

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

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**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 **OCTOBER 2022** for each County affected.

**2022CW21 (16CW13, 10CW83, 96CW843) STEVEN C. BONNER AND GAIL K. BONNER, P.O. BOX 785, Conifer, CO 80433. 303-838-6453 [steve.bonner44@gmail.com](mailto:steve.bonner44@gmail.com) APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 03-25-04 in case 96CW843, WD1. Subsequent decrees: 04-27-10 in case 10CW83 and 10-18-16 in case 16CW13, WD1. Bonner Well located NE1/4 SW1/4, S1, T8S, R76W of the 6th PM in Park County at a point approximately 1680 ft. from S. and 2400 ft. from W. of said Section 1. Michigan Hill Subdivision, also known as Georgia Pass Lookout, Lot 80, Filing 1. UTM coordinates: Easting 427913.8 Northing 4359494.3. Source: Groundwater. Appropriation date: 05-31-1979. Amount: 15 gpm, Conditional. Use: Household use.

**2022CW3144 CONIFER METROPOLITAN DISTRICT** (Conifer Metro District) c/o Michael L. Staheli, Secretary, Cordes & Company, 5299 DTC Boulevard, Suite 600, Greenwood Village, CO 80111. Please forward all pleadings, correspondence and inquiries regarding this matter to the attorneys for Conifer Metro District: Alan E. Curtis, Virginia M. Sciabarrasi, White & Jankowski LLC, 1333 West 120th Avenue, Suite 302, Westminster, CO 80234. Email: [alanc@white-jankowski.com](mailto:alanc@white-jankowski.com); [virginias@white-jankowski.com](mailto:virginias@white-jankowski.com) **APPLICATION FOR CONDITIONAL GROUND WATER RIGHT AND TO ADD A WELL TO EXISTING AUGMENTATION PLAN IN JEFFERSON COUNTY. 2.** The 01CW161 Decree and 01CW161 Augmentation Plan. The August 11, 2004 Decree in Case No. 01CW161, Water Division 1, as modified by an Order entered on May 17, 2006 (01CW161 Decree) approved among other things, an augmentation plan (01CW161 Augmentation Plan) to replace out-of-priority depletions from Village Well Nos. 1 through 5 (Village Wells 1-5). **a.** Use of Water from Village Wells 1-5. The Conifer Metro District uses water withdrawn by Village Wells 1-5 to supply water to the Village at Elk Crossing, a commercial development of approximately 30 acres located in the NW 1/4 of the SE 1/4, Section 14, Township 6 South, Range 71 West of the 6th P.M. just north of Conifer, Colorado (Development). **b.** Pumping Limit for Village Wells 1-5. The 01CW161 Decree specifies a maximum pumping rate of 50 gallons per minute (gpm) for each of the Village Wells 1-5, with a cumulative maximum annual pumping volume of 24.48 acre-feet for Village Wells 1-5 (01CW161 Pumping Limit). **3.** Purpose of Application. Village Wells 1-5 do not provide an adequate water supply for the Development. For this reason, the application in this case (Application) seeks: (1) a conditional water right for a new well (Village Well No. 6); and (2) to add Village Well No. 6 to the 01CW161 Augmentation Plan. A map showing Village Well No. 6 and Village Wells 1-5 is attached as EXHIBIT A. **4.** Application for Conditional Ground Water Right. The Conifer Metro District claims the following conditional ground water right for Village Well No. 6: **a.** Name of Structure. Village Well No. 6 (Monitoring Well Permit No. 238750). **b.** Legal Description. Located in the NW 1/4 SE 1/4 of Section 14, Township 6 South, Range 71 West, 6th P.M., 1,340 feet from the South section line and 2,170 feet from the East section line, Jefferson County, Colorado (NAD83/Zone13): UTMx: 473780.3; UTM y: 4375252.7. **c.** Source. Groundwater tributary to North Turkey Creek, a tributary of Turkey Creek, tributary to the South Platte River. **d.** Date of Appropriation. October 7, 2022, the filing date of the Application. **e.** How Appropriation Was Initiated. By filing the Application. **f.** Date Water Was Applied to Beneficial Use. Not applicable. **g.** Uses. Indoor commercial and fire protection, including the right to use, reuse and make a succession of uses to extinction. **h.** Amount. 50 gpm conditional. **i.** Depth. Approximately 775 feet. **5.** Request to Add Village Well No. 6 to 01CW161 Augmentation Plan. To ensure it can provide an adequate water supply for the Development, the Conifer Metro District requests that Village Well No. 6 be added to the 01CW161 Augmentation Plan. **a.** No Prior Village Well No. 6 Operations. Village Well No. 6 is currently permitted as a monitoring well. Village Well No. 6 has not been operated as of the date of the Application and is not the subject of or included in

any prior decree. **b.** Village Well No. 6 to Be Operated Under 01CW161 Decree Terms. All out-of-priority depletions from pumping Village Well No. 6 will be accounted for and replaced under the terms of the 01CW161 Decree in the same manner as Village Wells 1-5. **c.** Village Well No. 6 Subject to 01CW161 Pumping Limit. Pumping of Village Well No. 6 in combination with Village Wells 1-5 will not exceed the 01CW161 Pumping Limit. **6.** No Other Changes to 01CW161 Decree. The Conifer Metro District does not seek any changes to the 01CW161 Decree beyond those specifically requested in the Application. **7.** Owner of Land Where Village Well No. 6 is Located. The Conifer Metro District owns the land where Village Well No. 6 is located. (4 pages, 1 exhibit)

## **22CW3145 Town of Castle Rock v. State Engineer, et al - Complaint**

**2022CW3146 STEVE KOETS**, 4580 Christensen Lane, Littleton, CO 80123. **LOUIS PENDLETON**, 4550 Christensen Lane, Littleton, CO 80123. **Matthew S. Poznanovic**, **Eric K. Trout**, **Hayes Poznanovic Korver LLC**, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION IN JEFFERSON COUNTY. Decreed water right for which change is sought:** Name of structure: Coon Creek Ditch (Ditch No. 205-1/2) (WDID 0801301). Original decree. Entered July 2, 1928, CA 996, District Court, Douglas County, Colorado. Legal description of structure as described in CA 996 decree that adjudicated location. The ditch is 6600 feet long and runs from Coon Creek Reservoir in an easterly direction and begins at a point bearing North 61 degrees 15 minutes West 1361.5 feet from the East quarter corner of Section 24, Township 5 South, Range 69 West, Jefferson County, as depicted on the attached Exhibit A. Source. Coon Creek (flow in said ditch from Coon Creek Reservoir and from seepage and drainage water from surrounding grounds). Appropriation date for Priority No. 243-2/3: June 2, 1904. Amount. Priority 243-2/3: 6.5 c.f.s., absolute. Use. Irrigation. **Detailed description of proposed change in a surface point of diversion:** Applicants request a simple change in point of diversion for 3.5 cfs of the Coon Creek Ditch water right, pursuant to § 37-92-305(3.5), C.R.S., from the original headgate location to a new point of diversion on Coon Creek located at the following location: At a point on Coon Creek located in the NE 1/4 SE 1/4 of Section 24, Township 5 South, Range 69 West, 6th P.M., Jefferson County, Colorado, with UTM coordinates 495299 m E, 4383576 m N, Zone 13, NAD83, as depicted on the attached Exhibit A. This new point of diversion is approximately 1,318 feet downstream from the original point of diversion. The Coon Creek Ditch will be used for the same purposes as originally decreed and will utilize the same source as originally decreed. There are no intervening diversions or inflows between the nearest point on Coon Creek to the original decreed point of diversion and the new existing point of diversion and the simple change will not result in diversion of a greater flow or amount of water than originally decreed to the water right. The new point of diversion is an existing diversion structure. **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:** Leawood Metro Park and Rec District, 6253 S Depew Ct., Littleton, CO 80123. WHEREFORE, Applicants respectfully request that this Court enter a decree approving the simple change in surface point of diversion as described above. 4 pages.

**2022CW3147 SOANES INVESTMENTS, LLC**, c/o “Thornecroft,” 17 Greenway Hutton Mount, Brentwood Essex, UK CM13 2NR. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL RIGHTS ABSOLUTE IN PARK COUNTY.** Please send all pleadings and correspondence to: **William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC**, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111. 1. Original Decree. The original decree was entered by the District Court in and for Water Division 1, State of Colorado (“Water Court”) on October 18, 2016 in Case No. 15CW3123. 2. Description of Conditional Ditch Diversion Rights. a. Name of Structures. Eight Mile Ranch Headgate Nos. 1-4. b. Legal Descriptions and Locations. i. Eight Mile Ranch Headgate No. 1: The point of diversion is described by the following UTM coordinates: Zone 13, NAD 83, True North; Easting: 421141.00\_m E and Northing: 4350820.00 m N. ii. Eight Mile Ranch

Headgate No. 2: The point of diversion is described by the following UTM coordinates: Zone 13, NAD 83, True North; Easting: 421323.00\_m E and Northing: 4350568.00 m N. iii. Eight Mile Ranch Headgate No. 3: The point of diversion is described by the following UTM coordinates: Zone 13, NAD 83, True North; Easting: 421668.00\_m E and Northing: 4350221.00 m N. iv. Eight Mile Ranch Headgate No. 4: The point of diversion is described by the following UTM coordinates: Zone 13, NAD 83, True North; Easting: 421663.00\_m E and Northing: 4350214.00 m N. c. Source. The South Fork of Park Gulch, tributary to Park Gulch, Tarryall Creek, and the South Platte River. d. Appropriation Date. August 28, 2015. e. Amount. 1.25 cfs for each of the four headgates, conditional. Cumulative diversions shall not exceed 3.5 cfs. f. Uses. Irrigation and stock watering. Irrigation shall be limited to on the lands shown in **Exhibit A**. 4. Description of Conditional Springs Rights. a. Name of Structure. Warm Spring, Old Homestead Spring, and Horseshoe Spring. b. Legal Descriptions and Locations. i. Warm Spring: The point of diversion is described by the following UTM coordinates: Zone 13, NAD 83, True North; Easting: 421306.35 m E and Northing: 4350611.26 m N. ii. Old Homestead Spring: The point of diversion is described by the following UTM coordinates: Zone 13, NAD 83, True North; Easting: 421886.00 m E and Northing: 4350690.00 m N. iii. Horseshoe Spring: The point of diversion is described by the following UTM coordinates: Zone 13, NAD 83, True North; Easting: 421822.78 m E and Northing: 4350763.12 m N. c. Source. Natural springs tributary to the South Fork of Park Gulch, Park Gulch, Tarryall Creek, and the South Platte River. d. Appropriation Date. August 28, 2015. e. Amount. i. Warm Spring: 15 gpm conditional. ii. Old Homestead Spring: 15 gpm conditional. iii. Horseshoe Spring: 15 gpm conditional. f. Uses. Irrigation and stock watering. Irrigation shall be limited to on the lands shown in **Exhibit A**. g. Remark: Horseshoe Spring fills a natural stock tank that is located at the point of diversion. 5. Detailed Outline of Work Done to Complete the Project and Apply Water to Beneficial Use. During the diligence period, the Applicant engaged in the following specific activities that demonstrate diligence toward the application of water to the decreed beneficial uses: a. Applicant installed 12-inch wide flumes at Eight Mile Ranch Headgate Nos. 1-4. b. Applicant diverted 1.25 cfs at Headgate No. 1 from May 2, 2019 to June 10, 2019 and on May 26, 2022. c. Applicant diverted 1.25 cfs at Headgate No. 2 on June 3, 2019 and June 18, 2019. d. Applicant diverted 0.99 cfs at Headgate No. 3 from May 13, 2019 to June 10, 2019. e. Applicant diverted 1.25 cfs at Headgate No. 4 on May 2, 2019, and from May 13, 2019 to June 10, 2019. f. Applicant employed a ranch manager to ensure proper management of irrigation and care for livestock. g. In addition to making beneficial use of water diverted at from Headgate Nos. 1-4, as described above, Applicant continued to beneficially use Warm Spring, Old Homestead Spring, and Horseshoe Spring. The above activities demonstrate the Applicant's diligent efforts to fully develop and place the above ditch diversion rights and spring rights to beneficial use for their full decreed amounts. As a result, it is appropriate for the Water Court to continue the portions not made absolute herein in full force and effect. 6. Claim to Make Water Rights Absolute. During this diligence period, Applicant made 1.25 cfs absolute for Headgate No. 1, 1.25 cfs absolute for Headgate No. 2, 0.99 cfs absolute for Headgate No. 3, and 1.25 cfs absolute for Headgate No. 4. The 0.26 cfs not made absolute for Headgate No. 3 remains conditional. The 15 gpm not made absolute each for Warm Spring, Old Homestead Spring, and Horseshoe Spring remains conditional. 7. Names and Addresses of Owners of Land Upon Which Structures Are or Will Be Located, Upon Which Water Is Or Will Be Stored, Or Upon Which Water Is or Will Be Placed to Beneficial Use. Applicant. WHEREFORE, Applicant requests that the Court enter an order finding that (1) 1.25 cfs is made absolute for Headgate Nos. 1, 2, and 4; (2) 0.99 cfs is made absolute for Headgate No. 3; and (3) reasonable diligence has been exercised in the development of these conditional water rights and that 0.26 cfs of Headgate No. 3 and 15 gpm each of Warm Spring, Old Homestead Spring, and Horseshoe Spring be continued as conditional. (5 pages, 1 exhibit).

**2022CW3148 (84CW26, 94CW139, 02CW39, 08CW280, 15CW3072) TOWN OF LOCHBUIE,** ("Lochbuie") c/o Town Administrator, 703 Weld County Road 37, Lochbuie, CO 80603, [bcbroom@lochbuie.org](mailto:bcbroom@lochbuie.org), (303) 655-9308. Please direct all correspondence to Steven P. Jeffers, Matthew Machado, and Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027, Telephone: (720) 726-3671, [sjeffers@lyonsgaddis.com](mailto:sjeffers@lyonsgaddis.com), [mmachado@lyonsgaddis.com](mailto:mmachado@lyonsgaddis.com). **APPLICATION**

**FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN WELD COUNTY, COLORADO** 2. **Decreed names of structures:**

Lochbuie Water Company Well Nos. 1, 2, 4, and 5, are referred to as LWC Wells 1, 2, 4, and 5. LWC Wells 1 and 2 are also known as Town of Lochbuie Wells Nos. 6 and 7 respectively to distinguish them from Town of Lochbuie Well Nos. 1 and 2 adjudicated in a different case. 3. **Describe the conditional water rights (as to each structure) from Judgment and Decree:** A. **Date of original decree, case no., and court, for all wells:** The District Court for Water Division No. 1 entered the original decree on August 24, 1988 in Case No. 84CW26, and diligence decrees on February 13, 1996 in Case No. 94CW139, on December 16, 2002 in Case No. 02CW39, on June 16, 2009 in Case No. 08CW280, and on October 4, 2016 in Case No. 15CW3072. B. **Legal description:** A map showing the location of the wells is attached as **EXHIBIT A**. i. **LWC Well 1.** a/k/a Town of Lochbuie Well No. 6 (Permit No. 6063-F-R, Structure ID 7011) is located in the SW 1/4 SE 1/4, Section 36, T1N, R66W, 6th P.M., Weld County, Colorado, 1000 feet from the South and 1,500 feet from the East section lines. ii. **LWC Well 2.** a/k/a Town of Lochbuie Well No. 7 (Permit No. R-11952-F, Structure ID 7012) is located in the SW 1/4 SE 1/4, Section 36, T1N, R66W, 6th P.M., Weld County, Colorado, 900 feet from the South and 1,550 feet from the East section lines. iii. **LWC Well 4.** (Permit No. 3033-F, Structure ID 8645) is located in the SE 1/4 NE 1/4, Section 36, T1N, R66W, 6th P.M., Weld County, Colorado, 2,600 feet from the North and 1,200 feet from the East section lines. iv. **LWC Well 5.** (Permit No. R-0196, Structure ID 8646) is located in the NW 1/4 NE 1/4, Section 36, T1N, R66W, 6th P.M., Weld County, Colorado, 1,200 feet from the North and 1,500 feet from the East section lines. C. **Source of water:** For all structures, groundwater tributary to the South Platte River. D. **Appropriation date:** January 31, 1984, for all structures. **Amounts:** **LWC Well 1:** 4.04 cfs, 1,725 acre-feet per year, remains CONDITIONAL. 0.40 cfs was decreed absolute in Case No. 15CW3072. **LWC Well 2:** 2.44 cfs, 946 acre-feet per year, CONDITIONAL. **LWC Well 4:** 2.67 cfs, 350 acre-feet per year, CONDITIONAL. **LWC Well 5:** 2.0 cfs, 264 acre-feet per year, CONDITIONAL. E. **Uses:** Municipal, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife. F. **Depth:** Well No. 1: 90 feet. Well No. 2: 91 feet. Well No. 4: 72 feet. Well No. 5: 81 feet. 4. **Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures on Lochbuie's Wells and related facilities:** A. During the current diligence period, the Town obtained decrees in Case No. 18CW3131 for diligence on the Lochbuie United Reservoir Storage Right used as an augmentation source for the subject wells, Case No. 18CW3054 for LIRF credits from pumping the subject wells, Case No. 19CW3148 for change of Fulton Ditch water rights to replace depletions from the subject wells in the Town's augmentation plans, and Case No. 20CW3129 with FRICO for diligence on FRICO's direct flow water right used in a plan for augmentation that includes the subject wells. B. Lochbuie cleaned and rehabbed Town of Lochbuie Well No. 2 in 2016 at a cost of \$76,000 and installed cathodic protection on the Town's storage tank at a cost of \$47,800. C. Lochbuie's consultants JVA, Inc. completed a Water System Master Plan on January 6, 2017. D. The Town designed a new elevated water storage tank in 2018 at a cost of \$200,000. E. Lochbuie participated in numerous water rights cases as an objector over the past 6 years to protect the conditional water rights decreed to the subject wells. F. The Town participated in various water quality protection activities to protect these water rights, including commenting on land use applications near the Town's well field. G. The Town has assisted in the study of local aquifer characteristics and recharge capabilities near the Town's well field. H. In December 2019, the Town replaced the meters on Town of Lochbuie Wells 1, 2 and Town of Lochbuie Well No. 6 (LWC Well 1) and tested those meters to make sure the wells were in compliance with the Groundwater Measurement Rules. I. In June 2020, Town of Lochbuie Well No. 6 (LWC Well 1) was connected to the Town's water treatment plant to supplement the treated water supply from Town of Lochbuie Well Nos. 1 and 2 after previously being used primarily to irrigate parks, landscaping and school fields. The Town also cleaned both water storage tanks in 2020 at a cost of \$7,600. J. As part of the Water Plant expansion over the past 6 years, the Town removed a 100 g.p.m. RO skid and installed 2 each 300 g.p.m. RO skids; installed new SCADA; made chemical storage improvements; and other capital improvements at a cost of \$2,189,000. K. The Town replaced membranes in RO #1 in 2020 and RO #4 in 2022 at a cost of \$89,000. L. The total amount

of expenditures during the past six years for these activities was in excess of \$2,609,400, which amount is exclusive of water court legal and engineering fees, and Town staff's time. 5. **Claim to make absolute in whole or in part:** A. On July 29, 2022, the Town diverted water from LWC Well 1 (Town of Lochbuie Well No. 6) at a rate of 1003 gpm (2.24 cfs) and applied the water to municipal use, as shown in the pumping record attached as part of **EXHIBIT B**. That rate includes 178.5 gpm (0.40 cfs) previously made absolute and an additional 824.5 gpm (1.84 cfs). The total volume diverted for beneficial use in 2022 was 266.78 acre-feet. The Town requests that the conditional water right for LWC Well 1 (Town of Lochbuie Well No. 6) be made absolute in the amount of 1003 gpm (2.24 cfs) and 266.78 acre-feet. B. The water was applied to beneficial use within the Town's service area depicted on attached **EXHIBIT A**. C. Applicant's diversion rates and volumes are shown on attached **EXHIBIT B**. 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.** The applicant must notify these persons that the applicant is applying for this water right and certify to the Court that the applicant has done so by no later than 14 days after filing this Application. The Town owns all wells and well sites or has easements for such well sites. WHEREFORE, the Town requests that this Court enter a decree finding and determining that: 1. The Town has exercised reasonable diligence in the development of the conditional rights; and 2. Making the conditional water right for LWC Well 1 (Town of Lochbuie Well No. 6) absolute in the amount of 1003 gpm (2.24 cfs) and 266.78 acre-feet per year. 3. Continuing the remaining amounts of the conditional water rights for LWC Wells 1, 2, 4 and 5 for an additional six years following entry of the decree in this case. Number of pages in application: 6, excluding exhibits.

**2022CW3149 LOWER POUUDRE AUGMENTATION COMPANY, NEW CACHE LA POUUDRE IRRIGATING COMPANY AND THE CACHE LA POUUDRE RESERVOIR COMPANY, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646, (970) 352-0222.** 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 TO ADD MEMBER WELLS IN CONSOLIDATED CASES 2004CW25/2006CW295 IN LARIMER AND WELD COUNTIES.** 2. Augmentation Plan: Applicant operates a plan for augmentation ("LPAC Plan") decreed in Consolidated Case Nos. 2004CW25/2006CW295, Water Division No. 1, entered on January 21, 2014 ("LPAC Decree"). Paragraph 24.1.1 of the LPAC Decree allows for the addition of Member Wells. 3. Wells to be added to the LPAC Decree: The structures that are augmented in the LPAC Plan are listed on Exhibit C to the LPAC Decree. Applicants propose to add the wells described below into the LPAC Decree as structures to be augmented.

Well name	Owner	Permit	Twn	Range	Section	1/4 / 1/4	1/4	W(ft)	X(Ft)	T(gpd/ft)	Sy
Acre Farms Well 1	Acre Farms, LLLP	TBD	6N	64W	36	SW	SE	13194	4675	116741	0.2
DeHaan Pond - Livestock	Great Western Dairy	TBD	7N	65W	17	NW	NE	11112	8668	39838	0.2

The Acre Farms Well 1 and the DeHaan Pond - Livestock ("Wells") will be operated, and all out-of-priority depletions replaced, in accordance with the terms and conditions of the LPAC Decree. No decreed priorities are sought by this application. The Wells to be added with this Application will divert through existing structures already augmented under the LPAC Decree. The Acre Farms Well 1 will operate for livestock watering under a new permit issued to the same structure as well permit no. 3792-F, WDID 0105602. The DeHaan Pond - Livestock will operate for livestock watering under a new permit issued to the DeHaan Pond, WDID 0110657. The Wells may only operate under the LPAC Plan so long as valid well permits are

in place. Acre Farms, LLLP and Great Western Dairy are in the process of obtaining the requisite permits for the Wells before augmentation can occur under the LPAC Plan. 4. Names and Addresses of Owner of the Wells: Acre Farms, LLLP, 29532 County Road 64, Gill, Colorado, 80624; Great Western Dairy, 39390 County Road 39, Ault, CO 80610. 5. Names and Addresses of Landowners: The land on which the Acre Farms Well 1 exists is owned as follows: Acre Farms, LLLP, 29532 County Road 64, Gill, Colorado, 80624. The land on which the DeHaan Pond - Livestock exists is owned by L&M Farms LLC, 4089 Grand Park Drive, Timnath, Colorado, 80547. (3 pages).

**2022CW3150 TOWN OF CASTLE ROCK**, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000, [mmarlowe@crgov.com](mailto:mmarlowe@crgov.com). Serve all pleadings on: Madoline Wallace-Gross, Alison Gorsevski, Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, [mwg@lyonsgaddis.com](mailto:mwg@lyonsgaddis.com); [agorsevski@lyonsgaddis.com](mailto:agorsevski@lyonsgaddis.com); [abasile@lyonsgaddis.com](mailto:abasile@lyonsgaddis.com). **APPLICATION FOR CHANGE OF WATER RIGHTS IN DOUGLAS COUNTY.** **2. Purpose of Application.** Applicant owns 1.665 cfs (absolute) of 20.00 cfs of the High Line Ditch (aka High Line-East Plum Creek Ditch) water rights (“High Line Water Rights”). By this Application, Applicant seeks to move the High Line Water Rights’ point quantification on East Plum Creek (“Existing Measuring Point”) decreed in Case Nos. 81CW49, 95CW114, 00CW78, and 09CW166 (“Change Decrees”) to a new location on East Plum Creek (“New Measurement Point”). Maps showing the Existing Measuring Point and the New Measurement Point are attached as **Exhibits A and B**. The change is necessary because beaver dams have made location of the Existing Measuring Point unsuitable for river administration. Applicant does not seek any other changes to the High Line Water Rights. Applicant will continue to operate the High Line Water Rights in accordance with the terms and conditions of the Change Decrees, as amended by this Application, including but not limited to compliance with flow rate and volumetric limits and the satisfaction of return flow obligations. **3. High Line Ditch Water Rights.** A. Original Adjudication: District Court, Douglas County, entered on December 10, 1883. i. *Legal Description:* The High Line Ditch headgate was originally decreed at NE1/4 NE1/4 Sec. 4, T9S, R67W of the 6th P.M., Douglas County. ii. *Source:* East Plum Creek, tributary to South Platte River. iii. *Uses:* Irrigation. iv. *Appropriation Dates and Amounts:*

Priority	Appropriation Dates	Decreed Amounts (cfs)	Applicant’s Ownership (cfs)
57	September 1, 1871	3.52	0.585
73	June 30, 1873	1.4	0.233
102	June 30, 1878	15.08	0.848
	<b>TOTAL</b>	<b>20.0</b>	<b>1.665</b>

B. Previous Changes of the High Line Ditch Water Rights. i. *Case No. 81CW49:* By the decree entered on December 31, 1984, the consumptive use credits attributable to the High Line Ditch Water Rights (“CU Credits”) were quantified, and the point of diversion was changed to six alternate points of diversion located in the NW1/4 Sec. 34, T8S, R67W of the 6th P.M. (*i.e.*, the Young Wells) for irrigation. Applicant abandoned the six alternate points of diversion by a notice filed in the case dated April 19, 2022. ii. *Case No. 95CW114:* By the decree entered on June 11, 1996, the High Line Water Rights were further changed to allow for irrigation, storage, and augmentation uses. iii. *Case No. 00CW78:* By the decree entered on April 22, 2002, the High Line Water Rights were further changed to allow use for augmentation purposes for post-pumping depletions associated with a not nontributary well, pursuant to Case No. 95CW114. Applicant does not use the CU Credits for augmentation pursuant to this decree but may in the future. iv. *Case No. 09CW166:* By the decree entered on October 2, 2013, the High Line Water Rights were further changed to authorize use for Applicant’s municipal, industrial, exchange, and replacement purposes, including the right to fully consume the CU Credits during the first use; use within Applicant’s existing and future water service area, or any extra-territorial areas in which the Applicant contracts to provide water deliveries; and to store the High Line Water Rights in Chatfield Reservoir. Applicant operates this decree. C. Use of the High Line Ditch Water Rights for Augmentation, Pursuant to Case No. 95CW114. i. *Case*

*No. 95CW240*: By the decree entered on December 31, 1996, the High Line Water Rights were designated as an augmentation source for post-pumping depletions associated with not nontributary wells, pursuant to Case No. 95CW114. Applicant does not use the CU Credits for augmentation pursuant to this decree but may in the future. ii. *Case No. 95CW16*: By the decree entered on December 4, 1997, the High Line Water Rights were designated as an augmentation source for post-pumping depletions associated with not nontributary wells, pursuant to Case No. 95CW114. Applicant does not use the CU Credits for augmentation pursuant to this decree but may in the future. iii. *Case No. 00CW78*: See paragraph 3.B.iii above. D. Existing Measurement Point Descriptions. Under the terms of the Change Decrees, Applicant is required to measure stream flows in East Plum Creek to determine the physical and legal availability of the High Line Water Rights for Applicant's changed uses. The measuring point is described several ways in the Change Decrees. Paragraph 6(b) of the decree in Case No. 81CW49 identified the location of the measurement as being "a point on Applicant's property upstream of the wells described in this decree." Paragraph 7.A.1 of the decree in Case No. 95CW114 incorporated the location of the measurement by reference to the decree in Case No. 81CW49. Paragraph 11.B. of the decree in Case No. 00CW78 and paragraph 31.A.iii of the decree in Case No. 09CW166 identify the location as being "at a location near the existing bridge across East Plum Creek on the Bell Mountain Ranch Property located in the S1/2 NW1/4 Sec. 34, T8S, R67W, of the 6th P.M." Applicant believes all descriptions were intended to refer to the same location, which are collectively referred to as the Existing Measurement Point. **4. Change of Existing Measurement Point**. Applicant seeks to move the Existing Measurement Point to the New Measurement Point, located in the NE1/4 SE1/4 Sec. 22, T8S, R67W, of the 6th P.M., at a point 2620 feet from the south line and 650 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 511233, Northing 4354541. The New Measurement Point is approximately 9,200 feet downstream of the Existing Measurement Point, and there are no intervening diversions or inflows between the points. Upon approval of this Application (or a substitute water supply plan pursuant to C.R.S. § 37-92-308(4)), Applicant will utilize the New Measurement Point to measure stream flows in East Plum Creek to determine the physical and legal availability of the High Line Water Rights for Applicant's changed uses under the Change Decrees. **5. Owners of land upon which structures are or will be located**. Applicant. WHEREFORE, Applicant respectfully requests the Court to enter a decree approving the change of the High Line Water Rights as described herein. Number of pages in application: 6, excluding exhibits.

**2022CW3151 Della Terra, LLC**, c/o Pamela Amelang, President, 3501 Fall River Road, Estes Park, CO, 80517. Please send all further pleadings to: Sara J.L. Irby, Esq. and Whitney Phillips Coulter, Esq. Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR CHANGE IN DECREED POINT OF DIVERSION IN LARIMER COUNTY**. 2. Purpose of Application. The purpose of this application is to change the point of diversion for Binns Well No. 3 (Well Permit No. 11157-F), which was erroneously described in the decree entered in Case No. 07CW182, Water Court, Water Division One (the "Well"), so that the decreed location of the Well conforms to the actual location of the Well. 3. Decreed Water Right for Which Applicant Seeks a Change in Decreed Point of Diversion. 3.1. Name of Structure: Binns Well No. 3. 3.2. Original Decree. Case No. W-5597, Water Division One, decree entered October 23, 1975. 3.2.1. Legal Description of Well: The Well's original decreed location was the SW 1/4 of the NW 1/4, Section 16, Township 5 North, Range 73 West, of the 6th P.M., Larimer County, Colorado, at a point 1,528 feet South and 782 feet East of the NW corner of said Section 16. 3.2.2. Source: Groundwater. 3.2.3. Appropriation Date: August 13, 1966. 3.2.4. Amount: 0.033 c.f.s. 3.2.5. Use: Domestic and commercial 3.3. Subsequent Decree Changing Point of Diversion. Case No. 07CW182, Water Division One, decree entered on November 19, 2008. 3.3.1. Legal Description of Structure. As changed in 07CW182, the decreed location for the Well was erroneously described as the SW 1/4 of the NW 1/4, Section 16, Township 5 North, Range 73 West of the 6th P.M., Larimer County, Colorado at a point 1,603 feet South and 366 feet East from the NW corner of Section 16. An alternate point of diversion was also decreed for the Well at the location of Binns Well No. 2 (Well Permit No. 5837-F), in the SW 1/4 of the NW 1/4, Section 16, Township 5 North, Range 73 West of the 6th P.M., Larimer County, Colorado at a point 1,343 feet South and 625 feet East of the NW corner of Section 16. 3.3.2.

Decreed Source of Water. Groundwater. 3.3.3. Appropriation Date. August 13, 1966. 3.3.4. Amount. 0.033 c.f.s. 3.3.5. Use. Domestic and commercial. 3.4. Description of the Changed Point of Diversion. The location to which the Applicant seeks to change the Well's point of diversion is as described below. Such requested change does not impact the Well's decreed alternate point of diversion, as described in Section 3.3.1 above. Further, depletions from pumping of the Well will continue to be augmented under the Continental Water Bank Augmentation Plan, as decreed in Case No. 06CW63, District Court, Water Division One. 3.4.1. Legal: The SW 1/4 of the NW 1/4 of Section 16, Township 5N, Range 73 West of the 6th P.M., Larimer County, Colorado. 3.4.2. UTM Coordinates: Zone: 13; Easting: 450263.00; Northing: 4472757.00. 4. Name and addresses 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. Della Terra, LLC, is the owner of the land on which the Well is located. WHEREFORE, for the foregoing reasons, Applicant respectfully requests that the Court enter a decree granting the requested change in point of diversion for Binns Well No. 3 and any other relief as the Court deems necessary and proper. (4 pages)

**2022CW3152** Applicant: **LONG MEADOW FARM, LLC**, c/o Charles Feldpausch, 34600 County Road 31, Greeley, CO 80634. 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 FOR CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION, IN WELD COUNTY.** 2. Summary of Application: In this Application, Applicant seeks approval to change the use of the Larrick Well 1-9327-F, Permit No. 56043-F ("Larrick Well") to add an alternate point of diversion, known as the Haake Farms Well 56044, Well Permit No. 56044-F ("Haake Farms Well"). The Well Augmentation Subdistrict of the Central Colorado Water Conservancy District ("WAS") has filed a well addition case to include the Larrick Well in the WAS augmentation plan decreed under Case No. 03CW99 ("WAS Plan") under Case No. 21CW3073. **CLAIM FOR CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION** 3. Name of Structure for Which Change is Sought: Larrick Well, Permit No. 56043-F. 3.1. Description of Change Requested: Applicant seeks approval to change the Larrick Well water right to allow such water right to also be diverted at the Haake Farms Well, as described herein. The Larrick Well will be permitted to pump at either the Larrick Well or the Haake Farms Well, or both, so long as it is within the decreed and contracted limits solely for the Larrick Well. 3.2. Description of Water Right for which change is sought: 3.2.1. Name of Structure: Well No. 1-9327-F, a/k/a Larrick Well 3.2.2. Date of Decree: August 13, 1973, Case No. W-2874, Water Division 1. 3.2.3. Legal Description: SE 1/4 of the SE 1/4 of Section 31, Township 4 North, Range 59 West of the 6<sup>th</sup> P.M. Morgan County, Colorado, at a point 1200 feet north and 320 Feet west of the SE Corner of said Section 31. 3.2.4. Source of Water: Groundwater 3.2.5. Appropriation Date: May 2, 1966 3.2.6. Amount: 2.67 cubic feet per second, absolute 3.2.7. Decreed Uses: Domestic, stock watering and irrigation of approximately 300 acres in the E 1/2 of Section 31, Township 4 North, Range 59 West of the 6th P.M., Morgan County, Colorado, and in the E 1/2 of Section 6, Township 3 North, Range 59 West of the 6th P.M., Morgan County, Colorado. 3.3. Description of Alternate Point of Diversion: 3.3.1. Legal Description of Location of Haake Farms Well: SE 1/4 SE 1/4 Section 31, Township 4 North, Range 59 W of the 6th P.M. at a point 1,200 feet North and 320 feet West of the SE corner of said Section 31. 3.3.2. Source: Groundwater tributary to the South Platte River. 3.3.3. Diversion Rate: Up to 1200 g.p.m., combined maximum diversion rate for the Larrick Well and the Haake Farms Well, not to exceed 700 acre feet. 3.3.4. Use: Irrigation. 3.3.5. Remarks: Applicant is a member of the WAS Plan and is authorized to pump the Haake Farms Well for the claimed use under Contract No. 1243. All out-of-priority depletions from the Larrick Well and Haake Farms Well shall be replaced pursuant to the WAS Plan. 4. Name and Address of Owners of Structures and Land: Applicant owns both the Haake Farms Well and the Larrick Well and the lands upon which the structures are located. The original format of this application is four pages in length.



**2022CW3153 Applicant: SAND CREEK ESTATES WATER USERS ASSOCIATION;** 12826 County Road 37, Sterling, CO 80751. Please send correspondence and pleadings to: Ryan M. Donovan, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; ryan@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN LOGAN, MORGAN, AND WASHINGTON COUNTIES.**

2. Previous Decrees: 2.1. Case No. 21CW15, dated November 24, 2021. The water right associated with SCEWUA Well No. 3 was previously made absolute in Case No. 21CW15. 2.2. Case No. 13CW53, dated October 7, 2016. In Case No. 13CW53, findings of reasonable diligence were made for SCEWUA Well Nos. 2, 3, 4, 6, 7, 8 and 11. Also in Case No. 13CW53, the water rights for SCEWUA Well Nos. 5, 9, 10, and 12 were made absolute. 2.3. Case No. 05CW142, dated November 7, 2007. Finding of reasonable diligence were made for SCEWUA Wells No. 2-12. 2.4. Case No. 01CW122, dated November 5, 2002. The water right associated with SCEWUA Well No. 1 was changed to a new location in Case No. 01CW122. SCEWUA Well No. 1 is not included in this Application. 2.5. Case No. 98CW281, dated April 28, 1999. Original decree of the Water Court awarding conditional water rights to SCEWUA Well Nos. 1-12.

3. Conditional Water Rights Which are the Subject of this Application: 3.1. Name of Structure: SCEWUA Well No. 2. 3.1.1. *Owner:* Kyle and Carol Aderman, 16935 Molina Pl., Parker, CO 80134. 3.1.2. *Legal Description.* Lot 2, Sand Creek Estates First Filing, in the Northwest 1/4 of Section 21, Township 8 North, Range 53 West, 6th P.M., Logan County, Colorado, at a point 2486 feet South and 450 feet East of the Northwest Corner of said Section 21. 3.1.3. *Source.* Pierre shale. 3.1.4. *Date of Appropriation:* October 8, 1997. 3.1.5. *Amount Claimed:* 30 g.p.m., conditional. 3.1.6. *Uses:* Domestic and irrigation of 5000 square feet. 3.2. Name of Structure: SCEWUA Well No. 4. 3.2.1. *Owner:* Ryan and Nicole Timmerman, 14500 CR 29 Sterling, CO 80751. 3.2.2. *Legal Description.* Sand Creek Estates Second Filing, in the Northwest 1/4 of Section 21, Township 8 North, Range 53 West, 6th P.M., Logan County, Colorado, at a point 1907 feet South and 205 feet East of the Northwest Corner of said Section 21. 3.2.3. *Source:* Pierre shale. 3.2.4. *Date of Appropriation:* October 8, 1997. 3.2.5. *Amount Claimed:* 30 g.p.m., conditional. 3.2.6. *Uses:* Domestic and irrigation of 5000 square feet. 3.3. Name of Structure: SCEWUA Well No. 6. 3.3.1. *Owner:* Kym Schure, 12826 CR 37, Sterling, CO 80751. 3.3.2. *Legal Description:* Sand Creek Estates Second Filing, in the Northwest 1/4 of Section 21, Township 8 North, Range 53 West, 6th P.M., Logan County, Colorado, at a point 2203 feet South and 571 feet East of the Northwest Corner of said Section 21. 3.3.3. *Source:* Pierre shale. 3.3.4. *Date of Appropriation:* October 8, 1997. 3.3.5. *Amount Claimed:* 30 g.p.m., conditional. 3.3.6. *Uses:* Domestic and irrigation of 5000 square feet. 3.4. Name of Structure: SCEWUA Well No. 7. 3.4.1. *Owner:* Kym Schure, 12826 CR 37, Sterling, CO 80751. 3.4.2. *Legal Description:* Sand Creek Estates Second Filing, in the Northwest 1/4 of Section 21, Township 8 North, Range 53 West, 6th P.M., Logan County, Colorado, at a point 2201 feet South and 866 feet East of the Northwest Corner of said Section 21. 3.4.3. *Source:* Pierre shale. 3.4.4. *Date of Appropriation:* October 8, 1997. 3.4.5. *Amount Claimed:* 30 g.p.m., conditional. 3.4.6. *Uses:* Domestic and irrigation of 5000 square feet. 3.5. Name of Structure: SCEWUA Well No. 8. 3.5.1. *Owner:* Kym Schure, 12826 CR 37, Sterling, CO 80751. 3.5.2. *Legal Description:* Sand Creek Estates Second Filing, in the Northwest 1/4 of Section 21, Township 8 North, Range 53 West, 6th P.M., Logan County, Colorado, at a point 2201 feet South and 1141 feet East of the Northwest Corner of said Section 21. 3.5.3. *Source:* Pierre shale. 3.5.4. *Date of Appropriation:* October 8, 1997. 3.5.5. *Amount Claimed:* 30 g.p.m., conditional. 3.5.6. *Uses:* Domestic and irrigation of 5000 square feet. 3.6. Name of Structure: SCEWUA Well No. 11. 3.6.1. *Owner:* Caleb Diller, 15601 County Road 49, LaSalle, CO 80645. 3.6.2. *Legal Description:* Sand Creek Estates Second Filing, in the Northwest 1/4 of Section 21, Township 8 North, Range 53 West, 6th P.M., Logan County, Colorado, at a point 2534 feet South and 2013 feet East of the Northwest corner of said Section 21. 3.6.3. *Source:* Pierre shale. 3.6.4. *Date of Appropriation:* October 8, 1997. 3.6.5. *Amount Claimed:* 30 g.p.m., conditional. 3.6.6. *Uses:* Domestic and irrigation of 5000 square feet.

4. Outline of Work Toward Completion of the Appropriation During the Diligence Period. During the diligence period, Applicant and its members have continued to develop lots within the Sand Creek Estates subdivision. One dwelling has been constructed, and electricity has been installed and maintained to future well sites on several of the lots to be served by the wells which are the subject of this Application. Undeveloped lots continue to be marketed to potential purchasers. The

lot where SCEWUA Well No. 4 is located has transferred ownership in the last four months and the present owners are exploring development of the property and installation of a well. The water rights for SCEWUA Well No. 3 were made absolute. 5. Claim for Finding of Reasonable Diligence. Applicant has pursued with steady application of effort the completion of the appropriations in a reasonably expedient and efficient manner under all the facts and circumstances, and therefore, pursuant to C.R.S. § 37-92-301(4), Applicant seeks findings of reasonable diligence for the conditional water rights for SCEWUA Well Nos. 2, 4, 6, 7, 8, and 11, and an order continuing the same as conditional water rights. 6. Landowners. The groundwater wells which are the subject of this Application are located on lands owned by Applicant's members, as identified above. The original format of this application is six pages in length.

**2022CW3154** (09CW109) (16CW3024). DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO. CONCERNING THE **APPLICATION FOR WATER RIGHTS OF THE MATTHEWS FAMILY TRUST IN JEFFERSON COUNTY, COLORADO. APPLICATION FOR FINDING OF DILIGENCE IN JEFFERSON COUNTY.** 1. Name and Address of Applicant: Matthews Family Trust, c/o Deborah Matthews, Trustee, P.O. Box 26, Idledale, Colorado 80453. Direct all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Conditional Water Rights. Matthews Ranch Lot 1 Well, Matthew Ranch Lot 2 Well, Matthews Ranch Lot 3 Well, and Matthews Ranch Lot 4 Well (collectively, the "Ranch Wells"). 3. Request for Finding of Reasonable Diligence. a. Ranch Wells. i. Original Decree: The Ranch Wells were originally decreed by the District Court in and for Water Division No. 1, State of Colorado ("Water Court") on February 22, 2010 in Case No. 09CW109. ii. Legal Description of Ranch Wells: 1. Matthews Ranch Lot 1 Well: Within Lot 1 of the Matthews Ranch located in the SW1/4 of the SW1/4 of Section 23, Township 4 South, Range 70 West of the 6th P.M. 2. Matthews Ranch Lot 2 Well: Within Lot 2 of the Matthews Ranch located in the SW1/4 of the SW1/4 of Section 23, Township 4 South, Range 70 West of the 6th P.M. 3. Matthews Ranch Lot 3 Well: Within Lot 3 of the Matthews Ranch located in SW1/4 of the SW1/4 of Section 23, Township 4 South, Range 70 West of the 6th P.M. 4. Matthews Ranch Lot 4 Well: SW1/4 of the SW1/4 of Section 23, Township 4 South, Range 70 West of the 6th P.M. at a point 790 feet from the South section line and 390 feet from the West section line of said Section 23. The well is located within Lot 4 of the Matthews Ranch. 5. Note: Matthews Ranch Lot 1, 2, and 3 Wells have not yet been constructed, and their location within their respective lots is uncertain. Pursuant to State Engineer Policy Memorandum 99-1; the location of Matthews Ranch Lot 1, 2, and 3 Wells are therefore currently described by reference to the legal description of the Lot on which they will be located. iii. Source: Groundwater tributary to Mount Vernon Creek, a tributary of Bear Creek, a tributary of the South Platte River. iv. Date of Appropriation: December 31, 1919 for Matthews Ranch Lot 4 Well and July 31, 2009 for Matthews Ranch Lot 1, 2, and 3 Wells. v. Amount: 15 gpm conditional for Matthews Ranch Lot 1, 2, and 3 Wells; 8 gpm absolute and 7 gpm conditional for Matthew Ranch Lot 4 Well. vi. Use: Domestic, landscape irrigation, stock watering, and fire protection. vii. A map of the Ranch Wells is attached. b. Matthews Trust Exchange. i. The stream depletions under the plan for augmentation decreed in Case No. 09CW109 occur in Mount Vernon Creek in the SW1/4 of the SW1/4 of Section 23, Township 4 South, Range 70 West of the 6th P.M. (the "Exchange To Points"). The Exchange To Points are upstream of the points of replacement of the Trust's Mountain Mutual water at the confluence of Bear Creek and Turkey Creek in the NE1/4 of the NW1/4 of Section 5, Township 5 South, Range 69 West of the 6th P.M. (the "Exchange From Point"). ii. In Case No. 09CW109, the Applicant sought, and the Court awarded an appropriate right of exchange at the maximum rate of 0.001 cfs from the Exchange From Point up Bear Creek to the confluence of Bear Creek and Mount Vernon Creek, and then up Mount Vernon Creek to the Exchange To Points (the "Matthews Trust Exchange"). The appropriation date for the Matthews Trust Exchange is July 31, 2009. iii. Remark: The decree in Case No. 09CW109 awarded an appropriative right of exchange for purposes of operating the augmentation plan decree in that case. The Court confirmed that the Matthew Trust Exchange was made absolute in Case No. 09CW109 and as a result no further diligence proceedings are necessary. 4. Findings of Diligence. Applicant requests a finding that reasonable diligence has been exercised in the development of the conditional water rights awarded to the Ranch Wells as described above. During the last two years the

Applicant has completed the following work to the subdivision located at 1793 Highway 93, Golden, Colorado 80401 where the Ranch Wells are and will be the source of water supply: a. Initiated a flood plain survey; b. Staked plot lines and initiated a plot map; c. Widen the access road and cleared brush and trees in connection with this road widening project; d. Initiated work on an emergency vehicle turn around; e. Obtained a permit from Jefferson County for this work; f. Hired a consulting engineer for a new culvert and obtained quotes for this culvert; and g. Spent in excess of \$40,000 for this and other work. As the foregoing work are necessary preconditions to applying the subject water rights to the beneficial uses for which they decreed, the work expenditures described herein constitute reasonable diligence in the development of the conditional portions of the Ranch Wells and a finding of diligence should be granted. C.R.S. § 37-92-301(4). **5. Remarks:** The Applicant or its beneficiaries own the property on which the Ranch Wells are and will be located. WHEREFORE, Applicant requests a finding of reasonable diligence for the Ranch Wells, and for such other relief that the Court may deem appropriate.

**2022CW3155 TOWN OF CASTLE ROCK**, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000, [mmarlowe@crgov.com](mailto:mmarlowe@crgov.com). Serve all pleadings on: Madoline Wallace-Gross, Alison Gorsevski, Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, [mwg@lyonsgaddis.com](mailto:mwg@lyonsgaddis.com); [agorsevski@lyonsgaddis.com](mailto:agorsevski@lyonsgaddis.com); [abasile@lyonsgaddis.com](mailto:abasile@lyonsgaddis.com). **APPLICATION FOR CONDITIONAL RIGHTS OF APPROPRIATIVE EXCHANGE IN DOUGLAS COUNTY.** 2. **Background.** In Case No. 21CW3185, District Court, Water Division 1 (pending), Applicant applied for conditional storage water rights, with the right of reuse and successive use to extinction, from the South Platte River (“Fremont Butte Water Rights”). In this case, Applicant seeks conditional rights of appropriative right of exchange on Plum Creek and East Plum Creek to reuse and successively use to extinction the Fremont Butte Water Rights for all decreed purposes after the first use in Applicant’s municipal system. 3. **Name of Exchange: TCR Fremont Butte - Plum Creek Exchange No. 1.** A map depicting the location of the exchange is attached hereto as **EXHIBIT A.** 3.1 **Downstream Terminus: Outfall of Plum Creek Regional Wastewater Authority:** Located in the SW 1/4 SW 1/4 Section 21, Township 7 South, Range 67 West, 6th P.M., 984 feet from the south section line and 227 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508221, Northing 4363788. 3.2 **Upstream Terminus: Castle Rock Surface Diversion No. 1:** Located in the SE 1/4 NW 1/4 of Section 2, Township 8 South, Range 67 West of the 6th P.M. at a point 2205 feet from the north section line and 1550 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting: 511851, Northing: 4359533. 3.3 **Sources of Substitute Supply:** Sewered effluent from Applicant’s in-priority diversions from the Fremont Butte Water Rights applied for in Case No. 21CW3185, District Court, Water Division 1. 3.4 **Operation:** Sewered effluent described in ¶ 3.3 will be discharged to East Plum Creek at the location described in ¶ 3.1 and will be exchanged to the surface diversion described in ¶ 3.2. 3.5 **Amount of Exchange:** 3.0 c.f.s., conditional. 3.6 **Date of Initiation of Appropriation:** January 17, 2017. 3.7 **How Appropriation was Initiated:** Applicant initiated this appropriation by: investigating junior storage opportunities on the lower South Platte River for its long term renewable water supply; discussing joint junior storage projects with Parker Water and Sanitation District (“Parker”); passing of Resolution No. 2017-012, by Town Council, which accepted the 2016 Water Resources Strategic Master Plan wherein the Town described the project with Parker; including the estimated cost of the project in capital planning and rates and fees studies conducted since 2017; conducting engineering studies to support the appropriation of new water supplies; passing a director’s resolution evidencing the appropriation; and approving and filing the application Case No. 21CW3185, District Court, Water Division 1. 3.8 **Date Applied to Beneficial Use:** Not applicable. 3.9 **Proposed Uses:** All municipal purposes including industrial, augmentation, replacement, with the right to use, reuse and successively use the return flows to extinction by direct use, after storage and by exchange. 3.10 **Place of Use:** Lands within Applicant’s water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract. A map of the Town’s current service area boundaries is attached as **EXHIBIT B.** 4. **Name of Exchange: TCR Fremont Butte - Plum Creek Exchange No. 2.** A map depicting the location of the exchange is attached hereto as **EXHIBIT A.** 4.1 **Downstream Terminus:** The outlet of Castle Rock Reservoir Nos. 1

and 2 to Plum Creek is located in the SE 1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1725 feet from the south section line and 751 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501483, Northing 4365550. 4.2 Upstream Termini: 4.2.1 *Castle Pines Diversion Point S-1*: Located in SE1/4 SW1/4 Section 21, Township 7 South, Range 67 West of the 6th P.M., at a point 20 feet from the south section line and 1530 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508672, Northing 4363503. 4.2.2 *Castle Pines Diversion Point S-2*: Located in NE1/4 SW1/4 Section 20, Township 7 South, Range 67 West of the 6th P.M., at a point 2540 feet from the south section line and 2590 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 507354, Northing 4364227. 4.2.3 *Castle Rock Surface Diversion No. 1*: See ¶ 3.2 herein. 4.2.4 *Castle Rock Surface Diversion No. 2*: Located in the SW 1/4 SW 1/4 Section 21, Township 7 South, Range 67 West of the 6th P.M., at a point 791 feet from the south section line and 45 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508168, Northing 4363740. 4.2.5 *Castle Rock Surface Diversion No. 3*: Located in NW 1/4 SE 1/4 Section 20, Township 7 South, Range 67 West of the 6th P.M., at a point 1602 feet from the south section line and 1678 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 507665, Northing 4363962. 4.3 Sources of Substitute Supply: See ¶ 3.3. 4.4 Background: Sewered effluent from Applicant's use of the conditional water rights described in ¶ 3.3 that is stored in Castle Rock Reservoir Nos. 1 and 2 will be released from the outlet of Castle Rock Reservoir Nos. 1 and 2 described in ¶ 4.1 to Plum Creek and will be exchanged to the surface diversions described in ¶¶ 4.2.1 to 4.2.5. on East Plum Creek. 4.5 Amount of Exchange: 3.0 c.f.s., conditional. 4.6 Date of Initiation of Appropriation: See ¶ 3.6. 4.7 How Appropriation was Initiated: See ¶ 3.7. 4.8 Date Applied to Beneficial Use: Not applicable. 4.9 Proposed Uses: See ¶ 3.9. 4.10 Place of Use: See ¶ 3.10. 5. **Integrated Water Supply Plan**. The conditional exchanges are features of Applicant's integrated water supply system, which consists of underground water rights, storage water rights, plans for augmentation, appropriative rights of exchange, surface water rights and non-tributary groundwater rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one feature of the integrated system shall be considered in finding that reasonable diligence has been shown for all features of the integrated system. 6. **Landowners**. Name and address of owner of land upon which any new diversion structure or storage structure, or modification to an existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool. 6.1 Castle Rock Surface Diversion No. 1 is on land owned by the Applicant. 6.2 Castle Rock Reservoir Nos. 1 and 2 are located on land owned by Plum Creek Trust, 5219 Rio Grande Ave., Sedalia, CO 80135. 6.3 Plum Creek Wastewater Treatment Plant Outfall, Castle Rock Surface Diversion No. 3 and Castle Pines Diversion Point S-2 are located on land owned by Plum Creek Water Reclamation Authority, 4255 NW Highway 85, Castle Rock, CO 80108. 6.4 Castle Rock Surface Diversion No. 2 and Castle Pines Diversion Point S-1 are owned by Castle Rock Development Company, 3303 E. 1st Ave, Suite 305, Denver CO 80206. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant has appropriated the conditional rights of appropriative exchange as applied for herein. Number of pages in application: 7, excluding exhibits.

**2022CW3156** (Ref. 16CW3018, 09CW165, 02CW174, 94CW276) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CERTAIN WATER RIGHTS ABSOLUTE IN JEFFERSON COUNTY**. Name, mailing address, email address, and telephone number of applicant(s) **ASPEN PARK METROPOLITAN DISTRICT**, CliftonLarsonAllen LLP, Lisa A. Johnson, Manager, 8390 E. Crescent Parkway, Suite 300 Greenwood Village, CO 80111, [Lisa.Johnson@claconnect.com](mailto:Lisa.Johnson@claconnect.com), 303.779.5710. Send all Pleadings and Correspondence to: Martha P. Whitmore, Hockersmith & Whitmore, LLC PO Box 646, Ouray, CO 81427-0646, [marti@ouraylaw.com](mailto:marti@ouraylaw.com), 970-325-4414. Name of structures: Well No. 1, Meyer Spring No. 9, Aspen Park Gallery No. 1. Describe conditional water right (as to each structure) including the following information from previous decree: Date of Original Decree: Case No. 94CW276 entered on November 7, 1995, Court: District Court in and for Water Division No. 1. List all subsequent decrees awarding findings of diligence: Case No. 02CW174 entered on October 31, 2003; Case No. 09CW165 entered on February 24, 2010, and Case. No. 16CW3018 entered on October 4, 2016, all in the

District Court in and for Water Division 1. Legal descriptions from decree: Well No. 1, located in the NW1/4SE1/4, Section 12, Township 6 South, Range 71 West, 6th P.M., 2342 feet from the east section line, 2497 feet from the south section line, Jefferson County, Colorado. Meyer Spring No. 9, located in the NW1/4SE1/4, Section 12, Township 6 South, Range 71 West 6th P.M. at a point north 00 degrees, 22 minutes east, 1932.02 feet thence north 35 degrees 24 minutes east, 641 feet from the South ¼ corner of Section 12, Jefferson County, Colorado. Aspen Park Gallery No. 1, located in the NW1/4SE1/4, Section 12, Township 6 South, Range 71 West of the 6th P.M. 1435 feet from the east section line, 2207 feet from the south section line, Jefferson County, Colorado. An 8 1/2 x 11 map depicting the decreed location of these water rights is attached hereto as Exhibit A. UTM Locations: Well No. 1 and Aspen Park Gallery No. 1 have not yet been constructed. Meyer Spring No. 9 from aerial photography using GIS, UTM Zone 13, Easting 475351, Northing 4377222. All locations are within Jefferson County, Colorado. Source of water: Well No. 1, South Turkey Creek, Meyer Spring No. 9: natural springs tributary to South Turkey Creek, Aspen Park Gallery No. 1: South Turkey Creek. Appropriation Date: September 13, 1994 for all structures. Amount: Well No. 1: flow rate of 20 g.p.m., conditional, Meyer Spring No. 9: 0.444 c.f.s. (20 g.p.m.) conditional, Aspen Park Gallery: 50 g.p.m., conditional. Uses: Well No. 1: Commercial, domestic, irrigation, fire protection, piscatorial, aesthetic, and augmentation of out-of-priority diversions for such uses. Water is used directly or following storage, and as part of the conditional right of exchange ad plan for augmentation decreed as part of the original decree for these rights in Case No. 94CW276. Meyer Spring No. 9: Commercial, domestic, irrigation, fire protection, piscatorial, aesthetic, and augmentation of out-of-priority diversions for such uses. Water is used directly or following storage, and as part of the conditional right of exchange ad plan for augmentation decreed as part of the original decree for these rights in Case No. 94CW276. Aspen Park Gallery No. 1: Commercial, domestic, irrigation, fire protection, piscatorial, aesthetic, and augmentation of out-of-priority diversions for such uses. Water is used directly or following storage, and as part of the conditional right of exchange ad plan for augmentation decreed as part of the original decree for these rights in Case No. 94CW276. Depth: (if well) Well No. 1 not yet constructed. CONDITIONAL RIGHT OF EXCHANGE: Applicant seeks to make a portion of the decreed conditional right of exchange absolute. Points of diversion: Meyer Spring No. 9, Aspen Park Gallery No. 1 and Meyer Pond. Meyer Pond was previously decreed as absolute in Case No. 09CW165. The legal descriptions for Meyer Spring No. 9 and Aspen Park Gallery are stated above. The legal description for Meyer Pond is: approximate center of the dam is located in the NE1/4NE1/4, Section 12, Township 6 South, Range 71 West of the 6th P.M. 684 feet from the east section line, 1326 feet from the north section line, Jefferson County, Colorado. UTM: Zone 13, Easting 475831, Northing 4377666. Point of release of substitute supply: At the confluence of Bear Creek and the South Platte River, located in the NW1/4, Section 4, Township 5 South, Range 68 West, 6th P.M., Arapahoe County, Colorado. Rate: 0.45 c.f.s, claimed herein as now being absolute, leaving 0.55 cfs as conditional. Amount: 4.06 acre-feet is now claimed as being absolute. Priority date: September 13, 1994. Source of substitute supply and description of exchange: Mountain Mutual Reservoir Company water released to the confluence of Bear Creek and the South Platte River as more specifically described in the augmentation plan decreed in Case No. 94CW276. 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 16CW3018, 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 water rights herein are operated as part of an integrated water supply system

that includes the augmentation plan for the Meyer Water Rights, for which diligence is due in November 2022. Applicant has continued to be diligent in the development of the water rights herein, as well as the Meyer Water Rights. 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 as permitted by the prior decrees for these water rights. 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. All structures will be on Applicant's land. Remarks or any 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**

**2022CW3157 MARK A VOORHIES AND DIANA L VOORHIES, 5775 Lake Gulch Road, Castle Rock, CO 80104. 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, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: 32.13 acres generally located in the SW1/4 of Section 11, Township 9 South, Range 66 West of the 6th P.M., Parcel 1, Voorhies Exemption, also known as 5775 Lake Gulch Road, Castle Rock, Douglas County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). The Applicants are the sole owners of the Subject Property, and no other party has a mortgage or lien interest, therefore no notice was required under C.R.S. § 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	11.08
Lower Dawson (NT)	8.72
Denver (NT)	16.40
Arapahoe (NT)	20.74
Laramie-Fox Hills (NT)	9.06

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 1.2 acre-feet per year for 100 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used in one (1) well for in-house use in up to two (2) single-family homes (0.6 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 10,000 square-feet (0.5 acre-feet per year total), stockwatering for up to 8 large domestic animals (0.1 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 Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

**2022CW3158 BIJOU IRRIGATION COMPANY**, c/o Ms. Jill Brownell, Administrations Manager, 15551 Highway 34, P.O. Box 972, Fort Morgan, CO 80701-0972; office@bijouirrigation.com; Bus. Telephone: 970-867-2222. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq., Bradley N. Kershaw, Esq., and Kunal A. Parikh, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Telephone: 303-443-6151; E-mail: sbc@vrlaw.com; bnk@vrlaw.com; and kap@vrlaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD AND MORGAN COUNTIES.** 2. Prior Decrees. a. Date of original decree, case number, and court. The water right that is the subject of this diligence application was originally decreed by the District Court, Water Division 1, on November 18, 1996, in Case No. 1995CW246. That water right is referred to in this application as the “Goedert Recharge Right.” b. Subsequent decrees awarding findings of diligence or making partially absolute. In Case No. 2005CW228, District Court, Water Division 1, decree entered July 23, 2008, the Goedert Recharge Right was made absolute at a flow rate of 84 cubic feet per second (“cfs”) and a volume of 1,854 acre-feet. The decree entered in Case Nos. 2005CW228 also confirmed diligence toward the development of, and continued in full force and effect, the remaining conditional portion of the Goedert Recharge Right at a flow rate of 366 cfs and a volume of 8,146 acre-feet. The Court entered a decree in Case No. 2014CW3087 on October 20, 2016, that confirmed continued diligence toward the development of, and continued in full force and effect, the remaining conditional portion of the Goedert Recharge Right. 3. Names of Structures. a. Bijou Canal b. Goedert Recharge Site Reservoir 4. Description of Water Right. a. Legal description of structures. i. The Bijou Canal is an existing ditch that diverts from the south side of the South Platte River in the NE1/4 NE1/4 of Section 13, T4N, R63W, 6th P.M., Weld County, Colorado. A map showing this general location is attached as **Exhibit A.** ii. The Goedert Recharge Site Reservoir is an existing recharge facility located in the W1/2 NW1/4 of Section 3 and the NE1/4 of Section 4, both in T3N, R59W, 6th P.M., Morgan County, Colorado. A map showing this general location is attached as **Exhibit B.** b. Source. South Platte River c. Date of Appropriation. December 6, 1995 d. Amount. 450 cfs through the Bijou Canal, for delivery to the Goedert Recharge Site Reservoir, with the right to fill and refill when in priority up to a maximum total volume of

10,000 acre-feet per year. i. Of these amounts, 84 cfs has been made absolute, up to 1,854 acre-feet during one water year. e. Use. The primary use of water is for recharge and augmentation purposes to replace depletions by wells within the Bijou Irrigation Company's service area. Because it is impossible to match the timing of water availability with the timing of depletions from wells, there may be excess recharge credits generated beyond the needs of wells within the Bijou Irrigation Company's service area. Any such excess credits may be used for general augmentation purposes outside of the Bijou Irrigation Company's service area in accordance with law and subject to the approval of the State Engineer or the Water Court.

5. 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 Bijou Canal is an existing structure that was constructed prior to the date the application in Case No. 1995CW246 was filed. Bijou owns several irrigation, storage, and recharge water rights that are decreed for diversion through the Bijou Canal. The Goedert Recharge Site Reservoir and the recharge accretions that are generated pursuant to diversion and use of the Goedert Recharge Right are one component of Bijou's water delivery system and augmentation operations. During the subject diligence period running from July 31, 2014, through the date of filing the application in this case, Bijou made diversions under its various water rights when the rights were in priority, and has otherwise managed its irrigation, storage, and recharge operations to best utilize its water rights and operate its decreed plan for augmentation. Such activities included diversions at the Bijou Canal headgate and delivery of water to the Goedert Recharge Site Reservoir pursuant to the Goedert Recharge Right. Based on those deliveries, recharge has occurred, and Bijou has utilized the recharge accretions to offset out-of-priority depletions from wells located within its service area that are covered by its existing plan for augmentation decreed in Case Nos. W-2704 and W-9172-78 and the supplemental plan for augmentation decreed in Case No. 1996CW142. The daily diversion at the Bijou Canal headgate during the identified diligence period that was allocable to the Goedert Recharge Right did not exceed the 84 cfs diversion rate for this right that was made absolute in Case No. 2005CW228. As such, Bijou does not seek to make any additional portion of the Goedert Recharge Right absolute by this application. During the subject diligence period Bijou exercised reasonable diligence under all the facts and circumstances related to its system operations to complete its appropriation of the remaining conditional portion of the Goedert Recharge Right. These actions included the work and expenditures described in this Paragraph 5, which are relevant to both the Goedert Recharge Right and to Bijou's water delivery operations and integrated water system. The work and expenditures identified in this application are not all inclusive, and Bijou reserves the right to provide evidence of other work done and costs incurred during the subject diligence period during the proceedings for this application.

a. During the subject diligence period Bijou performed general maintenance on the Goedert Recharge Site Reservoir and its delivery structures to allow for the continued delivery of the Goedert Recharge Right for recharge and augmentation use. The cost for this work was approximately \$14,000.00. b. In addition, the following work and expenditures during the subject diligence period are relevant to Bijou's integrated system and the development of the remaining conditional portion of the Goedert Recharge Right: i. Bijou did maintenance on the Bijou Canal and other structures within its integrated system. This work included maintenance, grading, and cleaning of the Bijou Canal and maintenance of structures along the canal. Total expenditures for this maintenance were approximately \$1,104,237.00. ii. Bijou also incurred costs during the diligence period for operation of the Bijou Canal and associated structures, including salaries and other capital outlay costs. These expenditures were approximately \$1,275,515.00. iii. Bijou filed applications in several Water Division 1 water court cases for existing and new water rights that are or will be diverted at the Bijou Canal headgate for use by Bijou in its integrated system and augmentation operations, including Case Nos. 2018CW3177, 2018CW3221, and 2020CW3008. Total expenditures during the diligence period for these cases, including legal and engineering fees, were at least \$154,776.00. iv. Bijou also participated in other water court cases as an opposer, to protect its water rights, structures, and system operations, including the Goedert Recharge Right, the Goedert Recharge Site Reservoir, and the recharge and augmentation operations decreed in Case Nos. W-2704/W-9172-78, 1995CW246, and 1996CW142. Total expenditures for these cases, including legal and engineering fees, were at least \$536,437.00. v. During the period from the date of filing the application



in Case No. 2014CW3087 through the date of entry of a decree in that case on October 20, 2016, Bijou prosecuted that application, obtained a decree, and incurred legal and other expenses related to that application and the Goedert Recharge Site Reservoir and Goedert Recharge Right. vi. Bijou also incurred other miscellaneous expenses during the subject diligence period as part of its system operations. Total expenditures for these items were approximately \$72,924.00. c. Although Bijou was diligent with its system operations and diversions under the Goedert Recharge Right, it was not able during the subject diligence period to divert water in excess of the flow rate and volumetric amount made absolute in Case No. 2005CW228. Bijou therefore seeks a decree from the Court finding and concluding that it has exercised reasonable diligence with respect to the remaining conditional portion of the Goedert Recharge Right as described above, and a ruling that the remaining conditional portion of that water right, including the associated annual diversion volume, remains in full force and effect. Bijou will continue to divert water, up to the decreed amounts, and deliver the same to the Goedert Recharge Site Reservoir at times in the future when the Goedert Recharge Right is in priority. 6. 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. a. Bijou owns, or has pre-existing rights to use, the land upon which the Bijou Canal, including its headgate, is located, and also the location of the Goedert Recharge Site Reservoir. b. The Goedert Recharge Site Reservoir is located on lands owned by: Sandy Hills Family Dairy, LLC, 15682 County Rd. 10, Fort Morgan, Colorado 80701 WHEREFORE, Bijou requests that the Court enter a decree finding that Bijou has exercised reasonable diligence in completing the appropriation and placing the remaining conditional portion of the Goedert Recharge Right described in this application to beneficial use, and ordering that the conditional water right remains in full force and effect for another diligence period. (8 pgs., 2 Exhibits)

**2022CW3159 ADAMS COUNTY – BOX ELDER CREEK, TRIBUTARY TO THE SOUTH PLATTE RIVER. IMPETUS, LLC** c/o Timothy Walsh, Manager, 31581 E. 128th Avenue, Commerce City, CO 80022, (720) 510-8084; please direct all pleadings to Christopher L. Thorne and Casey A. Shpall, Greenberg Traurig, LLP, 1144 15th Street, Suite 3300, Denver, CO 80202, (303) 572- 6519. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN ADAMS COUNTY. 2. Background:** In Case No. 14CW3166, the Water Court issued a decree, dated November 3, 2016 (the “Original Decree”), granting and approving conditional water rights for (1) a surface water right, known as the “Emerald Diversion No. 1”, as described in more detail below; and (2) a water storage right for the “Emerald Reservoir”, also as described in more detail below. The decreed source of water for both the Emerald Diversion No. 1 and the Emerald Reservoir water rights is Box Elder Creek, tributary to the South Platte River; and the decreed points of diversion are located on Applicant’s land in the SE 1/4 of Sections 23, Section 25, and the E1/2 of Section 26, Township 1 South, Range 65 West, 6th P.M., in Adams County, Colorado (“the Property”). A map depicting the Property and the structures that are the subject of the Original Decree and this Application is attached to and available in the court file as Exhibit A. Through this application, Applicant seeks to make absolute portions of the conditional water rights for both the Emerald Diversion No. 1 and the Emerald Reservoir, and to obtain findings of reasonable diligence sufficient to continue the conditional status of any remaining decreed conditional water rights. **3. Description of Surface Water Right:** The Emerald Diversion No. 1 is described as follows: A. Original Decree: Case No. 14CW3166 (Water Div. 1), decree dated November 3, 2016. B. Name of Structure: Emerald Diversion No. 1. The structure includes a diversion dam, forebay, pump and pipeline. C. Legal description of point of diversion: The point of diversion is located in the NE1/4 of the SW 1/4 of Section 25, approximately 2,460 feet from the south line and 1,470 feet from the west line of Section 25. UTM coordinates for the diversion are NAD83, Zone 13, Northing 4420605 meters, Easting 532796 meters, approximated from DWR’s Aquamap. The street address for the property where the diversion point is located is 3158 E 128th Ave Unit A, Commerce City, CO. The point of diversion is shown on Exhibit A. D. Source: Box Elder Creek, tributary to the South Platte River. E. Appropriation information: (i) Appropriation Date: December 31, 2014. (ii) How appropriation was

initiated: By formation and demonstration of intent to appropriate and through the filing of the original application in this case. F. Amount claimed/decreed: 2.0 cfs, CONDITIONAL, with annual diversions not to exceed 845 acre-feet for all decreed uses. G. Decreed uses: Irrigation use on approximately 730 acres of the Property (which acreage is depicted in Exhibit A); commercial, oil and gas production, recreational, and fish and wildlife uses. All use of the Emerald Diversion No. 1 Water Right is limited to these uses occurring on the Property. **4. Description of Water Storage Right:** The Emerald Reservoir is described as follows: A. Original Decree: Case No. 14CW3166 (Water Div. 1), decree dated November 3, 2016. B. Name of Reservoir: Emerald Reservoir. C. Location of Reservoir: Emerald Reservoir is an existing lined pond located in the E1/2 of the NW 1/4 of the SW1/4 of Section 25. The center of the pond is approximately 1,076 feet from the west line and 1,644 feet from the south line of Section 25. UTM coordinates for the reservoir are NAD83, Zone 13, Northing 4420359 meters, Easting 532668 meters, approximated from DWR's Aquamap. The street address is 31581 E 128th Ave Unit A, Commerce City, CO. Emerald Reservoir is depicted on Exhibit A. D. Diversion: The pond will be filled by the Emerald Diversion No. 1 Water Right at a rate up to 2.0 cfs. The diversion rate will not exceed 2.0 cfs in aggregate for the Emerald Diversion No. 1 and Emerald Reservoir water rights. The pond also is capable of storing water diverted from Applicant's decreed nontributary groundwater rights, which were not the subject of the application in the original (or this) case. E. Source: Box Elder Creek, tributary to the South Platte River. F. Appropriation information: (i) Appropriation Date: December 30, 2014. Emerald Reservoir will generally store water diverted under the Emerald Diversion No. 1 Water Right's December 31, 2014 priority date, except that precipitation and surface runoff will be stored under the December 30, 2014 appropriation date. (ii) How appropriation was initiated: Construction of the pond, installation of liner, completion of pipeline from diversion point, and filing of the application in the original case. G. Amount claimed: 50 acre-feet/year CONDITIONAL, with a right to fill and refill whenever in priority. This storage right is subject to the 845 acre-feet limit described in paragraph 3.F. above. H. Decreed uses: Irrigation purposes on approximately 730 acres of the Property (which acreage is depicted in Exhibit A); commercial, oil and gas production, recreational, and fish and wildlife purposes. All use of the Emerald Reservoir Water Storage Right is limited to these uses occurring on the Property. I. Surface area of high water line: 4.8 acres. The average depth is 13 feet. There is no dam, as the structure was constructed by excavation below ground surface. J. Total capacity of reservoir: 50 acre-feet of active. No dead storage. K. Terms and Conditions (see Original Decree). **5. Evidence in Support of Claims to Make Portions of Conditional Water Rights Absolute.** A. Emerald Diversion No. 1: As reflected in the water diversion/accounting records attached as Exhibit B (*filed with the Application and available from the court file*) for April 2020, which were submitted to the Colorado Division of Water Resources, 39.92 AF was diverted under the Emerald Diversion No. 1 water right into Emerald Reservoir over a period of 16 days, at a rate of approximately 2.495 AF each day. That daily volume corresponds to an average flow rate of 1.258 cfs. Based on these diversions, Applicant claims that 1.258 cfs of the Emerald Diversion No. 1 water right should be made fully absolute, with the remaining 0.742 cfs remaining being conditional. B. Emerald Reservoir: Water diverted in priority during 2020 under the Emerald Diversion No. 1 water right, was conveyed into storage in Emerald Reservoir in the amount of 39.92 AF (*see Exhibit B*). This water was subsequently used for irrigation, demonstrated by the reduction of volume in Emerald Reservoir to less than 2 AF by June 29, 2020. Based on the annual diversion of 39.92 AF into the Emerald Reservoir in 2020, Applicant claims that 39.92 AF of the 50 AF Emerald Reservoir water right should be made absolute, with 10.08 AF remaining conditional. **6. Evidence in Support of Claim for Finding of Reasonable Diligence:** (*A detailed list of the activities/expenditures supporting Applicant's diligence claims is included in the Application.*) **7. Name and Address of Owner of Land on Which Points of Diversion and Places of Use are Located:** Applicant, at the above address. **WHEREFORE,** Applicant respectfully requests that the Court enter an order and decree: A. Finding that diversions under the Emerald Diversion No. 1 and Emerald Reservoir water rights have occurred in priority, such that (1) 1.258 cfs of the Emerald Diversion No. 1 water right should be made fully absolute; and (2) 39.92 AF of the Emerald Reservoir water right should be made absolute; B. finding that reasonable diligence has been demonstrated with respect to any remaining portions of the Emerald Diversion No. 1 (0.742 cfs remaining conditional) and Emerald Reservoir (10.08 AF

remaining conditional) water rights, and that such portions of the water rights under the Original Decree are continued in conditional status, and in full force and effect, for an additional six years; and C. for such other relief, as deemed necessary and appropriate by the Court.

**2022CW3160 HAPPY HOOVES RANCH, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC;** Happy Hooves Ranch, LLC, c/o Nicole and Alex Dow, 23615 Oehlmann Park Road, Conifer, CO 80433, Email: ndow29@gmail.com; Telephone: (720) 319-9042; 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.**

**APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 2. **Name of Structure to be Augmented:** The Happy Hooves Ranch Well (“Subject Well”) will divert groundwater on a 10-acre parcel located predominantly in the NE1/4 SW1/4 and the SE1/4 SW1/4, Section 19, Township 6 South, Range 70 West of the 6th P.M. in Jefferson County, presently known as 23615 Oehlmann Park Road, Conifer, Colorado 80433 (“Subject Property”). The Subject Property is located in the drainage of a creek known as Pleasant Park Creek, tributary to the North Fork Deer Creek, Deer Creek and the South Platte River. The rate of diversion for the Subject Well will not exceed 15 gallons per minute. An application to construct the well will be submitted to the Division of Water Resources following entry of a decree in this case and before the well is constructed. The Subject Property on which the Subject Well will be located is shown on the map attached as **Exhibit A**. The exact location of the Subject Well will be determined at the time of drilling and will be reflected in the well permit and construction report for the Subject Well. Return flows from the use of the Subject Well will be through an individual septic tank-soil absorption system located in the same drainage as the Subject Well. There is an existing exempt well on the Subject Property (Permit No. 156124-A) which is not part of this augmentation plan and that will keep its exempt status pursuant to Section 37-92-602(3), C.R.S. 3. **Water Rights to be Used for Augmentation Purposes:** Happy Hooves has entered into a contract with North Fork Associates, LLC to purchase 10.0 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.315 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Subject Well. a. The water rights associated with the MMRC shares include the following: i. **Slaght Ditch:** In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the 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 credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC’s diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 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. 4. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Subject Wells, for outdoor use, as described below. a. The water requirements for the Subject Well are for outdoor use for the watering of twenty-five (25) horses (or equivalent animals), restrooms, and dust suppression in a riding arena. The estimated water requirements are 10 gallons per head per day for 25 horses (or equivalent animals) with 100% consumption, restrooms using 60 gallons per day and 10% consumed based on subsurface discharge from an individual septic tank-soil absorption system, and the use of 30 gallons per application for dust suppression with 100% consumption and 100 applications per year (“Outdoor Uses”). This plan will require 0.315 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
Horses (or equivalent animals)	10 gl/hd/dy	25	0.28	100%	0.28	0.14	0.14
Restroom	60 gl/dy	365	0.0672	10%	0.0067	0.0034	0.0033
Dust Suppression	30 gl/app	100	0.0092	100%	0.0092	0.0046	0.0046
Tran. Chg.	0.15%/Mi	42	0.0186	100%	0.0186	0.0093	0.0093
Total			0.375		0.315	0.158	0.157

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.027	0.026	0.027	0.026	0.027	0.026	0.026	0.026	0.026	0.026	0.026	0.026

This equates to a maximum stream depletion of 0.20 of a gallon per minute. b. The total consumptive use water requirement will be met with 0.315 of an acre-foot of the annual yield from the Slaght Ditch Rights as described above and 0.157 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 0.158 of an acre-foot at the point of depletion on Pleasant Park Creek in the NE1/4 SW1/4, Section 19, Township 6 South, Range 70 West of the 6th P.M. The point of delivery of this water will be the confluence of Deer Creek and the South Platte River in Chatfield Reservoir in Sections 10 and 11, Township 6 South, Range 69 West of the 6th P.M. The distance from the headgate of the Slaght Ditch on the North Fork of the South Platte River to the exchange point at the confluence of Deer Creek and the South Platte is 42 miles. At 0.15% per mile the stream loss from the headgate of the Slaght Ditch to the point of delivery is 6.3% (0.0093 AF). The calculated requirements of the flow of storage water from November through April are a total of 0.157 of an acre-foot at the point of depletion on Pleasant Park Creek in the NE1/4 SW1/4, Section 19, Township 6 South, Range 70 West of the 6th P.M. The point of delivery of this water will be the confluence of Deer Creek and the South Platte River in Chatfield Reservoir in Sections 10 and 11, Township 6 South, Range 69 West of the 6th P.M. The distance from the point of delivery from Maddox Reservoir on the North Fork of the South Platte River to the exchange point at the confluence of Deer Creek and the South Platte is 42 miles. At 0.15% per mile the stream loss from the headgate of the Slaght Ditch and the Maddox Reservoir to the point of delivery is 6.3% (0.0093 AF). c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 3, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 5. Water Exchange Project: Since the point of depletion associated with the Subject Well is upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend from the confluence of Deer Creek and the South Platte River at Chatfield Reservoir in Sections 10 and 11, Township 6 South, Range 69 West, thence up Deer Creek to its confluence with North Fork Deer Creek in the SE1/4 SE1/4 Section 11, Township 6 South, Range 70 West, thence up North Fork Deer Creek to its confluence with Pleasant Park Creek in the NW1/4 SE1/4, Section 19, Township 6 South, Range 70 West, thence up Pleasant Park Creek to the point of depletion in the NE1/4 SW1/4 Section 19, Township 6 South, Range 70 West all in the 6th P.M. 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 October 31, 2022, at a maximum flow rate of 0.01 of a cubic foot per second. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue a well permit for the construction and use of, or any replacement well permit(s) required for, the Subject Well consistent with the final decree entered in this case. (12 pgs., 3 Exhibits)

**2022CW3161 (15CW3156, 02CW377), WELDON VALLEY DITCH COMPANY, (“Weldon Valley”)** c/o President, P.O. Box 626 Weldona, CO 80653. Serve all pleadings on: Matthew Machado, Casey J. Weaver, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, [mmachado@lyonsgaddis.com](mailto:mmachado@lyonsgaddis.com); [cweaver@lyonsgaddis.com](mailto:cweaver@lyonsgaddis.com). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD AND MORGAN COUNTIES.** 2. **Name of Water Right:** Weldon Valley Ditch Recharge Water Right 3. **Describe conditional water right:** 3.1. **Previous Decrees:** 3.1.1. **Date of original decree, case no. and court:** The original decree was entered by the District Court for Water Division No. 1 on November 5, 2009, in Case No. 2002CW377. 3.1.2. **Subsequent decrees awarding findings of diligence:** A subsequent decree was entered by the District Court for Water Division No. 1 on October 3, 2016, in Case No. 15CW3156 making a portion of the water right absolute in the amount of 114.48 cfs and continuing the remaining 50.52 cfs as conditional. 3.2. **Legal description of point of diversion:** The Weldon Valley Ditch Recharge Water Right is located on the South Platte River at a point in the NW 1/4 SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County, Colorado. **EXHIBIT 1** includes a list of the recharge sites and ditch segments, and **EXHIBIT 2** includes a map depicting the approximate location of the recharge sites and ditch segments. 3.3. **Source of Water:** South Platte River 3.4. **Appropriation Date:** December 13, 2002 3.5. **Amount:** 165 c.f.s. to continuously fill and refill the recharge sites whenever water is legally and physically available for diversion, up to a total volume of diversions of 25,000 acre feet in any consecutive five-year period and not to exceed 6,000 acre feet in any single year, as measured at the headgate of the Weldon Valley Ditch on the South Platte River. Of the 165 c.f.s., the amount of 114.48 c.f.s. has been made absolute and the amount of 50.52 remains conditional. 3.6. **Uses:** Pursuant to the 02CW377 Decree, Weldon Valley will divert water under this priority for recharge to generate recharge credits. The recharge credits will be used for augmentation, irrigation, replacement, and exchange. Recharge credits will be used primarily by Weldon Valley’s shareholders to replace stream depletions associated with the use of wells owned by said shareholders pursuant to augmentation plans decreed by this Court and/or substitute water supply plans approved by the State Engineer pursuant to C.R.S. § 37-92-308 and/or successor statutes. With prior permission of the water commissioner, Weldon Valley may exchange unused recharge credits generated, but not used for augmentation, from the point of accrual on the South Platte River upstream to the headgate of the Weldon Valley Ditch for diversion and delivery to the shareholders for irrigation or to recharge sites. Weldon Valley does not hold an appropriative right for exchange. Any other exchange of recharge credits shall be pursuant to a substitute water supply plan approved by the State Engineer pursuant to C.R.S. § 37-92-308 and/or successor statutes, or by decree of the water court, subject to the terms and conditions of Paragraph 18 of the 02CW377 Decree. In addition, recharge credits may be leased or assigned to non-shareholders for use pursuant to substitute water supply plans approved by the State Engineer pursuant to C.R.S. § 37-92-308 and/or successor statutes, or decreed plans for augmentation, subject to the terms and conditions in paragraph 18 of the 02CW377 Decree. 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:** 4.1. Weldon Valley has continued to divert the subject water right each year when in priority. The water was recharged in the Weldon Ditch and recharge ponds

under the ditch, and the credits were applied to beneficial use in shareholders' plans for augmentation identified in the following paragraph or exchanged back to the Weldon Valley headgate for irrigation use. Each year during the diligence period, Weldon paid a ditch rider to operate the ditch and divert the subject right. 4.2. The following plans for augmentation use the recharge credits from the subject water right: Case No. 02CW86, Application of the Riverside Irrigation District; Case No. 02CW335, Application of the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District; and Case No. 03CW99, Application of the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District; Case No. 04CW81, Application of Groves Farms and Riverview Farms, LLC; Case No. 04CW90, Application of Joe Hawkins; Case No. 04CW285, Application of Lorenzini Farms, Inc.; Case No. 08CW310, Application of Mark Vissering; Case No. 11CW40, Application of Fort Morgan Farms, LLC; Case No. 11CW131, Application of the Town of Wiggins; Case No. 11CW151, Application of East Cherry Creek Valley Water and Sanitation District and Arapahoe County Water and Wastewater Authority; Case No. 12CW18, Application of Empire Dairy, LLC; Case No. 13CW3108 Boxelder Creek Properties, LLC; Case No. 14CW3068, Application of the Town of Wiggins; Case No. 13CW3144, Application of Timbro Ranch & Cattle Company, LLC; pending Case No. 17CW3128, Application of Blue Wing Farms, LLC, and pending Case No. 20CW3156, Application of Connie A. Tomky Revocable Trust and Harvey D. Tomky Revocable Trust. 4.3. Weldon Valley has spent at least \$58,470.35 in engineering fees modifying the accounting forms for the subject water right, preparing the monthly accounting submitted to the Division Engineer, and advising Weldon on other issues related to the diversion and use of the subject water right. 4.4. Weldon Valley approved the filing of, and participated as an objector in, several court cases for approval of plans for augmentation by Weldon Valley shareholders that utilize the credits from the subject water right, including most of the cases listed in ¶ 4.2. Weldon has also filed statements of opposition and participated as an objector in several other cases before the water court to protect the subject water right from injury. Weldon incurred legal and engineering fees for its participation in all of these cases, which engineering fees were exclusive of the engineering fees mentioned in ¶ 4.3. 4.5. Weldon also has also worked on various improvements to the Weldon ditch during the diligence period to facilitate the diversion and use of the subject water right, including improvements to ditch near the river headgate and the addition and use of the Kammerer and CBI Recharge Ponds. 5. **If a claim to make absolute in whole or in part: Not applicable.** 6. **Name and address of owner of land upon which any new diversion structure or storage structure, or modification to an existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool.** The recharge sites are located on lands owned by Joseph Hawkins and Gail Hawkins P.O.B. 24, Orchard, CO 80649; Justin Hawkins and Julie Hawkins, 22789 Washington Ave, Orchard, CO 80649; Christensen Bros., Inc., Kathleen Wood, President, 24951 MCR 9.5, Weldona, CO 80653; Orchard Ranch, LLC, c/o Jim Dack, 6716 Deer Run Trail, Castle Rock, CO 80108; Leo Groves and Ruby Groves, 01998 CO RD X, Orchard, CO 80649; Larry A and Kathleen L Lorenzini, and Rickey & Vivianne Lorenzini Trust, 8577 HWY 144, Weldona, CO 80653; Brunelli Farms LLC, 559 East Coast Dr., Atlantic Beach, FL 32233; Town of Wiggins, 304 E. Central Ave, Wiggins, CO 80654; Glenn Wilcox, 23758 County Road 2, Orchard, CO 80649-9613; Jon Jones, 3750 Highway 144, Weldona, CO 80653; Wade Castor, 13417 Hwy 144, Fort Morgan, CO 80701; Chapin Farms, c/o Foy Chapin, 8234 Highway 144, Weldona, CO 80653; Maureen Velasquez and Susan Wiegel, 5233 Apricot Dr, Loveland, CO 80538. WHEREFORE, Weldon Valley requests the Court to enter a decree finding and determining that Weldon Valley has exercised reasonable diligence in the development of the subject conditional water rights, and to continue the conditional portion of the subject conditional water rights in full force and effect for an additional diligence period.

**2022CW3162 DEER CREEK VALLEY RANCH, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC;** Deer Creek Valley Ranch, LLC (“Deer Creek”), c/o Timothy F. Marasciullo, 831 Cortland Place, Highlands Ranch, CO 80126; Email: tim@m3visions.com; Telephone: (303) 929-1711; 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. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE**

**2. Name of Structures to be Augmented:** Deer Creek Valley Ranch Well Nos. 1-2 (“Subject Wells”) will be located on approximately a 165-acre parcel of land lying in the SE1/4, Section 9, SW1/4, Section 10, NW1/4 NW1/4, Section 15, and NE1/4 NE1/4, Section 16, all in Township 7 South, Range 72 West of the 6th P.M., Park County, Colorado, presently known as 64057 Highway 285, Bailey, CO 80421 (“Subject Property”). The Subject Property is located in the drainage of Deer Creek, tributary to the North Fork of the South Platte River, tributary to the South Platte River. The rate of diversion for the Subject Wells will not exceed 15 gallons per minute each. The Subject Wells will serve water use at an event center and 10 cottages. The water use and depletions for said uses are described below. Applications to construct the Subject Wells will be submitted to the Division of Water Resources following entry of a decree in this case and before the well is constructed. The Subject Property on which the Subject Wells will be located is shown on the map attached as **Exhibit A**. The present and future water supply will be provided by the Subject Wells to be located on the Subject Property. The exact location of the Subject Wells will be determined at the time of drilling and will be reflected in the well permits and construction reports for the Subject Wells. Return flows from the use of the Subject Wells will be through an individual septic tank-soil absorption system located in the same drainage as the Subject Wells.

**3. Water Rights to be Used for Augmentation Purposes:** Deer Creek owns 100 shares of stock in the Mountain Mutual Reservoir Company (“MMRC”) to satisfy their current and future augmentation needs. The 100 shares represent the right to receive 3.140 acre-feet firm yield annually from the Nickerson water rights, described below, and 1.821 acre-feet of storage in Maddox Reservoir. The augmentation plan currently pending in Case No. 20CW3118 utilizes 74 out of the 100 shares of Deer Creek’s MMRC stock committed. The remaining 26 shares (“Remaining Shares”) are available to be included in an augmentation plan other than that pending in Case No. 20CW3118. It is expected that the replacement needs pursuant to this augmentation plan will require 1.9 shares of the Remaining Shares of MMRC stock owned by Deer Creek, representing 0.060 acre-feet of replacement water from the Nickerson water rights and 0.006 acre-feet of storage in Maddox Reservoir. For purposes of notice pleading, Applicant will use additional water associated with the Remaining Shares if needed to meet its replacement obligations under the plan for augmentation sought in this Application.

**4. The water rights associated with the MMRC shares described in Paragraph No. 3 are described as follows:**

**a. 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 B**.

**b. 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 ownerships 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. c. 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. d. 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. e. 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 Section 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 the Nickerson Ditch Water Rights. f. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch water right was changed to augmentation, replacement and storage purposes. In Case No. 81CW253, the point of diversion for 0.008 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 to storage in Maddox Reservoir by MMRC in Case No. 03CW238 and 0.727 will be transferred to storage in Maddox Reservoir in Case No. 16CW3197. g. 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 as awarded and 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, W7548, 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. h. 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. Allocation of yield to Nickerson Ditch Rights is attached as **Exhibit C**. 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; provided, however, that such use is in accordance with the requirements in Paragraph No. 9(a) of the Decree entered in Case No. 00CW174. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 and the Maddox Reservoir. The water may be stored in other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that such storage is in accordance with the requirements in Paragraph No. 9(a) of the Decree entered in Case No. 00CW174. 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. i. 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.” 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; provided, however, that such is in accordance with the requirements of Paragraph No. 11(a) of the Decree entered in Case No. 03CW238. To the extent the subject water supplies are not needed for immediate use, the water may be stored in Maddox Reservoir, located in the NE1/4 SW1/4 of Section 22, Township 7 South, Range 73 West, 6th P.M., Park County. The water will be diverted at the headgate of the Maddox Reservoir Feeder Ditch as described in Paragraph No. 6(a) of the Decree entered in Case No. 03CW238. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when, and to such amounts of, water that is physically and legally available for diversion at the historic Slaght Ditch and Mack Ditch No. 2 headgates. If the May 1, 1863, priority decreed to the Slaght Ditch Rights 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 pro-rata entitlement to the water then 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. The Slaght Ditch Rights are claimed as an alternate replacement supply in this matter. 5. Statement of Plan for

**Augmentation:** This augmentation plan will replace out-of-priority depletions from the Subject Wells for indoor use, in the manner described below. a. The water requirements for the Subject Wells are for sanitation purposes for an event center with an estimated attendance to be 250 to 300 persons per event. The uses at the event center will be for bathroom facilities with low flush toilets and sink operations. It is conservatively estimated that the per capita water use will be 4.0 gallons per person per event (3.0 gallons flushing and 1.0 gallons for hand washing) based on a maximum occupancy of 300 persons, a maximum of 49 events per year, and 10% consumption based on a septic/leach field, it is estimated that 0.018 of an acre-foot of replacement water is needed, with 0.002 acre-feet of Maddox storage is needed. b. The water requirements for the Subject Wells will also include 10 cottages with a capacity of eight (8) persons each. With 10% consumption, it is estimated only 0.042 of an acre-foot of replacement water is needed and 0.004 acre-feet of Maddox storage water is needed. c. The total requirements are shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Event Center	4 gl/cap/dy (300 cap/event)	1	0.18	10%	0.018	0.016	0.002
Cottage	50 gl/cap/dy (8.0 cap)	10	0.42	10%	0.042	0.038	0.004
<b>Total</b>			<b>0.60</b>		<b>0.060</b>	<b>0.054</b>	<b>0.006</b>

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.003	0.000	0.000	0.000	0.000	0.003	0.005	0.011	0.011	0.011	0.011	0.006

This equates to a maximum stream depletion of 0.08 of a gallon per minute. d. 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 from storage of short duration. e. The total consumptive use water requirement will be met with 0.006 of an acre-foot of space in Maddox Reservoir and 0.060 of an acre-foot of the annual yield from the Nickerson Ditch Rights as described above. (See **Exhibits “B” and “C”** respectively). The calculated requirements of the direct flow water rights from May through October are a total of 0.054 of an acre-foot at the point of depletion on Deer Creek in the NE1/4 NE1/4, Section 16, Township 7 South, Range 72 West of the 6th P.M. The distance from the headgate of the Nickerson Ditch on Deer Creek to its point of replacement on Deer Creek is only several hundred yards, so the transportation charge is negligible. The distance from the outlet of the Maddox Reservoir to the point of replacement to the North Fork of the South Platte River at the confluence of Deer Creek and the North Fork of the South Platte River in the NE 1/4 of Section 36, Township 7 South, Range 71 West of the 6th P.M, is 14 miles. With the same rate of loss, 0.15% per mile, the transportation loss from November through April is 0.0003 of an acre-foot. The total requirement at the points of exchange at the confluence of Deer Creek and the North Fork of the South Platte River is 0.006 of an acre-foot. 6. **Water Exchange Project:** Since the point of depletion associated with the Subject Wells is upstream of the Maddox Reservoir augmentation supply, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend from the confluence of Deer Creek and the North Fork of the South Platte River in the NE1/4, Section 36, Township 7 South, Range 72 West, thence up Deer Creek to the point of depletion in the NE1/4 NE1/4, Section 16, Township 7 South, Range 72 West all in the 6th P.M. 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 October 31, 2022, at a maximum flow rate of 0.001 of a cubic foot per second. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permit(s) required for, the Subject Wells consistent with the final decree entered in this case. (12 pgs., 3 Exhibits)

**2022CW3163 SCOTT WERNER, AMANDA PIERCE, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC**; Scott Werner and Amanda Pierce (“Werner-Pierce”), c/o Andrew Werner, 4466 S. Coors Street, Morrison, CO 80465, Email: c10andrew.werner@gmail.com; Telephone: (720) 737-1788; 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 COUNTY. APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE**

**2. Name of Structure to be Augmented:** The Werner-Pierce Well (“Subject Well”) will be located on approximately a 35.5-acre parcel of land lying in the NE1/4, Section 5, Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado (“Werner-Pierce Property”) which will be subdivided into two lots. The Subject Well will divert groundwater on the first lot of the Werner-Pierce Property, located in the drainage of Bear Creek and its tributaries, tributary to the South Platte River. The rate of diversion for the Subject Well will not exceed 15 gallons per minute. The Werner-Pierce Property on which the Subject Well will be located is shown on the map attached as **Exhibit A**. The present and future water supply will be provided by the Subject Well to be located on one lot of the Werner-Pierce Property. The other lot will be served by an existing exempt well (Permit No. 323423) which will continue to be exempt and will not be augmented pursuant to this augmentation plan. The existing exempt well will keep its exempt status pursuant to Section 37-92-602(3), C.R.S., to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A), C.R.S., to retain its presumption of noninjury after the land on which the well is located has been divided, provided that the existing well is only used on a single lot of the divided land and remains the only well serving that lot. **3. Water Rights to be Used for Augmentation Purposes:** Werner-Pierce have entered into a contract with North Fork Associates, LLC to purchase 1.0 share of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.0314 of an acre-foot to satisfy the present and anticipated future replacements needs, attached as **Exhibit B**. Said share was removed from Water Court Case No. 18CW3140, which application was dismissed with prejudice. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “**Bear Creek/Turkey Creek water rights**”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement

April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

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

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

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*,

938 P.2d 515 (Colo. 1997). Reference is made to the decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7, 22.1, 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application. 4. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Subject Well for indoor use, in the manner described below. a. The water requirements for the Subject Well are for one single family dwelling, with an average occupancy of 3.5 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use for the Subject Well is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption system, with said system to be located in the same drainage as the Subject Well. The total requirements are shown in Table 1 below.

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirements		
					Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gal/cap/dy (3.5 cap)	1	0.3140	10%	0.0314	0.0157	0.0157
Total			0.3140		0.0314	0.0157	0.0157

The monthly depletions are as follows in acre-feet:

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

This equates to a maximum stream depletion of 0.02 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 3, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. c. The total consumptive use water requirement will be 0.0314 of an acre-foot of the annual firm yield of 23.8 acre-feet of the Turkey Creek water rights, which can be used in the Bear Creek drainage. These requirements are needed at the point of depletion in the SW1/4 SW1/4, Section 33, Township 4 South, Range 70 West or NE1/4 NW1/4, Section 5, Township 5 South, Range 70 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. 5. Water Exchange Project: Since the point of depletion associated with the Subject Well is upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of said exchange project right shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West up Bear Creek to the confluence of Devils Gulch in the SE1/4 NW1/4, Section 32, Township 4 South, Range 70 West, thence up Devils Gulch to the point of depletion in the NE1/4 NW1/4, Section 5, Township

5 South, Range 70 West, all in the 6th P.M. Alternatively, the reach of said exchange project right shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West up Bear Creek to the confluence of an unnamed stream in the NW1/4, Section 33, Township 4 South, Range 70 West thence up the unnamed stream to the point of depletion in the SW1/4 SW1/4, Section 33, Township 4 South, Range 70 West, all in the 6th P.M. The point of depletion and exchange project reach shall be established based on the location of the well when drilled. In the event there is a senior call between the source of the replacement water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of October 31, 2022, at a maximum flow rate of 0.001 cfs and a maximum depletion in all reaches. 6. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 7. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Werner-Pierce (Co-Applicants). WHEREFORE, Applicants request the entry of a decree approving this application, specifically (1) granting the appropriation sought in this application, (2) authorizing use of the augmentation supplies described in this application, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue a well permit for the construction and use of, or any replacement well permit(s) required for, the Subject Well consistent with the final decree entered in this case. (10 pgs., 2 Exhibits)

**2022CW3164 RED WALL PARTNERS 1, LLC** 139 West 2nd Street, Suite 200 Casper, WY 82601, Serve all pleadings on: Matthew Machado, Anthony Basile, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, [mmachado@lyonsgaddis.com](mailto:mmachado@lyonsgaddis.com); [abasile@lyonsgaddis.com](mailto:abasile@lyonsgaddis.com).

**APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS AND CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE IN WELD COUNTY.** 2. **Introduction.** The Applicant seeks to adjudicate conditional water storage rights for Sanct-1 Pond and Sanct-2 Pond (collectively, “the Ponds”), which are located on Applicant’s property in a portion of Section 23, T5N, R64W of the 6th P.M., Weld County, Colorado (“Applicant’s Property”). The Ponds were designed by Ducks Unlimited primarily for the purpose of creating seasonal habitat for waterfowl and may also be filled to irrigate the area within the footprint of the ponds and/or pumped to irrigate other areas of Applicant’s property. Applicant seeks junior conditional water storage rights to fill the Ponds, and also a conditional appropriative right of exchange to fill the Ponds at times when the storage rights are not in priority. A map of the relevant structures is attached hereto as **EXHIBIT A**. The rights claimed herein will be used in addition to the rights decreed in Case No. 85CW372 dated August 29, 1986. 3. **Conditional Water Storage Rights.** 3.1 **Name and Location of Structures:** Sanct-1 Pond and Sanct-2 Pond. The approximate outlines of the Ponds, berms and agri-drains installed in each pond are shown on Exhibit A. 3.1.1 Sanct – 1 Pond is located in the SW 1/4 of the NE 1/4 of Section 23, T5N, R64W of the 6th P.M. 3.1.2 Sanct – 2 Pond is located in the SW 1/4 of the NE 1/4 of Section 23 and the SE 1/4 of the NE 1/4 of Section 23, T5N, R64W of the 6th P.M. 3.2 **Legal Description of the Points of Diversion:** 3.2.1 The berms for each of the ponds described below. 3.2.2 A headgate on the unnamed slough described in ¶ 3.3 below that is located in the NW 1/4 of the NW 1/4 of Section 23, T5N, R64W of the 6th P.M., Weld County, Colorado at a point with UTM Zone 13 coordinates: Northern 540515.00m, Easting 4471028.00m. The water diverted at the headgate from the slough enters a ditch that runs in a generally southeasterly direction to the Ponds. 3.3 **Sources of Water for the Ponds:** Tributary surface water, seepage, and runoff from Applicant’s property entering the Sanct-1 and Sanct-2 Ponds, and tributary surface water, seepage, and runoff tributary to the South Platte River from portions of Sections 14, 15, 22, and 23, T5N, R64W that flow into an unnamed slough in the NW 1/4 of Section 22, T5N, R64W. The slough runs in an easterly direction more or less through the NE 1/4 of said Section 22



and then continues onto Applicant's property in the NW 1/4 of Section 23, T5N, R64W of the 6th P.M. 3.4 Appropriation Date for the Ponds: December 31, 2005, by formulation of the intent to appropriate water for the Ponds, design of the ponds by Ducks Unlimited, construction of the ponds, conducting further engineering evaluations of the project, and the filing of this Application. 3.5 Date Water Applied to Beneficial Use: Not Applicable. 3.6 Amount of Water Claimed: 15 acre feet for each pond, CONDITIONAL, with the right to fill and refill multiple times when in priority. 3.7 Fill Rate: 5.0 c.f.s. total from all sources, CONDITIONAL. 3.8 Uses: Recreation, wildlife habitat and propagation within the footprint of the Ponds, and irrigation within the footprint of the Ponds; stockwatering; and irrigation of approximately 50 acres located on Applicant's Property within the area shown on Exhibit A. In addition, water stored in the Ponds under the water rights claimed herein and subsequently released from the Ponds may be used for augmentation of depletions from waterfowl pond located on the Masters Investment Company, Inc. property located downstream in Section 14, T4N, R62W of the 6th P.M. pursuant to a separate decree. 3.9 Surface Area: 3.9.1 Sanct-1 Pond: approximately 7.3 acres. 3.9.2 Sanct-2 Pond: approximately 7.78 acres. 3.10 Dam Height and length: 3.11 The Sanct-1 Pond berm is approximately 2 feet in height and 520 feet long. 3.12 The Sanct-2 Pond berm is approximately 2 feet in height and 985 feet long. 3.13 Capacity: The average depth of the Ponds is approximately 2 feet or less, with a maximum total and active capacity of approximately 30 acre feet combined for both Ponds. Each pond is currently equipped with an Agridrain capable of draining the pond, and, therefore, the Ponds will not have dead storage. **4. Conditional Appropriative Right of Exchange/Water Exchange Project.** 4.1. Name of Exchange: Sanct Ponds Exchange 4.2. Downstream Termini ("exchange-from points"): 4.2.1. The confluence of an unnamed slough and the South Platte River in the NE 1/4 SE 1/4 of Section 24, T5N, R64W of the 6th P.M. 4.2.2. The furthest downstream point at which replacement water will be exchanged from is the point where the East Section Line of Section 12, T5N R55W crosses the South Platte River. 4.3. Upstream Terminus ("exchange-to points"): the Ponds. 4.4. Source of replacement water: Fully consumable water leased from Riverside Irrigation District (Riverside) and decreed in Case Nos. 88CW239, 88CW221, 89CW027, and 2002CW86 and fully consumable water leased from the City of Greeley. 4.5. Date of Appropriation: Same as a ¶ 3.4 above. 4.6. Date water applied to beneficial use: Not applicable. 4.7. Amount claimed: 5 c.f.s., CONDITIONAL. 4.8. Use: Same as a ¶ 3.8 above. 4.9. Operation: When the water storage rights for the Ponds described in ¶ 3 above are subject to a call and cannot store water, Applicant may fill the Ponds by exchanging fully consumable leased water from Riverside or the City of Greeley up into the Ponds for the same uses described in ¶ 3.8. **5. Owners of land upon which structures are or will be located.** Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant's conditional water storage rights and conditional appropriative right of exchange described herein. Number of pages in application: 5, excluding the exhibit.

**2022CW3165 PARKER WATER AND SANITATION DISTRICT** – Motion to Dismiss pending. Duplicate filing see 2022CW3166.

**2022CW3166 PARKER WATER AND SANITATION DISTRICT**, 18100 E. Woodman Dr., Parker, CO 80134 (Please address all correspondence and inquiries to Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303- 442-2156)

**APPLICATION FOR CHANGES OF WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN DOUGLAS COUNTY.** **2. Purpose of application.** This application comprises four claims: (a) a change to allow storage under the original rights of Parker Water and Sanitation District's ("Parker") KOA, Trescott and Executive Builders alluvial wells, and to allow use of the KOA Well as an alternate point of diversion ("APD") for the Executive Builders Well and Clarke Wells 1 through 4; (b) appropriative rights of exchange for water released from those alluvial wells, and certain nontributary Denver Basin aquifer wells to a point

on Cherry Creek downstream of the diversion works for Newlin Gulch Aqueduct No. 2 ("NGA2") and exchanged upstream on Cherry Creek to NGA2 for storage in Rueter Hess Reservoir; and (c) a plan for augmentation to replace water that is inadvertently diverted out of priority at NGA2 for storage in Rueter-Hess Reservoir. **FIRST CLAIM - CHANGE OF SENIOR WATER RIGHTS OF KOA, TRESMOTT AND EXECUTIVE BUILDERS ALLUVIAL WELLS TO ADD STORAGE IN RUETER-HESS RESERVOIR FOR SUBSEQUENT USE AND TO ALLOW USE OF THE KOA WELL AS AN ALTERNATE POINT OF DIVERSION FOR THE EXECUTIVE BUILDERS WELL AND CLARKE WELLS 1 THROUGH 3. Decreed water rights for which change is sought.** a. Names of Structures, dates of original and subsequent decrees, and decreed uses. This Application does not request any changes in the separate, more junior, water rights which were confirmed for the KOA, Trescott and Executive Builders wells by this Court in Case 83CW346. i. KOA Well, originally decreed for irrigation in Case W-410 dated June 1, 1971 pursuant to application filed December 28, 1970 and changed to municipal use by decree in Case 79CW156 dated Mar. 31, 1981. ii. Trescott Replacement Well, originally decreed as the Trescott/Selvy Well for irrigation and stock watering in Case W-7392 on December 30, 1976 pursuant to application filed June 1, 1973 and changed to all municipal uses including domestic, industrial, commercial, irrigation, recreation and fire protection for the Trescott Replacement Well by decree in Case 84CW71 dated December 5, 1986. iii. Executive Builders Well originally decreed in Case W-1269 on April 17, 1972 pursuant to application filed June 30, 1971, and changed to domestic, irrigation, municipal, commercial, industrial, fire protection, recreation, livestock watering and fish and wildlife in Case 84CW180 dated December 3, 1986. iv. Clarke Wells Nos. 1, 2, 3 and 4 were decreed to divert water from the Cherry Creek alluvium for domestic and irrigation purposes in Civil Action No. 3635 by decree of the Douglas County District Court dated May 18, 1972, and were changed by decree of this Court in Case 85CW200(A) dated March 6, 1990 as recorded March 19, 1990 at Rec. No. 9006227, Book 901, page 870 records of Douglas County, to allow use for all municipal purposes within the service area of Parker and designating each of the four wells as APDs for each other. Also, the decree in Case 01CW60 dated June 30, 2006 as recorded July 3, 206 at rec. no. 2006056119 authorized use of Parker's KOA, CC-1 through CC-18, Executive Builders and KOA-2 wells to be used as APDs for these Clarke wells. b. Legal descriptions of structures from previous decrees (all in Township 6, South, Range 66 West of the 6th P.M. in Douglas County): i. KOA Well: NE 1/4 NW 1/4 Sec. 27, at a point 1950 feet from the West line and 500 feet from the North line of said Section 27. ii. Trescott Replacement Well: NW 1/4 SE 1/4 Section 27, at point 1320 feet from the South line and 2640 feet from the East line of said Section 27. iii. Executive Builders Well No. 1: NE 1/4 NW 1/4 Section 34 at a point 1300 feet South and 1800 feet East of the NW Corner of said Section 34. iv. Clarke Well No. 1 (Permit No. 18756-1): NW 1/4 of the NE 1/4 of Section 21, whence the NE corner of Section 21 bears N83°32'E a distance of 1,596 feet. v. Clarke Well No. 2 (Permit No. 18756-2): SW 1/4 of the NW 1/4 of Section 22, whence the NW corner of said Section 22 bears N33°50'W a distance of 1,640 feet. vi. Clarke Well No. 3 (Permit No. 18756-3): SW 1/4 of the SW 1/4 of Section 15, whence the SW corner of said Section 15 bears S12°00'W a distance of 375 feet. vii. Clarke Well No. 4 (Permit No. 20359-4): NE 1/4 of the NW 1/4 of section 22, whence the NW corner of said Section 22 bears N 53°15'W a distance of 2,105 feet. d. Sources of water: Groundwater tributary to Cherry Creek for all seven rights. e. Appropriation Dates and Priorities: i. KOA well - September 1946 ii. Trescott Replacement Well - May 3, 1954 iii. Executive Builders Well No. 1 - July 24, 1953, iv. Clarke Well No. 1 - April 4, 1950. v. Clarke Well No. 2 - June 6, 1946 vi. Clarke Well No. 3 - April 4, 1950. vii. Clarke Well No. 4 - April 27, 1955 Note 1: Because the applications for the original adjudications of the KOA Well, the Executive Builders Wells and Clarke Wells 1 through 4 were filed prior to July 1, 1972, those water rights enjoy a priority as of their actual appropriation dates and are not affected by the calendar year of filing pursuant to C.R.S. 37-92-306. However, the priority for the Trescott Replacement Well is administered as filed in calendar year 1973. Note 2: As to the Clarke wells, the decree in said Case 85CW200(A) provides at para. 12.A that, "Notwithstanding the provisions of the decree entered on December 20, 1971 in Case No. W-439, water Division No. 1, the water right priorities associated with Clarke wells 1-4, as described in paragraph 9 of this decree, shall hereafter be deemed junior and subordinate to the decreed water right priorities of the Davidson Ditch and Parker No. 2 Ditch, as described and decreed in said Case No. W-439,

and no call shall be made to curtail the exercise of the latter rights on account of the existence or priority of the above Clarke wells and water rights. This provision subordinates, negates, supercedes and controls the subordination of the Davidson Ditch priority and Parker No. 2 Ditch priority set out in paragraph 1 on page 3 of the decree in said Case No. W-439.” f. Decreed amounts. i. KOA Well: 2.46 c.f.s. limited to 300 acre-feet per year. The historical consumptive use of this water right was quantified as 300 acre-feet per year in said decree in Case 79CW156. ii. Trescott Replacement Well: 1.111 c.f.s. The Decree in Case 84CW71 provides that the changed uses shall be limited to the historical consumptive use, quantified as no more than 650 acre feet in any consecutive ten year period, no more than 110 acre feet in any calendar year, no more than 10 acre feet in any month of the year from October through April and no more than 45 acre feet in any month of the year from May through September. Said Decree further provides that such water may be used and reused to extinction. iii. Executive Builders Well No. 1: The Decree in Case 84CW180 provides that the changed uses shall be limited to the historical consumptive use, quantified as 81.7 acre feet per year. iv. Clarke Well No. 1: 1.26 c.f.s. v. Clarke Well No. 2: 1.67 c.f.s. vi. Clarke Well No. 3: 1.39 c.f.s. vii. Clarke Well No. 4: 1.45 c.f.s. Note 3: The decree in said Case 85CW200(A) determined at para. 11 that the historical consumptive use of Clarke Well Nos. 1 through 4, is 271 acre feet per year and that the average historical consumption occurred during the growing season of April 1 through October 31. The court further found that this average historical consumption should be assigned to the priority dates of the Clarke Wells as follows:

Average Historical Consumption (Acre-feet) Priority Date

	4/27/1955	4/4/1950	6/6/1946	Total
Annual Maximum	84	89	98	271
Monthly Maximum	21	22	25	68

g. Amounts of water that Parker intends to change: all. **4. Proposed Change.** Parker requests that the above described water rights, which are presently for direct application of water, also be allowed to be stored for subsequent beneficial use in Rueter-Hess Reservoir. Parker further requests that the water rights of the said Executive Builders well and Clarke Wells 1 through 4 be allowed to be withdrawn through the KOA-1 Well as an APD for said Clarke wells. a. Such water may be delivered to Rueter-Hess Reservoir by pump and pipeline, by exchange under the appropriate rights of exchange described in the following claim in the present case, or by any combination of the same. All of such deliveries to storage will be made to the pumping and diversion structure for Newlin Gulch Aqueduct No. 2, also known as NGA2, for delivery to said reservoir through the pipeline from NGA2. b. Uses. The place of use remains Parker’s service area as it may from time to time be enlarged. No change is requested in the types of uses other than adding storage for subsequent use. c. Amount of Water Which May Be Stored. No change is requested in the diversion or volumetric limits set out in the decrees in the above mentioned previous cases 79CW156, 84CW71 and 84CW180. d. Since each of the subject water rights was the subject of a previous change of water right which was judicially approved and for which the historical consumptive use was previously quantified, the Court in the present case shall not reconsider or requantify the historical consumptive use. SB 15-183, C.R.S. 37-92-305(3)(d) and (e). e. When withdrawn through the KOA Well, the water rights of the Executive Builders Well and Clarke Wells 1 through 4 shall be withdrawn as separate water rights from other water rights withdrawn through the KOA well. Parker notes that the senior water rights of the Trescott Well have already been authorized to be withdrawn from the KOA Well as an APD by the decree of this Court in Case 87CW009 dated September 25, 1990 **5. Rueter-Hess Reservoir and Newlin Gulch Aqueduct 2:** a. Location of Dam of Rueter-Hess Reservoir. The axis of the dam intersects the thread of Newlin Gulch at a point on the South line of Section 30, which point is approximately 2,400 feet east of the southwest corner of said Section 30. This location may be referred to herein as the “Outlet Works.” (All structures in this Application are in Township 6 South, Range 66 West of the 6th P.M. in Douglas County, Colorado.) 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. Rueter-Hess Reservoir dams and impounds waters of the stream known as Newlin

Gulch. b. Newlin Gulch Aqueduct 2. Water may be delivered to storage in Rueter-Hess Reservoir by a diversion structure, pumping plant and pipeline system known as Newlin Gulch Aqueduct #2 (“NGA2”) from the surface flows of Cherry Creek by means of a low diversion dam or weir and suitable pumps. Said diversion dam (herein the “Diversion Structure”) intersects the thread of Cherry Creek in the SE/4 NW/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County at a point approximately 2090 feet south of the north section line of said Section 3, and approximately 1870 feet east of the west section line of said Section 3. The capacity of the Newlin Gulch Aqueduct #2 is presently 78 cfs and will be increased to 150 cubic feet per second. The location of the Diversion Structure was corrected by decree in Case 99CW226 dated April 21, 2005. c. Sources of Water and Decrees from Cherry Creek and its Tributaries: Rueter-Hess Reservoir has a water storage right for 9,885 acre feet with date of appropriation March 20, 1985 for water originating upstream of the Franktown Gauge on Cherry Creek and June 1, 1993 for water originating downstream of that gauge and on Newlin Gulch, as decreed in Case 85CW448(A). Rueter-Hess Reservoir also has a first enlargement storage right of 62,035 acre feet decreed in Case 04CW348. Those decrees provide that any of that water may be delivered to storage through Newlin Gulch Aqueduct No. 1 from alluvial wells at a maximum 12 cfs or through Newlin Gulch Aqueduct No. 2 from the Cherry Creek surface diversion at a maximum 150 cfs. (Newlin Gulch Aqueduct No. 1 is not part of the present case.) Rueter-Hess Reservoir is decreed for municipal and other uses as described in said decrees. Further, pursuant to the decree in Case 04CW348, water originally decreed for storage in Lake Gulch Reservoir in Case 85CW448(B) may be stored in Rueter-Hess Reservoir as an alternate location. **6. Non-injury**. The continuation of the terms and conditions decreed in said previous cases 79CW156, 84CW71 and 85CW200(A) will suffice to prevent injury, largely because these water rights are decreed as fully consumptive reusable rights water from which no return flows can be reasonably or justifiably relied upon by other water rights, combined with the absence of any requested changes other than storage for subsequent beneficial use. **SECOND CLAIM - APPROPRIATIVE RIGHT OF EXCHANGE FOR WATER PRODUCED BY THE ABOVE DESCRIBED TRIBUTARY GROUNDWATER RIGHTS AND FOR NONTRIBUTARY DENVER BASIN AQUIFER WATER DELIVERED TO CHERRY CREEK BY PIPELINES DOWNSTREAM OF THE DIVERSION STRUCTURE, AND EXCHANGED UPSTREAM ON CHERRY CREEK TO THE DIVERSION STRUCTURE AND THENCE TO STORAGE IN RUETER-HESS RESERVOIR.** **7. Appropriative Right of Exchange**. Applicant seeks to adjudicate the following appropriative right of exchange pursuant to the relevant provisions of the law, including but not limited to §37-80-120, §37-83-104, §37-92-302(1)(a) and §37-92-305(10), C.R.S. The water to be exchanged will be water produced by the seven above described tributary groundwater rights (KOA Well, Trescott Well, Executive Builders Well and Clarke Wells 1 through 4), by nontributary Denver Basin wells located on the Stroh Ranch parcel as originally decreed in Cases 83CW161 and 94CW032 and incorporated into Parker’s well fields in Case 94CW042, and from nontributary and not nontributary groundwater from wells operating under Parker’s well field decrees. **8. Termini of Exchange**. Water will physically accrue to Cherry Creek through pipeline or existing or intermittent stream channels or topography from the above described source that reach the stream at or near the following locations (all are in T.6S, R.66W. of the 6<sup>th</sup> P.M.). Parker reserves the right to adjust the “as built” locations of such “exchange from” locations by notice to the Division Engineer’s Office without further judicial proceedings so long as the adjusted location of any of said “exchange from” locations is not moved past any stream gage or any exchange-to or exchange-from locations of decreed exchanges of others. (Please see map attached as Exhibit A). a. Downstream Terminus 1 - Clarke Farms Denver Basin Terminus: within 200 feet of a point in the SE/4 SE/4 Section 16, that is 509 feet north of the south section line and 1304 feet west of the east line of said section. b. Downstream Terminus 2 - A-2 Well Terminus: within 200 feet of a point in the SE/4 NE/4 Section 21 that is 1745 feet south of the north line and 919 feet west of the east line of said section. c. Downstream Terminus 3 - Stroh Denver Basin Terminus: within 200 feet of a point in the NW/4 SW/4 Section 34 that is 2083 feet north of the south section line and 661 feet east of the west line of said section. d. Downstream Terminus 4 - KOA-1 and KOA-2 Terminus - within 200 feet of a point in the NE/4NW/4 Section 27 that is 1244 south of the north section line and 2326 feet east of the west section line. e. Downstream Terminus 5 - CC-7 Terminus - within 200 feet of a point in Section 21 that is 1748

feet south of the north section line and 919 feet west of the east section line. f. Downstream Terminus 6 - CC-9 Terminus - within 200 feet of a point in Section 16 that is 2640 feet north of the south section line and 1866 feet west of the east section line. g. Downstream Terminus 7 - CC-15 Terminus - within 200 feet of a point in Section 16 that is 1597 feet south of the north section line and 1355 feet west of the east section line. h. Downstream Terminus 8 - CC-17 Terminus - within 200 feet of a point in Section 16 that is 490 feet north of the south section line and 1287 feet west of the east section line. i. Upstream Terminus: The upstream terminus of this exchange is the Diversion Structure for NGA2 described in paragraph 5.b above, from which water will be pumped to storage in Rueter-Hess Reservoir. **9. Appropriation date:** April 22, 2022. The appropriation was confirmed at a meeting including Parker's Management and its engineering consultants carrying out the previously expressed intention and direction of Parker's Board of Directors to increase the efficiency of the operation of Parker's water rights. This claim serves that purpose by expressing the intent to exchange water on Cherry Creek as described in this Claim, to store such water in Rueter Hess Reservoir, to serve Parker's municipal water requirements for the purposes described in this application, subsequently confirmed by the filing of this application and by further Board action involving Parker's water rights and systems. Water has not yet been applied to beneficial use pursuant to the requested exchange, so only a conditional appropriative right of exchange is requested to be confirmed. **10. Rate of exchange:** 1000 g.p.m or 0.444 c.f.s from each of the Denver Basin aquifer exchanges from points listed in foregoing paragraphs 8.a, b and c and 2000 g.p.m or 0.888 c.f.s from each of the alluvial well exchange-from points listed in foregoing paragraphs 8.d through h, all conditional. Parker intends to request administrative approval of these exchanges under C.R.S. 37-80-120 and other applicable statutes. In the event such requests are approved and the exchanges are operated under such approvals prior to entry of a decree in the present case, Parker reserves the right to prove that such exchanges have become absolute to that extent and that they should be so confirmed in such decree. **11. Source Water for Exchanges. a. Senior rights of KOA, Trescott Replacement Well, Executive Builders Well and Clarke Wells 1 through 4** as described and changed to allow storage pursuant to the First Claim in this Application. **b. Stroh Ranch Wells.** The wells and water rights which are the source of water for the requested appropriative right of exchange were decreed by this Court on December 19, 1985 in Stroh Ranch Case No. 83CW161. Three of the Denver aquifer wells were originally decreed as not nontributary in 83CW161 and reclassified as being nontributary in case 94CW032. Parker now owns those wells and water rights, which are further described as follows. **i. Stroh Ranch Lower Dawson Nontributary Wells.** All of these are in Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, with the exception of Stroh Ranch Well DW4DA, which is located in Township 7 South, Range 66 West of the 6th P.M. and were decreed from the nontributary Lower Dawson aquifer in case 83CW161. These wells may provide up to an average of 2097.4 acre feet per year, from any combination of wells, and from such additional Lower Dawson aquifer wells as are constructed to maintain production of and to recover the amount of nontributary Lower Dawson aquifer groundwater to which Parker is entitled.

Well	QtrQtr	Sec	Feet From S Line	Feet From W Line	Notes
DW1DA	NESW	34	2400	2300	
DW4DA	NENW	4	4100	1900	In 7S66W
DW5DA	NWSW	33	1500	10	
DW6DA	SWNW	33	3800	10	
DW8DA	SENW	32	3800	1500	
DA9DA	NWSW	27	2120	715	

**ii. Stroh Ranch Denver Nontributary Wells.** All of these are in Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, with the exception of Stroh Ranch Well DW4DE, which is located in Township 7 South, Range 66 West of the 6th P.M. and were decreed from the nontributary Denver aquifer in case 83CW161, or in some instances as noted below were originally decreed as not nontributary in Case 83CW161 but then reclassified as being from the nontributary Denver aquifer in Case No. 94CW032. These wells may provide up to an average of 1987.7 acre feet per year, from any combination of wells, and from such additional Denver aquifer wells as are constructed to recover the amount of nontributary Denver

aquifer groundwater to which Parker is entitled. Note that the wells marked as \*94CW32 were originally decreed as not nontributary in 83CW161 and reclassified as being nontributary in case 94CW032.

Well	QtrQtr	Sec	Feet From S Line	Feet From W Line	Notes
DW1DE	NESW	34	2400	2300	
DW2DE	NWSE	33	1500	3800	
DW3DE	SWNE	33	3800	3800	
DW4DE	NENW	4	4100	1900	In 7S66W
DW5DE	NWSW	33	1500	10	
DW6DE	SWNW	33	3800	10	
DW7DE	NESW	32	1500	1500	* 94CW32
DW8DE	SEnw	32	3800	1500	* 94CW32
DW9DE	NWSW	27	2120	715	* 94CW32

**iii. Stroh Ranch Arapahoe Nontributary Wells.** All of these are in Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, with the exception of Stroh Ranch Well DW4AR, which is located in Township 7 South, Range 66 West of the 6th P.M. and were decreed nontributary from the Arapahoe aquifer in case 83CW161. These wells may provide up to an average of 2856.7 acre feet per year, from any combination of wells and from such additional Arapahoe aquifer wells as are constructed to maintain production of and to recover the amount of nontributary Arapahoe aquifer groundwater to which Parker is entitled.

Well	QtrQtr	Sec	Feet From S Line	Feet From W Line	Notes
DW1AR	NESW	34	2400	2300	
DW4AR	NENW	4	4100	1900	In 7S66W
DW8AR	SWNW	32	3800	1500	
DW9AR	NWSW	27	2120	715	

**iv. Stroh Ranch Laramie-Fox Hills Nontributary Wells.** All of these are in Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, with the exception of Stroh Ranch Well DW4LF, which is located in Township 7 South, Range 66 West of the 6th P.M. and were decreed nontributary from the Laramie Fox Hills aquifer in case 83CW161. These wells may provide up to an average of 2217.4 acre feet per year, from any combination of wells, and from such additional Laramie-Fox Hills aquifer wells as are constructed to maintain production of and to recover the amount of nontributary Laramie-Fox Hills aquifer groundwater to which Parker or Stroh are entitled.

Well	QtrQtr	Sec	Feet From S Line	Feet From W Line	Notes
DW1LF	NESW	34	2400	2300	
DW4LF	NENW	4	4100	1900	In 7S66W
DW5LF	NWSW	33	1500	10	
DW6LF	SWNW	33	3800	10	
DW8LF	SEnw	32	3800	1500	
DW9LF	NWSW	27	2120	715	

**v. Decrees for Stroh Ranch Wells.** All cases mentioned herein are in the District Court for Water Division 1, Colorado. All recording information is for the records of Douglas County, Colorado.

Case No.	Date Entered	Date Recorded	Reception No.	Book-page
83CW161	Dec 19, 1985	12/31/1985	371641	616/754
94CW032	Jun 30, 1995	02/23/1996	9609071	1320/1172

**vi. Amounts of Water from Stroh Ranch Denver Basin Rights.** The amounts of water presently available to Parker from the Stroh Ranch Denver Basin water rights listed in foregoing paragraphs 11.b.i. through 11.b.v. are presently limited by the Water Resources Credits Agreement - Parker Investments 2009 and North Parker Investments dated June 12, 2015, General Warranty Deed from Parker PA-11, LLC to Parker recorded June 15, 2015 at rec. no. 2015040330 and Water Rights Special Warranty Deed from Stroh Ranch Development LLC to Parker recorded July 18, 2016 at rec. no. 2016046752, which documents are attached

hereto as Exhibit E, F and G respectively. Pursuant to these and other documents, Parker reasonably anticipates that as development on Stroh Ranch proceeds, the full yields of these water rights as listed above will be conveyed to Parker to service the Stroh Ranch area and accordingly Parker claims those full yields for the subject appropriative right of exchange. **c. Parker Denver Basin Water** from wells that produce groundwater pursuant to Parker’s well field decrees, including decrees which have previously enlarged those well fields, pending well field enlargement case 19CW3211 and future decrees that further enlarge Parker’s well field decrees. Those decrees and pending case are as follows. All cases mentioned herein are in the District Court for Water Division 1, Colorado. All recording information is for the records of Douglas County, Colorado.

Case No.	Date Entered	Date Recorded	Reception No.	Book-page
87CW104A	Apr 18, 1990	04/23/1990	9009587	908-589
87CW104B	Oct 27, 1992	10/27/1992	9239980	1093-1252
94CW042	Dec 16, 1996	01/08/1997	9701331	1400-1715
95CW089	Mar 31, 1997	04/15/1997	9719270	1422-2382
99CW006	Dec 30, 2005	01/10/2006	2006002804	n/a
02CW227	Dec 23, 2005	01/10/2006	2006002803	n/a
06CW179	Jun 11, 2008	06/19/2008	2008043680	n/a
19CW3211	Pending			

**12. Proposed Uses.** Municipal and all other uses described in the said previous decrees for the source water.

**13. Description of exchange operation.** a. Parker may operate the described exchange, so long as any and all senior water rights of others in the exchange reach with a lawful requirement for water according to their respective priorities, including senior exchanges, are satisfied, without any additional requirements for live stream conditions. No change is requested as to LIRF accounting, or as to any existing decreed or stipulated requirements for live stream flow or bypass flows in the described exchange reach. b. All of the source water in this exchange is groundwater pumped from the above described alluvial and Denver Basin aquifer wells. Such water will be delivered to the above described “exchange from” locations from such wells through pipelines or existing or intermittent stream channels or topography. Such deliveries will be measured at one or the other end of such pipelines, or measured upon introduction to a stream channel and such reasonable stream loss as the Division Engineer may direct applied thereto, and accounted in a manner as reasonably directed by the Division Engineer. **THIRD CLAIM - PLAN FOR AUGMENTATION TO REPLACE OUT-OF-PRIORITY CHERRY CREEK SURFACE DIVERSIONS INTO RUETER-HESS RESERVOIR**

**14. Structure to be augmented:** Parker’s Newlin Gulch Aqueduct No. 2 (“NGA2”) Diversion Structure on Cherry Creek, located as described in foregoing paragraph 5.b.

**15. Water rights to be used for augmentation:** a. **LIRF credits** as originally decreed on July 30, 1992 in Case 83CW348(A) recorded August 5, 1992 at rec. no. 9228306, the Supplemental Decree in Case 83CW348(A) entered March 7, 1995 and recorded April 3, 1995 at rec. no. 9514586, and as confirmed and requirements set out in the LIRF Order in Case 83CW348(A) entered June 14, 2010. i. Type of water rights - LIRF credits from previously decreed reusable water rights as set out in the above mentioned decrees and order in Case 83CW348(A). ii. Location - said LIRF credits accrue to Cherry Creek within the accrual reach whose downstream end is the north line of Sec. 9, T.6 S., R. 66 W. and whose upstream or north end is the south line of the North 1/4 of Sec. 34, T.6 S., R. 66W of the 6th P.M. iii. The amount of such LIRF credits is determined by Parker’s accounting system as required in said LIRF Order and approved by the Division Engineer’s office.

iv. Use of such water for augmentation purposes is provided at paragraph 28 of the original 83CW348(A) decree and paragraph 7 of the Supplemental Decree in Case 83CW348(A). (This claim is not intended to limit Parker’s right to add additional LIRFs as augmentation sources as such LIRFs become lawfully available to Parker.) **b. Reusable Return flows from Parker’s wastewater treatment plants** which originate from storage under the 1985 and 1993 water storage rights of Rueter-Hess Reservoir as decreed in said case 85CW448(A) and nontributary and not nontributary Denver Basin aquifer wells in Parker’s well fields as most recently described in the above described well field enlargement decree in Case 06CW179 and pending well field enlargement case 19CW3211. An addition of parcels to such well fields

is requested in Parker's pending application in case 19CW3211 which is in the same general area and will operate in the same manner, so Parker reserves the right to add water added to its well fields by the decree to be entered in said case 19CW3211 upon entry of that decree. i. The subject water originates from the wells in Parker's well field area generally located in T. 6S., R. 66W. as shown in Exhibit B which is a map from the 19CW3211 application. ii. Such water is then collected and delivered by pipes of Parker's wastewater collection system in the same area, to Parker's AWT Plants. iii. Augmentation use of such water is provided at paragraph 25 of said 06CW179 decree. **c. Senior water diverted through Parker's alluvial wells under its ownership of certain interests in the Boss, Gilman, Herzog and J.F. Gardner water rights** as quantified, fully described and changed to municipal and other uses by Parker in the decree in Case 95CW039 entered August 13, 1997 and recorded August 25, 1997 at rec. no. 9746332. i. Type of water rights: senior rights changed to municipal use for diversion at Parker's alluvial wells. ii. Location of wells: Total of 24 alluvial wells as listed in paragraph 15.a of said 95CW039 as supplemented by the APD wells listed in paragraph 13.d of the decree in Case 01CW60 dated June 30, 2006 as recorded July 3, 2006 at rec. no. 2006056119, located generally along the course of Cherry Creek, subject to the requirement in said Case 01CW60 that Parker "may construct and operate no more than twelve alluvial wells to withdraw the priorities described in cases 79CW176, 83CW346, 83CW348(A), 84CW180, 85CW200(A), 85CW448(A) and 95CW039." The northern most well is CC-2 in Sec. 16, and the southernmost well is in Sec 27, all in T.6S., R.66 W. of the 6th P.M. iii. Source of water is the alluvium of Cherry Creek. iv. Appropriation Dates and maximum flow rates are: Boss July 30, 1869, 0.5 cfs; Gillman Feb. 28, 1880, 1.0 cfs; Herzog Sep. 10, 1883, 2.44 cfs and J. F. Gardner, Dec. 18, 1877, 3.00 cfs, with additional flow rate and volumetric limitations as set out in said 95CW039 decree. v. Use for all augmentation purposes is decreed in paragraph 15.b of said 95CW039 decree. **16. Complete statement of plan for augmentation.** Litigation was initiated against Parker by the State and Division Engineers in Case 19CW3004 in this Court based upon concerns regarding inadvertent out of priority diversions by Parker at NGA2. That litigation was resolved by the Stipulated Settlement Agreement filed in that case on April 12, 2019 and approved by this Court by Order Approving Stipulated Settlement Agreement and Entering Final Judgment as entered April 15, 2019. Paragraph 9.b of that Settlement provides: Unless recurring out-of-priority diversions from Cherry Creek have fully ceased during the third year of such substitute water supply plan, Parker shall file an application for approval of a plan for augmentation with the Water Court to augment such diversions. For the purposes of this paragraph, "recurring" shall mean out-of-priority diversions on more than three (3) days in a consecutive three (3) month period. Parker shall provide a draft of such plan for augmentation to the State Engineer for review and comment at least 30 days before filing the same with the Water Court. a. As long as the CDPHE does not allow direct connection of Parker AWT discharge to the NGA2 pumping plant, Parker cannot guarantee that there will be no inadvertent out-of-priority diversions. Accordingly, Parker is requesting approval of this plan for augmentation to replace the series of substitute water supply plans ("SWSP"). This plan for augmentation is intended to operate in the same way as the SWSPs. b. The SWSPs have been approved by the State Engineer on July 26, 2019, July 20, 2020, May 10, 2021 and August 17, 2022. The most recent of these approvals is attached hereto as Exhibit C and is incorporated herein by this reference. By way of brief summary, it provides that: i. It replaces depletions that result from inadvertent out-of-priority diversions at Newlin Gulch Aqueduct No. 2 ("NGA2") (WDID 0800802). The NGA2 was constructed to deliver surface water via the Diversion Structure on Cherry Creek through a pumping plant known as the Cherry Creek Pump Station ("CCPS") to Rueter-Hess Reservoir. The CCPS is also used to pump water to Rueter-Hess Reservoir from water that was previously stored in Parker's Regional Pond, including reusable effluent from Parker's advanced wastewater treatment ("AWT") plants, water pumped from Parker's alluvial wells via Newlin Gulch Aqueduct No. 1 ("NGA1"), and Denver Basin water. As a result, the CCPS can be operated during times Parker's water rights on Cherry Creek are out-of-priority. ii. Parker's discharge permit from the CDPHE requires Parker to discharge its reusable effluent from Regional Pond 1 into Cherry Creek approximately 30 feet above the CCPS. The reusable effluent discharged into Cherry Creek is then re-diverted back into the CCPS for pumping to Rueter-Hess Reservoir. This operation is automated through Parker's supervisory control and data acquisition ("SCADA") system, however due to the difference in the size of the pumps at the CCPS and



the pumps at the Regional Pond, it is difficult to regulate pumping such that all of the reusable water pumped from the Regional Pond is captured but no out-of-priority water from Cherry Creek is diverted. Therefore this SWSP replaces any out-of-priority water that is inadvertently captured by Parker's required operations at the CCPS. iii. Due to the CDPHE discharge permit requirement to discharge water pumped from the Regional Pond into Cherry Creek for a short distance, a methodology for full replacement of any out-of-priority diversions that occurred at the CCPS has been previously established and approved by the Division Engineer as part of Parker accounting. Therefore, the previously approved accounting operations for the Rueter-Hess Reservoir augmentation plan are also covered by the SWSP. iv. Parker provides daily accounting including but not limited to diversions, depletions, replacement sources and river calls) on a monthly basis. In addition, Parker tracks the daily flow from the Regional Pond and other sources which are not subject to administration, the daily volume pumped to Rueter-Hess Reservoir, and the daily volume of diversions from Cherry Creek whether those diversions are in-priority or out-of-priority. c. All of these provisions shall apply to the requested plan for augmentation. **ADDITIONAL GENERAL ALLEGATIONS** **17. Use of water.** All water claimed herein will be transported via suitable stream channels, reservoirs, pumps and pipelines for all municipal purposes of Parker Water and Sanitation District including domestic, industrial, commercial, manufacturing, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production and will also be used for exchange, replacement, and augmentation at any location where it is physically available. The place of use is within the boundaries of Parker Water and Sanitation District as those boundaries may from time to time be changed, and any locations of out-of-District service pursuant to the District's Rules and Regulations. The recent service area of the District is shown on map attached as Exhibit D. **18. Need for Water.** All of the subject appropriative rights of exchange and plan for augmentation are required to meet the reasonably anticipated demands for water of Parker. **19. Can and Will.** All of the waters which are the subject of this proceeding can and will be diverted and stored, possessed and controlled and will be beneficially used. The structures necessary to do so are either completed or can and will be completed with diligence and within a reasonable time. All of the requirements of § 37-92-305(9)(b) C.R.S. have been met. **20. 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.** Parker owns all of the structures, and owns in fee or holds recorded easements for all of the sites mentioned herein, including the well sites for all existing wells, except that the following entities may hold legal interests in the sites for some wells which have not yet been constructed: Stroh Ranch Development, LLC, 5105 DTC Parkway, Suite 240, Greenwood Village, CO 80111, Parker Investments 2009, LLC, 17207 N. Perimeter Dr., Suite 200, Scottsdale, AZ 85255, Parker PA-11, LLC, 17207 N. Perimeter Dr., Suite 200, Scottsdale, AZ 85255, North Parker Investments, LLC, 8160 N. Hayden Road, J208, Scottsdale, AZ 85238, Pivotal Colorado II, LLC, 8160 N. Hayden Road, J208, Scottsdale, AZ 85258 **21. Water Service Entitlements.** Nothing herein is intended to create any implication that the granting of the present application will affect the entitlement of any person to receive water service from Parker. Rights to water service will continue to be governed by the applicable Inclusion Agreements, other Contracts and Agreements, and Parker's Rules and Regulations. **22. Records.** Parker will maintain such records and make such measurements of water as may be reasonably required by the Division Engineer. **23. Exhibits.** All exhibits mentioned herein are incorporated herein by reference and may be examined at the office of the clerk of this Court.

**2022CW3167 SYLVAN DALE RANCH, LLP, 2939 Nort County Road 31D, Loveland, CO 80538. APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN LARIMER COUNTY.** Name, mailing address, email address and telephone number of applicant: Sylvan Dale Ranch, LLP C/O David Jessup, Susan Jessup, 2939 North County Road 31D, Loveland, CO 80538. Decreed water right for which correction is sought: Name of structure: Sylvan Dale Ranch Well. Date of original and all relevant subsequent decrees: The Sylvan Dale Ranch Well was originally decreed in Case No. W-9227-78, District Court, Water Division 1, entered on March 31, 1981.

Legal description of structure as described in most recent decree that adjudicated the location: The decree in Case No. W-9227-78 described the location of the Sylvan Dale Ranch Well as being located in the “SW1/4SE1/4, Section 3, Township 5 North, Range 70 West of the 6th P.M., Larimer County at a point approximately 375 feet North and 630 feet East of the S1/4 Corner, Section 3.” This location is shown on Exhibit A hereto as the “Decreed Location.” Decreed source of water: Groundwater. Appropriation Date: March 20, 1916. Total amount decreed to structure: 0.01 CFS. Decreed use or uses: Commercial for drinking and sanitary facilities in a guest ranch and stock watering. Detailed description of proposed correction to an established but erroneously described point of diversion: Complete statement of correction to an established but erroneously described point of diversion, including whether it is erroneously described. The Sylvan Dale Ranch Well was originally constructed at the location shown in Exhibit A as the “Original Location,” where it was located since entry of the decree in Case No. W-9227-78. As such the decree for the Sylvan Dale Ranch Well erroneously described the location of the well. The well was relocated in about 2007 pursuant to Well Permit Number 273443-A in the location shown in Exhibit A as the “Current Location.” Applicant seeks to establish the current location of the well as the decreed location. The legal description of the corrected point of diversion: From field survey: 2318’ feet from the East section line and 590’ feet from the South section line, Section 3, Township 5 North, Range 70 West, 6th P.M; UTM Coordinates: Easting 481295, Northing 4474749, UTM Zone 13, NAD83.

**\*\*AMENDED\*\* 2022CW3138 OLSON FAMILY TRUST**, 1290 Buttercup Road, Elizabeth, CO 80107. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17<sup>th</sup> Street, Suite 1800, Denver, CO 80202. **AMENDED APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Summary: The original application in this case was filed on September 29, 2022. Subsequent to that date, Applicant acquired the contiguous parcel east of the original property, described below. This amended application is being filed to include that property into the proposed augmentation plan. These parcels are not being subdivided and will remain as separate properties. Subject Property: 2 contiguous parcels described as follows. Both properties are referred to as the Subject Properties: Parcel 1: 1.96 acres generally located in the NW1/4 of the NW1/4 of Section 23, Township 7 South, Range 65 West of the 6th P.M., Lot 5, Hilltop Landing, also known as 38891 Kittridge Pl, Elizabeth, CO 80107, Elbert County, State of Colorado, as shown on **Exhibit A**. The Applicant is the sole owner of Parcel 1, and no other party has a mortgage or lien interest, therefore no notice was required under C.R.S. 37-92-302(2)(b). Parcel 2: 1.93 acres generally located in the NW1/4 of the NW1/4 of Section 23, Township 7 South, Range 65 West of the 6th P.M., Lot 6, Hilltop Landing, also known as 38863 Kittridge Pl, Elizabeth, CO 80107, Elbert County, State of Colorado, as shown on **Exhibit A**. The Applicant is the sole owner of Parcel 2, and no other party has a mortgage or lien interest, therefore no notice was required under C.R.S. 37-92-302(2)(b). Well Permits: There is currently one Lower Dawson Aquifer well under Well Permit No. 153444 located on Parcel 2. Well Permit No. 153444 is permitted to serve Parcel 1 and Parcel 2. There are currently no wells on Parcel 1. New well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Parcel 1:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	0.72
Lower Dawson (NT)	0.19

Denver (NT)	0.85
Arapahoe (NT)	0.81
Laramie-Fox Hills (NT)	0.54

Parcel 2:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	0.69
Lower Dawson (NT)	0.19
Denver (NT)	0.82
Arapahoe (NT)	0.78
Laramie-Fox Hills (NT)	0.52

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Properties. 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: Parcel 1: Approximately 0.70 acre-feet per year for 100 years of not-nontributary Upper Dawson Aquifer groundwater. Parcel 2: Approximately 0.65 acre-feet per year for 100 years of not-nontributary Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: Parcel 1: The Upper Dawson Aquifer groundwater will be used in one well, for in-house use in one (1) single-family home (0.3 acre-feet per year), irrigation, including home lawn, garden, and trees, of up to 8,000 square-feet (0.4 acre-feet per year), and fire protection, on Parcel 1. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Parcel 2: The Upper Dawson Aquifer groundwater will be used in one well, for in-house use in one (1) single-family home (0.3 acre-feet per year), irrigation, including home lawn, garden, and trees, of up to 7,000 square-feet (0.35 acre-feet per year), and fire protection, on Parcel 2. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **DECEMBER 2022** (forms available on [www.courts.state.co.us](http://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.