north of Stagecoach Reservoir and could serve Stagecoach if and when an agreement is reached with the owners of that facility.

iv. Stagecoach Pipeline: The Stagecoach Pipeline is not yet built, but is planned to gravity feed the Stagecoach Reservoir and diverts from the east bank of the South Platte River in the NW1/4 of NW1/4 of Section 35, Township 1 South, Range 67 West of the 6th P.M., approximately 170 feet from West Section line and 360 feet from North Section line in Adams County and is shown on Exhibit 1.

v. Stagecoach Pump Station: The Stagecoach Pump Station is not yet built, but construction is planned in conjunction with the Stagecoach Reservoir outlet and would divert from the east bank of the South Platte River in the SW1/4 of SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., approximately 1,030 feet from West Section line and 1,080 feet from South Section line in Adams County and is shown on Exhibit 1.

G. Outlet: The Stagecoach Outlet is not yet built, but construction is planned in conjunction with the Stagecoach Pump Station and would drain into the South Platte River in the SW1/4 of SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., approximately 1,030 feet from West Section line and 1,080 feet from South Section line in Adams County and is shown on Exhibit 1. The anticipated outlet capacity is 10 cfs.

H. Appropriation Dates: i. June 24, 2013 for the Stagecoach Reservoir conditional storage right and a right to fill through the Fulton Ditch and United Pipeline #3; and ii. December 31, 2015 for a right to fill through the Stagecoach Pipeline and Stagecoach Pump Station.

I. Decreed Amounts: i. Stagecoach Reservoir: A single annual 1,000 acre-foot fill CONDITIONAL and a 165 acre-foot refill, CONDITIONAL, subject to the terms and conditions of the decree entered in Case No. 13CW3062. ii. Rates of Diversion to fill Stagecoach Reservoir: a. Fulton Ditch: 25 cfs from Fulton Lateral off of the Fulton Ditch located in the SE1/4, NW1/4 of Section 35, Township 1 South, Range 67 West of the 6th P.M. b. Zigan Lake: 10 cfs from the Fulton Ditch and then delivered via Pipeline under Brighton Road. c. United Water and Sanitation District Pipeline #3: 100 cfs. d. Stagecoach Pipeline: 25 cfs. e. Stagecoach Pump Station: 5 cfs.

J. Decreed Uses: i. Industrial and commercial purposes at the Stagecoach Reservoir, including dust suppression, fire protection, mining and reclamation, with the right to reuse and fully consume the process water. The only reuse allowed under the original decree is on-site process water for aggregate mining activities at the Stagecoach Reservoir as shown on Exhibit 1; and ii. Substitution, augmentation, exchange or replacement purposes at the Stagecoach Reservoir and the three (3) other mining sites, Walstrum Quarry, Worthing Pit and Hatchery Pit, owned by the Applicant or its related entities in the South Platte Basin which locations are approximately depicted on Exhibit 2; and iii. Carryover storage for drought protection for all of the foregoing uses.

4. Request for Finding of Reasonable Diligence: Applicant has undertaken activities since the Court's entry of the decree in Case No. 13CW3062 to beneficially use the subject water rights and to complete the appropriations of the full amounts of the subject water rights, including but not limited to the following specific work: A. Applicant engaged Deere & Ault to develop and prepare construction plans for modifications to the Stagecoach Drain at a cost of more than \$22,000.00. B. Applicant expended approximately \$10,785.00 for Gillians Land Consultants to prepare a volume exhibit and land survey plat of Stagecoach. C. Applicant engaged Applegate Group to conduct a feasibility study evaluating delivery alternatives for Stagecoach Reservoir at a cost of more than \$12,000.00. D. Applicant has also incurred legal fees associated with maintaining and developing the subject conditional water right, including the

monitoring of other water rights applications that could potentially injure Applicant's interests. 5. Owner of Land Upon Which Structures are Located: A. Applicant owns all of the land for the Stagecoach Reservoir Complex, including the Stagecoach Pipeline and Pump Station. B. The Fulton Irrigation Company owns the Fulton Ditch, c/o Brice Steele, Law Offices of Brice Steele, P.C., 25 South 4th Avenue, Brighton, Colorado 80601-2029. C. Zigan Lake is owned by the Zigan Homeowners Association, 10900 E. 126th Avenue, Brighton, Colorado 80601. D. The United Water and Sanitation District Pipeline #3 and diversion structure is owned by United Water and Sanitation District, 8301 E. Prentice Ave. Suite 120, Greenwood Village, Colorado 80111. WHEREFORE, Applicant respectfully requests that this Court enter a decree finding the Applicant has exercised reasonable diligence toward completion of the appropriation for the decreed uses and continuing the conditional portions of the conditional water rights described herein in full force and effect for another six years, and granting such other relief as the Court deems just and proper. (9 pages including 2 exhibits)

2022CW3179 BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK AND THE CLEAR CREEK ECONOMIC DEVELOPMENT CORPORATION, Board of county commissioners of the county of Clear Creek ("Clear Creek County" or the "County"), c/o Water Resources Department, P.O. Box 2000, Georgetown, Colorado 80444; Email: lleben@clearcreekcounty.us; Telephone: (303) 679-2434; and Clear Creek Economic Development Corporation, P.O. Box 2030, Georgetown, CO 80444; Email: rcole@cogovlaw.com; Telephone: (303) 569-2133. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Telephone: (303) 443-6151; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com, and Robert G. Cole, Esq., Collins, Cole, Flynn, Winn, and Ulmer, PLLC, 165 S. Union Blvd., Suite 785, Lakewood, CO 80228; Telephone: (720) 617-0080; Email: rcole@cogovlaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY.** 2. Names of structures: Clear Creek Reservoir No. 2, Clear Creek Reservoir No. 3, and Clear Creek Reservoir No. 4; Clear Creek Diversion Structure A, Clear Creek Diversion Structure B, and Clear Creek Diversion Structure D. 3. Description of conditional water rights: The conditional water rights described below are referred to collectively as the "Subject Water Rights." A. Date of original decree: Case No. 00CW265, District Court, Water Division No. 1, State of Colorado, entered on October 28, 2003. B. Subsequent decrees awarding findings of reasonable diligence: Case No. 09CW156, District Court, Water Division No. 1, State of Colorado, entered on April 6, 2010; and Case No. 16CW3056, District Court, Water Division No. 1, State of Colorado, entered on November 7, 2016. C. Legal description of the structures: 1. Location of Dams: a. Clear Creek Reservoir No. 2: NE1/4 NE1/4, Section 3, T4S, R72W, 6th P.M., at a point approximately 1,350 feet from the East Section line and 200 feet from the North Section line of said Section 3. b. Clear Creek Reservoir No. 3: SW1/4 NW1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 850 feet from the West Section line and 2,200 feet from the North Section line of said Section 34. c. Clear Creek Reservoir No. 4: SW1/4 NW1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 300 feet from the West Section line and 1,800 feet from the North Section line of said Section 34. 2. Clear Creek Reservoirs Nos. 2-4 are all located on tributaries of Clear Creek. In addition to the natural inflows into the reservoirs, the following points of diversion from Clear Creek will be used to fill the reservoirs: a. Clear Creek Diversion Structure A: SW1/4 SE1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 1,900 feet from the East Section line and 450 feet from the South Section line of said Section 34. Clear Creek Diversion Structure A will be used to fill Clear Creek Reservoir No. 2. b. Clear Creek Diversion Structure B: NE1/4 SW1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 1,400 feet from the West Section line and 2,050 feet from the South Section line of said Section 34. Clear Creek Diversion Structure B will be used to fill Clear Creek Reservoirs Nos. 3 and 4. c. Clear Creek Diversion Structure D: NE1/4 NE1/4, Section 3, T4S, R72W, 6th P.M., at a point approximately 500 feet from the East Section line and 850 feet from the North Section line of said Section 3. Clear Creek Diversion Structure D will be used to fill Clear Creek Reservoir No. 2. See **Exhibit A** attached hereto for a map of the reservoirs and diversion points. D. Sources of water: 1. Clear Creek Reservoir No. 2: Natural inflows from Johnson Gulch, a tributary to Clear Creek; and the

mainstem of Clear Creek through Clear Creek Diversion Structures A and D. 2. Clear Creek Reservoir No. 3: Natural inflows from an unnamed tributary to Clear Creek; and the mainstem of Clear Creek through Clear Creek Diversion Structure B. 3. Clear Creek Reservoir No. 4: Natural inflows from an unnamed tributary to Clear Creek; and the mainstem of Clear Creek through Clear Creek Diversion Structure B. E. Date of appropriation and amounts: 1. Date of appropriation: December 27, 2000. 2. Amounts: a. Clear Creek Reservoir No. 2: 30 acre-feet. b. Clear Creek Reservoir No. 3: 65 acre-feet. c. Clear Creek Reservoir No. 4: 55 acre-feet. d. Clear Creek Diversion Structure A: 2.0 cfs. e. Clear Creek Diversion Structure B: 2.0 cfs. f. Clear Creek Diversion Structure D: 2.0 cfs. F. Use: All municipal purposes, including fire protection, irrigation of lawns, gardens and parks, domestic, commercial, industrial, recreational, fish and wildlife propagation, reservoir evaporation replacement, augmentation, and the right of reuse. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: A. The Subject Water Rights are part of an integrated system operated by Applicants for use of water within Clear Creek County, which system includes other reservoirs, exchanges, and senior water rights. Pursuant to § 37-92-301(4)(b), C.R.S., work performed, effort, and cost expended on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. B. The Subject Water Rights are incorporated into Clear Creek County's basin-wide augmentation plan decreed in Case No. 05CW302 (hereinafter, "Basin-Wide Augmentation Plan"). Throughout the diligence period of November 7, 2016 to the present ("Diligence Period"), Clear Creek County has operated, managed, administered, and maintained accounting for the Basin-Wide Augmentation Plan. During the Diligence Period, the County followed the decreed procedure to include ten new plan participants into the Basin-Wide Augmentation Plan. C. During the Diligence Period, the County has continued to install, maintain, and upgrade its integrated water system, including but not limited to Green Lake and related facilities. D. In Case No. 02CW310, the County adjudicated appropriative rights of substitution and exchange to enable the filling of two of the Subject Water Rights, Clear Creek Reservoirs Nos. 3 and 4. During the Diligence Period, in Case No. 16CW3144, entered on July 28, 2017, the County prosecuted and adjudicated findings of reasonable diligence to maintain those exchange rights. E. The County has participated in numerous regional and statewide water planning efforts during the Diligence Period. The County continues to actively attend and exercise its voting membership duties on the South Platte River Basin Roundtable in preparation and adoption of the 2023 update to the State Water Plan. Certain of the County's reservoirs are identified in the draft 2023 update to the Colorado Water Plan's Basin Implementation Plan for purposes of funding studies and construction of certain facilities through the Identified Project and Process. The County also has engaged in internal water planning efforts. F. During the Diligence Period, the County has maintained its water rights portfolio and prosecuted several water court applications related to its water rights, including: Upper Johnson Gulch Reservoir (Case No. 17CW3007, entered September 14, 2017); Grizzly Gulch Reservoir (Case No. 17CW3115, entered March 1, 2018); Green Lake (Case No. 18CW3184, entered June 25, 2019); Leavenworth Reservoirs Nos. 1 and 2 and Bakerville Reservoirs Nos. 1 and 2 (Case No. 19CW3095, entered November 19, 2019); Basin-Wide Augmentation Plan exchanges for two of the Subject Water Rights (Case No. 20CW3082, entered April 6, 2021); and amendment to King Murphy School Pond augmentation plan (Case No. 20CW3165, entered April 14, 2022). G. Clear Creek County monitored the Water Court applications in Division No. 1 and opposed approximately eight (8) Water Court applications to protect its water rights during the Diligence Period, including the Subject Water Rights. H. The County has conferred, and continues to confer, with Colorado Department of Transportation ("CDOT") regarding the water storage and diversion structures within the County's Water Bank, which is part of the County's integrated system. Such water storage and diversion structures include the Subject Water Rights, which are contained or partially contained within CDOT right-of-way. Additionally, the County's Water Bank continues to provide augmentation water necessary for Highway I-70 construction and reconstruction. I. In spring of 2022, County staff attended a meeting with the Freis and their representatives regarding the development of a public - private partnership for the development and construction of two of the Subject Water Rights, Clear Creek Reservoirs Nos. 3 and 4. J. The County expended in excess of \$1.38 million,

and dedicated additional staff time, towards the activities described above during the Diligence Period. 5. 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: a. Co-Applicant, Clear Creek County, P.O. Box 2000, Georgetown, CO 80444. b. CDOT, 2829 West Howard Place, Denver, CO 80204. c. Albert and Mary Jane Frei Irrevocable Trust Dated June 29, 1995, c/o Caleb R. Crandell, Trustee, 303 East 17th Avenue, Suite 600, Denver, CO 80203. d. Albert and Mary Jane Frei Irrevocable Trust, 35715 Hwy 40, Bldg. B, Ste. 120, Evergreen, CO 80439. e. AR & MJ Frei Limited Partnership, 35715 Hwy 40, Bldg. B, Ste. 120, Evergreen, CO 80439. 6. Remarks or other pertinent information: A. Clear Creek Diversion Structures A and B will be located on lands owned by CDOT only after all necessary approvals from that state agency. In the event that Co-Applicants need to access CDOT right-of-way for any purpose, Co-Applicants shall obtain a utility permit (or any other required instrument) from CDOT. Co-Applicants will include the preceding language in any proposed decree tendered in this case. B. The land underlying Clear Creek Reservoirs Nos. 3 and 4 and portions of Clear Creek Diversion Structure B was sold to the Albert and Mary Jane Frei Irrevocable Trust Dated June 29, 1995. However, the County holds an option to purchase easements on those parcels for the design, permitting, construction, reconstruction, installation, operation, and maintenance of the reservoirs and the diversion structure. WHEREFORE, Co-Applicants seek entry of a decree by the Court that grants findings of reasonable diligence for the Subject Water Rights in their entirety, continues those conditional Subject Water Rights for another diligence period, and confirms Co-Applicants' right to complete the appropriations to the full decreed extent. (12 pgs., 1 Exhibit)

2022CW3180 (15CW3133, 08CW20), DISTRICT COURT, WATER DIVISION 1, COLORADO, 901 9th Avenue, P.O. Box 2038, Greeley, Colorado 80632, (970) 475-2400. CONCERNING THE APPLICATION FOR WATER RIGHTS OF CENTENNIAL WATER AND SANITATION DISTRICT IN PARK, DOUGLAS, JEFFERSON, AND ARAPAHOE COUNTIES. APPLICATION FOR FINDING OF REASONABLE DILIGENCE. 1. Name, Address, E-mail Address, and Telephone Number of Applicant: Centennial Water and Sanitation District ("Centennial") c/o General Manager, 62 Plaza Drive, Highlands Ranch, Colorado 80129, (303) 791-0430, SCalkins@highlandsranch.org Direct All Pleadings to: Bushong & Holleman PC, P. Fritz Holleman, #21888, Cassidy L. Woodard, #48824, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302 fholleman@bh-lawyers.com, cwoodard@bh-lawyers.com 2. Name of Structure: 99CW199(A) Return Flow Exchange. 3. Description of Conditional Water Right: 3.1. Original Decree: The 99CW199(A) Return Flow Exchange was originally decreed by the District Court in and for Water Division One, State of Colorado ("Water Court"), in Case No. 99CW199(A) on January 31, 2002 (the "99CW199(A) Decree"), 3.2. Subsequent Decrees: Subsequent findings of reasonable diligence or a ruling making a portion absolute were entered by the Water Court in Case No. 08CW20 on October 22, 2009, and Case No. 15CW3133 on November 8, 2016, 3.3. Legal description: 3.3.1. Downstream point: Confluence of Little Dry Creek with South Platte River, in Section 33, Township 4 South, Range 68 West, 6th P.M., approximately 2,350 feet from the South section line and 1650 feet from the East section line, 3.3.2. Upstream point: The point where depletive effects occur from pumping the wells in the South Platte Alluvial Well Field No. 2 constructed or to be constructed at approximate depths ranging from 40 to 60 feet in the South Platte River alluvium downstream from Chatfield Reservoir within 200 feet of the following locations in the E1/2 of Section 31, Township 5 South, Range 68 West, of the 6th P.M.:

Well No.	Distance from North Section Line (Feet)	Distance from East Section Line (Feet)
SP-9	3130	400
SP-10	2780	700
SP-11	3590	400
SP-12	2580	550

SP-13	2180	150
SP-14	3930	50

3.4. Source: Reusable return flows from outdoor uses of the following described water and water rights on Highlands Ranch may be used as a substitute supply in the 99CW199(A) Return Flow Exchange. The sources of water include the Denver Basin aquifers, the South Platte River and its tributaries (including their alluviums) and water imported from the Colorado River Basin. The amount, timing, and location of such return flows are determined pursuant to the methodology described in paragraphs 1.47 and 1.49 through 1.58 of the decree in Water Court Case No. 85CW415, 3.4.1.1. Denver Basin groundwater underlying Highlands Ranch: Nontributary Laramie-Fox Hills aquifer groundwater decreed in Case Nos. W-9192-78, 83CW237, and 82CW479, District Court, Water Division 1; Nontributary Arapahoe aquifer groundwater decreed in Case Nos. W-9192-78 and 84CW483, District Court, Water Division 1; Nontributary Denver aquifer groundwater decreed in Case Nos. 80CW445 and 97CW145, District Court, Water Division 1; Nontributary Dawson aquifer groundwater decreed in Case No. 82CW480, District Court, Water Division No. 1; Not nontributary Denver aquifer groundwater decreed in Case No. 85CW415, District Court, Water Division 1. The descriptions of the water rights and the locations of the wells providing for the withdrawal of the nontributary and not nontributary Denver Basin groundwater described herein are more particularly described in the decrees referenced in this paragraph 3.4.1.1., 3.4.1.2. Plum Creek water rights: Up to 688 acre-feet per year of totally consumable water adjudicated in the decree entered on April 17, 1980 in Case No. W-6072, as changed in Water Court Case Nos. 85CW415 and 93CW177, 3.4.1.3. Cline Ranch water rights: Water available for diversion or previously diverted and stored pursuant to the 99CW199(A) Decree, 3.4.1.4. South Platte Reservoir: Water stored in South Platte Reservoir by exchange pursuant to the decree entered in Water Court Case No. 93CW178. The dam and reservoir location is described as approximately 216 acres located in portions of the W1/2 and of the SE1/4 of Section 31, Township 5 South, Range 68 West, of the 6th P.M., Arapahoe County, Colorado, and in the E1/2 of the SE1/4 and the SE1/4 of the NE1/4 of Section 36, Township 5 South, Range 69 West, of the 6th P.M., Jefferson County, Colorado, 3.4.1.5. Chatfield Reservoir: Water stored in Chatfield Reservoir by exchange pursuant to the decrees entered in Water Court Case Nos. 85CW415 and 93CW178. Chatfield Reservoir is formed by Chatfield Dam, an existing structure located on the mainstem of the South Platte River. The right abutment of Chatfield Dam is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West, of the 6th P.M.; the left abutment of Chatfield Dam is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West, of the 6th P.M., 3.4.1.6. McLellan Reservoir: Water stored in McLellan Reservoir by exchange pursuant to the decrees entered in Water Court Case Nos. 85CW415 and 93CW178. McLellan Reservoir is located on Dad Clark Gulch, a tributary of the South Platte River, in Sections 32 and 33 of Township 5 South, Range 68 West, and Sections 4 and 5, Township 6 South, Range 68 West, of the 6th P.M., with the initial point of survey being a point whence the southeast corner of Section 32, Township 5 South, Range 68 West, of the 6th P.M., bears South 71 degrees 00 minutes East 2489.5 feet, 3.4.1.7. Water supplied by the City of Englewood that is reusable by Centennial pursuant to existing agreements between Englewood and Centennial, or amendments to, modifications of, or replacement agreements for such existing agreements, 3.4.1.8. Water supplied by the City and County of Denver, acting by and through its Board of Water Commissioners, that is reusable pursuant to existing agreements between Denver and Centennial, or amendments to, modifications of or replacement agreements for such existing agreements, 3.5. Appropriation date: November 30, 1999, 3.6. Amount: 6.24 cfs total of which 0.19 cfs is absolute and 6.05 cfs is conditional, 3.7. Use: Augmentation and replacement of out-of-priority depletions pursuant to the 99CW199(A) Decree. 4. Request for finding of reasonable diligence: Centennial herein requests a finding that it has exercised reasonable diligence in the development of the full remaining conditional portion of the 99CW199(A) Return Flow Exchange for all remaining conditional amounts and uses. 5. Diligence activities: During the diligence period, the following work has been performed and the following expenditures have been made to develop the conditional water right for the 99CW199(A) Return Flow Exchange: 5.1. The water right for the 99CW199(A) Return Flow Exchange is part of, or is used within, the unified water supply system for Highlands Ranch. Highlands Ranch is a development consisting of approximately 22,000 acres in Douglas

County, including the community of Highlands Ranch. Proposed development on Highlands Ranch is expected to occur over a long period of time and development of water resources on Highlands Ranch will be controlled by the rate at which residential, commercial, and industrial development on Highlands Ranch occurs. Centennial is responsible for providing a municipal water supply to Highlands Ranch, 5.2. During the diligence period, the following additional work was performed and the following expenditures were made to develop the remaining conditional water right for the 99CW199(A) Return Flow Exchange: 5.2.1. Centennial diverted and used the Cline Ranch water rights pursuant to the terms and conditions of the decree in Case No. 99CW199(A), including diversions at wells in the South Platte Alluvial Well Field No. 2, 5.2.2. Centennial paid mitigation and monitoring costs under the terms and conditions of the Special Development Permit and the Wildlife Permit for the Cline Ranch Project issued by Park County in the amount of approximately \$51,466. In addition, Centennial completed all the requirements for studies under the Special Development permit and, upon submitting the information to Park County, received documentation from Park County certifying the completion of all study requirements under the county's Special Development Permit, 5.2.3. Centennial completed an aerial survey required by the decree in Case No. 99CW199(A) in 2016 at a cost of \$3,740., 5.2.4. Centennial incurred approximately \$20,654 in costs for operation and maintenance of the diversion and return flow facilities on the Cline Ranch, including employment of a ditch rider, 5.2.5. Centennial employed an outside engineering consultant to study potential improvements to the Cline Ranch Anderson Brewer Ditch headgate at a cost of \$2,035. This study is ongoing, 5.3. Centennial spent approximately \$167.7 million on system-wide improvements not otherwise described above to develop its municipal water and wastewater systems. This amount includes, in addition to some lesser expenditures, the following: raw water storage facilities, approximately \$63.2 million; wastewater treatment facilities, approximately \$5 million; booster pump stations, approximately \$8.5 million; wastewater treatment plant, approximately \$64.6 million; water infrastructure, approximately \$8.7 million; wells, approximately \$5.7 million; and wastewater infrastructure, approximately \$11.7 million. 6. Land Ownership: not applicable. WHEREFORE, Centennial respectfully requests that the Court enter an order (1) granting Centennial's request for a finding of reasonable diligence for all remaining conditional amounts and uses of the 99CW199(A) Return Flow Exchange; and (2) granting such other and further relief as deemed appropriate.

(7 pages)

2022CW3181 (16CW3065, 10CW40, 03CW267, 95CW291) CONCERNING THE APPLICATION FOR WATER RIGHTS OF ASPEN PARK METROPOLITAN DISTRICT IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES IN JEFFERSON COUNTY Name, mailing address, email address, and telephone number of applicant: Aspen Park Metropolitan District, CliftonLarsonAllen LLP. Lisa A. Johnson, Manager, 8390 E. Crescent Parkway, Suite 300, Greenwood Village, CO 80111, Lisa.Johnson@claconnect.com. Send all Pleadings and Correspondence to: Hockersmith & Whitmore, LLC. P.O. Box 646, Ouray, CO 81427-0646, marti@ouraylaw.com, 970.325.4414. Name of structures: Meyer Pond and Meyer Wells No. 1-11. Description of Conditional Exchange: The conditional exchange augments and replaces stream depletions that will occur as a result of using water decreed to the Meyer wells by foregoing diversions of water rights in the Mountain Mutual Reservoir Company (MMRC), including water rights in the Warrior Ditch and Harriman Ditch. Additionally, water previously stored in Soda Lakes Reservoirs 1 and 2, Spinney Mountain Reservoir, Woodside Reservoir, and Lower Sacramento Creek Reservoir No. 1 will be released to the stream system. The water is to be delivered by exchange to the point where depletions from the subject wells impact the flow of water in South Turkey Creek to the Meyer Pond. Meyer Pond is located in the NE1/4 of Section 12, T6S, R71W of the 6th P.M. The reach of the exchange extends from the confluence of Bear Creek and the South Platte River; thence up Bear Creek to its confluence with Turkey Creek in the NW1/4 of Section 5, T5S, R69W, 6th PM, up Turkey Creek to the confluence with South Turkey Creek in the NW1/4 of Section 27, T5S, R70W; and up South Turkey Creek to the Meyer Pond. The conditional exchange utilizes water of MMRC, including the following: Harriman Ditch, located on the fourth bank of Bear Creek in the NE1/4 of Section 2, T5S, R70W, 6th PM, and the south bank of Turkey Creek near the SW corner of Section 6, T5S, R69W, 6th PM. Warrior Ditch,

located at the same headgates as the Harriman Ditch. Soda Lake Reservoir Nos. 1 and 2, located in Section 1, T5S, R70W. Spinney Mountain reservoir, located at a point whence the SW corner of Section 36, T12S, R74W bears S23 degrees 26' W a distance of 8314.3 feet. Woodside Reservoir, to be located in the SW1/4 of Section 26, T6S, R72W, 6th P.M. Lower Sacramento Creek Reservoir No. 1, located in the NE1/4 of Section 32 and SW1/4 of Section 29, T9S, R77W, 6th PM. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: Case No. 95CW291 entered on July 28, 1997. Court: District Court in and for Water Division No. 1. List all subsequent decrees awarding findings of diligence: Case No. 03CW267 entered on January 22, 2004; Case No. 10CW40 entered on May 19, 2010, and Case. No. 16CW3065 entered on November 15, 2016, all in the District Court in and for Water Division 1. Legal descriptions from decree: Meyer Pond, located in the NE 1/4 Section 12, Township 6 South, Range 71 West of the 6th P.M. 881 feet from the east section line, 1096 feet from the north section line, Jefferson County, Colorado. Meyer Well Nos. 1-11. The augmentation plan and exchange provide augmentation water for operation of up to 11 wells for any combination of residential and commercial uses, including irrigation and stock watering within a development located in the E1/2 of Section 12, T6S, R71W, 6th P.M. An 8-1/2 x 11 map depicting the decreed location of these water rights is attached hereto as Exhibit A. UTM Locations: Meyer Pond, approximate center of dam, UTM Zone 13, Easting 475831, Northing 4377666 in Jefferson County, Colorado, located in ArcMap 10 GIS from aerial photography. All locations are within Jefferson County, Colorado. Source of water: Meyer Wells No. 1 - 11, South Turkey Creek. Augmentation as provided by MMRC, as described above. Appropriation Date: March 22, 1995. Amount claimed for operation of exchange: A maximum flow rate of 1.0 cfs to the extent of 1.0 acre-foot of water per year (conditional). Of this amount, 0.45 c.f.s. is now requested to be decreed as absolute to the extent of 0.73 acre feet with the remaining 0.27 acre feet of volume and the remaining rate of flow 0.55 c.f.s. being conditional. Uses: This is a plan for augmentation and conditional right of exchange, decreed for a maximum rate of flow of 1.0 c.f.s. to the extent of 1 acre-foot per year. The exchange provides augmentation water for operation of up to eleven wells for residential and commercial uses, including irrigation and stock watering, within a development located in the E 1/2 of Section 12, T6S, R71 W. The water used is tributary to South Turkey Creek. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: (add additional sheets if necessary). If irrigation use, mark the location of proposed area to be irrigated on a USGS topographic map and attach to this application a legible 8 1/2 x 11 inch copy of the applicable portion of the map. Since the date of the decree in 16CW3065, Applicant has made diligent efforts toward development of the water rights herein as described below: During this diligence period, in continuing the development of the water rights, water supply system and wastewater system for the Aspen Park Metropolitan District service area, the Applicant has been engaged in the legal defense and protection of its water rights, and has dedicated significant resources toward additional engineering, legal and consulting services, along with construction and maintenance of its water and wastewater systems. See Exhibit B for a table of projects and costs. Applicant was able to put a portion of the conditional exchange to beneficial use on May 10-11, 2021, by diverting water by exchange into Meyer Pond, with approval from the Water Commissioner. The storage right for Meyer Pond is absolute per decree in 16CW3065. The application herein is for an exchange into Meyer Pond for purposes of augmentation. That exchange has been implemented to the extent of 0.73-acre feet of the 1.0 acre feet decreed on May 10-11, 2021 at a rate of 0.45 c.f.s. Applicant requests that the exchange be declared absolute in that amount, with a remaining total of 0.27-acre feet of volume and a remaining rate of flow of 0.55 c.f.s. as conditional. The water rights herein are operated as part of an integrated water supply system that includes the water rights subject of a diligence application in Case No. 22CW3156. Applicant has continued to be diligent in the development of the water rights herein as well as the other water rights decreed to Aspen Park and subject to the application in Case No. 22CW3156. Applicant asserts that it has a specific water development plan and intends to divert, capture, possess and control water as set forth in this application and in the prior decrees pertinent to this application, and that such water can and will be beneficially used for commercial, domestic, irrigation, fire protection, piscatorial, aesthetic, augmentation of out-of-priority

diversions, and exchanged and permitted by the prior decrees for these water rights and those that are the subject matter of 22CW3156. Applicant has engaged its consultants to review and update the water use and demand information in order to accurately determine how much water is used currently and to forecast future demands. Applicant expended significant resources in monitoring water usage, in repairing and replacing water meters through the district, and in repairing and replacing infrastructure in order to ensure good water conservation practices. Since the last diligence decree was entered in 2016, the total expenditures by Applicant for engineering, legal services, and construction on its water and wastewater system and stormwater system, all of which together comprise the integrated water system owned and operated by Applicant have exceeded \$670,000. The work and expenditures summarized here are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. 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. The wells are located in Meyer Open Space. Remarks or other pertinent information: This application is timely filed pursuant to C.R.S. 37-92-302. Applicant requests that the Court determine that a portion of the exchange is now absolute and requires no further diligence, and that the Court find and determine that the remainder of the water rights here will be completed with diligence, that the Applicant has continued developing its water rights with diligence over the past six years, that the conditional rights should be continued for another six years, and that future applications need not include any water rights that have been determined to be used and absolute. The Applicant prays the Court for such other and further relief as the Court deems just and proper and warranted by the evidence. **JEFFERSON COUNTY**

2022CW3182 (15CW3128) (09CW55) (01CW171) (95CW27) (88CW089) (84CW158) (79CW300) – BOULDER COUNTY – APPLICATION FOR CHANGE IN PLACE OF STORAGE – 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicant. MARTIN MARIETTA MATERIALS, INC. c/o James Sharn, Natural Resource Manager 1627 Cole Boulevard, Suite 200, Lakewood, Colorado 80401; Phone: (720) 245-6400; Email: James.Sharn@martinmarietta.com. Copies of all pleadings and other correspondence to: David F. Bower, Esq., Cameron C. Frazier, Esq., Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. With copy to: Martin Marietta Materials, Inc. c/o Martin Stratte, Assistant General Counsel, 4123 Parklake Avenue, Raleigh, North Carolina 27612, Phone: (919) 783-4682, Email: Martin.Stratte@martinmarietta.com. 2. Original and Subsequent Decrees. The conditional water right that is the subject of this change application was originally decreed by the Division 1 Water Court in Case No. 79CW300, dated March 31, 1981. A corrected decree that fixed a clerical error in the legal description of the original decree was entered on October 1, 1984. Subsequent diligence decrees continuing the conditional water right were entered by the Division 1 Water Court in Case No. 84CW158, dated June 20, 1986, Case No. 88CW089, dated February 6, 1989, Case No. 95CW27, dated October 25, 1995, Case No. 01CW171, dated June 9, 2003, Case No. 09CW55, dated September 22, 2009, and Case No. 15CW3128, dated November 30, 2016. 3. Description of Conditional Storage Right to be Changed. (a) Name of Structure. Frontier-Lyons Reservoir. [WDID 0504358] (b) Decreed Legal Description. NW1/4SW1/4 and parts of the NE1/4SW1/4, and NW1/4SE1/4, of Section 21, and parts of NE1/4SE1/4, Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County. The high water line of said reservoir is described as follows: Beginning at a point whence the SW corner of Section 21, Township 3 North, Range 70 West of the 6th P.M. bears South 58°55' West 2,800 feet; thence South 89°10' West 3,250 feet; thence North 01°47' West 1,060 feet; thence North 80°30' East 900 feet; thence South 85°20' East 2,335 feet; thence South 52°10' East 190 feet; thence South 05°30' West 858 feet to the point of beginning, containing 82.8 acres, more or less. (Basis of bearings: The South line of Section 21 as being North 90°0' East). A map showing the currently decreed location of the Frontier-Lyons Reservoir is attached as Exhibit A. (c) Source. Surface water tributary to St. Vrain Creek, tributary to the South Platte River. (d) Appropriation Date. June 13, 1979. (e) Amount. 200 acre-feet, conditional. (f) Uses. Agricultural, including leasing to others for irrigation use; industrial, including use in mining, washing, and processing sand and gravel; and recreational, including boating, fishing, and fish propagation.

(g) *Remarks*. The Frontier-Lyons Reservoir was originally decreed for 1,700 acre-feet. In Case No. 01CW171, 1,500 acre-feet of the conditional right was cancelled. The decreed legal description set forth above is located on lands owned by CEMEX, Inc. Pursuant to paragraph 14 of the decree entered in Case No. 15CW3128, Applicant agreed to change the subject conditional water right to a location that excludes land owned by CEMEX, Inc. **4. Claim for Change in Place of Storage of Water Right.** (a) Complete Statement of Change. Applicant seeks to change the decreed place of storage for the Frontier-Lyons Reservoir water right to land owned by Applicant consistent with its current and future mining plans and the requirements of paragraph 14 of the decree entered in Case No. 15CW3128. No other changes to the subject water right are claimed by this application. (b) Changed Location. Applicant seeks to change the decreed place of storage to the following alternate locations, the centroid of each of which is described as follows: (i) West Pit. NE1/4 NE1/4 of Section 28, Township 3 North, Range 70 West of the 6th P.M., at a point approximately 789 feet from the north section line and 710 feet from the east section line of said Section 28. [Zone 13, NAD83, Easting 480588.0, Northing 4450115.] (ii) Northeast Pit. NW1/4 NE1/4 of Section 27, Township 3 North, Range 70 West of the 6th P.M., at a point approximately 643 feet from the north section line and 2,548 feet from the east section line of said Section 27. [Zone 13, NAD83, Easting 481654.2, Northing 4450153.] (iii) Southeast Pit No. 1. NE1/4 SW1/4 of Section 27, Township 3 North, Range 70 West of the 6th P.M., at a point approximately 1,479 feet from the south section line and 2,164 feet from the west section line of said Section 27. [Zone 13, NAD83, Easting 481452.2, Northing 4449193.] (iv) Southeast Pit No. 2. SW1/4 SE1/4 of Section 27, Township 3 North, Range 70 West of the 6th P.M., at a point approximately 620 feet from the south section line and 2,553 feet from the east section line of said Section 27. [Zone 13, NAD83, Easting 481634.6, Northing 4448931.] A map showing the decreed place of storage and the requested alternate places of storage is attached hereto as Exhibit A. **5. Consolidation with Diligence Case.** The Frontier-Lyons Reservoir conditional storage right is subject to a diligence application filed contemporaneously herewith. Applicant intends to consolidate this application and the diligence application after the statement of opposition deadline has passed. **6. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** The subject structure is currently decreed to be located on land owned by Lyons Cemex Construction Materials South, P.O. Box 2883, West Palm Beach, FL 33402 and/or the County of Boulder, Longmont, CO 80503. However, as noted in paragraphs 4(a) and 5 above, Applicant has requested to change the place of storage to land owned by Applicant. For the purposes of notice, Applicant has provided a copy of this application to all potential record owners of the real property where the Frontier-Lyons Reservoir is currently decreed to be located. WHEREFORE, Applicant respectfully requests that the Water Court grant the change in the decreed place of storage for the Frontier-Lyons Reservoir conditional water right to the alternate places of storage as set forth above. (5 pages plus exhibits)

2022CW3183 (15CW3128) (09CW55) (01CW171) (95CW27) (88CW089) (84CW158) (79CW300) – BOULDER COUNTY – APPLICATION FOR FINDING OF REASONABLE DILIGENCE – 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicant. MARTIN MARIETTA MATERIALS, INC. c/o James Sharn, Natural Resource Manager 1627 Cole Boulevard, Suite 200, Lakewood, Colorado 80401; Phone: (720) 245-6400; Email: James.Sharn@martinmarietta.com. Copies of all pleadings and other correspondence to: David F. Bower, Esq., Cameron C. Frazier, Esq., Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. With copy to: Martin Marietta Materials, Inc. c/o Martin Stratte, Assistant General Counsel, 4123 Parklake Avenue, Raleigh, North Carolina 27612, Phone: (919) 783-4682, Email: Martin.Stratte@martinmarietta.com. 2. Original and Subsequent Decrees. The conditional water right that is the subject of this diligence application was originally decreed by the Division 1 Water Court in Case No. 79CW300, dated March 31, 1981. A corrected decree that fixed a clerical error in the legal description of the original decree was entered on October 1, 1984. Subsequent diligence decrees continuing the conditional water right were entered by the Division 1 Water Court in Case No. 84CW158, dated June 20, 1986, Case No. 88CW089, dated February 6, 1989, Case No. 95CW27, dated October 25, 1995, Case No. 01CW171, dated June 9, 2003, Case No. 09CW55, dated September 22, 2009, and Case No. 15CW3128, dated November 30, 2016. 3. Description of

Conditional Storage Right to be Continued. (a) *Name of Structure.* Frontier-Lyons Reservoir. [WDID 0504358] (b) *Decreed Legal Description.* NW1/4SW1/4 and parts of the NE1/4SW1/4, and NW1/4SE1/4, of Section 21, and parts of NE1/4SE1/4, Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County. The high water line of said reservoir is described as follows: Beginning at a point whence the SW corner of Section 21, Township 3 North, Range 70 West of the 6th P.M. bears South 58°55' West 2,800 feet; thence South 89°10' West 3,250 feet; thence North 01°47' West 1,060 feet; thence North 80°30' East 900 feet; thence South 85°20' East 2,335 feet; thence South 52°10' East 190 feet; thence South 05°30' West 858 feet to the point of beginning, containing 82.8 acres, more or less. (Basis of bearings: The South line of Section 21 as being North 90°0' East). A map showing the currently decreed location of the Frontier-Lyons Reservoir is attached as Exhibit A. (c) *Source.* Surface water tributary to St. Vrain Creek, tributary to the South Platte River. (d) *Appropriation Date.* June 13, 1979. (e) *Amount.* 200 acre-feet, conditional. (f) *Uses.* Agricultural, including leasing to others for irrigation use; industrial, including use in mining, washing, and processing sand and gravel; and recreational, including boating, fishing, and fish propagation. (g) *Remarks.* The Frontier-Lyons Reservoir was originally decreed for 1,700 acre-feet. In Case No. 01CW171, 1,500 acre-feet of the conditional right was cancelled.

4. Claim for Finding of Reasonable Diligence. Applicant seeks to continue as conditional the water right decreed to the Frontier-Lyons Reservoir for its full decreed amount and uses. During the diligence period from November 2016 through November 2022, the following activities were performed to develop the subject water right and show that Applicant continues to have a need for the conditional right: (a) *Change in Location of Frontier-Lyons Reservoir Right.* Pursuant to paragraph 14 of the decree entered in Case No. 15CW3128, Applicant agreed to change the subject conditional water right to a location that excludes land owned by CEMEX, Inc. That change application is being filed concurrently with this diligence application and seeks to move the place of storage to lands owned by Applicant, consistent with current and future mining plans for the properties. (b) *Facility and Equipment Upgrades.* In 2016, Applicant brought conveyors, screens, feeders, stands, electrical buildings, containers, and stackers to the Lyons Pit plan and loading area in order to process mined materials. During this same time period, Applicant began grading the plant and loading area to build a new processing plant. Applicant also filed a site plan and landscaping plan with Boulder County consistent with these activities. (c) *Permitting Activities.* Throughout the diligence period, Applicant has maintained existing permits and evaluated additional permits necessary to operate the mine site, including Section 404 permits with the U.S. Army Corps of Engineers, a Clean Air Act and Discharge Permit through the Colorado Department of Health and Environment, a mining permit with the Colorado Division of Reclamation, Mining, and Safety (“DRMS”), and a Special Use Permit with Boulder County. (d) *Revegetation Work.* Applicant performed vegetation management at the mine site and adjacent areas consistent with its permitting requirements. (e) *Reclamation Bond.* Applicant’s DRMS permit requires a bond in the amount of \$1,684,500, which costs more than \$6,000 annually. This is in addition to the annual permit fee. (f) *Water Quality Monitoring.* Applicant has continually performed water quality monitoring activities, incurring costs in doing so. (g) *General Legal and Engineering Costs.* Applicant has also incurred general legal and engineering costs during the subject diligence period in performing water rights related work, including review of water agreements for the mine site and monitoring and evaluating other water rights cases on St. Vrain Creek in order to protect the subject rights and other water rights in its portfolio against injury.

5. Consolidation with Change Case. As noted above, the Frontier-Lyons Reservoir conditional water right is subject to a change application filed contemporaneously herewith. Applicant intends to consolidate this application and the change application after the statement of opposition deadline has passed.

6. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool. The subject structure is currently decreed to be located on land owned by Lyons Cemex Construction Materials South, P.O. Box 2883, West Palm Beach, FL 33402 and/or the County of Boulder, Longmont, CO 80503. As noted in paragraphs 4(a) and 5 above, Applicant has requested to change the place of storage to land owned by Applicant. For the purposes of notice, Applicant has provided a copy of this application to all potential record owners of the real property where the Frontier-Lyons Reservoir is currently decreed to be located. WHEREFORE, Applicant respectfully requests that the Water Court enter a finding of reasonable diligence with respect to the Frontier-Lyons

Reservoir conditional water right described above, and order that such right be continued in full force and effect for an additional six-year period or until such time as a determination is made that the right has been made absolute or otherwise disposed of. (5 pages plus exhibits)

2022CW3184 (15CW3095) THE NEW CACHE LA POUFRE IRRIGATING COMPANY, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646. Please send all future correspondence and pleadings to Daniel K. Brown, Esq., and Whitney Phillips Coulter, Esq., Fischer, Brown Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE PORTION OF CONDITIONAL WATER RIGHT IN WELD COUNTY**. 3. Description of Conditional Water Right. The conditional storage right for the New Cache Agricultural Pond 1 was decreed in Water Division 1 Case No. 15CW3095 (“Conditional Storage Right”). 3.1. Date of Original Decree: Case No. 15CW3095, District Court, Water Division No. 1, dated November 28, 2016. 3.2. Name of Structure. The New Cache Agricultural Pond 1 (“New Cache Pond” or “Pond”). 3.3. Legal Description. The Pond is located upon a parcel of land approximately 35 acres in size located in the E 1/2 of the SW 1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M. (“Property”). See Exhibit A for legal description of the Property. The Pond is a lined, off-channel vessel; there is no dam. See Exhibit B for a depiction of the Property and Pond. The Pond has been lined with a synthetic plastic liner that is impervious to ground water infiltration. 3.4. Sources. Surface and groundwater tributary to the South Platte River. 3.5. Legal Description of Points of Diversion. 3.5.1. The Ogilvy Canal headgate, which is located on the North bank of the Cache la Poudre River within the SE 1/4 of the SE 1/4 of the SW 1/4 of Section 4, Township 5 North, Range 65 West of the 6th P.M. in Weld County. 3.5.2. The following Wells located on the Property:

Well	Northing	Easting
1 (Permit No. 80233-F)	4474925.19	534334.62
2 (Permit No. 80234-F)	4475021.34	534459.07

3.5.3. Applicant owns approximately 300 feet of river frontage on the Property and may pump water directly from the surface flows of the river at up to three “Pump Stations” located along this river frontage in the SE 1/4 of the SW 1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M. 3.5.4. Applicant may also pump water directly from the surface flow of the river through an existing Pump Station (WDID 0100839, Structure No. 839) to divert directly from the river at in the SE 1/4 of the SW 1/4 of Section 6, Township 5 North, Range 64 West of the 6th P.M., at a point located approximately 1,375 feet East and 500 feet North of the SW corner of said Section 6, with the following UTM coordinates: Northing (X) 4474725; Easting (Y) 534144 (Zone 13). 3.6. Date of Appropriation. July 31, 2015. 3.7. Amount. Storage of up to 200 acre feet, CONDITIONAL, with a right to fill and re-fill when in priority. 3.8. Rate of Diversion for Filling the Reservoir. 3.8.1. Ogilvy Canal: Up to 20 cfs, CONDITIONAL. 3.8.2. From Wells: Up to 15 cfs for each of the Wells, CONDITIONAL, and collectively from the Wells not to exceed 15 cfs. 3.8.3. From the Pump Stations described in paragraphs 2.5.3 and 2.5.4 above: Up to 15 cfs for each of the Pump Stations, CONDITIONAL, and collectively from the Pump Stations not to exceed 15 cfs. 3.9. Uses. Diversion and storage for irrigation, augmentation/replacement, commercial/industrial, piscatorial, recreational and replacement of evaporation as further described in this paragraph. Applicant may also use the water right for the replacement of well depletions and return flow obligations in Consolidated Cases 04CW25/06CW295, District Court, Water Division No.1 (the “Lower Poudre Augmentation Plan”). Applicant also uses the water right for supplemental irrigation within the Applicant’s service area consisting of approximately 40,000 acres located in the following Sections (see map attached hereto as Exhibit C): Sections 2,3,4,5,6 Township 5 North, Range 64 West; Sections 1,2,3,4, Township 5 North, Range 65 West; Sections 4 through 9, 16-21 and 29 through 31, Township 6 North, Range 63 West; Sections 7,12,13,14, and 17 through 36, Township 6 North, Range 64 West; Sections 1, 10 and 12 through 30 and 32 through 36, Township 6 North Range 65 West; Sections 13, 14, 15, 16, 17, 19 through 30, and 33 through 36, Township 6 North, Range 66 West; Sections 15 through 29, Township 6 North, Range 67 West; Sections

11,12,13, 14 and 24, Township 6 North Range 68 West, all in the 6th P.M. The water attributable to the water right will be diverted for use within the Applicant's service area by exchange. The water right may also be used for oil and gas development purposes pursuant to contracts with third parties, and for in situ recreation and piscatorial uses. 4. Claim to Make Portion Absolute. The Applicant has diverted water pursuant the foregoing water rights from the Pump Station and the Wells during the diligence period. Pursuant to C.R.S. §37-92-103(4)(a) (as amended by Senate Bill 13-041) Applicant claims said diversions to storage as absolute for all decreed beneficial purposes in the following amount: 4.1. From the Pump Station: Water Year 2017 (November 2016 through October 2017), 172.28 acre feet at a maximum rate of 9.1 cfs on June 19, 2017. 4.2. From the Wells: Water Year 2018 (November 2017 through October 2018), 15.63 acre feet at a maximum rate of 4.01 cfs on May 7, 2018. 5. Outline of Continued Diligence. To the extent that any of the subject water rights are not decreed as absolute, the Applicant seeks to continue the remaining portions of the subject water rights as conditional. The Applicant has been diligent in developing the subject water rights which is manifest in the Applicant's exercise of the subject water rights during the diligence period as evidenced by the summary of diversion records attached as Exhibit D. Additionally, Applicant has constructed and maintained the Pond, the Pump Station and the Wells to facilitate diversion and release to and from the Pond. Applicant has also obtained the well permits for the Wells and accounted for all diversion and storage in the Pond, including accounting for and augmentation of the pumping from the Wells, as well as releases from the Reservoir to Applicant's decreed uses. Applicant has continued to operate the Lower Poudre Augmentation Plan and has expended time, effort and at least \$200,000 on legal and engineering fees protecting its irrigation system and initiating and prosecuting water court proceedings related to New Cache's water rights and the Lower Poudre Augmentation Plan, as well as participating in Water Court as an opposer protecting the same. Applicant has undertaken other activities and incurred additional costs not further described or enumerated here but that may be used as further evidence in this case of Applicant's diligence in developing the subject water rights. 6. Right to Supplement and Present Additional Information. Applicant reserves the right to supplement this Application with additional information related to their claim for diligence and may present additional information related to their claim for diligence before and during trial in this matter. 7. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Applicant is the owner of the Property. The Ogilvy Canal is owned by the Ogilvy Ditch Company, c/o Don Wacker, 27125 Weld County Road #58½, Greeley, CO 80631. WHEREFORE, the Applicant requests the Court to make absolute the portion of the conditional water right described above and to continue the remaining portion of the Conditional Storage Right. (5 pages).

2022CW3185 THE CITY 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: John M. Dingess, Austin Hamre, Teri L. Pettit, Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 South Yosemite Street, Suite 500, Denver, Colorado 80237, 303-779-0200. **APPLICATION FOR A CHANGE OF WATER RIGHTS AND APPROPRIATIVE RIGHT OF EXCHANGE IN PARK, JEFFERSON, DOUGLAS, ARAPAHOE, DENVER, ADAMS, AND WELD COUNTIES.** 2.

Application for Change of Water Rights. 2.1. **Decreed water rights for which change is sought.** 2.1.1. **Name of Structure:** Petrie Ditch (WDID # 2300902³). 2.1.1.1. *Original Decree:* CA 341, Park County District Court, entered on October 18, 1889, priority number 118. 2.1.1.2. *Relevant Subsequent Decrees:* None. 2.1.1.3. *Decreed Point of Diversion* (identified on **Exhibit A** hereto): 2.1.1.3.1. From CA 341 Decree: On Tarryall Creek whence the highest point of Mt. Silverheels bears W. 10°55' N. and the highest point of Congress Mt. bears N. 32°20' West, in Park County, Colorado. Handwritten on margin of the CA 341 Decree: NE 1/4 of Section 31, T8S, R75W of the 6th PM in Park County, Colorado. 2.1.1.3.2. From

³ The WDID numbers are accurate to the best of Aurora's knowledge and are included in this application for convenience only. If an inaccuracy occurs between a legal description provided herein and a WDID number, the legal description shall take precedence.

Colorado Division of Water Rights Website: NW 1/4 of SE 1/4 of Section 31, T8S, R75W of the 6th PM in Park County, Colorado. 2.1.1.4. *Source*: Tarryall Creek. 2.1.1.5. *Appropriation Date*: June 1, 1880. 2.1.1.6. *Rate of Diversion*: 27 c.f.s., absolute. 2.1.1.7. *Decreed Use*: Irrigation. 2.1.2. Name of Structure: Link Ditch (WDID # 2300904). 2.1.2.1. *Original Decree*: CA 341, Park County District Court, entered on October 18, 1889, priority number 200. 2.1.2.2. *Relevant Subsequent Decrees*: None. 2.1.2.3. *Decreed Point of Diversion*: On Tarryall Creek in the SW 1/4 of Section, 32, T8S, R75W, of the 6th P.M., in Park County, Colorado. This location is identified on **Exhibit A** hereto. 2.1.2.4. *Source*: Tarryall Creek. 2.1.2.5. *Appropriation Date*: May 20, 1885. 2.1.2.6. *Rate of Diversion*: 19 c.f.s., absolute. 2.1.2.7. *Decreed Use*: Irrigation. 2.2. **Description of proposed changes**: The Applicant requests the following changes of use for the subject water rights: 2.2.1. Change to alternate types of use. In addition to use for agricultural irrigation on the historically irrigated lands, Applicant seeks to add the following uses: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes, such purposes include, but are not limited to, 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 decreed or to be decreed, 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. 2.2.2. Change of place of use. Use for irrigation purposes on the historically irrigated lands, which may continue for a time after the entry of this change Decree, and for replacement purposes at said lands. Additionally, Applicant seeks to change the place of use to Aurora's current and future service areas served by its municipal water supply and water reuse systems, including areas served by its connections with other systems, and by any current or future water supply contracts or obligations of Aurora. Currently, Aurora is located in Township 3 South, Ranges 64, 65, 66 and 67 West, 6th P.M. in Adams County; Township 4 South, Ranges 64, 65, 66 and 67 West and Township 5 South, Ranges 65, 66 and 67 West, 6th P.M. in Arapahoe County; and Township 6 South, Ranges 65 and 66 West, 6th P.M. in Douglas County. Aurora's service area has changed from time to time and will continue to do so. Aurora may also use the water to meet replacement or delivery obligations in Water Division 1. 2.2.3. Change from Direct Flow to Direct Flow or Storage. After diversion and prior to initial use by Aurora, water diverted pursuant to the subject water rights may be stored at any of the locations set forth below in paragraphs 2.2.3.1. to 2.2.3.21. Such water may be delivered to storage by means of the use of natural stream channels, component facilities of Aurora's South Platte diversion and conveyance system in which Aurora is the owner or in privity with the owner, component facilities of Aurora's Prairie Waters System, and/or any points of diversion authorized in the respective decrees for those storage structures including, but not limited to, the City of Aurora Intake Structure, Brighton Ditch, the Lupton Bottom Ditch, and the Western Mutual Ditch, described below in paragraphs 2.2.3.2. to 2.2.3.5. All storage facilities other than those located on the Johns Ranch will be filled by diversions from the South Platte River. Reusable effluent resulting from the initial use for the changed uses of the historical consumptive use component of the water diverted pursuant to the subject water rights may be stored in any reservoir Aurora is authorized to use. See **Exhibits B-1, B-2, B-3, and B-4**, attached hereto. 2.2.3.1. *On-Site Storage and Recharge Locations*. 2.2.3.1.1. Johns Ranch Pond(s). One or more storage sites to be generally located on the Johns Ranch in Sections 32 & 33, Township 8 South, and Sections 4, 5, 8 and 9, Township 9 South, Range 75 West of the 6th P.M., in Park County, Colorado. See **Exhibit A**. 2.2.3.1.2. Petrie Ditch. See paragraph 2.1.1, above. 2.2.3.2. *City of Aurora Intake Structure (WDID #801001)*. For direct flow into the existing intake tower and tunnel at the Strontia Springs Diversion Dam, in Douglas County, Colorado and across the channel of the South Platte River. The Dam is located on the South Platte River in the NW/4 of the NW/4 of Section 21, T7S, R69W, 6th P.M. This structure is filled by the pool in Strontia Springs Reservoir and then conveys water to Quincy Reservoir, Aurora Reservoir, and the East Reservoir Complex. 2.2.3.3. *The Brighton Ditch (WDID #200810)*. The headgate of the Brighton Ditch is on the west bank of the South Platte River in the SE/4 SE/4, Section 11, T1S, R67W, 6th P.M. in Adams County, Colorado, at a point approximately 780 feet north and 1,120 feet west

of the SE corner of Section 11. 2.2.3.4. *Lupton Bottom Ditch* (WDID #200812). The headgate of the Lupton Bottom Ditch is generally located on the west bank of the South Platte River in the NW/4 of the SW/4 of Section 19, T1N, R66W, 6th P.M., in Weld County, Colorado. 2.2.3.5. *Western Mutual Ditch* (a.k.a. *Hewes Cook Ditch*) (WDID #2000825). The headgate of the Western Mutual Ditch is on the east bank of the South Platte River in the SE/4 of the SW/4 of Section 11, T3N, R67W of the 6th P.M., in Weld County, Colorado, approximately 230 feet north and 2,510 feet east of the SW corner of Section 11. 2.2.3.6. *Spinney Mountain Reservoir* (WDID #2304013). The Spinney Mountain Reservoir dam is located in the South ½ of Section 25, Township 12 South, Range 74 West of the 6th P.M., in Park County, Colorado, on the Middle Fork of the South Platte River. 2.2.3.7. *Strontia Springs Dam and Reservoir* (WDID #803983). The Strontia Springs Dam is constructed on the South Platte River in Douglas County, Colorado, with the east-end of dam (right) abutment located at a point from whence the NW corner of Section 21, T7S, R69W, 6th P.M., bears North 52 degrees West a distance of 1,300 feet. The approximate (right) abutment latitude is 39°25'56" North and longitude is 105°07'31" West. Decreed in Water Division 1, Case No. 04CW218. 2.2.3.8. *Quincy Reservoir* (WDID #203375). Quincy Reservoir is an off-channel reservoir located in the NE/4, E/2 of the NW/4, and N/2 of the SE/4 of Section 9, and the S/2 of the NW/4, N/2 of the SW/4 of Section 10, T5S, R66W, 6th P.M., in Arapahoe County, Colorado. The approximate (right) abutment is latitude 39°38'15" north, and longitude 104°46'36" west, which point is also described as a point in the NE/4 of the NE/4 of Section 9, T5S, R66W, 6th P.M. that lies 370 feet from the north line and 1,145 feet from the east line of Section 9. Decreed in Water Division 1, Case No. 03CW415. 2.2.3.9. *Aurora Reservoir* (WDID #203379). The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Sections 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., in Arapahoe County, Colorado. The east-end of the dam (right) abutment is located at a point from whence the northwest corner of Section 15, T5S, R65W, 6th P.M. bears north 45° west a distance of 2,970 feet, which point is also described as a point in the SE/4 of the NW/4 of Section 15, T5S, R65W, 6th P.M. that lies 2,110 feet from the north line and 2,105 feet from the west line of Section 15. The approximate (right) abutment is latitude 39°37'06" north, and longitude 104°39'11" west. Decreed in Water Division 1, Case No. 03CW415. 2.2.3.10. *Gravel Pit Reservoir A and Aquifer Recharge and Recovery Facility A ("ARR-A")* (WDID #203043 and #203042) located on all or portions of the following quarter-sections, all located in T1N, R67W, 6th P.M.; the S/2 of Section 13, and the N/2 of the NW/4 of Section 24, in Weld County, Colorado. Decreed in Water Division 1, Case No. 06CW104. 2.2.3.11. *Aurora-Everist (Fort Lupton) Reservoir Complex No. 1* (WDID #203087). This reservoir complex is a group of interconnected gravel pits that are located on a portion of the NE/4 of Section 25, T2N, R67W, 6th P.M., and portions of the NW/4 and portions of the SW/4 of the NE/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 02CW330. 2.2.3.12. *Aurora-Everist (Fort Lupton) Reservoir Complex No. 2* (WDID #203086). This reservoir complex is a group of interconnected gravel pits located on portions of the SE/4 and SE/4 of the SW/4 of Section 25, T2N, R67W, 6th P.M., and portions of the SW/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 13CW3080. 2.2.3.13. *Stillwater Ranch Reservoir ("Walker North")*. Walker North is located in the S/2 NE/4 of Section 36, T1N, R67W of the 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 97CW392. 2.2.3.14. *Robert W. Walker Reservoir ("Walker South")*. Walker South is located on portions of the SE/4 of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 97CW272. 2.2.3.15. *Kirby-Dersham Gravel Pit Reservoir*. The Kirby-Dersham Gravel Pit Reservoir is located on portions of the NW/4 of the SE/4, the SW/4 of the SE/4, and the NE/4 of the SE/4, of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. 2.2.3.16. *Challenger Gravel Pit Reservoir*. The Challenger Gravel Pit Reservoir is located on a portion of the E/2 of the NW/4 of Section 1, T1S, R67W, 6th P.M., in Adams County Colorado. 2.2.3.17. *Aurora Tucson South Storage Facility ("Tucson South") and Aquifer Recharge and Recovery Facility B ("ARR-B")*. These facilities will occupy all or portions of the N/2 of the SE/4, the SW/4 of the SE/4, and the SW/4, all in Section 1, T1S, R67W, 6th P.M., in Adams County, Colorado. Decreed in Water Division 1, Case No. 03CW414. 2.2.3.18. *Gilcrest Reservoir*. An off-channel reservoir to be constructed within part of Section 2, T3N, R67W and parts of Sections 23, 26, 34, and 35, T4N, R67W of the 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 16CW3058. 2.2.3.19.

Bennett Gravel Pit Reservoir. An off-channel reservoir expected to be located within portions of the E1/2 of the NW1/4 and W1/2 of the NE/4 of Section 12 and portions of the SW1/4 SE1/4 of Section 1, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.2.3.20. *Everist St. Vrain Gravel Pit Reservoir.* An off-channel reservoir expected to be located within portions of W1/2 of Section 32, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.2.3.21. *Sorin Reservoir.* An off-channel reservoir expected to be located within portions of NE1/4 of Section 2, Township 4 North, Range 66 West of the 6th P.M., NW1/4 of the SW1/4 of Section 3, Township 4 North, Range 66 West of the 6th P.M., SE1/4 and E1/2 of the SW1/4 of Section 4, Township 4 North, Range 66 West of the 6th P.M., S1/2 of the SE1/4 of Section 34, Township 5 North, Range 66 West of the 6th P.M., and the SW1/4 and SE1/4 of Section 35, Township 5 North, Range 66 West of the 6th P.M., all in Weld County, Colorado. 2.2.4. Change in point of diversion. In addition to the originally decreed point of diversion for the Link Ditch (described above in paragraph 2.1.2.3.), the Applicant seeks to add the Petrie Ditch (described above in paragraph 2.1.1.3.) as an alternate point of diversion for the Link Ditch water right. 2.3. **Historical use information.** The subject water rights were used for the irrigation of grass hay and pasture lands in support of cattle operations located generally in the Sections 32 & 33, Township 8 South, and Sections 4, 5, 8 and 9, Township 9 South, Range 75 West of the 6th P.M., in Park County, Colorado. 2.3.1. The water rights have been used to irrigate approximately 295 acres of land as shown on **Exhibit A**. 2.3.2. Summaries of records of actual diversions of the Petrie Ditch and Link Ditch water rights are attached as **Exhibit C**, attached hereto. 3. **Application for Appropriative Right of Exchange.** 3.1. **Names and locations of point or structure defining exchange reach** (see **Exhibit D**, attached hereto). 3.1.1. Exchange From Point: Confluence of Tarryall Creek and the South Platte River (WDID #2301901). The Confluence of Tarryall Creek and the South Platte River is located in the Northeast quarter of the Northwest quarter of Section 16, Township 11 South, Range 71 West, 6th P.M., in Park County, Colorado. 3.1.2. Exchange To Point: Spinney Mountain Reservoir. See paragraph 2.2.3.6, above. 3.2. **Applicant requests the following appropriative right of exchange.** 3.2.1. From the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir using the points described above. 3.2.2. Rate of Exchange. 35.5 cfs, conditional. 3.2.3. Initiation of Appropriation. 3.2.3.1. The foregoing appropriations were initiated by: 1) decision by Aurora to appropriate the exchange; 2) the filing of this Application; and 3) field surveys and the posting of signs at the Exchange-From and Exchange-To Points. 3.2.4. Date of Appropriation. The date of filing this Application with the Water Court. 3.2.4.1. *Date when water was placed to beneficial use:* Not applicable. 3.2.5. Sources of Substitute Supply. The water rights to be changed under this Application. 3.2.6. Proposed Uses. All uses for which the water given as substitute supply is decreed, and which can be made by Aurora, which will include the following: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes, such purposes include, but are not limited to, 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, replacement, exchanges decreed or to be decreed, 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. 3.2.7. Place of Use. The water right that is the subject of the appropriative right of exchange is intended for use in or for the benefit of Aurora's current and future service areas served by its municipal water supply and water reuse systems and any areas within the South Platte River Basin capable of being served by the Aurora municipal water supply system, including areas served by its connections with other systems, for any water supply contracts or obligations of Aurora. Currently, Aurora is located in Township 3 South, Ranges 64, 65, 66 and 67 West, 6th P.M. in Adams County; Township 4 South, Ranges 64, 65, 66 and 67 West and Township 5 South, Ranges 65, 66 and 67 West, 6th P.M. in Arapahoe County; and Township 6 South, Ranges 65 and 66 West, 6th P.M. in Douglas County. Aurora's service area has changed from time to time and will continue to do so. Aurora may also use the water to meet its replacement or delivery obligations in Water Division 1. 4. **Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or**

modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. 4.1. Aurora is the owner of each of the storage structures identified in paragraph 2.2.3., except those identified below. On information and belief, additional owners of the lands on which storage structures are located or will be constructed are those set forth below. 4.2. **Strontia Springs Dam and Reservoir Complex.** The Strontia Springs Dam and Reservoir Complex is owned by the City and County of Denver, acting by and through its Board of Water Commissioners, 1600 West 12th Avenue, Denver, CO 80204-3412. Aurora has contract rights to use the complex. 4.3. **Walker North Reservoir.** Carl F. Eiberger, 303 S. Broadway Ste 200, Denver, CO 80209, and Holcim - WCR, Inc., 1687 Cole Blvd, Suite 300, Golden, CO 80401. 4.4. **Walker South Reservoir.** HIBE, LLC, 32706 Stagecoach Rd., Windsor, CO 80550. 4.5. **Tucson South and ARR-B site.** Holcim - WCR, Inc., 1687 Cole Blvd, Suite 300, Golden, CO 80401. 4.6. **Bennett Gravel Pit Reservoir.** Pioneer Land Company LLC, 4409 Coriolis Way, Frederick, CO 80504. 4.7. **Everist St. Vrain Gravel Pit Reservoir.** L.G. Everist Inc., 7321 E. 88th Avenue, Suite 200, Henderson, CO 80640 and Owens Brothers Concrete, 32186 Castle Court #220, Suite 201, Evergreen, CO 80439. (Total of 19 pages, including exhibits)

2022CW3186 (16CW3074), DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: PLATTE RIVER RANCH ESTATES WATER AND ROAD ASSOCIATION, TOWN OF ALMA, AND TOWN OF FAIRPLAY, IN PARK COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY. 1. Names, Addresses, E-Mail, and Telephone Numbers of Co-Applicants: Platte River Ranch Estates Water and Road Association (“Platte River Ranch Estates”), c/o Dale Fitting, President, P.O. Box 1869, Fairplay, Colorado 80440, dale.fitting@gmail.com (303) 246-3581, Town of Alma, Colorado, c/o Town Administrator, 59 E. Buckskin, P.O. Box 1050, Alma, Colorado 80420, admin@townofalma.com (719) 836-2712, Town of Fairplay, c/o Janell Sciacca, Town Administrator/Clerk, 901 Main Street/PO Box 267, Fairplay, CO 80440, jsciacca@fairplayco.us (719) 836-2622 ext. 102, Platte River Ranch Estates, the Town of Alma, and the Town of Fairplay will be collectively referred to herein as the “Co-Applicants” or individually as a “Co-Applicant.” 2. Name of Structure: Cottage Grove Reservoir. 3. Description of Conditional Water Rights: 3.1. Original Decree: Cottage Grove Reservoir was originally decreed by the District Court in and for Water Division One, State of Colorado (“Water Court”), in Case No. W-7853-78 on June 29, 1977, 3.2. Subsequent Decrees: Subsequent findings of reasonable diligence or rulings making portions absolute were entered by the Water Court in Case Nos. 83CW103 on December 3, 1986, 83CW232 on December 5, 1986, 87CW122 on October 6, 1988, 94CW178 on March 31, 1997, 03CW137 on January 22, 2004, 10CW36 on May 26, 2010, and 16CW3074 on November 9, 2016, 3.3. Legal Description: The inlet for Cottage Grove Reservoir is located in the W1/2 of the NW1/4 of Section 19, Township 9 South, Range 77 West of the 6th P.M., Park County, Colorado, at a point whence the NW corner of said Section 19 bears N. 38°54’15” W., 1,471.405 feet. *See Exhibit A*, 3.4. Source: The Middle Fork of the South Platte River, 3.5. Appropriation Dates and Amounts: August 31, 1969, for 4 acre-feet, absolute, with the right to fill and refill, conditional; January 1, 1975, for 6 acre-feet, absolute, with the right to fill and refill, conditional, 3.6. Uses: Non-consuming recreational and fish rearing, absolute. Storage of waters under exchange or augmentation plans approved by the Water Court, conditional. 4. Request to Make Absolute: As set forth above, the first fill for each of the two subject storage rights has already been made absolute, but for only some of the decreed uses. Pursuant to C.R.S. § 37-92-301(4)(e) , “[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” Accordingly, Co-Applicants hereby request that the already absolute Cottage Grove Reservoir water rights be made absolute for all decreed uses, including the previously conditional uses of storage of waters under exchange or augmentation plans approved by the Water Court, for the already absolute amount of 4 acre feet for the first fill water right with an appropriation date of August 31, 1969, and for the absolute amount of 6 acre-feet for the first fill water right with an appropriation

date of January 1, 1975. 5. Request for Findings of Reasonable Diligence: For all portions of the water rights not made absolute as requested in Paragraph 4 above, Co-Applicants herein request findings that they have exercised reasonable diligence in the development of the full remaining conditional portions of Cottage Grove Reservoir for all decreed amounts as further described in Paragraph 3 above. Such conditional portions include, but are not limited to, the two conditional refill rights for Cottage Grove Reservoir with appropriation dates of August 31, 1969, and January 1, 1975. 6. Diligence Activities: During the diligence period, Co-Applicants have performed the following activities that demonstrate they have exercised reasonable diligence in the development of the remaining conditional portions of Cottage Grove Reservoir: Co-Applicant Platte River Ranch Estates undertakes routine maintenance on Cottage Grove Reservoir. In 2020, the inlet gate from the Middle Fork of the South Platte River was reworked with reinforcement added to prevent leakage around the sides of the gate valve. Further, the channel from the inlet gate to Cottage Grove Reservoir was cleared of excess vegetation and debris and deepened to its original construction specifications. This maintenance was undertaken at a total expense of \$1,510. Each year, Co-Applicant Platte River Ranch Estates hires a ditch rider to open the inlet gate in the summer to add water to the reservoir from the Middle Fork of the South Platte River, and the ditch rider also conducts annual releases from Cottage Grove Reservoir as directed by the Water Commissioner for augmentation and exchange uses to support other owners in the water rights decreed to Cottage Grove Reservoir. During the diligence period, ditch rider services cost a total of \$700 in expenses. During the diligence period, residents of Co-Applicant Platte River Ranch Estates continued to utilize Cottage Grove Reservoir for the decreed uses of non-consuming recreational and fish rearing. In addition, the water storage right for Cottage Grove Reservoir is an integral part of Alma's municipal water supply system, which provides water within Alma. 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, Alma operated its plan for augmentation decreed in Case No. 12CW195, for which the Cottage Grove Reservoir storage right is a source of augmentation. Alma's staff spent time maintaining and operating its water rights, including accounting of diversions and meter readings for its plan for augmentation. In addition, Alma filed a diligence application and obtained a decree in Case No. 2020CW3108 for diligence for certain other rights that are an integral part of the Case No. 12CW195 augmentation plan, including an exchange from Cottage Grove Reservoir. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. 7. Land Ownership: Co-Applicant Platte River Ranch Estates. WHEREFORE, Co-Applicants respectfully request that the Court enter an order (1) granting Co-Applicants' request to make the first fill water storage rights for Cottage Grove Reservoir absolute for all decreed uses as further described in Paragraph 4 above; (2) granting Co-Applicants' request for findings of reasonable diligence for all remaining conditional portions of the water storage rights for Cottage Grove Reservoir as further described in Paragraph 5 above; and (3) granting such other and further relief as deemed appropriate.

(8 pages)

2022CW3187 EVERGREEN MEMORIAL PARK, INC., 26624 N. Turkey Creek Road, Evergreen, CO 80439, and **HOMESTEAD WATER COMPANY**, 6949 Highway 73, Suite 15, Evergreen, CO 80439. Matthew S. Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN JEFFERSON COUNTY**. Names of Structures: Buffalo Meadows Well Nos. 1-35, Homestead Well Nos. 1-60, Buffalo Park Exchanges. Description of Conditional Water Rights: Originally decreed in Case No. 94CW290, District Court, Water Division 1, on October 16, 2006. A decree finding reasonable diligence for the conditional water rights entered in Case No. 16CW3022 on November 10, 2016. The period of diligence which is the subject of this application is from the date of decree in Case No. 16CW3022 being November 2016. Location: (i). Buffalo Meadows Well Nos. 1-35: The wells will be located in the SE 1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County, as

more particularly described in the attached Exhibits "A-1" and "A-2." The exact locations of the wells will not be determined until subdivision plats are finalized and individual building sites are investigated further.

(ii). Homestead Well Nos. 1-60: The wells will be located in parts of the W 1/2 of Section 27, the S 1/2 N 1/2 and the S 1/2 of Section 28, the SE 1/4 of Section 29, all West of U.S. Highway 285 and South of North Turkey Creek Road, and the E 1/2 of Section 32 and the W 1/2 of Section 33, all in Township 5 South, Range 70 West, 6th P.M.; and the NW 1/4 NW 1/4 of Section 3 and the NW 1/4 NE 1/4 and the SW 1/4 of Section 4 between U.S. Highway 285 and South Turkey Creek Road, and the NW 1/4 NW 1/4 of Section 4 and the NE 1/4 NE 1/4 of Section 5, all West of U.S. Highway 285, all in Township 6 South, Range 70 West, 6th P.M., Jefferson County, as more particularly described in the attached Exhibits "A-3" and "A-4." The exact locations of the wells will not be determined until the Homestead Subdivision is reconfigured and individual building sites are investigated further.

Buffalo Park Exchanges: The reaches of the stream system affected by these exchanges shall include sections of Turkey Creek and its tributaries. The downstream point for each exchange is the confluence of Bear Creek and Turkey Creek at Bear Creek Lake in Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The exchanges shall extend upstream to points on North Turkey Creek, South Turkey Creek, and Iowa Gulch. One arm of the exchange extends from the confluence of Bear Creek and Turkey Creek; thence up Turkey Creek to its confluence with North Turkey Creek in the NW 1/4 NW 1/4, Section 27, Township 5 South, Range 70 West, 6th P.M.; thence up North Turkey Creek to the S 1/2 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. A second arm of the exchange extends from the confluence of Bear Creek and Turkey Creek; thence up Turkey Creek to its confluence with South Turkey Creek in the NW 1/4 NW 1/4, Section 27, Township 5 South, Range 70 West, 6th P.M.; thence up South Turkey Creek to its confluence with Iowa Gulch in the NW 1/4 SW 1/4 of Section 27, Township 5 South, Range 70 West, 6th P.M., Jefferson County; and thence up Iowa Gulch to the point where Iowa Gulch intersects the East line of Section 5, Township 6 South, Range 70 West, 6th P.M., Jefferson County.

Sources: Buffalo Meadows Well Nos. 1-35: Groundwater that is tributary to North Turkey Creek and Turkey Creek. (ii). Homestead Well Nos. 1-60: Groundwater that is tributary to North Turkey Creek, Iowa Gulch and South Turkey Creek. (iii). Buffalo Park Exchanges: Consumptive use water yielded by 7.71 shares of stock in the Harriman Ditch Company, 2.0 shares of stock in the Warrior Ditch Company and 8.71 shares of stock in the Soda Lakes Reservoir and Mineral Water Company, as quantified in Case Nos. 94CW290 and 2001CW293, and water stored in Meadowview Reservoir. Reference is made to those Decrees for more detailed information. Meadowview Reservoir is located in the NE 1/4 SW 1/4 and the NW 1/4 SE 1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County, Colorado. The inlet to the Reservoir is located at a point 2,470 feet East and 3,520 feet South of the NW corner of said Section 26. The outlet to the Reservoir is located at a point 3,000 feet East and 3,800 feet South of the NW corner of said Section 26. Meadowview Reservoir is off-channel. Water is diverted from the stream system at the following locations: (a) North Turkey Creek at a point on the North bank of the Creek in the SW 1/4 of the SE 1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County, approximately 190 feet from the South line and 2,400 feet from the East line of said Section 26. (b) An unnamed tributary of North Turkey Creek using the Evergreen Memorial Park Ditch which is located in the NE 1/4 of the SE 1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County, at a point approximately 750 feet from the East line and 1,850 feet from the South line of said Section 26. (c) Water associated with runoff originating from lands above the Reservoir, as well as springs above the Reservoir, is captured when available and in priority. A conditional water right for the Reservoir was decreed in Case No. 94CW290 with an appropriation date of December 30, 1994 for 30 acre-feet per year, and the rate of fill from North Turkey Creek and its tributaries is limited to 1 c.f.s. The source for the water right is North Turkey Creek and its tributaries, surface runoff and springs. The decreed uses are augmentation, replacement, exchange and substitution purposes. The water right for the Reservoir was decreed absolute in Case No. 16CW3022 Appropriation Date: December 30, 1994. Amount: (i). Buffalo Meadows Well Nos. 1-35 and Homestead Well Nos. 1-60: For wells that serve an individual lot: 15 gallons per minute (0.033 c.f.s.), Conditional. For wells that serve more than one lot: 100 gallons per minute (0.223 c.f.s.), Conditional. (ii). Buffalo Park Exchanges: A combined maximum flow rate year-round of 1.0 cubic foot per second, Conditional, was decreed for the MMRC and

Buffalo Park Exchanges in Case No. 94CW290. The MMRC Exchanges were decreed absolute in Case No. 16CW3022. Uses: (i). Buffalo Meadows Well Nos. 1-35 and Homestead Well Nos. 1-60: Domestic, irrigation, livestock watering and fire protection purposes for the wells used to serve the Buffalo Meadows Subdivision. Domestic, commercial, livestock watering, and fire protection purposes for the wells used to serve the Homestead Subdivision. (ii). Buffalo Park Exchanges: Replacement, augmentation and exchange purposes by shareholders of Mountain Mutual Reservoir Company pursuant to decrees entered by this Court. The Buffalo Meadows Subdivision is located in parts of the S1/2 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County, Colorado. Lots which may be served by wells augmented by the Case No. 94CW290 decree are described and depicted on the attached Exhibits A-1 and A-2, respectively. A maximum of 35 lots will be served. The Homestead Subdivision is located in parts of the W1/2 of Section 27, the S1/4 N1/4 and the S1/2 of Section 28, the SE1/4 of Section 29, all West of U.S. 285 and South of North Turkey Creek Road, and the E1/2 of Section 32 and the W1/2 of Section 33, all in Township 5 South, Range 70 West, 6th P.M., and the NW 1/4 of Section 3 and the NW 1/4 NE 1/4 and the NW 1/4 of Section 4 between U.S. Highway 285 and South Turkey Creek Road, and the NW 1/4 NW 1/4 of Section 4 and the NE 1/4 NE 1/4 of Section 5, all West of U.S. Highway 285, all in Township 6 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The land to be served includes Filing 1, Filing 3A & B, Filing 4, Blocks 1, 2, 3 and 4 and other contiguous property. The lots which may be served by wells augmented pursuant to the Case No. 94CW290 decree are described and depicted on the attached Exhibits "A-3" and "A-4", respectively. The water supply under the augmentation plan decreed in Case No. 94CW290 will provide for a maximum of 60 equivalent residential units. **CLAIM TO MAKE ABSOLUTE.** During the diligence period, the Homestead Well operated under the augmentation plan decreed in Case No 94CW290, which includes in priority pumping during the following free river periods of June 18 through July 13, 2019, November 20, 2019 through January 10, 2020, March 21 through April 6, 2020 and May 3 through May 13, 2021, and the diverted water was put to beneficial use for the decreed domestic and fire protection uses at the Homestead Subdivision. Applicants request that 14.02 gpm of the conditional water right for the Homestead Well be made absolute for domestic and fire protection uses at the Homestead Subdivision. **CLAIM FOR A FINDING OF REASONABLE DILIGENCE.** During this diligence period, in continuing the development of the conditional water rights, Applicants have been engaged in the legal defense and protection of the water rights, and have been diligent in the continued use and development of the water rights involved. The conditional water rights described herein are components of integrated water supply systems for each of the co-applicants. Work completed on any part of a unified system is considered to be diligence for conditional water rights. These activities include, but are not limited to, the following: (a) A replacement well permit was applied for and received from the State Engineer for one of the Homestead Wells decreed in Case No. 94CW290, and the replacement well was drilled at a cost of approximately \$35,000. Pump testing and water quality testing has been conducted. (b) Construction on the Wagon Rim treatment plant was completed at a cost in excess of \$350,000, and this plant is used to treat water delivered from the Homestead Well to supply water to the Homestead Subdivision pursuant to the Case No. 94CW290 decree. (c) Infrastructure improvements have been made to the water system operated by the Homestead Water Company, including over 7,000 feet of new water main to serve additional homes in the Homestead Subdivision at a cost of over \$400,000. (d) A total of 53 of the 60 tap equivalents have been committed to lots located in the Homestead Subdivision, and thirty-one homes located in the Homestead Subdivision now receive water service from the completed Homestead Well pursuant to the Case No. 94CW290 decree. (e) The Homestead Well has been operated pursuant to the augmentation plan decreed in Case No. 94CW290, including in priority pumping described above, and the pumped water has been beneficially used as described above. (f) During the diligence period, legal counsel has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Homestead Water Company whether Statements of Opposition need to be filed to protect its water rights. (g) The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be

stored, including any modification to the existing storage pool: Applicants do not propose to add or modify any diversion or storage structures pursuant to this application. WHEREFORE, Applicants request that this Court enter a decree finding that Applicants have made 14.02 gpm of the conditional water right for the Homestead Well absolute for domestic and fire protection uses described above, have exercised reasonable diligence in the development of the remaining conditional water rights, continuing the remaining conditional water rights for another diligence period, and for such other and further relief as the Court deems just and proper in the premises. 7 pages.

2022CW3188 (07CW311) LAZY BULL RANCH, LLC, 14 Maymont Way, The Woodlands, TX 77382, c/o Walt Kendall (719) 836-1922. Counsel for Applicant: William H. Caile, Kylie J. Crandall, Holland & Hart LLP, 555 17th St., Suite 3200, Denver CO 80202; telephone: (303) 295-8000; email: whcaile@hollandhart.com, kjcrandall@hollandhart.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PARK COUNTY.** 2. Name of Structure: Horseshoe Reservoir (fill right) 3. Description of Conditional Water Right: a. Original Decree: November 22, 2016, in Case No. 07CW311, Water Division 1. b. Subsequent Decree Awarding Diligence: N/A. c. Legal Description: Horseshoe Reservoir is an off-channel reservoir located in the NW 1/4 of Section 29, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado, the outlet of which is located on the south side of the Reservoir. See location map on file with the Court as Exhibit A. d. If off-channel reservoir, name and capacity of ditch or ditches used to fill the Reservoir, and legal description of each point of diversion: Baker Ditch. i. The point of diversion for the Baker Ditch is on Guernsey Gulch, in the NE 1/4 SW1/4 of Section 20, Township 7 South, Range 75 West of the 6th P.M., Park County, Colorado (NAD 83 UTM 13N 430935.59E 4364413.69N). ii. The Baker Ditch is decreed to carry “All the water in Guernsey Gulch,” limited to a total of 10.0 cfs. e. Source: Guernsey Gulch only (Applicant will not divert any water from Beaver Creek under this water right). f. Date of Appropriation: May 1, 2006. g. Amount: 80 acre-feet (absolute). Applicant is limited to one fill. If off-channel reservoir, rate of diversion in cfs for filling the Reservoir: 7.6 cubic feet per second (cfs), of which 3.5 cfs has been made absolute and 4.1 cfs remains CONDITIONAL. h. Use: Recreational, piscatorial and irrigation purposes on Applicant’s property. Recreational and piscatorial uses are limited to in-reservoir use. Applicant’s irrigation use shall be limited to 16,000 square feet depicted on Exhibit A. i. Remarks: This application for finding of reasonable diligence and to make absolute in part concerns the remaining conditional portion (4.1 cfs) of the filling right for the reservoir as described above. The absolute water storage right for Horseshoe Reservoir decreed in Case No. 07CW311 is not at issue and remains subject to the terms and conditions of that decree. 4. 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: a. In Case No. 07CW311, Water Division 1, Applicant obtained a change of water rights for certain senior ditch rights, and an absolute water storage right for Horseshoe Reservoir, together with the right to fill the reservoir at the rate of 7.6 cfs, of which 3.5 cfs was decreed absolute and 4.1 cfs remained conditional. The 07CW311 decree provided that an application for finding of reasonable diligence for the conditional portion of the fill right must be filed during the month of November 2022. b. During the diligence period, Applicant has operated the change of water rights decreed in Case No. 07CW311, and operated and maintained the Horseshoe Reservoir as decreed, including diversions through the Baker Ditch, and Applicant has measured and accounted for same. c. In 2017-2018, Applicant developed, submitted, obtained approval for and implemented a Groundwater Monitoring Plan pursuant to the terms of the 07CW311 decree. d. In 2018 and 2019, Applicant installed measurement and control devices, including splitter boxes on the Baker Ditch and return flow structures, in order to facilitate the operation and administration of Applicant’s water rights, including the subject conditional water right. e. In 2021, Applicant developed, submitted, obtained approval for, and implemented modified accounting pursuant to the terms of the 07CW311 decree. f. The Lazy Bull Ranch is a working cattle ranch with substantial acreage. During the diligence period, Applicant continued to operate the ranch including cattle rearing, grazing, irrigation and haying activities. g. Applicant has engaged the services of attorneys and consultants in furtherance of the activities described above. Applicant’s

attorneys and consultants have conducted site visits, reviewed water court resumes, and met with staff of the Division Engineer's Office in order to maintain and protect Applicant's water rights, including the subject conditional water right. h. Total expenditures on these activities during the diligence period are difficult to calculate, but it is conservatively estimated that Applicant has spent at least \$75,000 on capital improvements to the water system and legal and consulting fees alone. i. This list is not intended to be exhaustive, and Applicant reserves the right to provide additional evidence of diligence if appropriate. 5. Claim to Make Conditional Water Right Absolute in Part. In Case No. 07CW311, the Court adjudicated Horseshoe Reservoir for 80 acre-feet, absolute, with a rate of diversion for filling the reservoir of 7.6 cubic feet per second (cfs), of which 3.5 cfs is absolute and 4.1 cfs remained conditional. On or about June 7, 2019, Applicant diverted water into storage in the reservoir in priority and at a rate of 6.0 cfs. On July 12, 2019, water was diverted into storage in priority at a rate of 4.59 cfs. See Summary of Diversions and Call Records attached hereto as Exhibit B. Accordingly, Applicant requests that the subject conditional water right be made absolute in the total amount of 6.0 cfs for all decreed purposes, with any remaining conditional portions continued in full force and effect. 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: Applicant. Wherefore Applicant respectfully requests that the Court enter a judgment and decree: A. Finding that Applicant has been reasonably diligent in the development of the subject conditional water right and continuing any remaining conditional portions of the water right in full force and effect; B. Making the conditional water right absolute in part as claimed herein; and C. For such other relief as the Court deems just and proper.

2022CW3189 SPORTSMAN'S LODGE, LLC. Current Owner and Applicant: Sportsman's Colorado Cabins & RV, LLC, c/o Kelly E. Smith, 8001 Conser, Suite 200 Overland Park, KS 66204. Former Owner: Sportsman's Lodge, LLC, c/o Franklin I. Conley, 44174 Poudre Canyon Highway, Bellvue, CO 80512. Please send all future correspondence and pleadings to Daniel K. Brown, Esq., and Whitney Phillips Coulter, Esq., Fischer, Brown Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 2. Description of Conditional Water Right. 2.1 Date of Original Decree: Case No. 04CW155, District Court, Water Division No. 1., dated July 21, 2009. 2.2 Description of Structures: 2.2.1 McIsaac Well #1 2.2.1.1 Legal description of well: NE 1/4 of the SW 1/4 of Section 11, Township 8 North, Range 75 West of the 6th P.M., Larimer County, Colorado, at a point 2,514 feet North and 1,760 feet East of the SW Corner of said Section 11. 2.2.1.2 Source: Ground water tributary to the Cache la Poudre River. 2.2.1.3 Date of appropriation: June 16, 2004. 2.2.1.4 Amount: 0.05 c.f.s.—CONDITIONAL. 2.2.1.5 Use: irrigation and recreational vehicle ("RV") water supply. 2.2.2 McIsaac Well #2 2.2.2.1 Legal description of well: NE 1/4 of the SW 1/4 of Section 11, Township 8 North, Range 75 West of the 6th P.M., Larimer County, Colorado, at a point 2,388 feet North and 1,952 feet East of the SW Corner of said Section 11. 2.2.2.2 Source: Ground water tributary to the Cache la Poudre River. 2.2.2.3 Date of appropriation: June 16, 2004. 2.2.2.4 Amount: 0.11 c.f.s.—CONDITIONAL. 2.2.2.5 Use: recharge, augmentation, irrigation and recreational vehicle ("RV") water supply. 3. Outline of Continued Diligence: Applicant recently acquired the Sportsman's Lodge from the former owners on March 31, 2022. A copy of the deed is attached hereto as Exhibit A. The Sportsman's Lodge has operated during the diligence period and water has been pumped from the Wells for their decreed purposes. However, Applicant did not obtain and does not possess detailed pumping records, and the former owner is now deceased. Therefore, Applicant is not seeking to make the water rights absolute, but is claiming the continuing operation of the Sportsman's Lodge and the pumping that has occurred to operate the Lodge as proof of diligence toward completion of the conditional rights awarded in the Original Decree. In addition, since acquiring the Sportsman's Lodge, the Applicant has spent considerable time, and expended approximately \$5,000, on repair and maintenance of pumps, water supply lines, valves, shutoffs and tanks, as well as well as maintenance work on the existing recharge pond and system. 4. Right to Supplement and Present Additional Information. Applicant reserves the right to supplement this Application with additional information related to their claim for diligence and may present

additional information related to their claim for diligence before and during trial in this matter. 5. Names and addresses of owners of land 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 which the points of diversion and storage are located: 5.1 Applicant is the owner of the land upon which all structures are located. No new diversion structure(s) or modification to any existing structure(s) will take place. WHEREFORE, the Applicant respectfully requests a judgment and decree of this Court that the Applicant has diligently pursued the completion and perfection of the water rights conditionally decreed in Case No. 2004CW155, and that said water rights shall be continued as conditional water rights for a period of six years after entry of the Court's decree herein. (4 pages).

2022CW3190 APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT IN WELD COUNTY. 1. Name and Address of Applicant. YN WATER STORAGE, LLC 1001 Bannock Street, Suite 232, Denver, Colorado 80204. Copies of all pleadings to: Stephen C. Larson, Esq. and Cameron C. Frazier, Esq. Johnson & Repucci LLP 850 W. South Boulder Road, Suite 100 Louisville, Colorado 80027. **2. Name and Description of Water Storage Right.** a) *Name of Structure.* YN Pond, a lined, off-channel pond. b) *Legal Description of Structure at Location of Dam Centerline.* The dam centerline for YN Pond is located in the SW1/4 of the SW1/4 of Section 21, Township 4 North, Range 61 West of the 6th P.M., at a point with the following UTM coordinates: Zone 13, NAD83, Easting 566129.47m, Northing 4460569.79m. A map showing the general location of YN Pond is attached hereto as Exhibit A. c) *Source.* The South Platte River. d) *Name and Legal Description of Points of Diversion.* YN Pond fills from three points of diversion in the following locations: i) YN Diversion No. 1. Is located on the South Platte River at a point within 200 feet of the following UTM coordinates: Zone 13, Easting 566659.66m, Northing 4461003.95m. ii) YN Diversion No. 2. Is located on the South Platte River at a point within 200 feet of the following UTM coordinates: Zone 13, Easting 566855.74m, Northing 4460981.18m. iii) YN Diversion No. 3. Is located on the South Platte River at a point within 200 feet of the following UTM coordinates: Zone 13, Easting 566326m, Northing 4461774m. e) *Date of Appropriation.* Date of Application. The appropriation was initiated by formation of the requisite intent, coupled with actions to put third parties on notice, including the filing of this application and construction of YN Pond. f) *Amount Claimed.* 200 acre-feet, conditional, with the right to fill and refill continuously when in priority. g) *Rate of Diversion.* A total of 2.14 cfs (960 gpm) from all three points of diversion, combined. h) *Uses or Proposed Uses.* Irrigation, commercial, industrial, stock watering, recreation, piscatorial, fish and wildlife habitat, aesthetic, and fire protection purposes. Water released from YN Pond will be used as an irrigation supply for approximately 144.63 acres, as shown on the map attached hereto as Exhibit A. i) *Surface Area.* 18.22 acres. j) *Total Capacity of Reservoir.* 200 acre-feet. k) *Active Capacity.* YN Pond is one hundred percent (100%) active storage. **3. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located.** All new or modified diversion and storage structures are located on land owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court grant the claim for the water storage right for YN Pond as requested above. (4 pages, plus exhibit)

2022CW3191; Previous Case No. 16CW3066 - PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Drive, Parker, CO 80134 (Please address all correspondence and inquiries regarding this matter to Applicant's attorney: Robert F.T. Krassa, Krassa & Miller. LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303- 442-2156. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PARTLY ABSOLUTE IN DOUGLAS COUNTY. Names of structures:** Newlin Gulch Reservoir, now known as Rueter-Hess Reservoir, and Newlin Gulch Aqueducts 1 and 2. Type of structures: reservoir, pipelines and surface water diversion structures. **3. Describe conditional water right** giving the following from the Referee's Ruling and Judgment and Decree: a. Date of original decree: June 12, 1996, Case 85CW448(A), District Court, Water Division No. 1. b. Subsequent decrees awarding findings of diligence: Case 02CW117, decree dated August 19, 2003, Case 09CW113, decree dated May 4, 2010 and case 16CW3066, decree dated November 10, 2016. c. Legal description of location of structures: Newlin Gulch Reservoir. The axis of the dam intersects the thread of Newlin Gulch

at a point on the South line of Section 30, Township 6 South, Range 66 West of the 6th P.M. in Douglas County, Colorado, which point is approximately 2,400 feet east of the southwest corner of said Section 30. The northwest abutment of the dam is in the SW 1/4 SW 1/4 of said Section 30, approximately 1,300 feet east of the west section line, and approximately 550 feet north of the south section line, of said Section 30. The southeast abutment of the dam is in the NW 1/4 NE 1/4 Section 31, same range and township, approximately 1,900 feet west of the east section line and 250 feet south of the north section line, of said Section 31. These are the abutment locations as stated in the 85CW448(A) decree. Actual abutment locations, which are part of the enlargement of the reservoir described in pending case 04CW348 and under construction pursuant to a Corps of Engineers permit, are further from the thread of Newlin Gulch. However, the location where the axis of the dam crosses the thread of Newlin Gulch is unchanged. Newlin Gulch Aqueduct #1 will collect alluvial groundwater from alluvial wells located in Sections 16, 21, 27 and 34, in T.6S, R.66W., and deliver it to Newlin Gulch Reservoir. The location of those wells is fully described in the decree in Case 83CW346 dated July 30, 1992 which is recorded August 5, 1992 at reception number 9228305, Book 1076, page 1104 records of Douglas County. Additional and alternate locations for the wells which may pump to storage in Newlin Gulch reservoir were added by the decree of this Court entered June 30, 2006 in Case 01CW60, which decree was recorded July 3, 2006 at reception number 2006056119, records of Douglas County. This decree added well locations in Sections 15 and 22, same range and township. All well locations are fully described in said decree in Case 01CW60. In addition, the Decree of this Court entered February 20, 2007 in Case 04CW270 and recorded February 27, 2007 at reception number 2007016947, records of Douglas County, confirmed that the uses of such wells include storage in said reservoir. Newlin Gulch Aqueduct #2 will collect water from the surface flows of Cherry Creek by means of a low diversion dam or weir and suitable pumps. The location of said diversion as originally decreed in said Case 85CW448(A) was that said diversion dam will intersect the thread of Cherry Creek at a point on the south section line of Section 34, Township 6 South, Range 66 West of the 6th P.M. in Douglas County, approximately 1700 feet east of the Southwest Corner of said Section 34. A request to add an alternate point of diversion for this facility about 2000 feet upstream, in the SE/4NW/4 Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County at a point 2000 feet south of the north line of Section 3 and 1950 feet east of the west line of said Section 3, was granted by decree of this Court entered April 21, 2005 in Case 99CW226, which decree was recorded May 2, 2005 at reception number 2005038047, records of Douglas County. The diversion structure for Newlin Gulch Aqueduct No. 2 has been constructed at that alternate location. d. Sources of Water: Cherry Creek and its tributaries, including the tributary stream known as Newlin Gulch. e. Date of Appropriation: March 20, 1985 for water diverted from Cherry Creek and its alluvium, and June 1, 1993 for water originating in Newlin Gulch or its tributaries. f. Amounts: Newlin Gulch Reservoir - 9885 acre feet, with right to fill and refill, but not more than 24,130 acre feet of water in any calendar year may be stored in Newlin and Lake Gulch Reservoirs under the 1985 priorities. The capacity of Newlin Gulch Aqueduct No.1 will be 12 cubic feet per second. The capacity of the Newlin Gulch Aqueduct #2 will be 150 cubic feet per second. g. Use: for all municipal purposes including domestic, industrial, commercial, manufacturing, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production, for exchange, replacement, and augmentation, including the right to fill and refill when these water rights are in priority, the right to store water which was initially diverted to storage in the subject reservoirs by well injection into underground aquifers, and the right to use and re-use water diverted to storage under the subject rights to extinction, subject to Applicant's obligation to make releases to compensate for reservoir evaporation, and subject also to the provisions of paragraph 16(c) of the decree in said Case 85CW448(A). **4. Integrated System.** The said decree in Case 85CW448 provides at paragraph 21 that: Integrated Project for Diligence Purposes. The conditional water storage right granted in this decree will form a part of an integrated water supply system which will serve the municipal requirements of Applicant. The system is to be constructed pursuant to a phased development program over a considerable period of time. Large expenditures of funds will be required for development of the system and each reservoir and other part of the system will be constructed as it is needed pursuant to such phased development program. So long as this water storage right is being pursued by Applicant, as part of its municipal water supply system, expenditures on other

portions of such system including by way of example and not of limitation, Applicant's injection program and facilities, and conveyance facilities to bring water from the subject reservoirs to Applicant's location for immediate use or for injection, will satisfy the requirement to demonstrate reasonable diligence concerning this water storage right. For purposes of this paragraph, the system shall comprise the reservoirs, pipelines from the reservoirs to injection wells or to Applicant's boundary, and the injection wells themselves. **5. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures.** During the diligence period, Parker has among other things taken the following steps toward completion of the appropriation. a. Capital Improvements. During the diligence period the following capital improvements were made to Parker's water system for a total of over \$ 137 million: Ridgeway 42" water main, Canyons 36" water main, water treatment plant and various other building improvements, Canyons Well Facility, Ridgeway Well Facility and numerous water main, fire hydrant and other infrastructure. The following specific capital improvements were made to Rueter-Hess Reservoir itself: perimeter fence with actuated gate, aeration system design and water quality monitoring device, and resurface dam crest. All of these improvements increased Parker's ability to utilize the subject water rights. b. Water Court Proceedings. Parker has participated as an Opposer in various water court applications of others as necessary to protect the subject water rights. c. Rueter-Hess Reservoir is in excellent condition and is fully prepared to store water. d. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. **6. Claim to make absolute in part:** a. Dates water stored out of Cherry Creek under the subject March 20, 1985 priority: during the 2016 water year, Parker stored 6,481 acre feet of water starting November 1, 2015 and ending August 31, 2016. Parker requests that 6,481 acre feet of its 9,885 acre foot 1985 priority storage right be made absolute, and that the remaining 3,404 acre feet be continued as conditional. b. Maximum daily diversion to storage under the subject water storage right through Newlin Gulch Aqueduct No. 2 ("NGA2") was 53.69 c.f.s. (106.5 AF/day) on April 22, 2016. Parker requests that 53.69 c.f.s. of its 150 c.f.s. right 1985 priority for NGA2 be made absolute and that the remaining 96.31 c.f.s. be continued as conditional. c. Maximum daily diversion to storage under the subject water storage right through Newlin Gulch Aqueduct No. 1 ("NGA1") was 10 c.f.s. (19.85 AF/day) on June 12, 2016. Parker requests that 10 c.f.s. of its 12 c.f.s. 1985 priority for NGA1 be made absolute and that the remaining 2.0 c.f.s. be continued as conditional. d. Dates water stored out of Newlin Gulch under the subject June 1, 1993 priority: during the 2015 water year, Parker stored 1,283.7 acre feet of water starting November 3, 2014 and ending October 30, 2015. Parker requests that 1,283.7 acre feet of its 9,885 acre foot 1993 priority storage right be made absolute, and that the remaining 8,601.3 acre feet be continued as conditional. e. Supporting evidence showing that Parker diverted water in-priority and applied such water to beneficial uses: complete accounting information is available from Parker's water resource engineers, Lytle Water Solutions, LLC. f. The water was applied to beneficial use in Parker's service area. g. Parker tracks and accounts for water storage on a water year (November 1 through October 31) year basis consistent with standard practice in Water Division 1 and with its accounting system as approved by the Division Engineer. Parker also tracks, and has complied with, the requirement that not more than 24,130 acre feet of water may be stored in any calendar year under its 1985 priorities of the Rueter Hess Reservoir and Lake Gulch Reservoir water storage rights. **7. Names and addresses of owners of the land** upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Parker Water and Sanitation District owns all of such land.

2022CW3192 Applicant: GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT; 3209 W. 28th Street, Greeley, CO 80634; Phone: (970) 330-4540. Please send correspondence and pleadings to: Bradley C. Grasmick and David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone (970) 622-8181; brad@lcwaterlaw.com; david@lcwaterlaw.com. CONCERNING THE APPLICATION TO AMEND DECREE TO DESCRIBE ADDITIONAL RECHARGE FACILITIES, IN WELD COUNTY. 2. Name of Structure: Western Mutual Ditch Recharge Project. 3.

Information from previous decree. A decree was entered for the Western Mutual Ditch Recharge Project on May 22, 1991, in Case No. 1987CW304, Water Division 1. 3.1. Point of Diversion: In the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Eleven (11), Township Three (3) North, Range Sixty-seven (67) West of the 6th P.M., Weld County, Colorado at the diversion works of the Western Mutual (Hewes and Cook) Ditch on the east bank of the South Platte River. 3.2. Source: South Platte River and its tributaries. 3.3. Date of Appropriation: March 17, 1987. 3.4. Use: augmentation, recharge, augmentation replacement and exchange. 3.5. Description: Waters are diverted into the Western Mutual Ditch at its existing headgate and are allowed to percolate into the underground aquifer and flow toward the South Platte River for the purpose of developing accretions to offset out of priority depletions associated with well pumping for irrigation and other beneficial uses of water. The water so diverted may also be delivered through the ditch to facilities proximate to the ditch for such use. Applicant has an agreement with the Western Mutual Ditch Company which allows the operation of this project. 3.6. Prior Amendments. The 87CW304 Decree was previously amended by order of the Court dated October 22, 2012. Separate applications amending the decree were also filed and approved in Case Nos. 13CW13 and 14CW3129. Pursuant to stipulations with parties to the October 22, 2012 amendment incorporated into paragraph 16 of said Decree, diversions under this recharge project are limited to 13,500 acre feet in any single water year of October 1 through September 30 and count toward the 25,000 acre foot volume limit set forth in paragraph 19.4.2 of the decree entered in Case No. 05CW331. Additionally, based on stipulations entered in Case No. 05CW331 diversions under the recharge project also count toward the cumulative annual and rolling average volume limits set forth in paragraphs 24.1 and 24.2 of the 05CW331 decree. Any and all amounts of water diverted under this recharge project count toward these volumetric limitations, irrespective of whether such diversions occur pursuant to a call under this recharge project or under free river conditions. Once 13,500 acre-feet has been diverted under this recharge project in any water year (from October 1 to September 30) as described above, Applicant shall no longer be entitled to call for water under this recharge project during the same water year. 4. Description of Additional Recharge Facilities. Paragraph 9(g) in the 87CW304 Decree allows Applicant the flexibility to add proximate facilities of the recharge project through the addition of recharge facilities not previously identified by filing an amendment to the decree. The facilities to be added under this amendment are described in the following table:

Facility Name	Legal Description				SDF	Maximum Surface Area (ac)
	Quarter Quarter	Section	Distance from Section Line (ft)	Distance from Section Line (ft)		
Township 4 N, Range 66 W, 6th P.M.						
Five Rivers Recharge Pond No. 1 (South Cell)	SE NW	10	2,441 N	2,538 W	340	3.49
Five Rivers Recharge Pond No. 2 (Middle Cell)	NE NW	10	203 N	2,495 W	87	4.35
Five Rivers Recharge Pond No. 3 (North Cell)	SE SW	3	206 S	2,471 W	67	2.87

5. Remarks: The recharge ponds identified herein have been surveyed and stage capacity curves are provided as Exhibit A to the application which is on file with the Court. All water delivered to a recharge site will be measured and recorded and all recharge accretions will be determined and accounted for under the terms of the Decree entered in Case No. 1987CW304. Other than the addition of the recharge site as described herein, no other changes to the 1987CW304 decree, as previously amended, are proposed under this Amendment. 6. Name and address of owner of lands upon which water may be stored/recharged: Fiver Rivers Cattle Feeding, LLC Attention: Tom McDonald 4848 Thompson Parkway Suite 410 Johnstown, CO 80534 The original format of this application is four pages in length plus one exhibit.

2022CW3193 CHARLES MOORE, SKYLER MOORE, BENJAMIN GEARHART, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Charles Moore, Skyler Moore, Benjamin Gearhart (together “Primary Applicants”), c/o Modus Real Estate, 2079 W. 44th Avenue, Denver, CO 80211; Email: cermore@gmail.com; Telephone: (303) 305-9408; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; kap@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES.** 2. **Summary of Claims:** This Application seeks approval of a plan for augmentation including exchange for three wells to be located on the subject property, a 9-acre parcel of land located in the SE1/4 SE1/4, Section 4, Township 7 South, Range 74 West of the 6th P.M., Park County, Colorado, presently known as Geneva Creek Campground, 49355 Highway 285, Grant, Colorado 80448 (“Subject Property”). **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 3. **Name of Structures to be Augmented:** The Geneva Creek Campground Well Nos. 1-3 (“Subject Wells”) will divert groundwater from the Subject Property. The Subject Property is located in the drainage Geneva Creek, tributary to the North Fork of the South Platte River, tributary to the South Platte River. The rate of diversion for each of the three wells will not exceed 15 gallons per minute, as necessary to provide the volumes and rates of deliveries necessary to meet the demand of the uses described in Paragraph No. 5, below. Applications to construct the Subject Wells will be submitted to the Division of Water Resources before the Subject Wells are constructed. The Subject Property on which the Subject Wells will be located is shown on the map attached as **Exhibit A**. The exact location of the Subject Wells will be determined at the time of drilling and will be reflected in the well permit and construction report for the Subject Wells. Return flows from the use of the Subject Well will be through a septic tank-soil absorption systems serving the property, with return flows returning to Geneva Creek. There is an existing commercial exempt well on the Subject Property (Permit No. 289205) which is not part of this plan for augmentation and that will keep its exempt status pursuant to Section 37-92-602(1)(c), C.R.S. The pond that is visible on Exhibit A will be drained and filled in with soil and is also not part of this plan for augmentation. The Primary Applicants are under contract to purchase the Subject Property and the owner, listed below, is aware of this Application. 4. **Water Rights to be Used for Augmentation Purposes:** Applicants have entered into a contract with North Fork Associates, LLC to purchase 9.5 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.298 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Subject Wells. a. The water rights associated with the MMRC shares include the following: i. **Slaght Ditch:** In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. **Mack Ditch No. 2:** In accordance with the Decree entered in Civil Action No.

1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. b. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as “Slaght Ditch Rights.” Allocation of yield to Slaght Ditch Rights is attached as **Exhibit B**. The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credits are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC’s diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in Case No. 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water

right yields 31.8 acre-feet of consumptive use water. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the “Nickerson Ditch Rights.” The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Sections 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The Nickerson Ditch rights are claimed as an alternate replacement supply in this matter. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 5. Statement of Plan for Augmentation: This plan for augmentation will replace out-of-priority depletions associated with the Subject Wells, for indoor and outdoor uses, as described below. a. The water requirements for the Subject Wells are for 18 cabins and 9 RV spots (“Indoor Uses”) and up to 18 hot tubs (“Outdoor Use”). The estimated water requirements for the Indoor Uses are 100 gallons per day with 10% consumption based on subsurface discharge from the septic tank-soil absorption systems serving the Subject Property. The estimated requirement for Outdoor Use is 5 gallons per day and 0.0056 acre-feet per year of consumption

for each hot tub, with 100% evaporative consumption. Assumed occupancy for the Indoor Uses will be 80% for May through October and 50% for November through April. The hot tubs will be maintained 100% of the time throughout the entire year. These water requirements are based on occupancy and are intended to include indoor water use at an alternate bathroom and washing facility at the Geneva Creek Campground store. This plan will require 0.298 of an acre-foot of replacement water as shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Cabin/RV May-Oct	0.045 af/yr at 80% occupancy	27	1.210	10%	0.121	0.121	0.000
Cabin/RV Nov-Apr	0.028 af/yr at 50% occupancy	27	0.759	10%	0.076	0.000	0.076
Hot Tub	0.0056 af/tub	18	0.101	100%	0.101	0.051	0.050
Total			2.1		0.298	0.172	0.126

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.021	0.021	0.021	0.021	0.021	0.021	0.029	0.029	0.029	0.029	0.028	0.028

This equates to a maximum stream depletion of 0.22 of a gallon per minute. b. The total consumptive use water requirement will be met with 0.298 of an acre-foot of the annual yield from the Slaght/Mack Ditch Rights as described above and 0.126 of an acre-foot of space in Maddox Reservoir. (See Exhibits “B” and “C” respectively). The calculated requirements of the direct flow water rights from May through October are a total of 0.172 of an acre-foot at the point of depletion on Geneva Creek in the SE1/4 SE1/4, Section 4, Township 7 South, Range 74 West of the 6th P.M. The point of delivery of this water will be the headgate of the Slaght Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, all in Township 7 South, Range 73 West of the 6th P.M. During the irrigation season during the months of May through October, out-of-priority depletions to the stream system will be continuously augmented by MMRC foregoing the diversion of a portion of its Slaght/Mack Ditch Rights. During the non-irrigation season during the months of November through April, and at times when the Slaght Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 6. Water Exchange Project: Since the point of depletion associated with the Subject Wells are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend from the headgate of the Slaght Ditch on the South Platte River in the NE1/4 SE1/4, Section 21, and the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, all in Township 7 South, Range 73 West of the 6th P.M., thence up the North Fork of the South Platte River to the confluence of the North Fork and Geneva Creek in the NE1/4 NE1/4, Section 9, Township 7 South, Range 74 West, thence up Geneva Creek to the point of depletion in the SE1/4 SE1/4, Section 4, Township 7 South, Range 74 West. In the event that there is a senior call within the exchange project reach which precludes the exchange, the Applicants can have replacement water delivered via trucking to make

replacements above the calling water right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of November 30, 2022, at a maximum flow rate of 0.005 of a cubic foot per second. 7. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Allen and Elizabeth Gross, 49483 Highway 285, Grant, Colorado 80448. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permit(s) required for, the Subject Wells consistent with the final decree entered in this case.

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 **JANUARY 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.