

**DISTRICT COURT, WATER DIVISION 1, COLORADO
OCTOBER 2021 WATER RESUME PUBLICATION**

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of **OCTOBER 2021** for each County affected.

20CW23 JOHN AND CHRISTINE DILDINE, 5744 N. CR 27, Loveland, CO 80538. 970-667-0233. christine.dildine@gmail.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** Date of original decree: 8-31-01 in case 00CW204 WD1; Subsequent decrees: 2-21-08 in case 07CW183 and 07-01-14 in case 14CW6 both WD1. Well, permit 69978, located SW1/4, SW1/4, S26, T6N, R70W 6th PM at a point approximately 660 ft. from S and 700 ft. from W. Source: Groundwater. Appropriation date: 6-14-73. Amount: 0.027 cfs (12gpm). Use Domestic in one single family dwelling including irrigation of 1/2 acre and stock water absolute. Domestic in an additional single family dwelling and irrigation of an additional 1/2 acre conditional.

21CW20 STEVE D and DIANNE L JOHNSON, 4855 Private Rd 192, Elizabeth, CO 80107, 720-284-1373 diannejz987@yahoo.com **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Johnson Well located NE 1/4, SW 1/4, S5, T6S, R64W of the 6th PM in Elbert County, distances from section lines 2400 Ft from South Section line and 2500 ft from West Section line. One well located on property; Parcel of land consists of 35 acres of land; Well Permit 263359 Depth to bottom of well 645 ft; pumping Rate 15 gpm; amount claimed in acre-fee annually 1, single family dwelling; watering domestic animals, recreational, lawn and garden irrigation on 2 acres; fire protection-system

21CW21 DAVID A. SKERDA LIVING TRUST, DAVID A. SKERDA, TRUSTEE, KIM SKERDA LIVING TRUST, KIM SKERDA, TRUSTEE, 3375 Timbergate Trail, Evergreen, CO 80439. 303-378-5294. daskerda@gamil.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE (well nos. 2-7) and TO MAKE ABSOLUTE IN WHOLE OR IN PART (reservoir) in JEFFERSON COUNTY.** Date of original decree: 4/14/09 in case 08CW137, WD1. Subsequent decree: 10/29/15 in case 15CW15 WD1 Permit 82117-F Double "E" Ranch Well 1 (absolute): SW 1/4 SW 1/4 S34 T4S R71W 6th PM in Jefferson County, at a point approximately 450 feet from the South Line and 1,050 feet from the West line of said Section 34; Well 5, NW 1/4 SE 1/4 S34 T40S R71W 6th PM UTM 472414.8 Easting 4389943.1 Northing; Well 6 will not be known until the location of the residence to be served is determined. This well will be located at 3325 Timbergate Trail, Evergreen CO which can generally be described as being within the SW 1/4 of S34 T4S R71W 6th PM Jefferson County. Double "E" Reservoir, the center of the dam embankment for the reservoir will be located in the NW1/4, SW1/4, S34, T4S, R71W, 6th PM at a point approximately 1500 ft. from the S and 370 ft. from the W of said S34. UTM coordinates Northing 4389589mN Easting 471759mE Zone 13. Subdivision: Skerda property; Lot 1. Source: Groundwater. Appropriation date: Well NO 1 (absolute) 10/19/98 Well Nos 5, 6 and Reservoir-6/30/08 Amount 15 gpm for well. Use: Water usage within four single family residences, 2 served by Well 1; watering of 7 horses or equivalent animals, irrigation of 2000 sf of lawn grass or equivalent gardens and Evaporation loss from Double "E" Reservoir. If claim to make absolute in whole or in part: Date water applied to beneficial use: March 2014 Amount .92 acre feet per acre Use: Evaporation loss from Double "E" Reservoir using Mountain Mutual Reservoir Co for augmentation water.

21CW22 RONALD AND PATRICIA KORSCH 5315 County Rd 142, Elizabeth, CO 80107 303-641-6986 rfkco@hotmail.com **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Name of Structure: Korsch Well located SE1/4 SW 1/4, S4, T8S, R64W of the 6th PM in Elbert County, Colorado, excepting and reserving an easement for ingress and egress to the NE 1/4 SW1/4 of said S4, over and across a tract of land 30 feet wide and 30 feet long in the NE corner of the SE1/4 of SW1/4 of said S4, T8S, R64W of the 6th PM except any portion thereof lying within County Road 142 1/2 also known as County Rd 142, County of Elbert, State of Colorado. Parcel of land consists of 40 acres of land; Well Permit 140348

21CW3183 CENTENNIAL WATER AND SANITATION DISTRICT, c/o General Manager, 62 Plaza Drive, Highlands Ranch, Colorado 80129. Please send all pleadings and correspondence to P. Fritz Holleman and Bradley N. Kershaw, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, Colorado 80302. **APPLICATION FOR FINDING OF DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE**, in **ARAPAHOE, DOUGLAS AND JEFFERSON COUNTIES**. 2. Names of structures: Chatfield Reservoir and South Platte Reservoir. 3. Description of conditional water right: A. Date of Original Decree, Case No. and Court: June 16, 1987, entered in Case No. 84CW411, by the District Court, Water Division 1. B. Date of change decree: August 27, 1997, entered in Case No. 93CW82, by the District Court, Water Division 1. Among other things, the decree in Case No. 93CW82 approved South Platte Reservoir as an alternate place of storage for the subject water right. C. Decrees awarding findings of diligence: Decrees finding reasonable diligence and/or making portions of the subject conditional water right absolute were entered in Case No. 93CW81 on June 9, 1995; in Case No. 01CW101 on December 10, 2008; and in Case No. 14CW3155 on October 22, 2015, all by the District Court, Water Division 1. D. Legal Description: (1) Chatfield Reservoir: The reservoir formed by the Chatfield Dam, an existing structure located in Sections 6 and 7, Township 6 South, Range 68 West, of the 6th P.M. and in Section 1, Township 6 South, Range 69 West, of the 6th P.M. (2) South Platte Reservoir (formerly known as South Platte Lake): Located in portions of the W 1/2 and the SE 1/4 of Section 31, Township 5 South, Range 68 West of the 6th P.M., and in the E 1/2 of the SE 1/4 and the SE 1/4 of the NE 1/4 of Section 36, Township 5 South, Range 69 West of the 6th P.M. E. Source: South Platte River and tributaries thereto, including Plum Creek and its tributaries. F. Appropriation Date: September 7, 1984. Amount: 6,000 acre-feet, CONDITIONAL. G. Uses: Municipal, domestic, industrial, commercial, irrigation, stockwatering, recreational, fish and wildlife propagation and maintenance and other beneficial purposes within the South Platte River drainage in Water Division 1. Said water may be also used for exchange purposes, for replacement of depletions resulting from use of water from other sources, for augmentation purposes, and for artificial recharge of the Denver Basin aquifers underlying Highlands Ranch for all of the beneficial uses described in this paragraph 3.G. 4. Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Centennial has engaged in numerous activities during the relevant diligence period that demonstrate diligence toward application of the subject water right to the beneficially decreed uses. Centennial's efforts include, but are not limited to, the following: A. The subject water right and its associated structures and sources are part of the unified water supply system for Highlands Ranch. Highlands Ranch is a development consisting of approximately 22,000 acres in Douglas County, including the community of Highlands Ranch. Centennial is responsible for providing a municipal water supply to Highlands Ranch. Centennial spent approximately \$146.5 million on system-wide improvements not otherwise described below to develop its municipal water and wastewater systems, including but not limited to the following approximate expenses: raw water storage facilities, approximately \$66.4 million;

wastewater treatment facilities, approximately \$51.5 million; booster pump stations, approximately \$9.3 million; water infrastructure, approximately \$8.8 million; and wastewater infrastructure, approximately \$6.6 million, in addition to lesser expenditures. B. Centennial continued to engage in efforts to obtain, and successfully obtained the reallocation of storage space in Chatfield Reservoir from flood control to multipurpose use, including municipal use (“Chatfield Reallocation Project”). Centennial continues to be involved in mitigation activities related to the Chatfield Reallocation Project. In October 2015, by signing the Water Provider Agreement with the Colorado Department of Natural Resources, Centennial obtained a permanent right to use storage space in Chatfield Reservoir when and if the necessary mitigation activities were approved by the Corp of Engineers. C. Centennial is one of the original members of the Chatfield Reservoir Mitigation Company, formed in October 2015 to oversee the design, construction, and implementation of mitigation measures required for federal approval of the Chatfield Reallocation Project. Centennial has contributed approximately \$2.4 million to the Chatfield Reservoir Mitigation Company. Centennial was also involved in the negotiation of the Chatfield Reservoir Management Agreement, finalized in October 2015. After a multitude of project mitigation compliance activities in which Centennial was actively involved, the United States Army Corps of Engineers approved the mitigation compliance activities for the Chatfield Reallocation Project and began allowing the initiation of storage in Chatfield Reservoir in May 2020. Centennial’s total expenditures related to the Chatfield Reallocation Project during the diligence period are in excess of \$50 million. D. Centennial contributed significant staff and funding efforts to the successful defense of the federal approval for the Chatfield Reallocation Project in litigation involving a challenge brought by the Audubon Society of Greater Denver. E. Centennial developed accounting procedures for implementing its storage and use of the subject water right, and such accounting was approved by the Water Commissioner. F. Centennial has expended approximately \$200,000 to operate and maintain the South Platte Reservoir during the diligence period, including, but not limited to, data collection and water quality studies. G. Centennial incurred significant legal and engineering fees and costs associated with participating as an objector in various Water Court cases to protect its water rights, including the subject water right, from injury due to claims of other water users. Centennial continues to rely upon the subject water right and has no intention to abandon same. H. A claim to make an additional amount of the subject water right absolute is included herewith. Such diversion, storage, and use of water in amounts greater than the amounts previously decreed absolute is evidence of reasonable diligence in the development of Centennial’s unified water supply system, including the subject conditional water right. 5. Claim to make absolute – water applied to beneficial use: A. Date and Amount: During water year 2019, Centennial stored 1,369 acre feet of water under the subject water right in South Platte Reservoir. Diversions were made at the following maximum rates: (1) from Last Chance Ditch at the rate of 27.62 cfs, diverted on April 23, 2019; and (2) from the South Platte Wellfield No. 2, at the rate of 1.40 cfs, diverted on April 14, 2019. The water diverted and stored under this right was subsequently delivered into Centennial’s water treatment and distribution system for beneficial use within Centennial’s service area. Use: All decreed uses. B. Description of place of use where water is applied to beneficial use: Within Centennial’s service area. 6. Names and addresses of owners or reputed owners of the 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: No new diversion structures are or will be constructed and no modifications to existing diversion structures are or will be constructed. Centennial owns the land on which South Platte Reservoir is located. The land on which Chatfield Reservoir is located is owned by the United States Army Corps of Engineers, whose address is 9307 South Wadsworth Blvd., Littleton, Colorado 80128. WHEREFORE, Centennial requests the Court to enter a decree finding that (1) Centennial has proceeded with reasonable diligence toward the completion of the appropriation of the subject conditional water right; (2) finding that Centennial has made the subject conditional water right absolute in the amounts and for the

uses claimed in paragraph 5 above; and (3) continuing the remaining conditional portion of the subject conditional water right in full force and effect for an additional diligence period. (6 pages).

21CW3184 SWAN TRUST c/o Camille Courtney, 6213 Lake Gulch Road, Castle Rock, CO, 80104. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: 40 acres located in the NW1/4 SE1/4, Section 15, Township 9 South, Range 66 West of the 6th P.M., also known as 6213 Lake Gulch Road, Castle Rock, Elbert, Douglas County, 80104, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing domestic well on the Subject Property under Well Permit Number 221764. This well will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	10.3*
Lower Dawson (NT)	9.8
Denver (NT)	21.4
Arapahoe (NT)	27.0
Laramie-Fox Hills (NT)	11.3

*The total estimated amount of Upper Dawson Aquifer water is 14.3 acre-feet annually. 4 acre-feet is being withheld from this adjudication for use by existing Well Permit Number 221764, and any future exempt purposes.

Proposed Use: Use, reuse, and successive use for domestic, commercial, irrigation, domestic livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the court approve the above underground water right, 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 person entitled to use water under any vested water right or decreed conditional water right, and grant other and further relief as is appropriate. 3 Pages

21CW3185 TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720)733-6000, *mmarlowe@crgov.com*. Serve all pleadings on: Madoline Wallace-Gross and Anthony J. Basile, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900 *jkahn@lyonsgaddis.com*, *mwg@lyonsgaddis.com*. **APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS IN MORGAN, LOGAN, WASHINGTON AND DOUGLAS COUNTIES** 2. **Background.** Applicant seeks a conditional water storage right in Prewitt Reservoir via the Prewitt Inlet Canal and a conditional water storage right in Fremont Butte Reservoir via a pump and pipeline from the Prewitt Reservoir. A delivery pipeline from Prewitt Reservoir to Fremont Butte Reservoir will be used to convey water to storage in Fremont Butte Reservoir and to deliver water back to Prewitt Reservoir for delivery to a pipeline from Prewitt Reservoir to Rueter-Hess Reservoir for Applicant's use. A map showing the location of the relevant structures is attached hereto as **EXHIBIT A. CONDITIONAL STORAGE RIGHTS** 3. **Name of Structure:** Prewitt Reservoir. A. **Legal description of location of reservoir:** Storage space within the existing off-channel Prewitt Reservoir which is located in all or parts of Sections 1, 2, 10, 11, 12, 13, 14, and 15 in Township 5 North, Range 54 West of the 6th P.M. and in parts of Sections 5, 6, and 7 in Township 5 North, Range 53 West of the 6th P.M., in Washington County, Colorado and in part of Section 31, Township 6 North, Range 53 West of the 6th P.M. and part of Section 36, Township 6 North, Range 54 West of the 6th P.M. in Logan County, Colorado. The center of the outlet works in the dam of Prewitt Reservoir is located at: SE 1/4 NE 1/4 Section 2, Township 5 North, Range 54 West of the 6th P.M. in Washington County, Colorado. B. **Source:** South Platte River. C. **Name, capacity and point of diversion of ditch used to fill reservoir:** Prewitt Inlet Canal, which has an intake in the SE 1/4 SW 1/4 Section 24, Township 5 North, Range 55 West of the 6th P.M. in Morgan County, Colorado, at a point approximately 1470 feet from the west line and 520 feet from the south line of said Section 24; the present capacity is estimated to be 695 cfs, but it may be capable of carrying 1,000 cfs. D. **Date of Appropriation:** January 17, 2017. E. **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 this 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. F. **Date water applied to beneficial use:** Not applicable. G. **Volume claimed:** 722 acre-feet, conditional, with the right to one refill, for storage and as a forebay for conveyance to and from storage in Fremont Butte Reservoir. H. **Flow rate claimed:** 111 cfs via the Prewitt Inlet Canal. This flow rate is cumulative for diversion to storage in Prewitt Reservoir and Fremont Butte Reservoir described in paragraph 4. I. **Capacity and surface area of reservoir:** 32,300 acre-feet, with a current restriction of approximately 28,600 acre-feet. J. **Proposed Uses:** All municipal purposes including augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction within Applicant's service area boundaries by direct use, after storage and by exchange. K. **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 as of the filing of this application. A map of the Applicant's current service area is attached hereto as **EXHIBIT B. L. Reuse and Successive Use Operations:** Applicant intends to fully consume water diverted pursuant to this storage right, and Applicant is appropriating the sewered and nonsewered return flows generated from the water right that accrues to Plum Creek and Cherry Creek and their respective tributaries. Sewered effluent attributable to this water right will be discharged at the Plum Creek Water Reclamation Authority Wastewater Treatment Plant Outfall located in the SW 1/4 SW 1/4 Section 21, Township 7, Range 67 West, 6th P.M., at a point

770 feet from the south section line and 100 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508185, Northing 4363729. Sewered effluent attributable to this water right will also be discharged to Cherry Creek at the Pinery Wastewater Treatment Plant Outfall, located in the NE 1/4 of the NW 1/4 Section 10, Township 7 South, Range 66 West of the 6th P.M. at a point 200 feet from the north section line and 1,440 feet from the west section line of said Section 10, or any location where the discharge may be relocated in the future. The sewer effluent and non-sewered return flows will be used, reused and successively used by direct use and exchange on Plum Creek and Cherry Creek. M. **Operations:** Water stored in Prewitt Reservoir will be released, delivered and/or transported via reservoirs (including Fremont Butte Reservoir), outlets, pumps and pipelines for ultimate delivery to storage in Rueter-Hess Reservoir, which intercepts Newlin Gulch at a point in the SE1/4 SW1/4 of Section 30, Township 6 South, Range 66 West, 6th PM in Douglas County Colorado. 4. **Name of reservoir:** Fremont Butte Reservoir. A. **Legal description of location of dam centerline:** An on-channel reservoir where the dam axis crosses the thread of an unnamed draw at a point located in the NW 1/4, Section 35, Township 4 North, Range 53 West, 6th P.M. on the northern section line of Section 35 and is 885 feet from the west section line, in Washington County, Colorado. The western abutment will be in the SE 1/4, Section 27, Township 4 North, Range 53 West, 6th P.M., approximately 2,200 ft. from the east line and 200 ft. from the south line; the eastern abutment will be in the NE 1/4 NE 1/4 of Section 35, Township 4 North, Range 53 West, 6th P.M., approximately 800 ft. from the east line and 700 ft. from the north line. Applicant anticipates that Fremont Butte Reservoir will be located in all or parts of Sections 27, 33, 34, and 35, Township 4 North, Range 53 West, 6th P.M. and Sections 2, 3, 4, 10, and 11, Township 3 North, Range 53 West, 6th P.M. B. **Sources:** South Platte River. C. **Surface area of high-water line:** 1,870 acres. D. **Vertical height of dam:** 105 feet. E. **Length of dam:** Approximately 7,000 feet. F. **Total capacity of reservoir:** 72,000 acre-feet. Active capacity: 72,000 acre-feet. Dead storage: none (0 acre-feet). G. **Volume claimed:** 8,000 acre-feet, conditional, with the right to one refill. H. **Name, capacity and point of diversion of ditch used to fill reservoir:** Prewitt Inlet Canal, described in paragraph 3.C. I. **Flow Rate Claimed:** 111 cfs. This flow rate is cumulative for diversion to storage in Prewitt Reservoir and Fremont Butte Reservoir described in paragraph 3. J. **Date of Appropriation:** January 17, 2017. K. **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; passing of Resolution No. 2017-012, by Town Council, which accepted the 2016 Water Resources Strategic Master Plan wherein the Town described this 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. L. **Date water applied to beneficial use:** Not applicable. M. **Proposed Uses:** See paragraph 3.J. N. **Place of Use:** See paragraph 3.K. O. **Reuse and Successive Use Operations:** See paragraph 3.L. P. **Operations:** Water will be diverted at the Prewitt Inlet Canal on the South Platte River, delivered into space in Prewitt Reservoir, pumped at a rate of up to 250 cfs from Prewitt Reservoir (at the Fremont Butte Pumping Works and Pipeline), and delivered via pipeline to Fremont Butte Reservoir. 5. **Integrated Water Supply Plan.** The storage water rights described herein are components of Applicant's integrated water supply system, which consists of underground water rights, storage water rights, appropriative rights of exchange, surface water rights, non-tributary groundwater rights and plans for augmentation. 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. **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. A. **Prewitt Inlet Canal and**

Diversions Structure. State of Colorado, Dept. of Natural Resources, 122 E. Edison St., Brush, CO 80723 and Dixie Water LLC 400 Poydras St., Ste 2100, New Orleans, LA 70130, B. **Prewitt Reservoir.** Prewitt Reservoir Land Co. and/or Logan Irr. Dist., Iliff Irr. Dist., and Morgan-Prewitt Res. Co., PO Box 333, Sterling, CO 80751; and Patrick J. and Luann August Gebauer, c/o Luann August, 15488 Co. Rd. 57, Hillrose, CO 80733; Brundage Family Limited; Partnership RLLP, 7837 South Perry Park Road, Larkspur, CO 80118; Colorado Board of Land Commissioners, 1127 Sherman Street, Denver, CO 80203; Colorado Division Of Wildlife & Wildlife Commission, 6060 Broadway, Denver, CO 80216; DPG Farms, LLC, 3300 South Parker Road, Ste 300, Aurora, CO 80014; Fritzler Andrew S Sub Trust; Ua Dtd 2-5-16 Created Under Harold Fritzler Living Trust; 16126 County Road 59.5, Merino, CO 80741; Fritzler Brian Douglas Sub Trust; Ua Dtd 2-5-2016 Created Under Harold Fritzler Living Trust; 15998 County Road 59.5, Merino, CO 80741; Fritzler Donna, 43205 Co Rd AA, Akron, CO 80720;; Kaiser Hilde Gill &; Jerald R Kaiser, 11213 West Asbury Avenue, Lakewood, CO 80227, Thompson Jeanne Gill, 3623 East Geddes Drive, Centennial, CO 80122; and 22 Ranch, 15335 US Highway 6, Rt 1, Box 86G, Merino, CO 80741. C. **Fremont Butte Reservoir.** Gary R. & Judith A. Anderson, 20750 Co. Rd. 46, Akron, CO 80720; Michael P. & Kendra A. Anderson, 46043 Co. Rd. Y, Akron, CO 80720; Vickie L. Armstrong, 678 W. 11th St., Akron, CO 80720; Arthur D. Cline, 46667 Co. Rd. AA, Akron, CO 80720; Colorado State Land Board, Department of Natural Resources, 1313 Sherman St., Rm. 620, Denver, CO 80203; Phyllis E. Covey, 15267 S. Co. Rd. 212, Blair, OK 73526; Fincher Land Company LLC, 45997 Co. Rd. U, Akron, CO 80720; David E. Garcia, 309 Bocage Drive, Cheyenne, WY 82009; Kory A. & Shanan Nicole Kessinger, 21250 Co. Rd. 50, Akron, CO 80720; Lila L. Kessinger, PO Box 414, Akron, CO 80720; and Ellen W. Stratton, c/o Jill Dreher, PO Box 248, Akron, CO 80720. WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant's conditional storage rights described herein. **EXHIBIT LIST** A. Map of structures B. Town of Castle Rock service area. Number of pages in application: 8, excluding exhibits.

21CW3186 BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM, CSU REAL ESTATE OFFICE, 2537 Research Blvd. Suite 200, Fort Collins, CO 80524. Please address all future correspondence and pleadings to: Daniel K. Brown and Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C. 1319 East Prospect Road Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART in LARIMER and WELD COUNTIES.** 2. Purpose of Application. Applicant seeks to make absolute a portion of the water rights ("Subject Water Rights") decreed in Case No. 08CW77, District Court, Water Division 1 ("Original Decree") and a finding of reasonable diligence for the remaining conditional water rights. 3. Description of the Subject Water Rights. Date of Original Decree: October 14, 2015, Case No. 08CW77, District Court Water Division 1, State of Colorado. 3.1 *Shortgrass Steppe Well No. 1.* (Permit No 13594-F, WID# 0106184) 3.1.1 Location: On the Property within the S 1/2 of Section 21 and the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 3.1.2 Source: Ground water tributary to the Cache La Poudre River. 3.1.3 Date of Appropriation: June 18, 2008. 3.1.4 Amount claimed: 0.45 c.f.s. (200 g.p.m.), CONDITIONAL. 3.1.5 Use: domestic, household, commercial and the irrigation of up to 25 acres on the Property within the S 1/2 of Section 21 and the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 3.2. *Shortgrass Steppe Well No. 2.* 3.2.1 Location: To be drilled on the Property within the S 1/2 of Section 21 and the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 3.2.2 Source: Ground water tributary to the Cache La Poudre River. 3.2.3 Date of Appropriation: June 18, 2008. 3.2.4 Amount claimed: 0.45 c.f.s. (200 g.p.m.), CONDITIONAL. 3.2.5 Use: domestic, household, commercial and the irrigation of up to 25 acres on the Property within the S 1/2 of Section 21 and the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 3.3 *Shortgrass Steppe Well No. 3.* 3.3.1 Location: To be drilled on the Property within the S 1/2 of Section 21 and the NE 1/4 of

Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 3.3.2 Source: Ground water tributary to the Cache La Poudre River. 3.3.3 Date of Appropriation: June 18, 2008. 3.3.4 Amount claimed: 0.45 c.f.s. (200 g.p.m.), CONDITIONAL. 3.3.5 Use: domestic, household, commercial and the irrigation of up to 25 acres on the Property within the S 1/2 of Section 21 and the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 3.4 *Shortgrass Steppe Well No. 4*. 3.4.1 Location: To be drilled on the Property within the S 1/2 of Section 21 and the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 3.4.2 Source: Ground water tributary to the Cache La Poudre River. 3.4.3 Date of Appropriation: June 18, 2008. 3.4.4 Amount claimed: 0.45 c.f.s. (200 g.p.m.), CONDITIONAL. 3.4.5 Use: domestic, household, commercial and the irrigation of up to 25 acres on the Property within the S 1/2 of Section 21 and the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado. 4. Claim to Make Absolute: 4.1 *Shortgrass Steppe Well No. 1*. (Permit No 13594-F, WDID# 0106184) 4.1.1 Date applied to beneficial use: numerous through diligence period. 4.1.2. Amount: 200 gpm. 5. Claim to Continue Remaining Conditional Rights. This Application seeks to continue all remaining conditional water rights described in paragraph 3.2. through 3.4 above. In the event, and to the extent, the Court concludes that the water right decreed to the Shortgrass Steppe Well No. 1 remains conditional, Applicant seeks to also continue any such portion as conditional. 6. Outline of Continued Diligence. Applicant operates the Shortgrass Steppe Agricultural Research Facility (“Facility”) located approximately 7 1/2 miles north of the Town of Nunn in the SW 1/4 of the SE 1/4 of Section 21 and the NW 1/4 of the NE 1/4 of Section 28, Township 10 North, Range 66 West of the 6th P.M. Weld County, Colorado (“Property”). Since the Original Decree was entered in this case Applicant has continued to operate the Facility and has fully pumped the water right decreed to the Shortgrass Steppe Well No. 1 to supply water to the Facility. While the remainder of the water rights have not yet been needed, Applicant has continued to maintain the Facility and its water supply infrastructure, continued to monitor water quality in accordance with Colorado Department of Public Health and Environment requirements, including weekly water quality site visits. Applicant has also certified the meter on the Shortgrass Steppe Well No. 1 as required, and monthly submits its pumping data for augmentation purposes. Applicant has and continues to spend money and time on all of the above including money on legal and engineering assistance in furtherance of the plan. Applicant will provide additional details and proof of diligence as requested or deemed necessary. Applicant further reserves the right to supplement this Application with additional information on Applicant’s work and expenses related to its continued diligence toward making absolute the conditional rights described herein. 7. Notice Requirement, Section 37-92-302(2)(b). 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: U.S. Department of Agriculture, Office of the Director, Facilities Division, Mail Stop 5123, 5601 Sunnyside Avenue Beltsville, Maryland 20705-5123. WHEREFORE, the Applicant prays that this Court enter a decree confirming the absolute portion of the Subject Water Rights, continuing as conditional the remaining Subject Water Rights, and providing for such other and different relief or containing such other provisions as may be duly established by the evidence presented herein and to which the Court determines the Applicant is entitled. (5 pages)

21CW3187 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND PLAN FOR AUGMENTATION IN DOUGLAS COUNTY. I. Name and Address of Applicants: Cindi L. Rutten and Michael D. Rutten, 10991 Spruce Mountain Rd., Larkspur, CO 80118, Name and Address of Attorneys: Ryan W. Farr, #39394, Emilie B. Polley, #51296, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212, E-mail: rwf@cowaterlaw.com; ebp@cowaterlaw.com.

II. Summary of Application. Cindi L. Rutten and Michael D. Rutten (“Applicants”) seek to quantify the Denver Basin groundwater underlying their approximately 15.586-acre property in Douglas County, Colorado, and to obtain a plan for augmentation for the use of a not-nontributary Dawson aquifer well thereon. III. Application for Underground Water Rights. A. Legal Description of Well. 1. Property Description. The Applicants’ approximately 15.586-acre property (“Applicants’ Property”) is located in the SW1/4 SW1/4 of Section 3, Township 10 South, Range 67 West of the 6th P.M., more specifically described as 10991 Spruce Mountain Rd., Larkspur, CO 80118 in Douglas County, Colorado and depicted on the **Exhibit A** map. 2. Existing Well. There is an existing well on the Property. Well with Permit No. 82709 (“Rutten Well No. 1”), attached as **Exhibit B**, and is located approximately 400 feet from the west section line, and 500 feet from the south section line, and is constructed to the not-nontributary Dawson aquifer. Applicants intend for the well to be re-permitted for non-exempt uses upon entry of a decree approving the plan for augmentation requested herein. B. Water Source. 1. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer underlying the Applicants’ Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants’ Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the well will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicants request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants’ Property. Said amounts may be withdrawn over the 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants’ Property:

Groundwater Quantification			
Acres: 15.586		SW1/4 SW1/4 Sec 3 T10S R67W 6th P.M.	
Denver Basin Aquifer	Net Sand (ft)	Total (AF)	100 Year (AF)
Upper Dawson (NNT)	192.3	599.44	5.99
Denver (NT)	506.1	1340.97	13.41
Upper Arapahoe (NT)	370.4	981.42	9.81
Laramie Fox Hills (NT)	193.2	451.68	4.52

Decreed amounts may vary based upon the State’s Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. D. Requested Uses. The Applicants request the right to use the ground water for beneficial uses upon the Applicants’ Property consisting of domestic, irrigation, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used,

reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Field. The Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants' Property through any combination of wells. The Applicants request that these wells be treated as a well field. F. Averaging of Withdrawals. The Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants' Property, so long as the sum of the total withdrawals from the well does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. G. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells are located is owned by the Applicant. IV. Application for Approval of Plan for Augmentation. A. Structure to be Augmented. The structure to be augmented is the Rutten Well No. 1 as is currently constructed to the Dawson aquifer underlying the Applicants' Property, and as will be re-permitted pursuant to this plan for augmentation as requested and described herein, along with any replacement or additional wells associated therewith. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Rutten Well No. 1, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary groundwater by one well described herein. Water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Use. The Rutten Well No. 1, will pump a maximum total of 1.88 acre-feet of water from the Dawson aquifer annually. Such use shall be a combination of household use, irrigation of lawn and garden, and the watering of horses or equivalent livestock. An example breakdown of this combination of use is household use at 0.26 acre-feet, plus a guest house at 0.15 acre-feet, and outdoor use including irrigation and the watering of up to 10 horses or equivalent livestock with a water use of 0.11 acre-feet per year (10 gallons/day/head or 0.011 annual acre feet per head); and irrigation of lawn and garden of 1.35 acre-feet per year (0.05 annual acre feet per 1000 sq. ft.). 2. Depletions. It is estimated that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 19.52% of pumping. Maximum annual depletions for total residential pumping are therefore 0.367 acre-feet in year 100. Should Applicants' pumping be less than the 1.88 acre-feet described herein, resulting depletions will be correspondingly reduced. 3. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of augmented wells to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems, and depletions from irrigation will be adequately replaced by irrigation return flows. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At an indoor use rate of 0.41 acre-feet per year, 0.369 acre-feet is replaced to the stream system per year, assuming the use of non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. 4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Rutten Well No. 1, Applicants will reserve water from the nontributary Laramie-Fox Hills aquifer, less the amount of actual stream depletions replaced during the plan pumping

period. The Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, the Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Rutten Well No. 1, for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. V. Remarks. A. The Applicants request a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). B. The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well only to the extent related to that well's actual pumping. C. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. D. The Applicants request a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. E. The well shall be installed and metered as reasonably required by the State Engineer. The well will be equipped with a totalizing flow meter and the Applicants shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicants shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. F. The Applicants intend to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. G. All record owners of the Subject Property not listed as Applicants herein, and every person who has a lien or mortgage on, or deed of trust to, Applicant's Property, will be notified of the filing of this Application by certified or registered mail, return receipt requested, no later than 14 days after the filing of this Applicant pursuant to C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I).

21CW3188 L.G. EVERIST, INC., c/o Matthew Noteboom, Vice President – Mountain Division, 7321 E. 88th Avenue, Suite 200, Henderson, CO 80640, (303)-287-4656, msnoteboom@lgeverist.com. Please direct communications related to this application to counsel: Matthew L. Merrill, (303) 947-4453 (telephone); matthew@merrillwaterlaw.com (email). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD COUNTY 2. Introduction:** L.G. Everist is a large privately held aggregate mining company that operates sand and gravel mines in several states, including Colorado. This is the first application for diligence for two water storage rights decreed in Case No. 11CW296: Everist No. 2 Reservoir and Everist No. 3 Reservoir. In addition to findings of diligence, the application seeks to correct a clerical error in the original decree (see ¶ 3.c.i below). The reservoir storage space for each reservoir will be created by mining sand and gravel. While mining has begun at the site of Everist Reservoir No. 3, no amounts are claimed as absolute in this application. Everist No. 2 Reservoir and Everist No. 3 Reservoir will be constructed and operated pursuant to the terms and conditions in the Original Decree. **3. Description of conditional water right from Original Decree:** a. Names of structures: Everist No. 2 Reservoir and Everist No. 3 Reservoir (collectively, the "Subject Water Rights"). b. Original Decree: Case No. 2011CW296, Water Division 1, dated October 19, 2015. c. Legal Description of Everist No. 2 Reservoir: within parts of the N1/2 of Section 31, Township 2 North, Range 66 West of the 6th P.M. and the NW1/4 of Section 36, Township 2 North, Range 67 West of the 6th P.M., in Weld County, Colorado. The Original Decree also includes a metes and bounds description, which is incorporated by this reference. See Exhibit A to Application (map). i. Correction of Clerical Error in Original Decree: the foregoing PLSS

location description includes a clerical error and should read, as corrected: “within parts of the NW1/4 of Section 31, Township 2 North, Range 66 West of the 6th P.M. and the N1/2 of Section 36, Township 2 North, Range 67 West of the 6th P.M....” The Original Decree included correct locations in the parcel metes and bounds descriptions for both sections. The application and resume in Case No. 11CW296 included the N1/2 of both Section 31 and Section 36. Applicant seeks to correct the clerical error in the legal description for Everist Reservoir No. 2 in the decree in this case. d. Legal Description of Everist No. 3 Reservoir: within parts of the SW1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. The Original Decree also includes a metes and bounds description, which is incorporated by this reference. *See* Application Exhibit A. e. Points of Diversion (i – iii shown on Application exhibit A): i. Diversion No. 1 (150 cfs CONDITIONAL fill rate): will be located on the west bank of the South Platte River in the NW1/4 of the NE1/4 of Section 31 (691 feet south from the North Section Line and 2,455 feet west from the East Section Line) in Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. ii. Diversion No. 2 (50 cfs CONDITIONAL fill rate): will be located on the east bank of Little Dry Creek (aka the Little Dry Creek Irrigation and Drainage Ditch, hereafter “Little Dry Creek”) at that point near where the Lupton Bottom Ditch crosses over Little Dry Creek in the SE1/4 of the NW1/4 of Section 36 (2,628 feet east from the West Section Line and 2,702 feet north from the South Section Line, more or less) in Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado. iii. Diversion No. 3 (50 cfs CONDITIONAL fill rate): will be located on Little Dry Creek in the NE1/4 of the NE1/4 of Section 36 (50 feet south of the North Section Line and 40 feet west of the East Section Line, more or less) in Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado. iv. Lupton Bottom Ditch (150 cfs CONDITIONAL fill rate): located in the NW1/4 NW1/4 SW1/4 of Section 19, Township 1 North, Range 66 West of the 6th Principal Meridian, in Weld County. f. Sources of water: South Platte River and Little Dry Creek. g. Appropriation dates: i. Everist No. 2 Reservoir: December 31, 2011. ii. Everist No. 3 Reservoir: July 31, 2012. h. Amounts: i. Everist No. 2 Reservoir: 9,300 acre-feet (AF) CONDITIONAL with right of one fill per year and a refill of 863 AF for replacement of evaporation losses. ii. Everist No. 3 Reservoir: 1,600 AF CONDITIONAL with right of one fill per year and a refill of 167 AF for replacement of evaporation losses. iii. Rates of fill are listed in paragraph 3.e above. The Original Decree includes additional storage and diversion terms for the Subject Water Rights. i. Uses: i. Industrial and commercial purposes at the Fort Lupton Gravel Mining Complex, including dust suppression, fire protection, mining and reclamation, with the right to reuse and fully consume the process water; and ii. Substitution, augmentation, exchange or replacement purposes at the Fort Lupton Gravel Mining Complex and the other mining sites owned by the Applicant in the South Platte Basin that are described and delineated on the Original Decree Exhibit C, and iii. Carryover storage for drought protection for all of the foregoing uses. j. Size and Capacity of Reservoirs: i. Everist No. 2 Reservoir: 1. Surface Area: 232 acres. 2. Maximum depth: 65 feet. 3. Active Capacity: 9,300 AF. 4. Dead Storage: 0 AF. ii. Everist No. 3 Reservoir: 1. Surface Area: 45 acres. 2. Maximum Depth: 50 feet. 3. Active Capacity: 1,600 AF. 4. Dead Storage: 0 AF. **4. Summary of what has been done toward completion of the appropriation and application of water to beneficial use, including expenditures, since entry of the Original Decree:** a. Surveying, drilling of test holes, and installation of a slurry liner for the Everist Reservoir No. 3. b. Construction of conveyor across Weld County Road 18 to allow transport of mined product from the Everist Reservoir No. 3 site to the main processing plant located south of Road 18. c. Re-alignment of Lupton Bottom Ditch at site of Everist Reservoir No. 3. d. Aggregate mining at the site of Everist Reservoir No. 3 began in 2020 and is ongoing. LG. Everist has removed approximately 144,220 cubic yards of overburden and 973,347 tons of sand and gravel at this site. e. Legal and engineering consulting services relating to the development of the Subject Water Rights, operation L.G. Everist’s water rights in the South Platte River basin, and reviewing and opposing other water court applications to protect L.G. Everist’s water rights from injury. f. L.G. Everist has paid its assessments as a shareholder in the Lupton Bottom Ditch Company. g. The total expenditures on water

rights development activities exceeded \$2.65 million. In addition to the expenditures, employees and agents of L.G. Everist, Inc. have invested labor in the activities summarized above. h. This Application includes a summary of key diligence activities and costs. L.G. Everist may present additional evidence and detail regarding the activities summarized above or other diligence activities and costs related to development of the Subject Water Rights. **5. Remarks:** a. L.G. Everist has a specific plan and intent to complete the conditional appropriations of the Subject Water Rights and can and will complete them in a reasonable time and divert water in priority for the decreed beneficial uses. b. L.G. Everist will not use the property of others for diversion, carriage or storage of water under the water rights in this case until it has acquired appropriate rights for such use. c. L.G. Everist is a South Dakota corporation authorized to do business in Colorado. **6. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** a. Applicant (address above). b. The Lupton Bottom Ditch Company, c/o Howard Cantrell, P.O. Box 305 Fort Lupton, CO 80621, owns the Lupton Bottom Ditch. The City of Aurora, 15151 E Alameda Parkway, Aurora, CO 80012-1555, is the reputed owner of the parcel where the headgate is located. c. City of Fort Lupton, 130 S. McKinley Ave., Fort Lupton, CO 80621-1343. d. Danny Crawford and Mary Crawford, 12341 County Road 141/2, Fort Lupton, CO 80621-8814. e. Gary Strange and Larry Torres, 12845 Jasmine Way, Thornton CO 80602-6907. f. Bronn Strange and Renee Strange, 12335 County Road 141/2, Fort Lupton, CO 80621-8814. g. Richard Hein, 5290 East Yale Circle, Suite 103, Denver CO 80222-6927. **7. Prayer for Relief:** L.G. Everist Inc. respectfully requests that the Court find that it has exercised reasonable diligence with respect to the Subject Water Rights, continue the conditional water rights in full force and effect for the period allowed by law, correct the typographical error in the Original Decree's PLSS legal description for Everist Reservoir No. 2, and award such other relief as the Court deems just and proper (Application is 7 pages plus 1 map exhibit).

21CW3189 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN DOUGLAS COUNTY. I. Name, Address, and Telephone Number of Applicant. Christine and Donald Pering ("Applicants"), 409 Pelican Circle, Chesapeake, Virginia 23322, (757) 679-9745. Name, Address, and Telephone Number of Attorneys. Ryan W Farr, #39394, MONSON, CUMMINS & SHOHET, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, Colorado 80921, (719) 471-1212.

II. Summary of Application. Applicants seek to quantify the Denver Basin groundwater underlying the Applicants' Property, as defined below, and approval of a plan for augmentation for the use of a non-tributary Dawson aquifer well for water provision to the Applicants' Property. **III. Application for Underground Water Rights.** A. Property Information. 1. Property Description. Applicants own an approximately 4.85-acre property that is depicted on the attached **Exhibit A** map, located in the SE1/4 of the SE1/4 of Section 17, Township 10 South, Range 67 West of the 6th P.M., specifically described as Tact 13A Greenland Acres, County of Douglas, State of Colorado and referred to as 12778 Greenland Acres Road, Larkspur, Colorado 80908 ("Applicants' Property"). 2. Existing Wells. There is no current existing well on the Applicants' Property. There is a Division of Water Resources Permit issued for the Applicants' Property under Permit No. 321881. However, no well has yet been constructed and the intent is to apply for a different well permit to operate pursuant to a decree issued in this case. B. Water Source. 1. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying Applicants' Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants' Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1.

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

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson (NNT)	267	259	2.59
Denver (NT)	445	367	3.67
Arapahoe (NT)	371	306	3.06
Laramie Fox Hills (NT)	183	133	1.33

Decreed amounts may vary from the above to conform with the State's Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. D. Requested Uses. Applicant requests the right to use the ground water for beneficial uses upon the Applicants' Property consisting of domestic, irrigation, commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that Applicants shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c.5). E. Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants' Property through any combination of wells. Applicants request that these wells be treated as a well field. F. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants' Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. G. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are to be located as well as the underlying groundwater is owned by the Applicants. **IV. Application for Plan for Augmentation.** A. Structures to be Augmented. The structure to be augmented is a Dawson aquifer well constructed on the Applicants' Property, along with any replacement or additional wells as needed that are constructed to the Dawson aquifer underlying the Applicants' Property. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the

return flows resulting from the pumping of the not-nontributary Dawson aquifer wells, together with water rights from the nontributary Denver aquifer for any injurious post-pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer. 1. Uses. Pumping from the Dawson aquifer will be a maximum of 2.05 acre-feet of water per year. Such uses shall be for domestic, irrigation, commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. 2. Depletions. Applicants' consultant has determined that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 15.78% of pumping. Maximum annual depletions are therefore 0.324 acre-feet in year 100. Should Applicants' pumping be less than the 2.05 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced. 3. Augmentation of Depletions During Pumping. Applicants' consultant has determined that depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for a non-evaporative septic system is 10% per year. Therefore, at an in-house use rate of 0.26 acre-feet per year, replacement amounts to 0.468 acre-feet to the stream system annually. Thus, during pumping, stream depletion replacement requirements will be more than adequately met. 4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post pumping depletions which may be associated with the pumping from the Dawson aquifer as set forth herein, Applicants will utilize non-evaporative septic return flows and potentially irrigation return flows from the subsequent usage of the Denver aquifer underlying the Applicants' Property. Additionally, Applicants may utilize water from the Arapahoe or Laramie-Fox Hills aquifers as a replacement source if needed. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Applicants reserve the right in the future under the Court's retained jurisdiction to prove that post pumping depletions will be noninjurious. Upon entry of a decree in this case, Applicants will be entitled to apply for and receive a new well permit for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. V. **Remarks.** A. The Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system, where the majority of such depletions will occur, and it is Applicants' intent to consolidate the instant matter with the pending Division 1 application in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. B. Applicant requests a finding that they have complied with C.R.S. § 37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. § 37-90-137(9)(c.5). C. The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. D. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. E. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. F. All wells shall be installed and metered as reasonably required by the State Engineer. The well will be equipped with a totalizing flow meter and Applicants, or their successors and assigns, shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. Applicants, or their successors and assigns, shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate

compliance under this plan of augmentation. G. Applicants intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. H. Applicants will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

21CW3190 THOMAS G. BROWN, 6207 Calle Vera Cruz, LaJolla, California 92037. Please send all future correspondence and pleadings to Wesley S. Knoll, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Ste. 1, Johnstown, CO 80534. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in LOGAN COUNTY**, 2. Applicant seeks a finding of reasonable diligence for the following three conditional water rights decreed in Case No. 01CW004 on December 4, 2002. Out of priority depletions caused by use of the conditional water rights are augmented by a plan of augmentation approved in Case No. 01CW004 using Applicant's shares in the Morgan-Prewitt Reservoir Company. 3. Conditional Water Rights. 3.1 Name of Structures. Three Wells on Lots 7, 8 and 9, Columbine Acres Subdivision, Second Filing, Logan County, Colorado (Wells). 3.2 Decree. Case No. 01CW004, Water Division No. 1. 3.3 Legal Description of Diversion Points. The Wells are to be located on Lots 7, 8 and 9, Columbine Acres Subdivision, Second Filing in the Northwest Quarter of Section 35, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.4 Source of Water. Tributary alluvium of the South Platte River. 3.5 Appropriation. October 9, 2000. 3.6 Amount. For each 15 g.p.m., conditional for each well. 3.7 Use. For each well in-house use and irrigation of 6000 square feet of lawn. 4. Outline of What Has Been Done Toward Completion. The Well for Lot 9 was permitted in March, 2020 (Permit No. 84128) and drilled in June, 2020. A residence was recently built on this lot, but well data has not been updated and therefore the well will remain conditional. The Wells for Lots 7 and 8 are not yet drilled but when they are drilled will be augmented pursuant to the augmentation plan decreed in Case No. 01CW004. Lots 7, 8 and 9 have all been recently purchased. Applicant desires to allow the new owners to determine the location of the Wells on each of the lots in relation to the other improvements. Since the Wells are included in a decreed augmentation plan no injury will result from continuing the conditional appropriations. 5. Claim for Finding of Reasonable Diligence. Pursuant to §37-92-304 C.R.S., Applicant seeks to continue the conditional appropriation for each structure. Name and Address of Owner of Structures. Thomas G. Brown, 6207 Calle Vera Cruz, LaJolla, California 92037. This Application consists of 3 pages

21CW3191 MARK VISSERING, 10200 E Gerard Ave., Ste. A-400, Denver, CO 80231. (303) 514-8797. Direct all pleadings to Bennett W. Raley, Mirko L. Kruse, TROUT RALEY, 1120 Lincoln Street, Ste. 1600, Denver, CO 80203. **APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE OR IN THE ALTERNATIVE FOR FINDING OF REASONABLE DILIGENCE IN MORGAN COUNTY**, 2. Description of Conditional Water Rights: Two unlined ponds, collectively referred to herein as the "Vissering Ponds," support a variety of wildlife, including waterfowl. The Vissering Ponds are periodically filled and allowed to draw down by seepage to the alluvial groundwater to support a seasonal wetland plant community and to give waterfowl resting habitat during both the fall and spring migrations. A. Name of Structure: Vissering Pond No. 1. i. Original Decree: Case No. 08CW310, Water Division 1 (Oct. 2, 2015). ii. Legal Description: As shown on **Exhibit A**, Vissering Pond No. 1 is located in the Northwest 1/4 of the Southeast 1/4 and the West 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 12, Township 4 North, Range 59 West of the 6th Principal Meridian, Morgan County, Colorado. The point at which water is delivered into Pond No. 1 is located approximately 100 feet from the Tomkey Sump and near the eastern edge of the Pond. iii. Surface Area: Approximately 16 acres. iv. Dam Height: Approximately 5 ft. v. Capacity: Approximately 30 acre-feet. vi. Source: Unnamed tributary to the South Platte River, diverted from the Tomkey Sump. The unnamed tributary flows into the South Platte River at a point approximately 1,700 feet downstream of the

Tomkey Sump. Water may be diverted from the Tomkey Sump a) when the water storage right decreed herein for the pond is in priority or during “free river conditions” with the prior authorization of the Water Commissioner, or b) when the otherwise out-of-priority diversions to storage in the pond are replaced pursuant to the augmentation plan decreed in Case No. 08CW310, and with at least 48 hours prior notice to the Water Commissioner. The Applicant shall not divert water from the Tomkey Sump if the Water Commissioner determines that a live stream does not exist between the Tomkey Sump and the South Platte River. vii. Amount: 30 acre-feet, conditional, with the right to multiple refills. At any given time, the maximum capacity of Vissering Pond No. 1 will not exceed 30 acre-feet. viii. Rate of Diversion: 500 gallons per minute (1.114 cfs.), from the Tomkey Sump. ix. Date of Appropriation: December 30, 2008. x. Use: Recreational, wildlife, and aesthetic purposes in the Vissering Ponds and replacement of depletions from out-of-priority diversions from the Tomkey Sump. Applicant does not claim the right to dispose of any water stored pursuant to these water rights to third parties or to use any such water at other locations or for other purposes unless such uses are authorized by a subsequent decree. B. Name of Structure: Vissering Pond No. 2. i. Original Decree: Case No. 08CW310, Water Division 1 (Oct. 2, 2015). ii. Legal Description: As shown on **Exhibit A**, Vissering Pond No. 2 is located in the North 1/2 of the Southeast 1/4 of Section 12, Township 4 North, Range 59 West of the 6th Principal Meridian, Morgan County, Colorado. The point at which water is delivered into Pond No. 2 is located approximately 280 feet from the Tomkey Sump and near the eastern edge of the Pond. iii. Surface Area: Approximately 6.5 acres. iv. Dam Height: Approximately 2 feet. v. Capacity: Approximately 13 acre-feet. vi. Source: Unnamed tributary to the South Platte River, diverted from the Tomkey Sump. The unnamed tributary flows into the South Platte River at a point approximately 1,700 feet downstream of the Tomkey Sump. Water may be diverted from the Tomkey Sump a) when the water storage right decreed herein for the pond is in priority or during “free river conditions” with the prior authorization of the Water Commissioner, or b) when the otherwise out-of-priority diversions to storage in the pond are replaced pursuant to the augmentation plan decreed in Case No. 08CW310, and with at least 48 hours prior notice to the Water Commissioner. The Applicant shall not divert water from the Tomkey Sump if the Water Commissioner determines that a live stream does not exist between the Tomkey Sump and the South Platte River. vii. Amount: 13 acre-feet, conditional, with the right to multiple refills. At any given time, the maximum capacity of Vissering Pond No. 2 will not exceed 13 acre-feet. viii. Rate of Diversion: 500 gallons per minute (1.114 c.f.s.), from the Tomkey Sump. ix. Date of Appropriation: December 30, 2008. x. Use: Recreational, wildlife, and aesthetic purposes in the Vissering Ponds and replacement of depletions from out-of-priority diversions from the Tomkey Sump. Applicant does not claim the right to dispose of any water stored pursuant to these water rights to third parties or to use any such water at other locations or for other purposes unless such uses are authorized by a subsequent decree. 3. Claim to Make Absolute: In February and March of 2016, January and February of 2019, and January and February of 2020 and 2021, Applicant diverted water via the Tomkey Sump pursuant to its augmentation plan decreed in Case No. 08CW310 to fill Vissering Pond No. 1. Also, in January of 2020, Applicant diverted water via the Tomkey Sump pursuant to its augmentation plan decreed in Case No. 08CW310 to fill Vissering Pond No. 2. Applicant filled the ponds for their decreed uses up to a storage volume of 13.96 acre-feet for Vissering Pond No. 1 and 4.89 acre-feet for Vissering Pond No. 2. Upon approval of this claim in these amounts, Applicant will affirmatively abandon the remaining conditional amounts for the Vissering Ponds. An engineering letter from David Rau, P.E., BCEE, of Paragon Consulting Group is attached as **Exhibit B** and explains in detail the operation of the Vissering Ponds for their decreed uses since the ponds were constructed in January of 2016. 4. Alternative Claim for Diligence: In the alternative and in the event the Court does not approve Applicant’s claim to make the Vissering Ponds absolute, Applicant seeks a finding of reasonable diligence for the Vissering Ponds. Over the diligence period of October 2015 to October 2021, Applicant conducted the following activities to develop and construct the Vissering Ponds: A. Expenses of \$ 46,889 to retain water resources engineers to

conduct project operations, administration, and accounting. B. Expenses of \$ 5,712 for legal counsel related to initiation of project operations for the Vissering Ponds. C. Expenses of \$ 6,837 for electric costs to operate the Tomkey Sump pump. D. Expenses of \$ 29,776 to purchase a pump for the Tomkey Sump. E. Expenses of \$ 4,044 for maintenance and repairs to the project infrastructure. F. Expenses of \$ 764 to purchase a flow meter. G. Expenses of \$ 10,305 for telemetry installation and operation. H. Expenses of \$ 2,400 for shareholder assessments from the Weldon Valley Ditch Company. 5. Name and address of landowners: The Vissering Ponds are located on lands owned by Applicant. (5 pages.)

21CW3192 CONIFER CORNERS, LLC, a Colorado limited liability company, c/o David Figuli, Figuli Group, 8697 S. Blue Creek Road, Evergreen, CO 80439, (720) 810-2495. Paul L. Noto and Lisa A. Claxton, Patrick, Miller & Noto, P.O., 229 Midland Ave., Basalt, CO 81621, (970) 920-1330. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN JEFFERSON COUNTY**. Name of water right: Conifer Corners' Wells 1-5. Description of conditional water right: *Date of original decree for water rights*: Case No. 14CW3169, District Court, Water Division No. 1, entered on October 1, 2015. *Decreed legal description*: Conifer Corners will drill up to five wells anywhere within the property described in the legal description on file with the Court as Exhibit A and depicted in the map on file with the Court as Exhibit B (the "Property"), in the NE 1/4, NE 1/4, Section 23, Township 6 South, Range 71 West, 6th P.M., Jefferson County, Colorado. *Source*: Groundwater tributary to North Turkey Creek. *Appropriation date*: December 31, 2014. *Amount*: 15 g.p.m. each, conditional. The combined annual usage among the five wells is limited to 28 acre-feet, with consumptive use equaling 5% of the amount used, limited to 1.4 acre-feet per year. *Uses*: Commercial and domestic in-house use only in multi-family housing. No water withdrawn under this decree may be used outside a building for lawn or landscape irrigation, surface washing, or any other purpose. *Depth*: N/A. Name of water right: Conifer Corners Exchange. Description of conditional water right: *Date of original decree for water rights*: Case No. 14CW3169, District Court, Water Division No. 1, entered on October 1, 2015. *Decreed legal description*: Downstream terminus: The confluence of Bear Creek and Turkey Creek at Bear Creek Lake in the NW 1/4 of Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County, Colorado, which is approximately 1,000 feet south of the north section line and 1,000 feet east of the west section line in Section 5. Upstream terminus: The point where depletions from the Conifer Corners Wells impact North Turkey Creek in the NE 1/4 of Section 23, Township 6 South, Range 71 West, 6th P.M., Jefferson County, Colorado, which is approximately 1,000 feet south of the north section line and 2,500 feet west of the east section line in Section 23. *Source of substitute supply*: Mountain Mutual Reservoir Company's ("MMRC") interest in the Warrior Ditch, Harriman Ditch, Soda Lakes Reservoirs Nos. 1 and 2, and the Meadowview Reservoir. Paragraphs 3-6 of the Decree in Case No. 98CW292 describe the operational terms and conditions of the plan for augmentation under which MMRC will make available the substitute supply for the Conifer Corners Exchange. *Appropriation date*: December 31, 2014. This appropriation date replaces the priority date of May 1, 1998, approved for Conifer Corners' Wells 1-5 in the decree entered in Case No. 98CW292. *Total amount decreed*: 1.4 acre-feet per year, conditional. *Rate*: 0.002 c.f.s., conditional. *Decreed uses*: Augmentation of the Conifer Corners' Wells 1-5 by exchange. This use is consistent with the uses decreed for the sources of substitute supply. Remarks pertaining to both claims: A detailed outline of work performed toward completion of the appropriation and application of water during the relevant diligence period, including expenditures: During the diligence period, Applicant continued with planning activities to develop the site. Applicant retained the services of an architectural and engineering firm for the development of a site plan. Additionally, Applicant has completed preliminary planning on the property's water and sanitary sewer system. Applicant completed well pump testing on the existing wells, and also water quality tests. Applicant sought advice from the fire district on providing fire water access. Applicant engaged the services of Patrick, Miller & Noto, PC to assist in the development of the subject water rights

and to monitor and advise of new water rights applications which could cause injury to the subject water rights. Applicant has spent thousands of dollars during this diligence period for these activities in furtherance of development of the subject water rights. Statement of ownership: Applicant owns the land upon which the structures are located and where water will put to beneficial use. (4 pages, 2 exhibits).

21CW3193 GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS” OR “APPLICANT” OR “CENTRAL”), 3209 West 28th Street, Greeley, CO 80634. (970) 330-4540. Please send all future correspondence to Bradley C. Grasmick, Wesley S. Knoll, and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534. **APPLICATION FOR WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE AND APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGES, IN ADAMS, MORGAN, AND WELD COUNTIES.** 2. General Overview of the Application. Applicant seeks to obtain a decree for a supplemental augmentation plan in order to utilize recharge credits from the Walker Recharge Project as decreed in Case No. 16CW3202 (the “Walker Decree”) and the recharge credits from the Orchard Recharge Project as decreed in Case No. 2005CW331 (the “Orchard Decree”). Applicant seeks to utilize the described recharge credits to allocate additional pumping and replace depletions from wells located in Central’s Administrative Reach E, as more particularly identified and defined in GMS’s augmentation plan decreed in Case No. 02CW335 (the “GMS Plan”). The wells located in Administrative Reach E are described in Paragraph 5.1 herein and are hereinafter referred to as the “Reach E Wells”. Applicant intends to utilize certain recharge credits from the Walker Decree and Orchard Decree, which are in excess of the amounts needed to replace depletions in the GMS Plan and the Augmentation Plan decreed to the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (“WAS”) in Case No. 03CW99 (the “WAS Plan”), in this augmentation plan. The recharge credits described above are hereinafter referred to as the “Recharge Credits”. Depletions from the Reach E Wells impact the South Platte River below the Empire Inlet Canal headgate and above the headgates of the Jackson Lake Inlet Canal, the Bijou Canal, and the Weldon Valley Ditch. Recharge Credits from the Walker Decree and Orchard Decree accrue primarily below the Weldon Valley Ditch headgate. These Recharge Credits are permitted to stay in the South Platte River to replace depletions from the Reach E Wells authorized under the augmentation plan proposed in this application if the depletions from the Reach E Wells are owed to a senior water right below the Weldon Valley Ditch headgate. If the depletions are owed to water rights diverted at the Jackson Lake Inlet Canal or the Bijou Canal, then Applicants will deliver water directly to those canals from the structures identified in this application in an amount equal to the depletions from the Reach E Wells. If depletions are owed to the Weldon Valley Ditch, Applicants will either deliver water directly to the Weldon Valley Ditch or just upstream of the Weldon Valley Ditch headgate. Water will be pumped from the North Side Augmentation Wells, South Side Augmentation Wells or diverted via the surface diversions described herein and delivered to the Jackson Lake Inlet, Weldon Valley Ditch, or Bijou Canal. The amount of water delivered directly to the Jackson Lake Inlet, Weldon Valley Ditch, or Bijou Canal from the aforementioned wells and surface diversions will not exceed the available Recharge Credits from the Walker Decree and Orchard Decree which are available in the South Platte River to replace those diversions at the time the diversions are made. A figure generally illustrating the location of Reach E Wells and the facilities to be used in the augmentation plan proposed in this application are included as **Exhibit A** which consists of 3 pages. The amounts of water authorized to be diverted by the Reach E Wells under the augmentation plan proposed in this application will be in addition to any quota allocated to the Reach E Wells by GMS pursuant to the GMS Plan up to the total amounts allotted by GMS to the Reach E Wells pursuant to the Class D contracts issued by GMS. Currently, the amount of depletions allotted by GMS to the Reach E Wells pursuant to their Class D Contracts totals 17,633 acre feet at a 100% pumping quota. All depletions,

including post-pumping depletions, from pumping under the GMS Plan will be covered under the terms of the GMS Plan. All depletions from diversions authorized under the augmentation plan proposed in this application, including from the new water rights applied for herein, will be replaced pursuant to the terms of the decree entered herein. 3. Application for New Water Rights. 3.1. North Side Augmentation Wells: 3.1.1. The North Side Augmentation Wells deliver water to the Jackson Lake Inlet, and to the South Platte River above the Weldon Valley Ditch in the NE 1/4 of the SW 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County and deliver directly into the Weldon Valley Ditch in the N 1/2 of the SE 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County. Water from the North Side Augmentation Wells will be used for augmentation, replacement, and exchange pursuant to the augmentation plan decreed herein. 3.1.1.1. Orchard Well No. 63835-F 3.1.1.1.1. WDID – 0108405 3.1.1.1.2. Point of Diversion - NW 1/4 of the SE 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County, 1,502 feet from the South Section line and 1,698 feet from the East Section line. UTM: 571632m Easting and 4462439m Northing. Diversion Rate - 11.14 c.f.s. (5,000 g.p.m.) 3.1.1.1.3. Volumetric Limit – 7,239 ac-ft 3.1.1.2. Smith Well No. 1-10591 3.1.1.2.1. Point of Diversion – NE 1/4 of the SE 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County, 1,890 feet from the South Section Line and 1,200 feet from the East Section Line. UTM: 571843.6m Easting and 4462534.2m Northing. 3.1.1.2.2. Diversion Rate – 2,500 gpm 3.1.1.2.3. Volumetric Limit – 4,032 ac-ft 3.1.2. Wells in Walker Wellfield No. 1 3.1.2.1. Point of Diversion – N 1/2 of the SE 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County, and the N 1/2 of the SW 1/4 of Section 18, Township 4N, Range 61W of the 6th P.M. in Morgan County. UTM locations are shown in Table 1, below. 3.1.2.2. Diversion Rate – 2,500 gpm (for each constructed well) 3.1.2.3. Volumetric Limit – 4,032 ac-ft (for each constructed well) 3.1.3. Wells in Walker Wellfield No. 4 3.1.3.1. Point of Diversion – SE 1/4 of the NE 1/4 of Section 18, Township 4N, Range 60W of the 6th P.M. in Morgan County, and the N 1/2 of the SE 1/4 of Section 18, Township 4N, Range 60W of the 6th P.M. in Morgan County. UTM locations are shown in Table 1, below. 3.1.3.2. Diversion Rate – 2,500 gpm (for each constructed well) 3.1.3.3. Volumetric Limit – 4,032 ac-ft (for each constructed well) 3.1.4. The delivery rate of the North Side Augmentation Wells to the Jackson Lake Inlet Canal will be limited to 10 cfs and the delivery rate from the North Side Augmentation Wells to the Weldon Valley Ditch will be limited to 10 cfs. 3.1.5. The North Side Augmentation Wells that will be constructed will not exceed a total of four (4) wells. **Table 1** – UTM Locations for the North Side Augmentation Well Locations

Wellfield 1	Well Location		Wellfield 4	Well Location	
Well Name	UTM X	UTM Y	Well Name	UTM X	UTM Y
Well 1a	571657	4462391	Well 4a	573006	4462103
Well 1b	571718	4462391	Well 4b	573067	4462124
Well 1c	571779	4462391	Well 4c	573124	4462149
Well 1d	571840	4462391	Well 4d	573172	4462189
Well 1e	571901	4462391	Well 4e	573184	4462254
Well 1f	571962	4462391	Well 4f	573193	4462315
Well 1g	572023	4462391	Well 4g	573197	4462376
Well 1h	572084	4462391	Well 4h	573223	4462444
Well 1i	572145	4462391	Well 4i	573262	4462505
Well 1j	572206	4462391	Well 4j	573276	4462566

Well 1k	572267	4462391	Well 4k	573294	4462627
Well 1l	572328	4462391	Well 4l	573361	4462688
Well 1m	572389	4462391	Well 4m	573402	4462719
Well 1n	572450	4462391	Well 4n	573448	4462749
Well 1o	572511	4462391	Well 4o	573509	4462780
Well 1p	572572	4462391	Well 4p	573547	4462810
Well 1q	572633	4462391	Well 4q	573578	4462871
Well 1r	572694	4462391	Well 4r	573578	4462932
Well 1s	572755	4462391	Well 4s	573578	4462993
Well 1t	572816	4462391	Well 4t	573578	4463054
Well 1u	572877	4462391	Well 4u	573578	4463115
Well 1v	572945	4462391	Well 4v	573578	4463176
			Well 4w	573883	4463389
			Well 4x	573913	4463450
			Well 4y	573913	4463511
			Well 4z	573943	4463572

3.1. South Side Augmentation Wells. 3.1.1. The South Side Augmentation Wells will deliver water into the Bijou Canal in the NW 1/4 of the NE 1/4 of Section 29, Township 4N, Range 60W of the 6th P.M. in Morgan County. Water from these wells will be used for augmentation replacement and exchange pursuant to the augmentation plan proposed herein. 3.1.2. Walker Wellfield No. 2 Well 2Q 3.1.2.1. Well Permit No. 84246-F 3.1.2.2. Point of Diversion – NE 1/4 of the SE 1/4 of Section 18, Township 4N, Range 60W of the 6th P.M., Morgan County. UTM: 573758m Easting and 4462695m Northing 3.1.2.3. Diversion Rate – 3,200 g.p.m. 3.1.2.4. Volumetric Limit – 5,183 ac-ft 3.1.3. Walker Wellfield No. 2 Well 2R 3.1.3.1. Well Permit No. 84238-F 3.1.3.2. Point of Diversion – NW 1/4 of the SW 1/4 of Section 17, Township 4N, Range 60W of the 6th P.M., Morgan County. UTM: 573832.m Easting and 4462750m Northing 3.1.3.3. Diversion Rate – 3,200 g.p.m. 3.1.3.4. Volumetric Limit – 5,183 ac-ft 3.1.4. Walker Wellfield No. 2 Well 2T 3.1.4.1. Well Permit No. 84185-F Point of Diversion –SW 1/4 of the NW 1/4 of Section 17, Township 4N, Range 60W of the 6th P.M., Morgan County. UTM: 573897m Easting and 4462832m Northing 3.1.4.2. Diversion Rate – 3,200 g.p.m. 3.1.4.3. Volumetric Limit – 5,183 ac-ft 3.1.5. The combined delivery rate of the South Side Augmentation wells to the Bijou Canal will be limited to 10 cfs 3.1.6. The cumulative total volumetric limit for the North Side Augmentation Wells and the South Side Augmentation Wells shall be 7,260 acre feet. 4. Application for Exchange. 4.1. Source of Substitute Supply: The Recharge Credits resulting from diversions pursuant to the Walker Decree and the Orchard Decree. 4.2. Exchange from Points: 4.2.1. The point of accretion for the Orchard East Recharge Pond: E 1/2 Section 13, Township 4N, Range 61W of the 6th P.M., Morgan County. UTM: 572511m Easting, 4462084 Northing. 4.2.2. Confluence of the Unnamed Slough and the South Platte River: SW 1/4 of the NW 1/4 of Section 17, Township 4N, Range 60W of the 6th P.M., Morgan County. UTM: 573918m Easting, 4462880m Northing. 4.2.3. The furthest downstream point of accretions on the South Platte River from the Walker Recharge Ponds as decreed in the Walker Decree: 576666.30 m Easting, 4463624.31 m Northing. 4.3. Exchange-to Points 4.3.1. Walker Diversion No. 1– At the location of the Weldon Valley Ditch Company river diversion on the north bank of the South Platte River located in the NW 1/4 of the SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County. UTM: 571335m Easting and 4462421m Northing. 4.3.1.1. Water diverted from this

Exchange-to point will be delivered to the Jackson Lake Inlet or available for diversion at the Weldon Valley Ditch Headgate into the Weldon Valley Ditch for augmentation replacement and exchange pursuant to the plan decreed herein. 4.3.2. Walker Diversion No. 2 - A point to be located on the south bank of the South Platte River and an unnamed slough located in the SW 1/4 of the SE 1/4 of Section 18, Township 4N, Range 60W of the 6th P.M. in Morgan County. 4.3.2.1. Water diverted at this Exchange-to Point will be delivered into the Bijou Canal for augmentation, replacement, and exchange pursuant to the augmentation plan proposed herein. 4.4. Proposed cumulative maximum exchange rate for all exchanges is 10 cfs 4.5. The Proposed cumulative maximum volume of the exchanges is limited to 7,240 acre feet 4.6. Appropriation Date: October 29, 2021 5. Plan for Augmentation: 5.1. Name of Structures to be augmented: The Reach E Wells are identified in the following table. The augmentation plan proposed herein is also intended to augment any replacement well or alternate point of diversion wells authorized in connection with any of the listed wells. The augmentation plan proposed herein will not be limited to the below wells, but inclusion of additional wells to the augmentation plan will only be made in accordance with Colorado statutes, the Water Conservancy Act, Applicants' internal rules and regulations, and the augmentation plan proposed herein. In addition, the water rights identified in paragraph 3 of this application shall be augmented under this plan. Applicant reserves the right to augment diversions from the exchange-to points described in paragraph 4 in this application instead of operating an exchange. Applicant will utilize the appropriation date in paragraph 4.6 to determine when such diversions are out of priority. To the extent the Court determines any new applications or amendments to this plan are necessary to add structures to this plan, such applications or amendments will be filed with the Court.

Well No	WDID	Permit No	Case No	Adjud	Qtr	Qtr	Sec	Tn p	Rng	Flow	Approp
1	0105610	7099	W-6312	6/30/1972	SW	NE	11	4N	64 W	1053	9/30/1935
2	0105611	7100	W-6312	6/30/1972	SW	NE	11	4N	64 W	837	6/22/1956
3	0105702	13412-F	W-441	12/30/1970	N W	N W	18	1N	64 W	1201	5/31/1943
4	0105704	7115	W-441	12/30/1970	SW	N W	19	1N	64 W	900	5/8/1941
5	0105706	7116	W-441	12/30/1970	SW	N W	19	1N	64 W	400	5/30/1955
6	0105763	10671	W-1033	5/25/1971	SW	NE	14	4N	64 W	400	7/31/1939
7	0105765	10672	W-1033	5/25/1971	SW	NE	14	4N	64 W	600	9/30/1952
8	0105766	10673	W-1033	5/25/1971	SW	NE	14	4N	64 W	600	12/31/1953
9	0105767	10674	W-1033	5/25/1971	SE	NE	14	4N	64 W	800	11/30/1954
10	0105768	6560-F	W-1033	5/25/1971	SW	NE	14	4N	64 W	700	12/23/1964
11	0105781	10523-R	Decree #468	7/28/1970	N W	SE	27	4N	64 W	900	3/1/1938
12	0105782	10524-R	Decree #467	7/28/1970	NE	SE	27	4N	64 W	900	8/1/1954
13	0105794	59229-F	00-CW-199	5/31/2000	NE	N W	1	1S	65 W	653	8/31/1953

14	010584 4	8674	W-598	2/23/1971	SW	SE	11	4N	64 W	900	9/1/1956
15	010631 1	4484	W-4211	6/22/1972	NE	SE	10	4N	64 W	981	11/30/195 5
16	010638 5	12613	W-887	4/20/1971	SW	SW	7	4N	63 W	775	5/31/1934
17	010638 6	12915	W-886	4/20/1971	SW	SE	7	4N	63 W	600	3/31/1954
18	010638 7	12614	W-887	4/20/1971	SW	SW	7	4N	63 W	1000	4/30/1947
19	010638 8	12916	W-886	4/20/1971	SE	SW	7	4N	63 W	1000	3/31/1955
20	010638 9	6359-F	W-887	4/20/1971	NE	SW	7	4N	63 W	800	11/30/196 4
21	010639 0	6360-F	W-886	4/20/1971	NE	SW	7	4N	63 W	800	11/30/196 4
22	010652 0	306-RR	W-697	3/15/1971	SW	N W	1	4N	64 W	550	5/31/1944
23	010655 3	1961	W-2950	5/30/1972	SW	SW	18	1N	64 W	1147	1/4/1942
24	010655 4	1962	W-2950	5/30/1972	SW	SW	18	1N	64 W	1048	5/31/1946
25	010655 5	1963	W-2950	5/30/1972	SW	SW	18	1N	64 W	1048	7/31/1952
26	010655 6	1964	W-2950	5/30/1972	N W	SW	18	1N	64 W	796	5/31/1954
27	010663 9	5914	W-1215	5/5/1972	SE	N W	23	4N	64 W	999	6/30/1937
28	010664 0	5915	W-1215	5/5/1972	SE	N W	23	4N	64 W	999	7/31/1955
29	010677 3	10471	W-1063	6/3/1951	SW	N W	30	2N	64 W	400	5/31/1951
30	010677 4	10472	W-1063	6/3/1971	SW	N W	30	2N	64 W	400	5/31/1954
31	010684 0	6427	W-635	3/2/1971	SW	SW	30	3N	64 W	1102. 5	10/30/194 7
32	010684 1	7601	W-584	2/19/1971	SW	SW	1	2S	65 W	900	6/30/1957
33	010688 7	4030-F	W-1166	6/23/1971	N W	SE	33	5N	64 W	301	6/22/1955
34	010689 5	11320	W-4463	6/26/1972	N W	SE	22	4N	64 W	900	6/20/1957
35	010689 7	10676	W-1840	1/20/1972	SE	SW	14	4N	64 W	800	7/31/1947
36	010689 8	10677	W-1840	1/20/1972	SE	SE	22	4N	64 W	900	3/31/1957
37	010689 9	11689-R	W-987	5/11/1971	SW	SE	22	4N	64 W	900	12/31/193 8
38	010690 3	5281-F	W-4463	6/26/1972		SE	1	2N	65 W	999	6/20/1964
39	010690 5	1531	W-4463	6/26/1972	NE	SW	1	2N	65 W	999	3/28/1960
40	010690 6	5283-F	W-4463	6/26/1972		N W	1	2N	65 W	742.5	3/16/1964

41	010690 7	5282-F	W-4463	6/26/1972	SW	NE	1	2N	65 W	855	3/30/1964
42	010690 8	8409	W-1840	1/20/1972	SE	N W	22	4N	64 W	750	6/30/1935
43	010691 3	5972	W-1964	2/17/1972	N W	SE	30	3N	64 W	1197	7/31/1951
44	010691 4	5973	W-1964	2/17/1972	SE	N W	30	3N	64 W	999	3/8/1955
45	010691 5	9131-F	W-1964	2/17/1972	SW	NE	30	3N	64 W	999	4/14/1965
46	010708 4	13451	W-4971	6/28/1972	SW	NE	15	4N	64 W	792	5/30/1951
47	010708 5	10798	W-4971	6/28/1972	SE	NE	15	4N	64 W	900	5/1/1966
48	010711 1	12500	W-1726	12/23/197 1	SW	NE	22	4N	64 W	900	6/30/1934
49	010711 2	8914-F	W-1726	12/23/197 1	SW	NE	22	4N	64 W	805	5/30/1958
50	010711 9	10518	W-8158- 76	8/31/1970	N W	SE	14	4N	64 W	499	5/31/1940
51	010712 0	4064-F	W-8158- 76	8/31/1970	N W	SE	23	4N	64 W	999	4/25/1963
52	010712 1	6361-F	W-8158- 76	8/31/1970	SE	N W	18	4N	63 W	598	11/4/1964
53	010712 2	9269-F	W-8158- 76	8/31/1970	SE	NE	13	4N	64 W	900	5/8/1965
54	010712 3	9271-F	W-8158- 76	8/31/1970	NE	SE	12	4N	64 W	999	8/10/1965
55	010712 4	6601-F	W-8158- 76	8/31/1970	N W	SW	18	4N	63 W	648	12/30/196 4
56	010712 5	12912	W-8158- 76	8/31/1970	SW	SW	12	4N	64 W	801	4/12/1937
57	010712 7	12914	W-8158- 76	8/31/1970	N W	SW	13	4N	64 W	801	7/20/1951
58	010712 9	12913	W-8158- 76	8/31/1970	SW	N W	13	4N	64 W	801	5/31/1939
59	010713 0	32	W-8158- 76	8/31/1970	SW	SE	23	4N	64 W	999	6/30/1946
60	010713 3	798	W-8158- 76	8/31/1970	SW	SE	23	4N	64 W	1201	7/31/1955
61	010713 4	10519	W-8158- 76	8/31/1970	SE	SE	14	4N	64 W	598	8/31/1955
62	010716 2	9400-F	W-657	3/8/1971	SE	SW	23	4N	64 W	950	5/1/1938
63	010716 4	9401-F	W-657	3/8/1971	SE	SW	23	4N	64 W	1150	6/27/1954
64	010737 8	12191	W-2312	4/10/1972	SE	SW	15	4N	64 W	1000	6/7/1954
65	010752 1	4574-F	W-371	11/27/197 0	SW	N W	22	4N	64 W	790	8/23/1963
66	010761 1	5847-R	354	6/23/1971	SW	N W	26	4N	64 W	800	6/1/1934
67	010761 2	5848-R	354	6/23/1970	SW	N W	26	4N	64 W	1100	7/1/1955

68	010761 7	10599-F	W-2705	5/17/1972	SE	N W	6	1N	64 W	315	5/17/1949
69	010761 8	12317-F	W-2705	5/17/1953	SE	N W	6	1N	64 W	351	6/25/1953
70	010813 6	1133	W-2746	5/19/1972	SE	NE	10	4N	64 W	1147. 5	6/30/1955
71	010817 8	5911	#371	7/28/1970	SE	SE	2	1N	65 W	300	6/1/1925
72	010817 9	4533	#371	7/28/1970	NE	SE	2	1N	65 W	750	6/16/1946
73	010824 5	13072	W-182	8/13/1970	SE	SE	10	4N	64 W	800	6/30/1950
74	010829 6	9386-F	W-5030	6/28/1972	SE	SE	27	4N	64 W	751	10/31/194 4
75	010829 7	11999	W-5030	6/28/1972	SE	SE	27	4N	64 W	648	7/28/1955
76	010831 3	13597	W-1667	12/8/1971	SE	SW	11	4N	64 W	783	7/31/1939
77	010846 5	1428	W-3618	6/15/1972	SW	SW	19	1N	64 W	300	7/28/1955
78	010846 6	1429	W-3618	6/15/1972	SW	SW	19	1N	64 W	800	5/27/1944
79	010846 7	6203-F	W-3618	6/15/1972	SW	SW	19	1N	64 W	700	9/30/1964
80	010879 4	13829	W-363	7/9/1970	N W	SW	30	2N	64 W	247	12/31/194 4
81	010879 6	6288-F	W-363	7/9/1970	N W	SW	30	2N	64 W	274	10/31/196 4
82	010884 6	7291	04CW220	6/15/2007	SE	N W	19	1N	64 W	702	1/1/1937
83	010885 1	7292	04CW220	6/15/2007	SE	N W	19	1N	64 W	1098	6/27/1950
84	010911 9	8673	W-598	2/23/1971	SW	SE	11	4N	64 W	828	8/1/1950
85	020500 5	13502-R	W-2727	5/18/1972	SW	NE	24	1N	65 W	702	7/31/1934
86	020508 3	13183	W-3640	6/15/1972	SW	NE	11	1S	65 W	1084. 5	5/31/1955
87	020508 5	17884	W-3640	6/15/1972	N W	SE	11	1S	65 W	1156. 5	11/30/194 7
88	020525 0	10655-RF	W-2163	3/20/1972	SE	SW	13	1N	65 W	1143	12/31/193 5
89	020525 1	13503-R	W-2727	5/18/1972	SW	NE	24	1N	65 W	1260	5/31/1951
90	020525 1	13503-R	W-2727	5/18/1972	SW	NE	24	1N	65 W	1260	5/31/1951
91	020525 3	10656	W-2163	3/20/1972	SE	SW	13	1N	65 W	792	2/19/1955
92	020525 4	ANDREW S WELL #3	W-2163	3/20/1972	NE	SW	13	1N	65 W	63	1/11/1955
93	020525 5	13504-R	W-2727	5/18/1972	SW	SE	13	1N	65 W	598	4/30/1955
94	020531 3	13203	94 CW 080	6/8/1994	N W	SE	11	1S	66 W	1000	1/1/1946

95	020533 8	3427-F	W-1821	1/14/1972	SE	N W	36	1N	65 W	1098	4/17/1947
96	020534 7	13517	W-4453	6/26/1972	NE	SE	25	2N	65 W	360	4/15/1934
97	020534 8	3614-P	W-4453	6/26/1972	NE	SE	25	2N	65 W	464	5/28/1962
98	020537 9	7117	W-3177	6/6/1972	SW	SE	12	1N	65 W	720	6/30/1932
99	020538 4	7118	W-3177	6/6/1972	SW	SE	12	1N	65 W	405	9/30/1950
100	020565 9	13157	W-4372	6/23/1972	SE	SE	26	2N	65 W	801	6/14/1951
101	020571 3	16122-R	W-1372	8/9/1971	SE	N W	26	1S	65 W	1200	3/1/1949
102	020571 5	16124-R	W-1372	8/9/1971	NE	SW	26	1S	65 W	600	8/25/1956
103	020575 3	5851-R	W-7945- 75	5/2/1975	SE	N W	24	2N	65 W	850	3/18/1958
104	020578 0	11871	W-965	5/7/1971	SW	NE	11	1N	65 W	540	6/17/1954
105	020595 7	12172	W-673	3/10/1971	NE	SW	13	2N	65 W	900	6/30/1951
106	020595 9	12173	W-673	3/10/1971	N W	SW	13	2N	65 W	500	4/30/1955
107	020611 1	455	86 CW 237	9/10/1986	SE	NE	36	2N	65 W	485	8/10/1948
108	020636 9	7289	85 CW 50	5/5/1972	NE	SE	35	2N	65 W	598	3/19/1946
109	020639 1	4361-F	W-2220	1/27/1972	SW	N W	25	1N	65 W	549	3/31/1955
110	020647 1	17884-R	W-2816	5/23/1972	SE	N W	14	1S	65 W	751	11/17/194 7
111	020647 5	11875-F	W-1813	1/11/1972	SW	SW	25	1N	65 W	550	3/31/1938
112	020647 6	11876-F	W-1813	1/11/1972	SE	SW	25	1N	65 W	650	3/31/1944
113	020647 7	11877-F	W-1813	1/11/1972	SW	SW	25	1N	65 W	720	4/24/1957
114	020647 8	5896-F	W-1813	1/11/1972	SE	SW	25	1N	65 W	720	7/23/1964
115	020650 5	6611-F	91 CW 120	12/31/199 1	SW	N W	13	2N	65 W	549	12/23/196 4
116	020650 6	2044-F	91 CW 120	12/31/199 1	SW	N W	13	2N	65 W	700	6/22/1954
117	020650 7	2380-F	91 CW 120	12/31/199 1	N W	SE	12	2N	65 W	1300	12/11/195 9
118	020650 8	6391	91 CW 120	12/31/199 1	SW	N W	13	2N	65 W	749	11/21/195 8
119	020663 5	23226-F	W-4909	6/28/1972	NE	SE	25	2N	65 W	261	9/20/1943
120	020674 0	12386-R	W-4800	6/27/1972	SE	N W	12	1N	65 W	824	6/30/1955
121	020674 1	12387-R	W-4800	6/27/1972	SE	N W	12	1N	65 W	500	5/31/1956

122	020674 2	12388-R	W-4800	6/27/1972	SE	N W	12	1N	65 W	821	4/30/1954
123	020674 3	12389-R	W-4800	6/27/1972	SE	N W	12	1N	65 W	554	4/30/1956
124	020674 4	12529	W-4800	6/27/1972	SE	SE	13	1N	65 W	822	4/30/1949
125	020674 5	12530	W-4800	6/27/1972	SE	SE	13	1N	65 W	711	5/31/1954
126	020698 0	17884-T	W-6013	6/30/1972	SW	SE	11	1S	65 W	200	9/30/1945
127	020698 2	17884-U	W-6013	6/30/1972	NE	SW	11	1S	65 W	301.5	8/31/1932
128	020698 4	17884-V	W-6013	6/30/1972	SW	SE	11	1S	65 W	499.5	11/20/1937
129	020698 8	13181	W-6013	6/30/1972	SW	SE	11	1S	65 W	598.5	5/1/1955
130	020698 9	16138	W-6013	6/30/1972	SW	SE	11	1S	65 W	796.5	8/10/1955
131	020711 8	1383	07CW97	5/14/2007	SW	SE	26	1S	65 W	1000	10/31/1951
132	020711 9	1384	07CW97	5/14/2007	N W	SE	26	1S	65 W	600	8/31/1954
133	020712 0	13067	07CW97	5/14/2007	SW	SE	26	1S	65 W	500	4/30/1960
134	020712 1	3499	07CW97	5/14/2007	N W	SW	25	1S	65 W	275	4/30/1962
135	020712 2	1385	07CW97	5/14/2007	SW	NE	26	1S	65 W	1050	8/31/1955
136	020712 3	5730	07CW97	5/14/2007	N W	NE	26	1S	65 W	500	6/30/1964
137	020721 0	12318-F	W-2705	5/17/1972	NE	NE	1	1N	65 W	846	6/25/1953
138	020721 2	11201	W-619	2/26/1971	SE	SE	26	1N	65 W	477	6/1/1955
139	020721 3	5289-F	W-619	2/26/1971	SE	SE	26	1N	65 W	351	4/15/1964
140	020736 8	10198	W-1814	1/12/1972	SE	SE	25	3N	65 W	999	11/5/1965
141	020771 6	2281-F	W-1998	2/25/1972	SE	SW	12	2N	65 W	1198	9/3/1959
142	020776 0	11725-F	W-6062	6/30/1972	SW	N W	36	2N	65 W	801	5/9/1967
143	020776 3	10729	W-6062	6/30/1972	NE	SW	36	2N	65 W	801	7/12/1952
144	020807 3	6795	W-938	4/29/1971	SE	NE	25	2N	65 W	1000	7/1/1943
145	020807 4	6796	W-938	4/29/1971	NE	SW	25	2N	65 W	900	3/20/1957
146	020807 5	2470-F	W-938	4/29/1971	N W	SE	25	2N	65 W	750	7/1/1960
147	020807 6	3275-F	W-938	4/29/1971	SE	NE	25	2N	65 W	450	7/1/1961
148	020807 7	13659-F	W-938	4/29/1971	SE	NE	25	2N	65 W	700	8/31/1964

149	020829 5	10039	W-833	4/5/1971	N W	SW	1	1N	65 W	1000	5/31/1944
150	020829 6	10040	W-833	4/5/1971	SE	SW	1	1N	65 W	1000	7/31/1955
151	020829 7	11709	W-833	4/5/1971	SW	SE	1	1N	65 W	800	11/30/1937
152	020829 8	11710	W-833	4/5/1971	SW	SE	1	1N	65 W	1000	7/31/1955
153	020841 9	11186-F	W-4716	6/27/1972	NE	SE	36	3N	65 W	990	10/27/1966
154	020844 2	6532	W-4623	6/27/1972	SE	SW	23	1S	65 W	1048	4/30/1955
155	020844 3	6533	W-4623	6/27/1972	SE	SW	23	1S	65 W	1098	4/30/1957
156	020847 3	17884	W-2384	4/18/1972	SE	SE	11	1S	65 W	702	12/31/1947
157	020847 7	2074-F	W-2384	4/18/1972	SW	SW	12	1S	65 W	500	1/31/1959
158	020857 2	11652-R	W-5661	6/30/1972	NE	NE	35	1N	65 W	750	9/20/1952
159	020857 3	11653	W-5661	6/30/1972	SE	NE	35	1N	65 W	500	4/27/1946
160	020861 3	10501	W-576	2/18/1971	SW	SW	12	1N	65 W	1000	4/30/1941
161	020861 4	10502	W-575	2/18/1971	SE	N W	13	1N	65 W	600	4/30/1941
162	020861 5	10503	W-575	2/18/1971	SE	N W	13	1N	65 W	700	5/31/1938
163	020861 6	10508	W-576	2/18/1971	SW	SW	12	1N	65 W	625	6/1/1954
164	020861 7	10504	W-575	2/18/1971	SW	NE	13	1N	65 W	700	5/31/1955
165	020861 8	79380-F	15CW306 8	2/18/1971	SE	SW	24	1N	65 W	550	5/24/1965
166	020861 8	79380-F	15CW306 8	2/18/1971	SE	SW	24	1N	65 W	550	5/24/1965
167	020861 9	10506	W-575	2/18/1971	SW	SW	24	1N	65 W	450	4/30/1934
168	020862 0	10505	W-575	2/18/1971	SW	SW	24	1N	65 W	500	4/30/1954
169	020862 1	10507	W-575	2/18/1971	SE	N W	13	1N	65 W	650	5/31/1954
170	020862 2	10509	W-575	2/18/1971	SW	N W	13	1N	65 W	200	8/31/1954
171	020862 3	10510	W-575	2/18/1971	SW	NE	13	1N	65 W	450	4/30/1934
172	020882 9	2372-F	W-2384	4/18/1972	NE	SW	12	1S	65 W	500	12/4/1959

5.2. Water Rights to be Used for Augmentation, Replacement, or Exchange to the South Platte River and its Tributaries: 5.2.1. As previously stated, Applicant intends to utilize the Recharge Credits which are available but in excess of the amounts needed to replace depletions under the GMS Augmentation Plan which was decreed in Case No. 02CW235 and the WAS Augmentation Plan which was decreed in Case No. 03CW99. The Recharge Credits will either be left in the river, will be re-diverted directly or by exchange at the points of diversion described in paragraph 4.3, or the Recharge Credits will be used to

augment diversions made pursuant to the North Side Augmentation Wells described in paragraph 3.1 or the South Side Augmentation Wells described in paragraph 3.2. 5.2.2. Applicants will utilize the water rights applied for herein as described in Paragraphs 3 and 4 for augmentation, replacement, and exchange in the augmentation plan proposed herein. 5.2.3. Applicant may also utilize any other supply included as an augmentation supply in the GMS Plan to the extent the supply is in excess of the amount needed to replace depletions from pumping augmented pursuant to the GMS Plan and the supply is made available in locations needed to augment depletions from the Reach E Wells in the South Platte River. A list of those sources are included in **Exhibit B** attached hereto. To the extent those sources are utilized in this Plan, they will be removed as source of augmentation in the projection and accounting in the GMS Plan pursuant to the terms of that decree. 5.2.4. Applicant seeks approval to add additional sources of augmentation and replacement water to the augmentation plan proposed herein 5.3. Statement of Plan for Augmentation: 5.3.1. No replacement sources are being changed pursuant to this application. 5.3.2. Diversions from the structures listed herein cause depletions to the South Platte River. Depletions from the Reach E Wells will be calculated utilizing the Glover equation, methodology, and factors decreed in the GMS Plan. Applicants' wells in Reach E deplete the South Platte River in the SE 1/4 of the NW 1/4 of Section 29, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado. Depletions from the wells described in Paragraph 3 (the "Augmentation Wells") will be calculated utilizing the response functions or the methodology decreed in the Walker Decree, except for the Smith Well described in paragraph 3.1.2, which will utilize the Glover equation, methodology, and factors decreed for that well in the GMS Plan. Diversions from the North Side Augmentation Wells deplete the South Platte River just downstream of the Weldon Valley Ditch Headgate in the N 1/2 of the SE 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County. Diversions from the South Side Augmentation Wells deplete the South Platte River approximately 1.5 miles downstream of the Weldon Valley Ditch Headgate in the NE 1/4 of the SE 1/4 of Section 18, Township 4N, Range 60W of the 6th P.M. in Weld County. UTM: 573623.00 m Easting, 4462577.00 m Northing. 5.3.3. Replacement of Out of Priority Depletions. Applicant will utilize the supplies listed herein to replace out of priority depletions to the South Platte River. The primary source of replacement will be the Recharge Credits. To the extent the calling water rights are located downstream of the Weldon Valley Ditch headgate, those Recharge Credits will be left undiverted in the South Platte River and used to replace depletions from diversions under the augmentation plan proposed herein. If the calling water right senior to the date of the Reach E Wells is at either the Bijou Canal, the Jackson Lake Inlet, or the Weldon Valley Ditch, then Applicant will divert water pursuant to the water rights described herein and will utilize the Recharge Credits to facilitate those diversions either directly, by augmentation, or exchange. Water will be delivered to the Jackson Inlet in the NE 1/4 of the SW 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County. Water will be delivered to the Weldon Valley Canal in the N 1/2 of the SE 1/4 of Section 13, Township 4N, Range 61W of the 6th P.M. in Weld County. Water will be delivered to the Bijou Canal in the NW 1/4 of the NE 1/4 of Section 29, Township 4N, Range 60W of the 6th P.M. in Morgan County. If any others supplies listed in **Exhibit B** are utilized to replace depletions from the Reach E Wells, those supplies will be delivered upstream of the calling water right located downstream of the point of depletion for the Reach E Wells. 5.3.4. Diversions from the Augmentation Wells and the Exchanges shall be fully replaced by the Recharge Credits or other firm supplies as available under the augmentation plan proposed herein. Applicant shall only divert water via the Augmentation Wells or the exchanges to the extent replacement water is available from the Recharge Credits or other firm supplies to replace those diversions. 5.3.5. Applicant will utilize a projection to determine the amounts of water which can be diverted for both the Augmentation Wells and the Reach E wells under the augmentation plan proposed herein. 5.3.6. Accounting and Reporting. Applicants will prepare accounting forms to account for its operations under the augmentation plan proposed herein. 6. Name and Address of Owners of Structures: The water rights and wells listed herein are owned by Applicant or Applicant's members who have water allotment contracts with Applicant. The Jackson Inlet Canal is owned by the Jackson Lake Reservoir and Irrigation Company whose address is P.O Box 38 Fort Morgan, CO 80701. The Bijou Canal is owned by the Bijou Irrigation District and Company whose address is 15551 US-34, Fort Morgan, CO 80701. The

Weldon Valley Ditch is owned by the Weldon Valley Ditch Company whose address is 911 North Ave. Weldon, CO 80653. This Application consists of 15 pages and 2 exhibits.

21CW3194 (2010CW304) SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT 6595 E. 70th Avenue, P. O. Box 597, Commerce City, CO 80022 (c/o Richard J. Mehren, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302 (303) 443-8782) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, WELD, JEFFERSON AND CLEAR CREEK COUNTIES** 1. Name, address, and telephone number of Applicant: South Adams County Water and Sanitation District, c/o Kipp Scott, 6595 E. 70th Avenue, P. O. Box 597, Commerce City, CO 80022. 2. Description of Conditional Appropriative Rights of Exchange: 2.1 Original Decree: The subject conditional appropriative rights of exchange were originally decreed by this Court in Case No. 2010CW304 on October 12, 2015 (“SACWSD 10CW304 Exchanges”). 2.2 Previous diligence decree: N/A. 2.3 Description of the SACWSD 10CW304 Exchanges: The SACWSD 10W304 Exchanges authorize the District’s exchange of certain sources of fully consumable water to replace stream depletions occurring within the District’s well depletion reach defined in the decree entered in Case No. 01CW258, District Court, Water Division No. 1 on September 15, 2010 or for delivery of water to storage in Wattenberg Reservoir; by use of the Brighton Ditch; or in Howe-Haller, Hazeltine, Road Runner’s Rest II, Brinkman-Woodward, Tanabe and Dunes Reservoirs (collectively, the “Joint Denver Gravel Pit Lakes”) by use of the Fulton Ditch. The District’s well depletion reach begins at an upstream point which is at or below the confluence of Sand Creek near the south quarter corner of Section 1, Township 3 South, Range 68 West of the 6th P.M., and extend downstream to a point in the City of Brighton at the Colorado State Highway 7 bridge at the southerly section line of Section 1, Township 1 South, Range 67 West of the 6th P.M. (“Depletion Reach”). The operation of exchanges is inherent in the operation of South Adams’ Augmentation Plan, as decreed and confirmed in Case No. W-8440-76, decretal paragraph 12, and Case No. 2001CW258, decretal paragraph 65. A map depicting the structures involved and the overall exchange reach is attached as **Exhibit A**. The exchange matrix attached as **Exhibit B** summarizes the SACWSD 10W304 Exchanges, which are more particularly described, as follows: 3. Names of structures involved and legal descriptions: 3.1 Exchange-From Points: 3.1.1 Meadow Island No. 1– End of Ditch Augmentation Station, in the E1/2 of the E1/2, Section 27, Township 3 North, Range 67 West of the 6th P.M., near the quarter section line between the NE1/4 and the SE1/4 to release water down Grafflin Slough which flows into the South Platte River in the NW1/4 of the NW1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M. 3.1.2 Lupton Bottom – East Lateral Augmentation Station, in the SE1/4 of the SE1/4, Section 12, Township 2 North, Range 67 West of the 6th P.M., to release water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M. 3.1.3 Lupton Bottom – West Lateral Augmentation Station, near the center of Section 36, Township 2 North, Range 67 West of the 6th P.M., to release water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M. 3.1.4 Lupton Bottom – End of West Lateral Augmentation Station, in the W1/2 of the E1/2, Section 27, Township 3 North, Range 67 West of the 6th P.M., near the quarter section line between the NE1/4 and the SE1/4, to release water down Grafflin Slough which flows into the South Platte River in the NW1/4 of the NW1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M. Before using the Lupton Bottom – End of West Lateral Augmentation Station, South Adams shall provide written notice to Magness Land Holdings, LLC, and Dearal Beddo. 3.1.5 Brighton Ditch – Wattenberg Augmentation Station, in the SW1/4, Section 25, or NW1/4 Section 36, Township 1 North, Range 67 West of the 6th P.M., to release water to the South Platte River in the NW1/4 of the SW1/4 or SW1/4 of the NW1/4, Section 30, Township 1 North, Range 66 West of the 6th P.M. 3.1.6 Fulton – County Line Augmentation Station, in the SW1/4 of the NE1/4, Section 5, Township 1 South, Range 66 West of the 6th P.M., to release water to the South Platte River near the north section line of Section 6, Township 1 South, Range 66 West of the 6th P.M. 3.1.7 Fulton – Gravel Lakes Augmentation Station, in the SE1/4 of the NE1/4, Section 9, Township 2 South, Range 67 West of the 6th P.M., to release water to the South Platte River at any of three locations: NW1/4, Section 9; SW1/4, Section 4, above the

headgate of the Brantner Ditch; or near the north quarter corner of Section 3, Township 2 South, Range 67 West of the 6th P.M. 3.1.8 Fulton – Headgate Augmentation Station, in the NW1/4, Section 16, Township 2 South, Range 67 West of the 6th P.M., at or upditch from 104th Avenue, to release water to the South Platte River near the east section line of Section 17, Township 2 South, Range 67 West of the 6th P.M. 3.1.9 Fulton – Fort Lupton Augmentation Station, in the NW1/4 of the SW1/4 of Section 9, Township 1 North, Range 66 West of the 6th P.M., to release water to the South Platte River near the NW1/4 of the SE1/4 of Section 31, Township 2 North, Range 68 West of the 6th P.M. 3.2 Exchange-To Points: 3.2.1 Depletion Reach 1, located along the South Platte River from the confluence with Sand Creek to just upstream of the Fulton Ditch headgate and is approximately 6.07 miles long. The upstream-most point of Depletion Reach 1 is on the South Platte River at the confluence with Sand Creek, near the south quarter corner of Section 1, Township 3 South, Range 68 West of the 6th P.M. The downstream-most point of Depletion Reach 1 is on the South Platte River just above the headgate of the Fulton Ditch, located in the NE1/4 of the NE1/4 of the SE1/4 of Section 17, Township 2 South, Range 67 West of the 6th P.M. 3.2.2 Depletion Reach 2, located along the South Platte River from just below the Fulton Ditch headgate to just upstream of the Brantner Ditch headgate and is approximately 2.22 miles long. The upstream-most point of Depletion Reach 2 is on the South Platte River just below the headgate of the Fulton Ditch, located as described in paragraph 3.2.1 above. The downstream-most point of Depletion Reach 2 is on the South Platte River just above the headgate of the Brantner Ditch, located on the west bank of the South Platte River in the NE1/4 SW1/4, Section 4, Township 2 South, Range 67 West, 6th P.M. 3.2.3 Depletion Reach 3, located along the South Platte River from just below the Brantner Ditch headgate to just upstream of the Brighton Ditch headgate and is approximately 6.75 miles long. The upstream-most point of Depletion Reach 3 is on the South Platte River just below the headgate of the Brantner Ditch, located as described in paragraph 3.2.2 above. The downstream-most point of Depletion Reach 3 is on the South Platte River just above the headgate of the Brighton Ditch, located on the west bank of the South Platte River in the SE1/4 SE1/4, Section 11, Township 1 South, Range 67 West, 6th P.M. 3.2.4 Depletion Reach 4, located along the South Platte River from just below the Brighton Ditch headgate to the end of the Depletion Reach and is approximately 1.58 miles long. The upstream-most point of Depletion Reach 4 is on the South Platte River just below the headgate of the Brighton Ditch, located as described in paragraph 3.2.3 above. The downstream-most point of Depletion Reach 4 is on the South Platte River at the south section line of Section 1, Township 1 South, Range 67 West of the 6th P.M. The four sub-reaches of the Depletion Reach as described above are shown on **Exhibit A**. 3.2.5 Brighton Ditch headgate, located as described in paragraph 3.2.3 above. 3.2.6 Fulton Ditch headgate, located as described in paragraph 3.2.1 above. 4. Description of exchange reaches and maximum rates of exchange: The reaches of the SACWSD 10W304 Exchanges, as described in the Exchange Matrix attached as **Exhibit B**, extend from the downstream-most Exchange-From Point, which is the confluence of the Grafflin Slough and the South Platte River in the NW1/4 of the NW1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., to the upstream-most Exchange-To Point, which is the upstream-most point within the Depletion Reach, at the confluence of Sand Creek and the South Platte River. The SACWSD 10W304 Exchanges include the right to exchange water from any of the Exchange-From Points identified in paragraph 3.1 above to any of the Exchange-To Points identified in paragraph 3.2 above, at the maximum individual rates of exchange included in the Exchange Matrix attached as **Exhibit B**, subject to the terms and conditions of the 10CW304 Decree. The maximum rates of exchange included in the Exchange Matrix attached as **Exhibit B** are in addition to the rates of the exchanges decreed in Case No. 2001CW258. 5. Sources of substitute supply: The water rights and sources of water described in paragraph 27 of the 10CW304 Decree. 6. Date of appropriation: December 29, 2010. 7. Use of exchanged water: The exchanged water is and/or will be used for augmentation and replacement purposes, including within the plan for augmentation decreed in W-8440 as expanded in Case No. 2001CW258 and Case No. 2007CW303 and in Case No. 2005CW115, and to all municipal purposes, including but not limited to domestic, industrial, commercial, irrigation out of South Adams' municipal system, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, sewage treatment, mechanical, manufacturing, street sprinkling, substitution, and exchange purposes, including, for all of the above-described purposes, both immediate application to such purposes and storage for

subsequent application to such purposes. South Adams intends to fully consume the exchanged water, and subject to the terms and conditions decreed in Case No. 10CW304, the exchanged water may be used to extinction for the uses described above either directly or after diversion or re-diversion to storage.

8. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use: The diligence period for the SACWSD 10CW304 Exchanges is October 2015 through October 2021 (“Diligence Period”). The SACWSD 10CW304 Exchanges are integral to the District’s overall water supply system, and the District has during the Diligence Period and will continue to pursue development and beneficial use of these water rights as growth continues and water demands increase within District. The District provides water and wastewater services to approximately 65,000 customers in Commerce City and Adams County. The District maintains a diverse portfolio of water rights – both conditional and absolute – in order to provide potable and non-potable water to its present and future customers. The SACWSD 10CW304 Exchanges are part of the District’s integrated water supply system to supply water for municipal purposes. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown on the development of the water rights for all features of the entire project or system.” C.R.S. §37-92-301(4)(b). Consequently, all work and expenditures by the District in connection with its municipal water system directly and indirectly constitute part of the District’s reasonable diligence in developing the SACWSD 10CW304 Exchanges. The SACWSD 10CW304 Exchanges, in conjunction with the operation of the District’s plan for augmentation, are and will be used by the District to augment stream depletions or to exchange the District’s fully consumable water associated with certain sources of substitute supply into storage for use within the District’s municipal system and/or for subsequent release for augmentation purposes. During the Diligence Period, the District has engaged in the following activities and incurred the following costs in its efforts to develop, operate and maintain its municipal water supply system and develop the SACWSD 10CW304 Exchanges, to complete the appropriation, and place the water to beneficial use:

8.1 The District has incurred an average of approximately \$3,800,000 per year in general costs and expenses in support of its municipal water supply system and for maintaining, protecting and expanding its system.

8.2 Over the Diligence Period, the District has incurred an average of \$76,000 per year in engineering fees for engineering work in support of its municipal supply system generally, and has incurred additional engineering fees each year associated with specific capital improvement projects.

8.3 On average during the Diligence Period, the District spent approximately \$3,500,000 per year on capital improvement projects associated with its municipal supply system. Since 2015, the District’s improvements have been focused on increasing the availability of non-potable water for irrigation uses within the District, and beginning in 2017, the District undertook an expansion of its non-potable irrigation supply. The District estimates that it will ultimately spend more than \$202 million for build-out of its municipal system by 2056.

8.4 The District incurred a total of \$750,000 in engineering fees associated with maintenance of its existing water supplies, including but not limited to such activities as accounting for the District’s water use, operation of and accounting for the District’s plan for augmentation, protecting the District’s water rights from injury by opposing water court applications, and assisting the District with daily water operations. Of the total amount of engineering fees incurred during the Diligence Period, \$10,000 was spent on operating, maintaining and accounting for the District’s plan for augmentation, under which the SACWSD 10CW304 Exchanges are or will be operated.

8.5 The District has incurred a total of \$1,500,000 in legal fees to obtain decrees for water rights that are part of the District’s integrated water system and for participating as an opposer in various Water Court cases to protect the District’s water rights against injury from other water users.

8.6 Additionally, the District has and continues to work with the City of Commerce City on planning, growth projections and water supply demands, as the District’s service area is primarily within the City’s boundaries. In addition to in-house staff time at the District, the District incurred \$1,400,000 in consultants’ fees for planning-related work during the Diligence Period.

9. 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:

9.1 Meadow Island No. 1 – End of Ditch Augmentation Station: Joe R and Chris

Miller, 13912 County Road 19, Platteville, CO 80651. 9.2 Lupton Bottom – East Lateral Augmentation Station: City of Broomfield, 1 Descombes Dr, Broomfield, CO 80020. 9.3 Lupton Bottom – West Lateral Augmentation Station: Richard Hein, 5290 E Yale Cir, Ste 103, Denver, CO 80222. 9.4 Lupton Bottom – End of West Lateral Augmentation Station: Joe R and Chris Miller, 13912 County Road 19, Platteville, CO 80651. 9.5 Brighton Ditch – Wattenburg Augmentation Station: City of Westminster, c/o Director of Public Works, 4800 West 92nd Avenue, Westminster, CO 80030. 9.6 Fulton – County Line Augmentation Station: City of Brighton, 22 South 4th Avenue, Brighton, CO 80601-2030. 9.7 Fulton – Gravel Lakes Augmentation Station: City and County of Denver Acting By and Through Its Board of Water Commissioners, 1600 W 12th Ave., Denver, CO 80204-3412. 9.8 Fulton – Fort Lupton Augmentation Station: John and Cynthia Fitzsimmons, 4447 Rio Grande PL, Broomfield, CO 80023. 9.9 Wattenberg Reservoir: City of Westminster, c/o Director of Public Works, 4800 West 92nd Avenue, Westminster, CO 80030. 9.10 Joint Denver Gravel Pit Lakes: City and County Of Denver Acting By and Through Its Board of Water Commissioners, 1600 W 12th Ave., Denver, CO 80204-3412. WHEREFORE, the District respectfully requests that the Court enter a decree finding that the District has proceeded with reasonable diligence toward the completion of the appropriation of the SACWSD 10CW304 Exchanges, and continuing in full force and effect for an additional diligence period the SACWSD 10CW304 Exchanges.

21CW3195 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN EL PASO COUNTY. Will be published in Division 2 Water in case 21CW3068

21CW3196 UPPER PLATTE AND BEAVER CANAL COMPANY, Steve Griffith, President, P.O. Box 205, Brush, CO 80723. All correspondence and pleadings should be sent to undersigned counsel for the Applicant: William A. Paddock, Mason H. Brown, Katrina B. Fiscella, Carlson, Hammond & Paddock, L.L.C., 1900 Grant Street, Suite 1200, Denver, Colorado 80203-4539. **APPLICATION TO DELETE A SUBJECT IRRIGATION WELL FROM AUGMENTATION PLAN IN MORGAN COUNTY, COLORADO**. 2. Summary of Application: The Upper Platte and Beaver Canal Company operates the augmentation plan originally decreed in Case No. W-2968 and amended and restated by the decree entered in Case No. 02CW401 (“Aug. Decree”). Paragraph 5.7 of the Aug. Decree allows the deletion of a Subject Well from the augmentation plan by application to the Water Court and pursuant to certain terms and conditions. Peter Krohn and Janet Krohn own Well Permit No. 8406 (WDID No. 0105187) (“Krohn Well”) as described further below and have requested for the Company to remove the well from the Company’s Aug. Decree. By this Application, the Company seeks approval from the Court to delete the Krohn Well from the Aug. Decree. 3. Description of the Krohn Well: 3.1. Permit No. 8406 (WDID No. 0105187). 3.2. Date of Original Decree: The Krohn Well was decreed in Case No. W-2968 as Well No. A-46 by the Water Court for Water Division No. 1 on September 22, 1978. 3.3. Location: The Krohn Well is located in the NW1/4 SE1/4 of Section 8, Township 3 North, Range 56W, of the 6th P.M. in Morgan County, Colorado. 3.4. Amount: 1,310 g.p.m.; 2.91 c.f.s. 3.5. Appropriation Date: March 31, 1940. 3.6. Use: irrigation of approximately 189 acres in the E1/2 of Section 8, Township 3 North, Range 56W, of the 6th P.M. in Morgan County, Colorado. 3.7. UPBC Well No. 93. 3.8. Note: In addition to being included in the Company’s Aug. Decree, the Krohn Well is also included in the plan for augmentation operated by the Fort Morgan Reservoir and Irrigation Company decreed in Case No. W-2692. 4. Description of Requested Deletion: Paragraph 5.7 of the Aug. Decree requires the Company to “replace all out-of-priority depletions from the Subject Wells pursuant to the terms of [the Aug. Decree] until and unless a decree or order of this court authorizes the deletion of a Subject Well from the Plan.” The Krohn well has never been pumped under the Company’s Aug. Decree and therefore there are no continuing depletions from the pumping of the Krohn Well that must be replaced by the Company. See attached Exhibit 1. The Company requests for the Court to delete the Krohn Well from the Company’s Aug. Decree and the exhibits thereto. 5. Name and address of owner or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed. Peter E. Krohn and Janet S. Krohn, 16299 CO RD 26, Brush,

CO 80723. WHEREFORE, the Company requests the Court to enter a decree removing the Krohn Well from the Company's Aug. Decree.

21CW3197 (13CW3184 & 01CW284), UPPER CHERRY CREEK WATER ASSOCIATION, CONSISTING OF ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY; CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE; STATE OF COLORADO, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND WILDLIFE AND PARKS AND WILDLIFE COMMISSION; COTTONWOOD WATER AND SANITATION DISTRICT; AND EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT, c/o Attorneys John M. Dingess, Esq., and Teri L. Pettitt, Esq., Hamre, Rodriguez, Ostrander & Dingess, P.C., 3600 S. Yosemite Street, Suite 500, Denver, CO 80237-1829, 303-779-0200. APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, FOR A FINDING OF REASONABLE DILIGENCE, AND TO CONTINUE CONDITIONAL WATER RIGHTS in ADAMS, ARAPAHOE, DENVER, DOUGLAS, AND JEFFERSON COUNTIES. Applicants Upper Cherry Creek Water Association and its member entities, by and through the undersigned counsel, hereby submit the following application to make a portion of its conditional water rights absolute, for a finding of reasonable diligence, and to continue its conditional water rights initially decreed in Water Division 1, Case No. 01CW284. 1. **Name, address and telephone number of Applicant.** The Upper Cherry Creek Water Association ("UCCWA" or "Applicant") consists of the following Members: 1.1. **Arapahoe County Water and Wastewater Authority ("ACWWA")**, 13031 East Caley Avenue, Englewood, Colorado 80111, Telephone: 303.790.4830. 1.2. **City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise ("Aurora")**, 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012, Telephone: 303.739.7030. 1.3. **Colorado Division of Parks and Wildlife ("CPW")**, 6060 Broadway, Denver, Colorado 80216, Telephone: 303.291.7261. 1.4. **Cottonwood Water and Sanitation District ("CWSD")**, 188 Inverness Drive West, #150, Englewood, Colorado 80112, Telephone: 303.649.9857. 1.5. **East Cherry Creek Valley Water and Sanitation District ("ECCV")**, 6201 South Gun Club Road, Aurora, Colorado 80015, Telephone: 303.693.3800. For the purposes of this case, ACWWA, Aurora, CPW, CWSD, and ECCV are acting together as Members of the Upper Cherry Creek Water Association established by the Establishing Contract dated December 17, 2001. ACWWA, Aurora, CPW, CWSD, and ECCV are collectively referred to as "UCCWA" or "Applicant" and individually referred to as "Members." 2. **Description of conditional water rights.** The water rights which are the subject of this application involve one conditional water storage right and one conditional appropriative right of exchange with several exchange to and exchange from points. See Appendix 1, attached hereto. 2.1. **Description of Conditional Water Storage Right, Cherry Creek Augmentation Pool.** 2.1.1. **Original Decree.** The original decree was entered in Case No. 01CW284, District Court, Water Division No. 1, on December 4, 2007 (the "01CW284 Decree"). 2.1.2. **Subsequent Decree.** A subsequent decree was entered in Case No. 13CW3184, District Court, Water Division No. 1, on October 21, 2015 (the "13CW3184 Decree") whereby 2,560 acre-feet of the conditional water storage right was made absolute and diligence was found on the remainder. 2.1.3. **Cherry Creek Reservoir Augmentation Pool.** In Case No. 01CW284, Member CPW was granted a conditional water storage right within the existing storage capacity of Cherry Creek Reservoir. CPW was also granted the right to fully consume water stored under this right. The details of this right are as follows: 2.1.3.1. **Location.** This right will be stored within the existing storage capacity of Cherry Creek Reservoir, which is an on-channel reservoir located in Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, and 24, T5S, R67W, 6th P.M.; Sections 31 and 32, T4S, R66W, 6th P.M.; and Sections 7, 18 and 19, T5S, R66W, 6th P.M., all in Arapahoe County, Colorado. The initial point of survey of the high water line of the reservoir is located at a point whence the Southwest Corner of Section 34, T4S, R67W, 6th P.M. bears North 54°54' West a distance of

5,856.8 feet. The outlet works are located in the NW1/4 of the NE1/4 of Section 2, T5S, R67W, 6th P.M., with an approximate latitude of 39°39'08" North and approximate longitude of 104°51'20" West. 2.1.3.2. *Source of Water.* Surface water in Cherry Creek, by direct flow in priority, by augmentation as described in Paragraphs 16-32 of Case No. 01CW284 or by exchange as described in Paragraphs 34-39 of Case No. 01CW284. 2.1.3.3. *Date of Appropriation.* July 27, 2001. 2.1.3.4. *Amount of Appropriation.* 2,560 acre-feet ABSOLUTE and 10,245 acre-feet, CONDITIONAL, with the right to fill and refill this right successively as many times as the management purposes of the 01CW284 Decree allow. 2.1.3.4.1. Note: In the 13CW3184 Decree, UCCWA was awarded an absolute water right in the amount of 2,560 acre-feet for the above-described water storage right. This application applies to the 10,245 acre-feet of this water storage right which remains conditional. 2.1.3.5. *Uses.* Recreation, piscatorial and wildlife, augmentation (including augmentation of evaporation from Cherry Creek Reservoir), and exchange. 2.2. **Description of Conditional Appropriative Right of Exchange.** 2.2.1. Original Decree. The 01CW284 Decree, described in paragraph 2.1.1. above. 2.2.2. Subsequent Decree. The 13CW3184 Decree, described in paragraph 2.1.2. above, found reasonable diligence by the Applicant in the development of the appropriative right of exchange which remains conditional. 2.2.3. Points of diversion or "exchange to" points. 2.2.3.1. *ACWWA surface diversion structures.* 2.2.3.1.1. Cottonwood Diversion Structure No. 1. 2.2.3.1.1.1. Location. In the SE1/4 of the NE1/4 of Section 23, T5S, R67W, 6th P.M., Arapahoe County, Colorado, at a point approximately 50 feet from the East Section line and 1,450 feet from the North Section line of said Section 23. 2.2.3.1.1.2. Original Decree. Case No. 90CW201 for 2.67 cfs, conditional, with an appropriation date of April 23, 1990. 2.2.3.1.2. Lone Tree Surface Diversion. 2.2.3.1.2.1. Location. In the SW1/4 of the NE1/4 of Section 24, T5S, R67W, 6th P.M., Arapahoe County, Colorado, at a point approximately 2,250 feet from the East Section line and 2,200 feet from the North Section line of said Section 24. 2.2.3.1.2.2. Original Decree. Case No. 90CW201 for 2.67 cfs, conditional, with an appropriation date of April 23, 1990. 2.2.3.1.3. Windmill Diversion Structure No. 1. 2.2.3.1.3.1. Location. In the SW1/4 of the SW1/4 of Section 30, T5S, R66W, 6th P.M., Arapahoe County, Colorado, at a point approximately 1,300 feet from the East Section line and 100 feet from the South Section line of said Section 30. 2.2.3.1.3.2. Original Decree. Case No. 90CW201 for 2.67 cfs, conditional, with an appropriation date of April 23, 1990. 2.2.3.1.4. Windmill Diversion Structure No. 2. 2.2.3.1.4.1. Location. In the SE1/4 of the NW1/4 of Section 30, T5S, R66W, 6th P.M., Arapahoe County, Colorado, at a point approximately 1,850 feet from the East Section line and 2,100 feet from the North Section line of said Section 30. 2.2.3.1.4.2. Original Decree. Case No. 90CW201 for 2.67 cfs, conditional, with an appropriation date of April 23, 1990. 2.2.3.2. *Cherry Creek Reservoir*, as more fully described in paragraph 2.1.3.1. above. 2.2.3.3. In addition to the specific upstream points of diversion (or "exchange to" points) described above, exchanges may be made directly to Members' wells (listed in Appendix 2 attached hereto) that are located within 100 feet of the stream or to the point on Cherry Creek where pumping depletes the stream, but no further upstream than the location of the U.S. Geological Survey stream gage below the Town of Parker, Colorado, which is located on Cherry Creek in the SE1/4 of the NW1/4 of the NE1/4 of Section 21, T6S, R66W, 6th P.M., Douglas County, Colorado, on the right bank 200 feet upstream from Main Street, 1,100 feet downstream from the mouth of Sulphur Gulch, and 0.8 miles West of the Town of Parker, Colorado. The approximate latitude of this point is 39°31'09" North and the approximate longitude is 104°46'45" West. 2.2.4. Points of substitute supply or "exchange from" points. 2.2.4.1. *Confluence of Sand Creek and the South Platte River.* The confluence is generally located in the SE1/4 of the SW1/4 of Section 1, T3S, R68W, of the 6th P.M., Adams County, Colorado. 2.2.4.2. *Confluence of Cherry Creek and the South Platte River.* This point is located on the South Platte River in the NE1/4 of the NW1/4 of Section 33, T3S, R68W, 6th P.M., Denver County, Colorado. 2.2.4.3. *The Outfall of the Metro Wastewater Reclamation District.* The outfall is located on the South Platte River in the SE1/4 of the SW1/4 of Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. 2.2.4.4. *Gardeners' Ditch Headgate on the South Platte River.* The decreed location is a point on the West

bank of the South Platte River approximately 2° South, 15' West, 2,167 feet from the corner of Sections 1, 2, 11 and 12 of T3S, R68W, 6th P.M., Adams County, Colorado. The point of diversion has been relocated approximately one-half mile further upstream on the South Platte River. 2.2.4.5. *Cherry Creek Reservoir Outlet Works*. The outlet works are located in the NW1/4 of the NE1/4 of Section 2, T5S, R67W, 6th P.M., with an approximate latitude of 39°39'08" North and approximate longitude of 104°51'20" West. 2.2.5. Sources of Substitute Supply. 2.2.5.1. *Water Deliverable to the Confluence of Sand Creek and the South Platte River and the outfall of the Metro Wastewater Reclamation District Treatment Plant*. 2.2.5.1.1. Water deliverable to the Aurora Sand Creek Wastewater Treatment Plant Outfall and water deliverable to the Metro Wastewater Reclamation District Outfall from reusable sources owned by Aurora including trans-basin and fully consumptive use waters, a portion of which is reusable nontributary groundwater derived from ECCV sources, as more specifically described in the 01CW284 Decree. 2.2.5.1.2. Future Replacement Sources. Upon approval of the Division Engineer for Water Division 1, other transbasin sources, fully consumable in-basin water rights that are available for municipal use, and decreed nontributary sources that Aurora adjudicates, buys, leases or otherwise acquires in the future. 2.2.5.1.3. Contract Effluent or Reclaimed Wastewater. Contract effluent or reclaimed wastewater in excess of Aurora's existing lease commitments for fully consumptive use water deliverable to the Metro Wastewater Reclamation District outfall available to Aurora pursuant to its sewage transmission agreement with ECCV dated May 15, 1976. 2.2.5.1.4. Additional Contract Effluent or Reclaimed Wastewater. Additional contract effluent or reclaimed wastewater not subordinate to Aurora's use thereof for exchange and/or augmentation purposes as provided in Case Nos. 86CW340, 89CW214 and 89CW215, and 99CW158, and not subordinate to Aurora's lease commitments for fully consumptive use water deliverable to the outfall of the Metro Wastewater Reclamation District and/or Sand Creek Wastewater Treatment Plant existing on the date of entry of this Decree. 2.2.5.2. *Water that will be delivered to the confluence of Cherry Creek and the South Platte River*. 2.2.5.2.1. Member CPW's Deer Creek Rights, as decreed in Case No. Case No. 1678, District Court, Park County, and subsequently changed in Case No. 84CW566, Water Division 1, as more fully described in paragraph 28.2 of the 01CW284 Decree. 2.2.5.2.2. Aurora's reusable water stored in Strontia Springs Reservoir. 2.2.5.3. *Water that will be delivered to the Gardeners' Ditch headgate*. CPW's Gardeners' Ditch water right, as decreed in Case No. 37275, District Court, City and County of Denver, and changed in Case No. 98CW462, Water Division 1, and which is more fully described in paragraph 28.3 of the 01CW284 Decree. The appropriative right of exchange for the Gardeners' Ditch water right is more fully described in Case No. 98CW462. 2.2.5.4. *Water that will be released from the Cherry Creek Reservoir Augmentation Pool*, as more fully described in paragraph 2.1.3. above and in the 01CW284 Decree. 2.2.6. Exchange Appropriation Information. 2.2.6.1. *Date of Appropriation*. June 25, 1996. 2.2.6.2. *Amount*. 70.3 cfs, CONDITIONAL; 29.7 cfs, ABSOLUTE. 2.2.6.2.1. Note: In the 01CW284 Decree, UCCWA was awarded an absolute water right in the amount of 29.7 cfs for the above-described exchange. This application for a finding of reasonable diligence applies only to the 70.3 cfs amount of this exchange which remains conditional. 2.2.6.3. *Decreed Uses*. All beneficial uses presently decreed or claimed for the structures described in Appendix 2 attached hereto, inclusive, and the conditional storage water right for the Cherry Creek Reservoir Augmentation Pool granted to CPW in the 01CW284 Decree, including aesthetic, augmentation, commercial, domestic, fire protection, fish and wildlife propagation, industrial, irrigation, municipal, recreational, and storage. 3. **Integrated Water Supply System**. The conditionally decreed water rights described above each constitute a feature of an integrated water system. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). 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, during the**

previous diligence period: During this diligence period, Applicant and its members undertook the following work in furtherance of these conditional water rights, including the following: 4.1. **UCCWA.** 4.1.1. UCCWA has actively protected the subject conditional water rights from potential injury by performing monthly reviews of the Water Division 1 water court resume to determine whether the filing of statements of opposition was necessary to protect its water rights in Water Division 1, including these conditional water rights. UCCWA has filed statements of opposition in several cases to protect its water rights during this diligence period. Additionally, UCCWA’s counsel has continued to participate in pending legal actions to protect these conditional water rights during this diligence period. During the subject diligence period, UCCWA expended approximately \$55,000 on the aforementioned protection of these conditional water rights. 4.1.2. UCCWA has engaged in engineering activities related to the use and development of the conditional rights. During the subject diligence period, UCCWA expended approximately \$13,000 on the aforementioned engineering. 4.1.3. UCCWA has engaged in system-wide diligence activities in order to more efficiently manage its water resources, thus increasing the opportunity to store additional amounts of water under the subject conditional water storage right and to exchange additional amounts of water under the subject conditional appropriative right of exchange. This work includes engineering analyses and legal consultation regarding the operation of UCCWA’s water resources. UCCWA has also performed periodic updates to the “Gain Equation” as required by the decree in Case No. 01CW284. During this diligence period, UCCWA has expended approximately \$60,000 on legal expenses and \$60,000 on engineering expenses for these system-wide diligence activities. 4.1.4. UCCWA in cooperation with the Cherry Creek Basin Water Quality Authority is working to complete installation of an improved weather monitoring station, with telemetry, adjacent to the Cherry Creek Reservoir. This station will provide local weather information useful in the calculations required for the operation of the conditional rights. During this diligence period, UCCWA has expended approximately \$900 on this activity. 4.2. **Aurora.** During this diligence period, Aurora performed work on other parts of its integrated water supply system that is either necessary for the successful operation of the subject water rights or in furtherance of those rights, including the following: 4.2.1. **South Platte River Basin.** 4.2.1.1. *Prairie Waters Project.* The Prairie Waters Project is a large comprehensive water supply, storage and treatment project in which return flows to the South Platte River from Aurora’s water sources, including the water that is the subject of the exchange herein, may be rediverted for subsequent reuse. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414 and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. Before and during the diligence period, Aurora obtained a decree in Case No. 13CW3088, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW414 (decreed April 22, 2014), Aurora obtained a decree in Case No. 14CW3065, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW415 (decreed March 2, 2015), and Aurora obtained a decree in Case No. 15CW3064, finding reasonable diligence for the water rights decreed conditionally in Case No. 06CW104 (decreed December 1, 2017). Aurora has expended significant sums on several elements of the Prairie Waters Project during this diligence period. 4.2.1.2. *Metro Wastewater Reclamation District Charges.* Aurora has expended significant sums during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for reuse of the water that is the subject of the exchanges herein within the South Platte River Basin and to comply with water reuse requirements. 4.2.1.3. *Sand Creek Water Reuse Plant Improvements.* Aurora operates the Sand Creek Water Reuse Plant, a 5-million-gallon per day facility, which provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for the exchanges herein. Aurora expended significant sums for improvements to this facility and for operating costs during this diligence period. This work is necessary for reuse within the South Platte River Basin of the water that is the subject of the exchange herein and also to comply with water reuse requirements. 4.2.1.4. *Lawn Irrigation Return Flows (LIRFs) Credits.* Aurora

obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. Aurora also installed seventeen new monitoring wells and expends manpower to monitor these wells every three months. Water that is transported under the exchanges herein and used in Aurora's service area can be reused under the decree in Case No. 02CW341. During this diligence period, Aurora has expended significant sums for engineering and legal costs required to requantify the LIRFs adjudicated in Case No. 02CW341 available for reuse.

4.2.1.5. *Reuse Water System Master Plan.* In December 2008, Aurora completed its Reuse Water System Master Plan. The goal of this study was to explore options for optimization of Aurora's reuse water system, and to develop a capital improvement program outlining expansion of the reuse water system in several phases. This reusable water includes several sources of substitute supply for the subject exchange. During the diligence period, Aurora spent approximately \$349,000 on this plan.

4.2.1.6. *Case No. 15CW3092.* On July 5, 2016, Aurora obtained a decree in Case No. 15CW3092, Water Division 1, granting a finding of reasonable diligence and making absolute portions of its Strontia Springs Dam and Reservoir Diversion Facility water rights which rights are a source of substitute supply for the subject exchange.

4.2.1.7. *Case No. 16CW3098.* On November 27, 2017, Aurora obtained a decree in Case No. 16CW3098, Water Division 1, granting a finding of reasonable diligence on several conditional exchanges on Cherry Creek. These water rights may be used as a source of substitute supply for the subject exchange.

4.2.1.8. *Case No. 17CW3127.* On April 27, 2018, Aurora obtained a decree in Case No. 17CW3127, Water Division 1, granting a finding of reasonable diligence on conditional exchange rights. These water rights allow Aurora to exchange its reusable water from Sand Creek Waste Water Treatment Plant and Metro District Outfall to Strontia Springs Reservoir, and to exchange from Strontia Springs Reservoir and the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir, where it can be released as a source of substitute supply for the subject exchange.

4.2.1.9. *Griswold Water Treatment Plant Renovations.* This facility treats a portion of the raw water exchanged under the Original Decree before it is delivered to Aurora's customers. More than \$29,085,000 was spent by Aurora for improvements to this facility necessary to accommodate the water that is the subject of the exchange herein. This includes expenditures directly by Aurora for renovation of the facility.

4.2.1.10. *Wemlinger Water Treatment Plant Improvements.* Aurora spent more than \$63,303,000 for improvements to the Wemlinger Water Treatment Plant during the diligence period. This facility treats a portion of the raw water exchanged under the Original Decree before it is delivered to Aurora's customers.

4.2.1.11. *Binney Water Purification Facility.* This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the City. Over \$17,458,000 was spent by Aurora during the diligence period for improvements to this facility.

4.2.1.12. *Improvements to Extend and Improve Water Service in and to Aurora.* Funds were spent by Aurora during the diligence period for extension and upgrade of its water transmission system necessary to deliver the water that is the subject of this application to Aurora's customers.

4.2.1.13. *Improvements to Sanitary Sewer System.* Funds were spent by Aurora during the diligence period for extension and upgrade of its sanitary sewer system necessary for wastewater treatment and reuse within the South Platte River Basin of the water that is the subject of this application.

4.2.1.14. *Automated Meter Reading System.* Funds were spent by Aurora during the diligence period for updates to its automated utility reading system. This is needed for efficient operation of Aurora's water supply and delivery system, including use of the water that is the subject of the exchange herein.

4.2.1.15. *Aurora Know Your Flow Program.* During the diligence period, Aurora Water Conservation developed its voluntary Know Your Flow Program designed to help customers understand how efficiently they are using water. Through the program, Aurora Water Conservation estimates what a customer's water use could be for a given billing cycle if the customer were using water efficiently. The

customer receives a monthly e-mail from Aurora Water Conservation showing the property's actual water use versus the customized recommended indoor and outdoor water use. Customers also receive weekly watering recommendations and tips during the irrigation season. The Know Your Flow Program was designed by Aurora to encourage more efficient use of the water that is the subject of this application.

4.2.1.16. *Study of Aurora's Water Needs*. Funds were spent by Aurora during the diligence period toward engineering and planning studies to assist in determining the City's future water needs and a plan to meet those needs, including treatment and distribution studies, various conservation studies and developing its Non-Potable System Master Plan. This study will increase the overall efficiency of Aurora's operations, including use of the water from the exchange herein.

4.2.1.17. *Aurora Raw Water System Model*. Funds were spent by Aurora during the diligence period for consultant fees to develop and support a computer model of Aurora's raw water system. These costs are in addition to the modeling efforts included in the engineering and planning studies identified in paragraph 4.2.1.16., above.

4.2.2. Arkansas River Basin.

4.2.2.1. *Case No. 15CW3029*. During this diligence period, Aurora obtained a decree in Case No. 15CW3029, Water Division 2, granting a finding of reasonable diligence and making absolute portions of certain conditional exchanges of water in the Arkansas River Basin upstream to the Otero Pipeline for conveyance to Aurora's storages and diversion facilities within the South Platte River Basin. Once in the South Platte River Basin, these Arkansas River water rights are reusable sources for the subject exchange. The decree in this case was granted on January 5, 2016.

4.2.2.2. *Case Nos. 18CW3031 and 18CW3032*. During this diligence period, Aurora obtained decrees in Case Nos. 18CW3031 and 18CW3032, Water Division 2, granting a finding of reasonable diligence and making absolute portions of certain conditional exchanges of water in the Arkansas River Basin for conveyance to Aurora's storages and diversion facilities within the South Platte River Basin. Once in the South Platte River Basin, these Arkansas River water rights are reusable sources for the subject exchange. Both decrees were granted on March 25, 2019.

4.2.2.3. *Case No. 19CW3058*. During the diligence period, Aurora obtained a decree in Case No. 19CW3058, Water Division 2, granting a finding of reasonable diligence and making absolute portions of conditional exchanges of water in the Arkansas River basin for conveyance to Aurora's storage and diversion facilities within the South Platte River Basin. Once in the South Platte River Basin, these Arkansas River water rights are reusable sources for the subject exchange. The decree was granted on January 28, 2021.

4.2.2.4. *Payment for purchase and lease of Rocky Ford Ditch shares*. Funds were spent by Aurora during the diligence period for repayment of bonds and payments to note sellers, including principal and interest that were issued or refunded for the purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18, that are a reusable source for the subject exchange.

4.2.2.5. *Payments to Rocky Ford School District R-2*. Aurora and the Rocky Ford School District R-2 entered into an Intergovernmental Agreement on February 7, 2005 under which Aurora agreed to make annual payments to the School District concerning the Rocky Ford Ditch shares that are a reusable source for the subject exchange. During this diligence period, Aurora made approximately \$323,000 in annual payments.

4.2.2.6. *Revegetation*. During this diligence period, 100% completion of the revegetation of formerly irrigated lands required under the decree in Case No. 83CW18 and subsequent orders was achieved. This allows for the transfer and eventual use by Aurora of Rocky Ford Ditch water that is a reusable source for the subject exchange. Weed control of the revegetated lands is continuing. During this diligence period, Aurora has made expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs.

4.2.2.7. *Payments to Otero County*. Aurora and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001 under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are a reusable source for the subject exchange. Funds were spent by Aurora during the diligence period to make these annual payments.

4.2.2.8. *Pueblo Reservoir Storage*. Funds were spent by Aurora during the diligence period for use of Pueblo Reservoir in the storage and exchange of

Arkansas River Basin water upstream for transport and use by Aurora in the South Platte Basin. 4.2.2.9. *Intergovernmental Agreement with SECWCD*. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District (“SECWCD”), replacing an agreement between the parties dated December 7, 2001. Aurora’s use of Fryingpan-Arkansas facilities for certain water rights is discussed under this IGA. Aurora made payments to SECWCD during the diligence period under this IGA. 4.2.2.10. *Agreements for Use of the Holbrook System Facilities*. On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and has filed a Substitute Water Supply Plan necessary to implement the program. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments to Holbrook under this agreement. 4.2.2.11. *Gravel Pit Storage*. Aurora is pursuing gravel pit storage options on the Arkansas River downstream from Pueblo Reservoir to allow storage of its water rights for eventual exchange to Pueblo Reservoir. These stored rights will facilitate Aurora’s Arkansas River Basin operation, including delivery of the reusable water for the subject exchange. During this diligence period, Aurora spent approximately \$67,000 toward this effort. 4.2.2.12. *Homestake Diversion Channel*. Work was done on the Homestake Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Once water is transported over the continental divide through the Otero Pump Station and Homestake Pipeline, it is then transported by the Homestake Diversion Channel to Spinney Mountain Reservoir in the South Platte Basin. During this diligence period, Aurora spent approximately \$899,000 toward this effort. 4.2.3. Colorado River Basin. 4.2.3.1. *Case No. 16CW3022*. During this diligence period, Aurora and the City of Colorado Springs, acting as the Homestake Partners, obtained a decree in Case No. 16CW3022, Water Division 5, granting a finding of reasonable diligence on water rights and exchanges of water in the Colorado River Basin. After conveyance to the South Platte River Basin, these Colorado River water rights are reusable sources for the subject exchange. The decree was granted on September 17, 2017. 4.2.3.2. *Case No. 16CW3131*. During this diligence period, Aurora and the City of Colorado Springs, acting as the Homestake Partners, Vail Associates, Inc., Upper Eagle Regional Water Authority, Eagle River Water and Sanitation District, and the Colorado River Water Conservation District obtained a decree in Case No. 16CW3131, Water Division 5, granting a finding of reasonable diligence on water rights and exchanges of water in the Colorado River Basin. After conveyance to the South Platte River Basin, these Colorado River water rights are reusable sources for the subject exchange. The decree was granted on June 18, 2017. 4.2.3.3. *Case No. 17CW3064*. During this diligence period, Aurora and the City of Colorado Springs, acting as the Homestake Partners, obtained a decree in Case No. 17CW3064, Water Division 5, granting a finding of reasonable diligence on water rights and exchanges of water in the Colorado River Basin. After conveyance to the South Platte River Basin, these Colorado River water rights are reusable sources for the subject exchange. The decree was granted on June 10, 2018. 4.2.3.4. *Case No. 19CW3159*. During this diligence period, Aurora filed an application in Case No. 19CW3159, Water Division 5, seeking two exchanges by which water from Grizzly Reservoir, available to Aurora via its share ownership in the Twin Lakes Reservoir and Canal Company, will be placed into the Roaring Fork River and its tributaries and exchanged from the confluence of the Roaring Fork and Fryingpan Rivers upstream to Ruedi Reservoir and from Ruedi Reservoir upstream to Ivanhoe Reservoir for subsequent movement into Water Division No. 2. After conveyance to the South Platte River Basin, these Colorado River water rights are reusable sources for the subject exchange. 4.2.3.5. Aurora continues to work toward the development of water as described in the 1998 Eagle River Memorandum of Understanding. 4.2.3.6. Aurora executed a Recovery Action Plan Participation Agreement with the Northern Colorado Water Conservancy District and a Ruedi Insurance Water Cost Participation Agreement with the City and County of Denver on November 1, 2013.

The purpose of these agreements is to mitigate the impacts of transmountain diversions to Colorado's front range in order to support the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin. During this diligence period, Aurora has spent approximately \$5,000 on this effort.

4.2.4. Protection Efforts. During this diligence period, Aurora made expenditures for legal services for participation in Water Divisions 1, 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system, including the subject exchange.

4.3. **CPW**. CPW has the right to use Cherry Creek Reservoir by virtue of a lease with the United States Army Corps of Engineers, which owns the land on which the Reservoir is located. A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period follows. This list is not intended to be exclusive and may be supplemented by additional evidence.

4.3.1. CPW received a decree adjudicating the change of the Gardeners' Ditch water rights and an appropriative right of exchange in Case No. 98CW462 on April 2, 2015. On April 23, 2021, CPW filed an application in Case No. 21CW3051 to make absolute or in the alternative for finding of reasonable diligence for the appropriative right of exchange decreed in Case No. 98CW462.

4.3.2. CPW retains a consultant to manage the operation of and accounting for the Gardeners' Ditch Exchange and other CPW exchanges into Cherry Creek Reservoir and storage in and releases from Cherry Creek Reservoir. CPW has paid the consultant approximately \$1,000.00 - \$2,000.00 per year during the diligence period.

4.3.3. CPW has remained an active member in the Upper Cherry Creek Water Association ("UCCWA") during the diligence period. CPW has paid a yearly membership fee to UCCWA for management of various Cherry Creek water resources and storage in Cherry Creek Reservoir, including operation of and accounting for the plan for augmentation decreed in Case No. 01CW284, District Court, Water Division 1. The use of the Gardeners' Ditch Exchange for augmentation purposes is pursuant to this plan for augmentation. The yearly membership dues paid by CPW to UCCWA are approximately \$15,000.00.

4.3.4. A CPW staff member attends monthly UCCWA meetings about the coordination of the Cherry Creek water resources and Cherry Creek Reservoir.

4.3.5. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 1, including the Gardeners' Ditch Exchange and Cherry Creek Augmentation Pool.

4.4. **ACWWA and CWSD**.

4.4.1. Joint Water Purification Plant. During this diligence period, CWSD and ACWWA made improvements at the Joint Water Purification Plant (the "JWPP"), a water treatment facility which is co-owned by ACWWA, CWSD, and the Arapahoe County Water and Wastewater Public Improvement District. The improvements included the replacement of reverse osmosis membranes and the design, construction, and commissioning of a new biological treatment system ("BTS"). The BTS treats the reverse osmosis concentrate produced by the JWPP prior to discharge. The JWPP was constructed specifically to fully use and reuse the alluvial water rights of ACWWA and CWSD. Nine of CWSD's alluvial wells and several of ACWWA's alluvial wells are specifically listed as exchange to points under the decree in 01CW284. Water which is exchanged up to the alluvial wells of ACWWA and CWSD is typically treated at the JWPP before delivery to customers. Therefore, the improvements made at the JWPP increases and supports the ability of ACWWA and CWSD to use the subject exchange. CWSD expended approximately \$9.0 million on the design and construction of the JWPP and related pipelines and facilities, within this diligence period. ACWWA expended approximately \$8,200,000 for the design and construction of the JWPP concentrate biological treatment system.

4.4.2. CWSD wastewater is treated at the Lone Tree Creek Water Reuse Facility ("WRF"). Reusable return flows discharged at the WRF are a source of substitute supply for several of CWSD's exchanges. In May 2017, CWSD renewed its sewer service agreement with ACWWA and secured 1 MGD a year of wastewater treatment capacity on a perpetual basis. Additionally, CWSD constructed an additional 4,400 linear feet of an 18-inch effluent water line that will be used to discharge WRF effluent return flows at additional locations on Cherry Creek for reuse by CWSD.

4.4.3. Integrated Water and WW System. CWSD operates an integrated municipal water

supply and wastewater system within the meaning of C.R.S. § 37-92-301(4)(b), such that work on any feature of CWSD's integrated system shall be considered in finding that reasonable diligence has been shown in the development of any and all water rights for that entire system. Since November 2015, CWSD has made the following expenditures on its integrated water system. CWSD has incurred an average of \$6.0 million per year in overall costs and expenses to maintain, operate, protect, and expand its municipal supply system. This figure includes approximately \$479,648 in attorney fees and \$362,717 in engineering costs for work in support of its municipal system. An average of \$18,000/year for participation in the Upper Cherry Creek Water Authority. An additional \$33,835 for contributions toward joint modeling of the Cherry Creek Basin (a total of \$116,828 has been authorized by the CWSD Board, including the new C-CAMP 2.0 contract). CWSD is also a member of the Cherry Creek Project Water Authority ("CCPWA"). During the Diligence Period, the CCPWA began work constructing Walker Reservoir. The Walker Reservoir is a 650 AF storage reservoir. Cottonwood's ownership in the reservoir is 75 AF. During the Diligence Period, Cottonwood spent a total of \$772,030 on the development and operation of the CCPWA's wells and facilities, planning activities, and towards the development and construction of the CCPWA's Walker Reservoir. During the Diligence Period, CWSD has continued to obtain, develop, and operate additional water sources, including water available through the Water Infrastructure and Supply Efficiency system ("WISE") and the Baja Water. The WISE water and the Baja Water are sources of substitute supply for several of CWSD's exchanges. Cottonwood spent approximately \$2.6 million in capital costs associated with the WISE water during the Diligence Period and began receiving WISE water in 2017. CWSD obtained its ownership interest to the contractual right of delivery of the Baja Water during the Diligence Period.

4.4.4. Case No. 96CW1144. By the decree entered in Case No. 96CW1144 on May 19, 2016, the Court approved ACWWA's plan for augmentation which resulted in additional augmentation supplies being available to support the use of the wells which are the subject of this case. The decree also adjudicated a conditional water storage right for Chambers Reservoir in Douglas County. The predominant use of Chambers Reservoir is expected to be as an element of ACWWA's nonpotable water system and for management and release of augmentation water supplies.

4.4.5. Case No. 15CW3144. The decree entered on February 8, 2018 in Case No. 15CW3144 found that ACWWA had exercised reasonable diligence in the development of water rights and made absolute certain portions of those rights for the Race Well No. 1, Race Well No. 3, Ford Well No. 1, Ford Well No. 2, Murdock Well No. 2, Deem Well, Smith Well No. 1, Antonoff Well No. 1, Antonoff Well No. 2, Loyd Well No. 2, and the 1986 Exchange.

4.4.6. During the diligence period, ACWWA has been an active objector in numerous Water Court cases involving Cherry Creek, in which it seeks to protect its decreed and vested water rights.

4.4.7. Chambers Reservoir. During the subject diligence period, the Division of Water Resources Dam Safety Branch performed a final construction inspection of the synthetic liner installation project at Chambers Reservoir Dam and approved the synthetic liner. This reservoir operation will increase the demand for ACWWA to operate the subject exchange. Additionally, releases from Chambers Reservoir are a source of augmentation water and may be exchanged to the upstream point of ACWWA's depletions pursuant to the subject exchange. The Chambers Reservoir storage right was decreed in Case No. 96CW1144.

4.4.8. ACWWA Flow Project. In 2009 ACWWA contracted with United Water and Sanitation District ("United") and ECCV to develop the ACWWA Flow Project. This project when fully developed will acquire, treat and deliver 4,400 acre feet of annual average yield water rights from ditch systems in the South Platte Basin to ECCV Water Treatment Plant for treatment, then to ACWWA for use. This water will be used for ACWWA's customers and its return flows will be used in ACWWA's augmentation plan which will use ACWWA's alluvial wells to supply ACWWA additional potable and non-potable water supplies. ACWWA has numerous wells that are listed as exchange points in this application. Water which is exchanged up to ACWWA's alluvial wells can be stored Chambers for use. Therefore, the development of the ACWWA Flow Project increases and supports ACWWA's ability to use the subject exchange. The total estimated cost of the Phase II

infrastructure is \$60 million for an additional 10 million gallons of pumping and treatment capacity. The Booster Pump Stations are approximately \$25 million and the NWTP Expansion is approximately \$35 million. ACWWA has purchased an additional 3 million gallons of capacity from these facilities, totaling about \$18 million in capital expenditure for the following: Expansion of the Northern Water Treatment RO Plant (2018-2020); Expansion of the North and South Booster Pump Stations (2018-2019); and Construction of Deep Injection Well II (2018).

4.4.9. ACWWA's 2015 Municipal Water Efficiency Plan. In 2015, ACWWA developed its Municipal Water Efficiency Plan update in accordance with the Water Conservation Act of 2004 and to meet the provisions of § 37-60-126, C.R.S.

4.4.10. 2019 Draft Integrated Master Plan. During this diligence period, ACWWA began updating its 2011 Master Plan. The updated integrated master planning effort involves assessing the condition and performance of the existing systems including improvements that have occurred since the 2011 master plan, analyzing existing and future water storage needs, examining existing and future supply and demand/ load analysis, analyzing and assessing treatment plant and lift station capacity, identifying capital improvement projects, and proposing an overall phased capital improvement program. The plan fully relies on ACWWA's alluvial water rights (including numerous wells that are listed as exchange points in 01CW284) and the augmentation of the use of those wells when not in priority to ensure ACWWA has an efficient system. Therefore, the development of this planning document increases and supports ACWWA's ability to use the subject exchange.

4.5. **ECCV.**

4.5.1. Case No. 14CW3009. By the decree entered in Case No. 14CW3009 on February 24, 2017 ECCV made 3.19 cfs out of 6.68 cfs of the conditional rights decreed to District Alluvial Wells CC-10, CC-12, and CC-15 absolute, and continued as conditional portions of District Alluvial Well CC-10, in the amount of 1000 gpm, District Alluvial Well CC-12, in the amount of 1000 gpm, and District Alluvial Well CC-15, in the amount of 1000 gpm.

4.5.2. Reuse of Lawn Irrigation Return Flows. During this diligence period, ECCV continued to prosecute Case No.03CW200 and 12CW200, Water Division 1, under which return flows from lawn irrigation use of the water are quantified to facilitate future reuse of this water. ECCV has performed studies of LIRFs throughout ECCV that included various analyses conducted to determine the amount, timing, and location of LIRFs within several drainage basins within ECCV's service area, including Toll Gate Creek and Sand Creek.

4.5.3. ECCV's Northern Water Supply Project. The Water Supply Project is designed to provide ECCV with a long-term, sustainable municipal water supply for its service area located in Arapahoe County, Colorado. In order to implement the ECCV Water Supply Project, ECCV, United Water and Sanitation District, and the Farmers Reservoir & Irrigation Company entered into a Water Supply Agreement on December 18, 2003, that was amended in May 2007. The Water Supply Project is a multi-phase renewable water supply project. Phase I secured approximately 6,000 acre-feet of water rights from the South Platte River and the construction of a 31-mile pipeline, storage tanks and two pump stations. This phase of the Project now delivers renewable water from the Beebe Draw, where water is stored from the South Platte River, and then is sent down through the pipeline to ECCV's service area. On December 15, 2009, ACWWA, United, and ECCV entered into an Intergovernmental Agreement to provide for ACWWA's participation with ECCV and United in the Water Supply Project. The return flows from the water delivered will be used in ECCV's augmentation plan, Case No. 00CW217, which will use ECCV's alluvial wells to supply ECCV with additional potable and non-potable water supplies. During the diligence period, United, on behalf of ECCV and ACWWA, has developed and acquired infrastructure for Phase II of the Water Supply Project ("Phase II"), including but not limited to mining United Reservoir No. 3; acquiring Milliken Reservoir in August 2015; completing construction of 70 Ranch Reservoir in July 2019; acquiring Holton Lake in September 2019 and completing construction of Holton Lake in June 2021; commenced construction of the Serfer Augmentation Station in 2021; in and securing easement deeds and agreements for structures necessary to deliver water to ECCV and ACWWA. During this diligence period ECCV and ACWWA have also been working on Phase II, which will allow ECCV to deliver up to 14.75 million gallons of renewable water to customers each day and ACWWA to deliver up to 5.25 million gallons

of renewable water to customers each day, whereby reducing dependency on non-renewable wells. Phase II also included expansion of the Northern Water Treatment RO Plant (2018-2020) and the North and South Booster Pump Stations (2018-2019), and construction of Deep Injection Well II (2018). The total estimated cost of the Phase II infrastructure is \$60 million for an additional 10 million gallons of pumping and treatment capacity. The Booster Pump Stations are approximately \$25 million and the NWTP Expansion is approximately \$35 million. ACWWA has purchased an additional 3 million gallons of capacity from these facilities, totaling about \$18 million in capital expenditure. 4.5.4. During this diligence period, ECCV has performed maintenance work on its Cherry Creek wells, including, but not limited to, replacement and of the pump, PVC shroud, pup joint, and check valve in District Well CC-12 and recertification of well production meters. 4.5.5. ECCV has actively protected its water rights from potential injury by performing monthly reviews of the Water Division 1 water court resume to determine whether the filing of Statements of Opposition was necessary to protect its water rights in Water Division 1. ECCV's counsel has continued to participate in pending legal actions to protect ECCV's water rights during this diligence period. 4.6. **Other.** UCCWA and its Members reserve the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. UCCWA and its Members have extensive water rights portfolios, extensive and complex water supply, collection, treatment and reuse systems, and an extensive number of agreements, contracts, leases, etc. related to such facilities and the use, reuse and storage of their water rights. The management, protection, and operation of the water rights and the facilities system involve numerous public departments and staff members throughout the state. UCCWA and its Members made diligent efforts with regard to this application to determine and quantify all efforts made by UCCWA and its Members toward completion of the appropriations and application of the water rights decreed in Case No. 01CW284 to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. 5. **Claim to Make Absolute.** Applicant has made absolute the following portions of the Cherry Creek Augmentation Pool (see **Appendix 3** attached hereto): 5.1. **Date Water Applied to Beneficial Use.** March 18, 2018. 5.2. **Amount.** 10,245 AF (note 2,560 AF was made absolute in Case No. 13CW3184). 5.3. **Uses.** Recreation, piscatorial and wildlife, augmentation (including augmentation of evaporation from Cherry Creek Reservoir), and exchange. 6. **Name and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** 6.1. Omaha District, US Army Corps of Engineers, 1616 Capital Ave., Ste. 9000, Omaha, NE 68102. WHEREFORE, the Applicant respectfully requests this Court enter a decree (1) finding the Applicant has executed reasonable diligence in the development of the above-referenced conditional water rights, (2) awarding the above-described absolute water rights in the amounts described above, (3) continuing the remaining conditional water rights in full force as decreed, and for such other and further relief as this Court deems just and proper. (25 pages)

21CW3198 BLACK SUN LLC, PO Box 1869, Elizabeth, CO, 80107. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **APPLICATION FOR AMENDMENT OF A PRIOR DECREE IN ELBERT COUNTY.** **Subject Property:** Approximately 640 acres generally located in all of Section 17, Township 6 South, Range 64 West of the 6th P.M., Elbert County, Colorado as shown on **Exhibit A** ("Subject Property"). Applicant is the sole owner of the Subject Property. **Decree for Which Amendment is Sought:** Case No. 1989CW236, decreed on July 31, 1990, associated with the Subject Property ("89CW236 Decree"). No objections were filed to the application in Case No. 1989CW236 and no wells have been drilled in Section 17 pursuant to the 89CW236 Decree. Applicant is the owner of all the not-nontributary Lower Dawson Aquifer groundwater underlying the Subject Property as evidenced by the quit claim deed attached as **Exhibit B.** **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). By contractual agreement, as amended, **Exhibit C**, Arapahoe County Water and Wastewater Authority (“ACCWA”), as owner of all the water rights not deeded to the Applicant, has consented to allow the Applicant to withdraw all of the not-nontributary Lower Dawson Aquifer groundwater underlying Parcel-M, which includes the Subject Property, as described in the 89CW236 Decree as follows: Paragraph 7.B.c Parcel-M: 1,920 acres in all of Section 17, the w1/2 of Section 20, all of Section 29, and the E1/2 of Section 31, Township 6 South, Range 64 West of the 6th P.M. Paragraph 7.C Lower Dawson Aquifer

Parcel Designation	Acreage	Sand Thickness	Specific Yield	Average Annual Amount
Parcel-M	1920 acres	85 feet	20%	326 acre-feet

Requested Change to the 89CW236 Decree: Applicant requests that 108 acre-feet annually of not-nontributary Lower Dawson Aquifer groundwater be removed from the 89CW236 Decree, and be made available for the drilling of exempt wells, or any legally allowed exempt purpose, for use on the Subject Property. The volume will be allocated at 0.169 acre-feet per acre across the Subject Property. No other provisions of the 89CW236 Decree will be changed. Applicant requests the Court approve the above decree amendment, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 Pages.

21CW3199 NORTH WELD COUNTY WATER DISTRICT (“DISTRICT”), c/o Eric Reckentine, District Manager, P.O. Box 56, Lucerne, CO 80646, (970) 356-3020. Serve all pleadings on: Scott E. Holwick and Kara N. Godbehere, Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900 sholwick@lyongaddis.com, kgodbehere@lyongaddis.com. **APPLICATION FOR CHANGE OF WATER RIGHTS, ALTERNATE POINTS OF DIVERSION, ALTERNATE PLACES OF STORAGE AND EXCHANGE IN LARIMER AND WELD COUNTIES.** 2. Name of Water Rights to be Changed. Five (5.0) shares of The Water Supply and Storage Company (“WSSC”), hereinafter “Shares.” The District is not changing its pro-rata entitlement to the Jackson Ditch Company shares owned by WSSC in this application. 3. Previous Decrees. 3.1. The Decreed Water Rights of WSSC are as follows:

Name	Amount	Source	Location Sec Twn Rge	Appropriation Date	Adjudication Date	Judicial Proceeding
Direct Flow (Dist. 3)						
Larimer County Canal	10.76 cfs	CLP1	SW SE SW 13-8N-70W	1862/03/01	1882/04/11	Case 320 Transfer (1423 TT)
Larimer County Canal	13.89 cfs	CLP	SW SE SW 13-8N-70W	1864/09/15	1882/04/11	Case 320 Original (1423 TT)
Larimer County Canal	2.00 cfs	CLP	SW SE SW 13-8N-70W	1868/03/15	1882/04/11	Case 320 Original (2406 TT)
Larimer County Canal	2.67 cfs	CLP	SW SE SW 13-8N-70W	1868/03/15	1882/04/11	Case 320 Original (2818 TT)
Larimer County Canal	4.00 cfs	CLP	SW SE SW 13-8N-70W	1873/03/20	1882/04/11	Case 320 Original (2406 TT)

Larimer County Canal (Henry Smith)	7.23 cfs	CLP	SW SE SW 13-8N-70W	1878/04/01	1882/04/11	Case 320 Original
Larimer County Canal	463.00 cfs	CLP	SW SE SW 13-8N-70W	1881/04/25	1882/04/11	Case 320 Original
Larimer County Canal	246.45 cfs	CLP	SW SE SW 13-8N-70W	1914/09/28	1945/12/18	Case 5362 (84CW204) Supp.
Storage (Dist. 3)						
Chambers Lake Reservoir	3080.0 af	Joe Wright Crk, Fall River Crk, Trap Crk	NE NE SE 6-7N-75W	1882/07/12	1886/10/12	Case 320 Original
WSSC Res. No. 2,3	689.0 af	CLP	NE SE SW 14-8N-69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 4	574.0 af	WSSC Res No. 2,3	SE NE SW 23- 8N-69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 1 (Rocky Ridge)	4,726.0 af	CLP	SW SE SW 11-8N-69W	1891/09/01	1904/12/09	Case 1591 Original
WSSC Res. No. 5 (Long Pond)	4,037.0 af	CLP	SW SE NW 31-8N-68W	1891/09/01	1904/12/09	Case 1591 Original
Lindenmeier Lake	608.0 af	Long Pond Res.	SW NW NE 6-7N-68W	1892/02/16	1904/12/09	Case 1591 Original
WSSC Res. No. 4	310.0 af	Long Pond Res.	23-8N-69W	1892/02/16	1904/12/09	Case 1591 (W-7821-74) Original
WSSC Res. No. 4	422.0 af	WSSC Res. #2 & #3	SE NE SW 23-8N-69W	1900/12/12	1904/12/09	Case 1591 Original
Black Hollow Res.	6,428.0 af	CLP	SE SE SE 34-8N-67W	1906/02/20	1922/04/22	Case 2031 Supp.
Chambers Lake Reservoir	3,577.0 af	Joe Wright Crk.Fall River Crk. & Trap Creek	NE NE SE 6-7N-75W	1910/05/28	1922/04/22	Case 2031 Supp.
Kliver Res.	1,562.0 af	CLP	SW NE NW 23-8N-69W	1911/05/01	1945/12/18	Case 5362 Supp.
Black Hollow Res.	2,158.0 af	CLP	SE SE SE 34-8N-67W	1918/10/05	1945/12/18	Case 5362 Supp.
Long Draw Res.	4,201.0 af	Long Draw Crk.	NE NW SE 11-6N-75W	1922/06/05	1945/12/18	Case 5362 Supp.
Chambers Lake Reservoir	2,197.0 af	Joe Wright Crk.Fall River Crk. & Trap Creek	NE NE SE 6-7N-75W	1922/12/03	1945/12/18	Case 5362 Supp.
WSSC Res. No. 2, 3	3,615.0 af	CLP	NE SE SW 14-8N-69W	1943/10/04	1953/09/10	Case 11217 Supp.

WSSC Res. No. 2, 3	445.9 af	CLP	NE SE SW 14-8N-69W	1943/10/04	1953/09/10	Case 11217 (W-112-74) Supp.
WSSC Res. No. 2, 3	138.0 af	CLP	NE SE SW 14-8N-69W	1943/10/04	1977/12/31	W-112-77 Supp.
Long Draw Res.	6,600.0 af	CLP	NE NW SE 11-6N-75W	1965/08/31	1977/12/31	W-9322-78 (83CW126) Supp.
Trap Lake II	3,800.0 af	Trap Creek	NW NW SW 21-7N-75W	1982/06/16	1982/12/31	82CW289 Supp. - Cond.
Transbasin						
Chambers Lake Reservoir	11,478.0 af	Big Laramie River	6-7N-75W	1891/08/07	1896/10/30	Case 1247 Original
Laramie River Ditch (Skyline Ditch)	300.00 cfs	West Branch Laramie River	NE NE SW 14-8N-76W	1891/08/07	1896/10/30	Case 1247 84CW204 Supp.
Cameron Pass Ditch	10.0 cfs	Michigan River	SE 2-6N-76W	1882/07/30	1902/04/23	Case 1519 Original
Cameron Pass Ditch	18.0 cfs	Michigan River	NW SE 2-7N-76W	1898/07/07	1902/04/23	Case 1519 Original
Grand River Ditch Alternate Point	524.6 cfs	Colorado River	NE SW NW 21-6N-75W NW NE NW 28-5N-76W NW NE SE 29- 6N-75W	1890/09/01	1906/08/11	Case 112 Original
Laramie River Tunnel	300.0 cfs	Big Laramie River	NE SW 7-8N-75W	1902/08/25	1914/02/20	Case 2725 Case 5993 84CW204 Supp.
Rawah Ditch	225.0 cfs	Rawah Creek	NE NE SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Rawah and Lower Supply Ditch	275.0 cfs	Rawah Creek	SE SE SW 14- 9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
McIntyre Ditch	40.0 cfs	McIntyre Creek	SE NE NE 31- 9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 1	1050 af	Rawah Creek	SE 7-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 2	1,400.0 af	Rawah Creek	SW 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 3	525.0 af	Rawah Creek	NW 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 4	592.0 af	Rawah Creek	SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 5	700.0 af	Rawah Creek	NE 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 6	300.0 af	Rawah Creek	SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993

Link Lake No. 7	440.0 af	Rawah Creek	NE 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993
Link Lake No. 8	2,000.0 af	Rawah Creek	SW 4-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 9	574.0 af	Rawah Creek	NE 6-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 10	425.0 af	McIntyre Creek	NE 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 11	1,148.0 af	McIntyre Creek	SW 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 12	138.0 af	Rawah Creek	NW 4-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 13	597.0 af	Rawah Creek	NE 29-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 14	597.0 af	Spring Creek	NE 29-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Laramie Lake	340.0 af	Drainage	SE NW 32-8N-75W	1890/07/01	1944/09/11	Case 5993 Supp.
Lost Lake	288.0 af	Drainage	SW SE 31-8N-75W	1890/07/02	1944/09/11	Case 5993 Supp.
Lily Lake	178.0 af	Drainage	SE NW 29-8N-78W	1912/07/01	1944/09/11	Case 5993 Supp.
Seepage						
Lind Reservoir	54.9 af	Seepage	SE NE SE 35-8N-68W	1881/04/21	1972/12/31	W-1748 W-1877 Supp.
WSSC Seepage A	2.0 cfs	Seepage	NE NE NW 20-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage B	2.0 cfs	Seepage	SE SE SE 17-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 1	5.0 cfs	Seepage	SW NW SW 4-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2	12.0 cfs	Seepage	SW NW NE 3-8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2a	4.0 cfs	Seepage	NW SW SE 17-8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2b	2.0 cfs	Seepage	NW SW SE 17-8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 3	20.0 cfs	Seepage	NE SW NW 14-8N-8W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 4	1.0 cfs	Seepage	NE NW SW 14-8N-8W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 6	2.0 cfs	Seepage	NW NW SW 31-8N-67W	1881/04/21	1972/12/31	W-1877 Supp.

WSSC Seepage 7	2.0 cfs	Seepage	NW SW SE 6- 7N-67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7a	0.1 cfs	Seepage	SW NE SW 8-7N-67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7b	0.3 cfs	Seepage	SW SW SE 8- 7N-67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7c	2.0 cfs	Seepage	NW NW SW 13-7N-67W	1960/06/01	1972/12/31	W-1877 Supp.
WSSC Seepage 8	0.62 cfs	Seepage	NE SE SE 5-7N-66W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 9	1.0 cfs	Seepage	SE NE SE 5- 7N-66W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 10	0.9 cfs	Seepage	SW NW SW 4-7N-66W	1881/04/21	1972/12/31	W-1877 Supp.

4. Historic Use. 3.5 of the Shares were historically used for irrigation on three farms, 1.0 share on the Lindblad Farm in Weld County, 1.0 share on the Myers Farm in Weld County, and 1.5 shares on the Longs Peak Dairy Farm in Weld County. The remaining 1.5 shares were historically used for irrigation on more than one farm throughout the WSSC system. 4.1. Lindblad Farm (1.0 share). Located in the SW 1/4 of Section 25, Township 7 North, Range 67 West and the W 1/2 of the SE 1/4 of Section 25, Township 7 North, Range 67 West of the 6th P.M., Weld County, Colorado, as depicted on **Exhibit A**. 4.2. Myers Farm (1.0 share). Located in the NW 1/4 of Section 18, Township 7 North, Range 67 West of the 6th P.M., Weld County, Colorado, as depicted on **Exhibit A**. 4.3. Longs Peak Dairy Farm (1.5 shares). Located in the W 1/2 of the SW 1/4 of Section 27, Township 7 North, Range 66 West of the 6th P.M., Weld County, Colorado, as depicted on **Exhibit A**. 4.4. Systemwide (1.5 shares). The historical use of the remaining 1.5 shares is attributable to irrigation on more than one farm throughout the WSSC system and therefore, the historical use analysis for the 1.5 shares includes a system-wide water budget analysis (“System-wide Analysis”) similar to that decreed in Case Nos. 11CW265 and 18CW3076, Water Division No. 1. 5. Proposed Changes. 5.1. Change in Point of Diversion. In addition to diverting at the currently decreed point of diversion, the District seeks approval to divert its proportional interest in the Shares at the following alternate points of diversion (APODs), subject to approval of the owners of the structures for use of the structures: 5.1.1. Munroe Gravity Canal (a.k.a North Poudre Supply Canal), the headgate of which located on the east bank of the Cache La Poudre River in the SW 1/4 of the NE 1/4 of Section 5, Township 8 North, Range 70 West of the 6th P.M., Larimer County, Colorado, at a point whence the Southeast corner of Section 5 bears South 37°27'30" East 3,647.5 feet. 5.1.2. New Mercer Ditch. (Corrected) PLSS Legal Description decreed in Case No. 17CW3199. The surveyed point of diversion is in the NW 1/4 of Section 32, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 17 feet from the North Section line and 237 feet from the West Section Line. 5.1.3. Larimer County Canal No. 2. (Corrected) PLSS Legal Description decreed in Case No. 17CW3199. The surveyed point of diversion is in the NW 1/4 of Section 32, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 17 feet from the North Section line and 237 feet from the West Section Line. 5.1.4. Overland Trail Diversion Structure, with a point of diversion located on the South side of the Cache la Poudre River at a point 2,400 feet West and 1,500 feet North of the Southeast corner of Section 33, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado. 5.1.5. The Arthur Ditch (a/k/a the Arthur Irrigation Company Headgate), which is located on the south bank of the Cache la Poudre River in the SW 1/4 of Section 34, Township 8 North, Range 69 West, of the 6th P.M., Larimer County, Colorado. 5.1.6. North Poudre No. 16 (a/k/a Halligan Reservoir), as the same may be enlarged, which is located on the North Fork of the Cache la Poudre River, upon portions of Sections 29, 32, 33 and 34, Township 11 North, Range 71 West of the 6th P.M., Larimer County, Colorado. See **Exhibits B** and **C** for maps depicting the locations of the above-referenced structures. 5.2. Change to Include Storage. The Shares may be stored prior to subsequent beneficial use in addition to the existing direct flow use. The Shares may be stored in any reservoir to which the District currently possess or may in the future acquire storage rights, including but not limited to: 5.2.1. Chambers Lake, located in portions

of Sections 6 and 7, Township 7 North, Range 75 West, 6th P.M., and Section 31, Township 8 North, Range 75 West, 6th P.M., Larimer County. 5.2.2. Long Draw Reservoir, located in portions of Sections 10, 11, and 15, Township 6 North, Range 75 West, 6th P.M., Larimer County. 5.2.3. Black Hollow Reservoir, located in portions of Section 34, Township 8 North, Range 67 West, 6th P.M., and Section 3, Township 7 North, Range 67 West, 6th P. M, Weld County. 5.2.4. Curtis Lake, located in portions of Sections 16 and 17, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.5. Kluver Reservoir, located in portions of Sections 14, 15, 22, and 23, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.6. Lindenmeier Lake, located in portions of Section 31, Township 8 North, Range 68 West, 6th P.M., and Section 6, Township 7 North, Range 68, West, 6th P.M., Larimer County. 5.2.7. Richards Lake, located in portions of Section 30, Township 8 North, Range 68 West, 6th P.M., and Section 25, Township 8 North, Range 69, West, 6th P.M., Larimer County. 5.2.8. Water Supply and Storage Reservoir No. 1 (a.k.a. Rocky Ridge Reservoir), located in portions of Sections 10, 11, and 14, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.9. Water Supply and Storage Reservoir No. 3, located in portions of Sections 10, 11, 14, and 15, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.10. Water Supply and Storage Reservoir No. 4, located in portions of Sections 14 and 23, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.2.11. Water Supply and Storage Reservoir No. 5 (a.k.a. Long Pond), located in portions of Sections 25 and 36, Township 8 North, Range 69 West, 6th P.M., and Sections 30 and 31, Township 8 North, Range 68, West, 6th P.M., Larimer County. 5.2.12. The Overland Trail Reservoirs, subject of the decree entered on December 6, 2013 in Case No. 00CW251, Water Division No. 1, which will be a series of hydraulically connected, lined gravel pits located in parts of the SE 1/4 of Section 32, the S 1/2 of Section 33, Township 8 North, Range 69 West, the N 1/2 of Section 4, and the E 1/2 of the NW 1/4, the SW 1/4 of the NE 1/4, and the NW 1/4 of the SE 1/4 of Section 3, Township 7 North, Range 69 West of the 6th P.M., Larimer County. Water from the Shares may also be exchanged after storage in the Overland Trail Reservoirs pursuant to the exchange decreed in Case No. 00CW251, Water Division No. 1. 5.2.13. Horsetooth Reservoir, located upon all or portions of Sections 5, 6 and 8, Township 6 North, Range 69 West, 6th P.M., and of Sections 6, 7, 18, 19, 20, 29, 30, 31 and 32, Township 7 North, Range 69 West, 6th P.M., and the SE 1/4 of Section 1, Township 7 North, Range 70 West of the 6th P.M., Larimer County. 5.2.14. North Poudre No. 16 (a/k/a Halligan Reservoir), as the same may be enlarged, which is located on the North Fork of the Cache la Poudre River, upon portions of Sections 29, 33 and 34, Township 11 North, Range 71 West of the 6th P.M., Larimer County. (Collectively, the “Reservoirs”) The District will not store the Shares in the Reservoirs unless they first obtain the right to use those structures from the appropriate persons or entities. The District reserves the right to carry over any stored water from year to year in the Reservoirs. See **Exhibits B** and **C** for maps depicting the locations of the above-referenced locations. 5.3. Change in Use. The District seeks to add the following uses to the previously decreed irrigation use for the Shares: all water district uses, either directly or following storage, including but not limited to irrigation, domestic, municipal, mechanical, industrial, commercial, manufacturing, fire protection, sewage treatment, watering of parks, lawns and grounds, recreation, fish culture, maintenance and preservation of wildlife, exchange, augmentation, replacement, adjustment and regulation of the District water system. 5.4. Change in Place of Use. The new uses of the Shares will be made by the District within its service area as the same may exist now or from time to time may be expanded to serve proximate areas and outside the same pursuant to agreements between the District and others who take delivery of water from the District's water system. 5.5. Exchanges. The District appropriated by Board Resolution on October 11, 2021 and seeks adjudication of the conditional exchanges described herein, subject to approval of the owners of the structures for use of the structures. The exchange reaches will be in the Cache La Poudre River reaches and its tributaries between each of the points described in 5.5.1 and each of the points described in 5.5.2. An exchange matrix is attached hereto as **Exhibit D**. 5.5.1. Exchange-From Locations. The District will release all or a portion of the Shares for exchange at the places and at the maximum rates of flow shown herein. The District may exchange from any of these locations individually or in combination to the Exchange To locations described in paragraph 5.5.2. 5.5.1.1. Chambers Lake, described in ¶5.2.1. 50 c.f.s. 5.5.1.2. Long Draw Reservoir, described in ¶5.2.2. 50 c.f.s. 5.5.1.3. Grand River Ditch, located in the SW 1/4 of the NW 1/4 of Section 21 Township 6 North, Range 75 West, 6th P.M., Grand County. 4.37 c.f.s. 5.5.1.4. Laramie-

Poudre Tunnel, located in the NE 1/4 of the SW 1/4 of Section 7, Township 8 North, Range 75 West, 6th P.M., Larimer County. 2.15 c.f.s. 5.5.1.5. Laramie River Ditch (Skyline Ditch), located in the NE 1/4 of the SW 1/4 of Section 14, Township 8 North, Range 76 West, 6th P.M., Larimer County. 15 c.f.s. 5.5.1.6. Cameron Pass Ditch, located in the NW 1/4 of the SE 1/4 of Section 2, Township 6 North, Range 76 West, 6th P.M., Jackson County. 0.23 c.f.s. 5.5.2. Exchange-To Locations. The District will divert water under the Exchanges at the places and rates of flow shown herein. 5.5.2.1. Chambers Lake, described in ¶5.2.1. Maximum Rate of Exchange to Chambers Lake of 50 c.f.s. 5.5.2.2. Long Draw Reservoir, described in ¶5.2.2. Maximum Rate of Exchange to Long Draw Reservoir of 50 c.f.s. See **Exhibits B** and **C** for maps depicting the locations of the above-referenced structures. 6. Diversions. The District will utilize the ditch wide determinations for WSSC as found in the Decree entered in Case No. 87CW332, Water Division No. 1, and as was followed in subsequent WSSC decrees including the District's decrees in Case Nos. 03CW421 and 17CW3057, each in Water Division No. 1. The District proposes to utilize the limits set forth in the 17CW3057 Decree, as the same may be updated to reflect river diversions since entry of that decree. The District proposes to limit its future diversions at the APOD's, APOS, and its deliveries under the WSSC system to its pro-rata entitlement under the WSSC water rights, excluding deliveries of Colorado Big Thompson Project Water ("CBT") and Jackson Ditch Company ("JDC") water owned by WSSC. Future diversions at the APOD's, APOS, and deliveries within the WSSC system for the Shares shall be limited to a maximum annual average of 82.2 acre-feet over any running 68-year period. 7. Dry-up. North Weld has Dry-Up covenants on 277.205 total acres which have been identified as removed from irrigation between Lindblad, the Myers, and the Longs Peak Dairy Farms under the WSSC System and shall be attributable to the Shares. The District has dry-up covenants for all three of the above-referenced farms. The District intends to follow the dry-up protocol as decreed in Case No. 17CW3057. 8. Historical Return Flows. The District will replace historical return flows from the non-trans mountain diversions attributable to the Shares in time, location, and amount as necessary to prevent injury to other vested and conditional water rights senior to the date of this application with any water rights it has which are physically and legally available to the District. When the calling right downstream of the point the return flows historically accrued to the Cache La Poudre River is junior to October 11, 2021, the return flows are hereby reappropriated by the District for diversion and use, reuse, successive use, and use to extinction, for the changed uses as previously stated in this application. 8.1. Date of Appropriation: October 11, 2021. 8.2. How Appropriation Was Initiated: The District appropriated by Board Resolution on October 11, 2021 and seeks adjudication of the historical return flows described herein. 8.3. Date Water First Applied to Beneficial Use: Not applicable. 8.4. Source: Cache La Poudre River. 8.5. Amount Claimed: Any and all amounts of return flows determined to be attributable to the water rights described in paragraph 2, **CONDITIONAL**. 9. Name and Address of Owners of Structures or Land are as follows: STRUCTURE: Munroe Gravity Canal, Horsetooth Reservoir: Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, CO 80513. Munroe Gravity Canal: North Poudre Irrigation Company, PO Box 100, Wellington, CO 80549. Horsetooth Reservoir: United States Dept. of Interior, Bureau of Reclamation Eastern Colorado Area Office, 11056 W. County Road 18E Loveland, CO 80537-9711; Larimer County, PO Box 1190, Fort Collins, CO 80522. North Poudre #16 a/k/a Halligan Reservoir: North Poudre Irrigation Company, PO Box 100, Wellington, CO 80549; State of Colorado, Division of Wildlife, 6060 Broadway Avenue, Denver, CO 80216; United States of America, Bureau of Land Management, General Delivery Washington, DC 20090; Landowners' Association for Phantom Canyon Ranches, 1738 Bonny Dr., Loveland, CO 80538; Free Enterprises, Inc., c/o Lee Stark, 1803 Garfield Avenue, Loveland, CO 80537; City of Fort Collins, PO Box 580, Fort Collins, CO 80522; The Gary C. Packard and Mary J. Packard Revocable Trust, 865 Three Corner Gate Rd, Livermore, CO 80536; Meadow Creek Cabin Association, LLC, c/o Sandy Beardmore, 2212 Kiowa Court, Fort Collins, CO 80525. New Mercer Ditch: New Mercer Ditch Company, PO Box 506, Fort Collins, CO 80522; Harry G and Michelle R Nequettem, 4009 Green Ridge Drive, Laporte, CO 80535-9351; James S. Brinks Trust, PO BOX 710, Laporte, CO 80535. Larimer County Canal No. 2: Larimer County No. 2 Irrigation Co., PO Box 506, Fort Collins, CO 80522; Harry G and Michelle R. Nequette, 4009 Green Ridge Drive Laporte, CO 80535-9351; James S Brinks Trust, PO BOX 710, Laporte, CO 80535. Overland Trail Diversion Structure, Overland Trail Reservoirs: Western Mobile Northern, Inc., PO Box 8040, Ft. Wayne,

IN 46898-8040; William O. and Paulette M. Seaworth, 2305 N Taft Hill Rd, Ft. Collins, CO 80524; KCH Riverview Trust Dated October 10, 2019, 1429 Taft Hill Road, Ft. Collins, CO 80521; City of Greeley, 1100 10th Street, 3rd Floor, Greeley, CO 80631; Fort Collins - Loveland Water District, 5150 Snead Drive, Fort Collins, CO 80525; North Weld County Water District, 32825 WCR 39, PO Box 56, Lucerne, CO 80646; East Larimer County Water District, 232 South Link Lane, Fort Collins, CO 80524. Overland Trail Diversion Structure, Overland Trail Reservoirs: Western Mobile Northern, Inc., PO Box 8040, Ft. Wayne, IN 46898-8040; William O. and Paulette M. Seaworth, 2305 N Taft Hill Rd, Ft. Collins, CO 80524; KCH Riverview Trust Dated October 10, 2019, 1429 Taft Hill Road, Ft. Collins, CO 80521; City of Greeley, 1100 10th Street, 3rd Floor, Greeley, CO 80631; Fort Collins - Loveland Water District, 5150 Snead Drive, Fort Collins, CO 80525; North Weld County Water District, 32825 WCR 39, PO Box 56, Lucerne, CO 80646; East Larimer County Water District, 232 South Link Lane, Fort Collins, CO 80524. Chambers Lake, Long Draw Reservoir, Black Hollow Reservoir, Curtis Lake, Kluver Reservoir, Lindenmeier Lake, Richards Lake, WSSC Reservoir No. 1, WSSC Reservoir No. 3, WSSC Reservoir No. 4, WSSC Reservoir No. 5, Grand River Ditch, Laramie-Poudre Tunnel, Skyline Ditch, Cameron Pass Ditch: Water Supply and Storage Company, PO Box 1584, Fort Collins, CO 80522. Chambers Lake, Laramie-Poudre Tunnel, Skyline Ditch, Cameron Pass Ditch: United States of America, Arapaho/Roosevelt National Forest, 2150 Centre Ave E, Ft. Collins, CO 80526. Long Draw Reservoir, Grand River Ditch: United States of America, USDI, National Park Service – RMNP, PO BOX 25287, Denver, CO 80225-0287. Black Hollow Reservoir: Burd Ranch LLC, c/o Richard E. Burd, 1190 Grayhawk Road, Eaton, CO 80615-9009; Diana Frances Varra and Thomas Edward Varra, 9080 County Road 102, Nunn, CO 80648-9711. Lindenmeier Lake: Lindenwood Homeowners' Association, Inc., 22 Forest Hills Ln, Ft. Collins, CO 80524; Lindenmeier Homeowners' Association, 3424 Stanford Rd, Fort Collins, CO 80525. Overland Trail Reservoirs: KCH Riverview Trust, 1429 N. Taft Hill Rd, Fort Collins, CO 80521; Martin Marietta Materials, Inc., 1800 N Taft Hill Road, Ft. Collins, CO 80521; Martin Marietta Materials, Inc., PO Box 8040, Fort Wayne, IN 46898-8040. The Arthur Ditch a/k/a Arthur Irrigation Company Headgate: Arthur Irrigation Company, c/o Mark Taylor, President, 700 Wood Street, Ft. Collins, CO 80521; Martin Marietta Materials, Inc., 1800 N Taft Hill Road, Ft. Collins, CO 80521; Martin Marietta Materials, Inc., P.O. Box 8040, Fort Wayne, IN 46898-8040. (15 pages, excluding exhibits)

*****AMENDED***21CW3157 CHRISTOPHER & DENISE LEFOR**, 32651 E 137th Way, Brighton, CO, 80603. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 1999 Broadway, Suite 3200, Denver, CO, 80202. **AMENDED APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY UPPER ARAPAHOE, LOWER ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DENVER AQUIFER IN ADAMS COUNTY.** Subject Property: 62.12 acres generally located in the SE1/4 SE1/4, Section 30, Township 1 South, Range 64 West of the 6th P.M., Adams County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Applicants are the sole owners of the Subject Property. Amended Application: This amendment revises the requested uses allowed under the decree and revises the proposed augmentation plan. There are currently no opposers to the application, therefore consultation is not required. Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of wells. Source of Water Rights: The Denver Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Upper Arapahoe, Lower 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:

Aquifer	Annual Amount (acre-feet)
Denver (NNT)	9.0
Upper Arapahoe (NT)	12.6
Lower Arapahoe (NT)	10.5

The Applicant does not need to leave any groundwater unappropriated. Proposed Uses: Use, reuse, and successive use, for domestic, including in-house use, commercial, irrigation, stockwatering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 1.95 acre-feet per year for 300 years of not-nontributary Denver Aquifer groundwater. The Denver Aquifer groundwater will be withdrawn in up to three (3) individual wells. Each individual well will withdraw up to 0.65 acre-feet per year, as follows: 0.3 acre-feet per year for in-house use, 0.3 acre-feet per year for up to 6,000 square-feet of irrigation, and 0.05 acre-feet per year for 4 large domestic animals. 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 Denver Aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, stockwatering, and fire protection, through one or more wells, both on and off the Subject Property. 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 flows from in-house use will be approximately 90% of that use, and return flows 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 Box Elder Creek stream system and return flows accrue to that creek 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.

WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY 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 2021** (forms available on www.courts.state.co.us or in the Clerk's office) and must be filed as an Original and include \$192.00 filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.