

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

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

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

2022CW18 BRIANNA GRAJCAR and MATT GRAJCAR, 8499 Riley Dr., Franktown, CO 80116, 303-910-8164 brianna.grajcar@gmail.com **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN DOUGLAS COUNTY.** Name of Structure: Grajcar Property Well located NE 1/4, NW 1/4, S13, T10S, R66W of the 6th PM in Douglas County, at a distance of 1300 ft. from North Section line and 2490 ft. from West Section line, Lot 1, Cherry Valley Estates Subdivision. UTM coordinates: Northing 523461.0 Easting 4337264.7. Parcel of land consists of 40.3 acres of land. One well located on property; Well Permit 221226. Depth to bottom of well 275 ft; pumping Rate 15 gpm; date of appropriation 10/13/199; date water applied to beneficial use 10/15/199. Number of single-family dwellings served: 3. Lawns and gardens irrigated of 1 acre. Watering domestic animals and livestock watering.

2022CW19 RANDAL P. SHELDON and JANIS A. PRINTZ, 4323 Murfield Dr. E, Bradenton, FL 34203. 740-833-5128. rsheldon14@tampabay.rr.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** Date of original decree: 12-13-16 in case 10CW100, WD1. 1. Structure: Middle Spring located NW1/4, SW1/4, S21, T12N, R75W, of the 6th PM in Larimer County, at a distance of 1085 ft. from North section line and 613 ft. from West section line. Source: Groundwater. Appropriation date: 02-09-16. Amount: 10 gpm. Conditional. Use: Irrigation of not over 1 acre of home, gardens and lawns, ordinary household purposes inside 3 single family dwellings, domestic animal watering, livestock watering and fire protection. 2. Structure: Bull Run Reservoir located NW 1/4, SW 1/4, S21, T12N, R75W, of the 6th PM in Larimer County, at a distance of 2211 ft. from South section line and 747 ft. from West section line. Source: Bull Run Creek. Appropriation date: 02-09-16. Amount: 1 acre ft. Conditional. Use: Fire protection, wildlife and livestock watering.

2022CW20 ELLEN GALE and MARGARET GALE, 18016 CR 1 Berthoud, CO 80439. 970-215-5605. 315-663-8229. celtic22001@yahoo.com mggale78@hotmail.com **APPLICATION TO MAKE ABSOLUTE IN WHOLE OR IN PART IN WELD COUNTY.** Date of original decree: 06-03-08 in case 95CW47, WD1. Date of subsequent decree: 09-16-16 in case 14CW27, WD1. Structure: Gale/Gale Diversion located SW1/4, SW1/4, S31, T4N, R68W, of the 6th PM in Weld County, at a point of 190 ft. North and 363 ft. East of the SW corner of S31. Source: Surface water from the Keller Getman Waste Ditch. Date applied to beneficial use: 05-23-16. Amount: 11,520 gal. Use: pasture water.

2022CW3127 Concerning the Application for Water Rights of **PERRY PARK WATER AND SANITATION DISTRICT**, a Colorado quasi municipal corporation, **IN DOUGLAS COUNTY. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY.** Name, address, and telephone number of Applicant: Perry Park Water and Sanitation District, C/O Hill & Pollock, LLC, 1528 Wazee Street, Denver, Colorado 80202, 303-993-4452. Description of water right for which diligence is claimed: Name of structure: Waucondah #2 Reservoir. Legal Description: Located in the SE 1/4 of the SE 1/4 of Section 15, Township 9 South, Range 68 West of the 6th P.M., Douglas County, Colorado. The axis of the right abutment of the dam is located North 39° West, 1,700 feet from the SE corner of said Section 15 Source of water: Bear Creek, a tributary of West Plum Creek. Date of appropriation: June 30, 1982. Originally decreed: May 12, 1986 in Case No. 83CW344, and reasonable diligence found in 90CW21, 99CW75, 06CW21 and 14CW3095. Amount of water: 125 acre feet – Conditional. Use of water: Municipal, irrigation, domestic, fire protection, recreation, piscatorial, power production and as replacement storage under Court-approved augmentation plan. Detailed outline of what

has been done toward completion, for completion of the appropriations, and application of water to a beneficial use as conditionally decreed: Applicant has incurred substantial expense for engineering and geological work performed toward the development of the Applicant's water system. Specifically, Applicant has continued to develop other water rights owned by it, including, but not limited to, changing the use of water rights decreed to the Gove Ditch to municipal and other uses, and for storage in Waucondah #2 Reservoir. In addition, Applicant has opposed applications filed by others to protect the rights decreed to the Waucondah #2 Reservoir. Expenses for engineering, geological and legal work during the diligence period exceeds \$380,000. Applicant has also had continuing negotiations with landowners and potential land developers in the Applicant's service area in an effort to provide for water service for existing and potential development. Work has also been done on other elements within the Applicant's integrated water supply system, including construction of facilities, all of which evidences Applicant's reasonable diligence toward the development of the conditional water right described herein. WHEREFORE, Applicant requests that the Court find reasonable diligence in the development of Waucondah #2 Reservoir, and continue the conditional decree for said structure for the statutory period.

2022CW3128 LEFT HAND WATER DISTRICT, Attn: Christopher Smith, General Manager, P.O. Box 210, Niwot, CO 80544, (303) 530-4200, chrissmith@lefthandwater.org. Serve all pleadings on: Scott E. Holwick and Casey J. Weaver, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900. sholwick@lyonsgaddis.com; cweaver@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY. 2. Summary of Application.** The District Court, Water Division No. 1, Weld County, entered a decree in Case No. 02CW321 on March 19, 2010, granting the District a conditional appropriative right of exchange along a reach of St. Vrain Creek in Boulder County, Colorado. In Case No. 16CW3032, the Court entered a decree finding that the District had acted diligently in its efforts to complete the appropriation granted in Case No. 02CW321 and continued the conditional exchange for an additional six-year diligence period. In this application, the District again seeks a finding that it has been diligent with respect to completing the conditional exchange and that it is entitled to continue the conditional exchange for another six-year diligence period **3. Name of Structure:** Left Hand Water District Exchange ("Exchange"). **4. Description of the Conditional Exchange:** a. **Original Decree:** The District Court, Water Division No. 1, Weld County, originally decreed the conditional water right in Case No. 02CW321 on March 29, 2010. b. **Subsequent Decree Awarding Finding of Diligence:** The Court entered a diligence decree in Case No. 16CW3032 on September 15, 2016. c. **Legal Description of the Points of the Exchange:** i. **Exchange-From Point:** A point on St. Vrain Creek where the St. Vrain Supply Canal delivers Colorado-Big Thompson project water ("C-BT water") to St. Vrain Creek, located in the NW 1/4, NW 1/4 of Section 20, Township 3 North, Range 70 West, 6th P.M., Boulder County, Colorado, at a point located approximately 1,000 feet east of the west line of Section 20 and 750 feet south of the north line of Section 20. ii. **Exchange-To Point:** A point on the South Fork of St. Vrain Creek where the Left Hand Ditch headgate is located opposite the head of James Creek, in the SE 1/4 of Section 36, Township 2 North, Range 73 West, 6th P.M., Boulder County, Colorado. d. **Operation of the Exchange:** The District may deliver C-BT water to the Exchange-From Point, identified in paragraph 4.c.i. above, and divert an equivalent amount of water at the Exchange-To Point, identified in paragraph 4.c.ii. above. e. **Maximum Rate of the Exchange:** 50 cfs, CONDITIONAL. f. **Source:** C-BT water owned by the District pursuant to water allotment contracts between the District and the Northern Colorado Water Conservancy District. g. **Appropriation:** i. **Dates of Appropriation:** June 1, 2002 for 30 cfs CONDITIONAL, and December 19, 2002 for 20 cfs CONDITIONAL. ii. **Amount:** The Exchange is limited to 2,000 acre feet annually. h. **Uses:** Municipal use, including domestic and industrial use. **5. Status of the Conditional Exchange:** All portions of the Exchange remain CONDITIONAL. **6. Conditions Imposed upon the Exchange:** Pursuant to paragraph 7.a.–f. of the decree in Case No. 02CW321 and paragraph 11.A.–F. of the decree in Case No. 16CW3032, the District shall operate the Exchange subject to the following terms and conditions: a. **Live Stream:** No exchange shall occur unless a live stream exists within the entire reach from the lower end point of the Exchange to the upper end point of the Exchange. In order for the Exchange to operate, there must be a minimum flow of 8 cfs between the Exchange-To

Point and the Exchange-From Point of the Exchange. b. **St. Vrain Supply Canal:** The Exchange can operate only when the St. Vrain Supply Canal is delivering C-BT water. c. **Division Engineer Supervision:** Advanced notice of the operation of the Exchange, including the rate and duration of the Exchange, shall be provided by the District to the Water Commissioner for the purpose of determining if the Exchange is in priority or will result in injury to senior water rights. The District shall also provide advanced notice to the City of Longmont, the Left Hand Ditch Company, and the Colorado Water Conservation Board. The Exchange shall not be operated without express prior approval from the Water Commissioner and the Left Hand Ditch Company. The District shall maintain appropriate accounting forms as required by the Division Engineer. d. **Consent from the Ditch Company:** The Left Hand Ditch Company owns the diversion structure at the Exchange-To identified in paragraph 4.c.ii. above. The District does not assert any ownership of the diversion structure at that point. The District shall obtain the consent, or agreement, of the Left Hand Ditch Company prior to diverting water at the Exchange-To Point. e. **Junior to Instream Flows:** The Exchange is junior in priority to the Colorado Water Conservation Board's instream flows on South St. Vrain Creek decreed in Case Nos. 78CW9632, 87CW278, and 87CW283, in District Court, Water Division No. 1. f. **Water Quality:** Pursuant to section 37-80-120(3), C.R.S., the water delivered at the Exchange-From Point of the Exchange, identified in paragraph 4.c.i. above, shall be of a quality and continuity so as to meet the requirements for which the water has been used by senior downstream appropriators. 7. **Integrated Water Supply System.** The conditional appropriative right of exchange identified herein is a component part of the District's integrated water supply system, pursuant to section 37-92-301(4)(b), C.R.S. 8. **Claim of Diligence:** The District seeks a decree finding that it has been diligent with respect to completing the appropriation of the conditional appropriative right of exchange and that it is entitled to continue this CONDITIONAL water right for another six-year diligence period. In support of its claim for diligence, the District completed the following activities during the period from September 15, 2016 through the date of filing of this application ("Diligence Period"): a. **The District's Efforts to Complete the Conditional Appropriative Right of Exchange:** i. Because of the District's reliance on the use of infrastructure owned by the Left Hand Ditch Company to operate the Exchange, and pursuant to the District's July 20, 2005 Agreement with the Left Hand Ditch Company, the District has annually appointed its General Manager and two of its Directors to serve as members of the Joint Liaison Committee with their Left Hand Ditch Company counterparts to ensure that, among other common interests, the parties can and will be able to coordinate as necessary to operate the Exchange. While the Joint Liaison Committee has not met each year during the Diligence Period, one of the District's Directors has served concurrently as a Director of the Left Hand Ditch Company, a District staff member has attended all of the Left Hand Ditch Company monthly Board of Director meetings, and the District's General Manager has attended all of the Left Hand Ditch Company's annual meetings. The Joint Liaison Committee held a meeting on January 25th, 2022 specifically to discuss the logistics needed to operate the Exchange. Follow up field meetings were held with the ditch rider and the District's engineer in April at the Exchange-To Point. ii. Following the Division Engineer's approval, dated November 10, 2011, the District's engineer created accounting for the Exchange. The District has updated the accounting during the months of May, June, and July, in each year since. The District's engineer has monitored stream conditions, the Left Hand Ditch Company's water supply conditions, and the District's water supply and demand conditions, beginning in April each year, such that when all three conditions permit, the District can initiate the Exchange pursuant to the approved methodology and the Division Engineer's approval. The District has developed all elements to initiate the Exchange and is now waiting for hydrologic and supply and demand conditions to align to perfect its conditional water right. iii. In 2017, the District's engineer created an Exchange operation checklist for the approved methodology. In each year since, the District's engineer has contacted the Division Engineer's office, the Colorado Water Conservation Board, the City of Longmont, the Left Hand Ditch Company, and the Northern Colorado Water Conservancy District, in late March and early April, to update the checklist and contacts as needed to prepare to operate the Exchange. The conditions needed to operate the Exchange have historically been available in the May, June, and July time frame. b. **The District's Work on Other Components of Its Integrated Water Supply System:** i. The District contributed \$112,000 in a collaboration with the Left Hand Watershed Center on source water protection projects and watershed

restoration projects. ii. The District commissioned and completed its Treated Water Master Plan 2021 update at a cost of \$151,786. The Treated Water Master Plan serves as the District’s guide for its short-term and long-term capital improvements. Both the Vulnerability Assessment and Emergency Response Plan were updated in conjunction with this work. A delivery point for exchange water at the Haldi Intake was evaluated through this process. iii. The District expended \$453,614 in assessing and improving the Spurgeon Water Treatment Plant, where the District could deliver and treat exchange water. iv. Along with the Northern Colorado Water Conservancy District, the City of Boulder, and the Longs Peak Water District, the District finished building a second supply pipeline (the Southern Water Supply Project). The Southern Water Supply Project will convey transmountain water associated with the District’s C-BT allotment contracts from Carter Lake. The District expended \$11,832,232, including assessments, on this project. v. To firm its long-term water supply, the District expended \$8,464,750 for its pro rata participation in the Northern Integrated Supply Project, in which it has subscribed for 4,900 acre-feet of the project’s 40,000 acre-feet supply. vi. The District paid the Left Hand Ditch Company \$833,902 in water rights and storage assessments. This includes carrier ditch assessments for the Haldi, Williamson, and New Hinman Ditch Companies. vii. The District paid the Northern Colorado Water Conservancy District \$2,325,935 in C-BT assessments. viii. The District expended \$14,920 updating return flow factors and decree return flow accounting for Case No. 87CW127, in which the District Court, Water Division No. 1, Weld County, entered the final decree on June 5, 1991. **9. No Claim to Make the Conditional Exchange ABSOLUTE:** At this time, the District does not claim to have made the appropriative conditional right absolute, either in whole or in part. **10. Name(s) and address(es) of owner(s) of land upon which any new diversion or storage structure, or modification to any existing diversion of storage structure is or will be constructed or upon which water is or will be stored:** a. The Left Hand Ditch Headgate is owned and operated by the Left Hand Ditch Company, c/o Clark Edwards, Registered Agent, 921 Walnut Street, Suite 200, Boulder, CO 80302. b. The St. Vrain Supply Canal is owned by the United States Bureau of Reclamation and operated by Northern Colorado Water Conservancy District, c/o Bradley D. Wind, General Manager, P.O. Box 679, Loveland, CO 80537. WHEREFORE, the District requests that this Court enter a decree finding and determining that: 1. The District exercised reasonable diligence in the development of the conditional exchange described herein; and 2. The conditional exchange should be continued in full force and effect for an additional six years following entry of the decree in this case.

2022CW3129 Applicant: THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS”), 3209 W. 28th Street, Greeley, CO 80634; (970) 330-4540. Please send all future correspondence to Bradley C. Grasmick and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5254 Ronald Reagan Drive, Ste. 1, Johnstown, CO 80534. APPLICATION TO ADJUDICATE CONDITIONAL GROUNDWATER RIGHTS AND ADD AUGMENTATION WELLS TO PLAN FOR AUGMENTATION IN WELD COUNTY. 1. Summary of Application. GMS desires to adjudicate conditional water rights for five new augmentation wells and add those augmentation wells to its augmentation plan decreed in Water Court, Division No. 1, Case No. 02CW335 (the “Augmentation Plan Decree”). 3. Claim for Conditional Water Rights. A. Name of Structure: Meining/Deroo Well No. 1 1) Name and Address of Well Owner: Meining Cattle Co. 2) Location: SW 1/4 SE 1/4 S30-T4N-R66W; UTM Coordinates: X= 515560, Y= 4458347 3) Permit No.: 15356-R for Irrigation Uses; Permit for Augmentation Uses pending 4) Appropriation Date: August 16, 2022 5) Amount Claimed: 1200 g.p.m., conditional 6) Source: Groundwater Tributary to the South Platte River. 7) Uses: Augmentation of out of priority depletions to the South Platte River and its tributaries. B. Name of Structure: Meining/Deroo Well No. 2 1) Name and Address of Well Owner: Meining Cattle Co. 2) Location: SE 1/4 SW 1/4 S30-T4N-R66W; UTM Coordinates: X= 515269, Y= 4458691 3) Permit No.: 15359-R for Irrigation Uses; Permit for Augmentation Uses Pending 4) Appropriation Date: August 16, 2022 5) Amount Claimed: 1200 g.p.m., conditional 6) Source: Groundwater Tributary to the South Platte River. 7) Uses: Augmentation of out of priority depletions to the South Platte River and its tributaries. C. Name of Structure: Meining/Miller Well No. 13660-R 1) Name and Address of Well Owner: Central Colorado Water Conservancy District 2) Location: SE 1/4 NE 1/4

S30-T4N-R66W; UTM Coordinates: X= 516012, Y= 4459151 3) Permit No.: 13660-R for Irrigation Uses; Permit for Augmentation Uses Pending 4) Appropriation Date: August 16, 2022 5) Amount Claimed: 1200 g.p.m., conditional 6) Source: Groundwater Tributary to the South Platte River. 7) Uses: Augmentation of out of priority depletions to the South Platte River and its tributaries. D. Name of Structure: Meining/Miller Well No. 13659-R 1) Name and Address of Well Owner: Central Colorado Water Conservancy District 2) Location: SW 1/4 SW 1/4 S30-T4N-R66W; UTM Coordinates: X= 515425, Y= 4459153 3) Permit No.: 13659-R for Irrigation Uses; Permit for Augmentation Uses Pending 4) Appropriation Date: August 16, 2022 5) Amount Claimed: 1200 g.p.m., conditional 6) Source: Groundwater Tributary to the South Platte River. 7) Uses: Augmentation of out of priority depletions to the South Platte River and its tributaries. E. Name of Structure: Meining/Linden Well No. 2-1747 1) Name and Address of Well Owner: Conner Meining 2) Location: SW 1/4 NE 1/4 S31-T4N-R66W; UTM Coordinates: X= 515381, Y= 4457640 3) Permit No.: 1747-R for Irrigation Uses; Permit for Augmentation Uses Pending 4) Appropriation Date: August 16, 2022 5) Amount Claimed: 1200 g.p.m., conditional 6) Source: Groundwater Tributary to the South Platte River. 7) Uses: Augmentation of out of priority depletions to the South Platte River and its tributaries. 4. Addition of Wells to Augmentation Plan Decree. Pursuant to paragraph 16.1 of the Augmentation Plan Decree GMS may add additional augmentation wells to the Augmentation Plan Decree “by filing a new application in the Water Court to add such additional sources. Augmentation Wells may be added under such appropriation date and priority as the Court may determine, so long as the wells are operated and used, and depletions are replaced, on terms and conditions as least as restrictive as those decreed herein.” 5. GMS seeks to add the five augmentation wells described in paragraph 3 above to the Augmentation Plan Decree as augmentation wells. Each of these augmentation wells will deliver water into GMS Administrative Reach C at a location above the headgate of the Union Ditch on the South Platte River. The Glover Parameters for each of these augmentation wells are as described in the following table:

Permit No.	Name	WDID	Harmonic Mean Transmissivity (gpd/ft)	Boundary to River Distance (ft)	Well to River Distance (ft)	Specific Yield
15356-R	Meining/Deroo Well No.1	0205899	67,800	19,790.00	8,020.00	0.2
15359-R	Meining/Deroo Well No. 2	0205901	181,008	17,163.00	7,102.00	0.2
13660-R	Meining/Miller Well No. 13660-R	0207251	67,600	24,620.00	7,360.00	0.2
13659-R	Meining/Miller Well No. 13659-R	0207250	155,642	14,379.00	5,665.00	0.2
1747-R	Meining/Linden Well No. 2-1747	0206993	190,000	17,682.41	9,910.76	0.2

6. Terms and Conditions for Use: GMS proposes to use the wells listed in this application consistent with the applicable terms and conditions set forth in the Augmentation Plan Decree regarding Augmentation Wells, specifically those set forth in Section 13 of said decree regarding “Terms and Conditions for Use of Augmentation Wells” and Paragraph 17.5.3.2 regarding “Projected Augmentation Well Pumping”. Use of these augmentation wells by GMS within the Augmentation Plan Decree will be augmented by GMS under the Augmentation Plan Decree. No other changes to the Augmentation Plan Decree are requested in this application.

2022CW3130 80 South 27th Ave. Brighton, CO 80601. c/o Joseph Dischinger, Beth Ann J. Parsons, Philip E. Lopez, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, CO 80202. **APPLICATION FOR CONDITIONAL STORAGE RIGHT AND CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE IN ADAMS, DENVER AND WELD COUNTIES. APPLICANT, THE FARMERS RESERVOIR AND IRRIGATION COMPANY (“FRICO”)** is a mutual ditch and reservoir company that operates a ditch and reservoir system for the benefit of its stockholders. The FRICO system is divided into four divisions, including the Barr Lake Division, Milton

Lake Division, Standley Lake Division, and Marshall Lake Division. By this application, FRICO seeks to adjudicate a conditional storage right in Bennett Reservoir, as well as conditional appropriative rights of exchange to exchange water released from Bennett Reservoir to the South Platte River upstream to the Platte Valley Canal headgate, the United Diversion Facility No. 3, and the Burlington Canal headgate, for irrigation uses by FRICO stockholders in the Barr and Milton Divisions, both directly and after storage in Barr Lake, United Reservoir No. 3, the Mile High Lakes, and/or Milton Lake. In addition, FRICO seeks to decree the conditional storage right for Bennett Reservoir for augmentation use within the FRICO system. However, no augmentation plan is sought in this application, and the Bennett Reservoir storage right shall not be used for augmentation purposes unless and until included as an augmentation source in such future augmentation plan decreed by the Division 1 Water Court. **FIRST CLAIM FOR RELIEF (Conditional Storage Right for Bennett Reservoir)**

2. Name and Location of Structure: a. Name: Bennett Reservoir. b. Location of Structure: Bennett Reservoir is a lined gravel pit located adjacent to the South Platte River in SE 1/4 of Section 1 and the N 1/2 of Section 12, Township 2 North, Range 67 West of the 6th P.M., in Weld County, Colorado, as shown on the attached Exhibit 1. 3. Points of Diversion: FRICO will divert water for the claimed storage right at the following locations, which are depicted on the attached Exhibit 1.

a. Proposed Bennett Pump Station: The proposed location for this pump station is located on the west bank of the South Platte River adjacent to the Bennett Reservoir in the SE 1/4 of Section 1 or N 1/2 of Section 12, Township 2 North, Range 67 West, 6th P.M. in Weld County, Colorado with a maximum capacity of 50 cfs. FRICO will divert water from the South Platte River via a two-way pipeline from the South Platte River to the reservoir with a design capacity of 50 cfs. b. Meadow Island 1 Ditch (WDID 0200821). Located on the northwest bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M (UTM Zone 13, 515200 mE, 4441290 mN). FRICO will divert at this location at a maximum rate of 50 cfs. FRICO will convey water diverted from the South Platte River to the Bennett Reservoir via approximately 3.4 miles of the Meadow Island No. 1 Ditch before being diverted to a lateral or pipeline that conveys water from the Meadow Island 1 Ditch to Bennett Reservoir. c. Lupton Bottom Ditch (WDID 0200812). Located on the north bank of the South Platte River in the NW 1/4 of the SW 1/4 of Section 19, Township 1 North, Range 66 West of the 6th P.M (UTM Zone 13, 514550 mE, 4431670 mN). FRICO will divert water at this location at a maximum rate of 50 cfs. FRICO will convey water diverted from the South Platte River to the Bennett Reservoir via approximately 9.8 miles of the Lupton Bottom Ditch before being diverted to a lateral or pipeline that conveys water from Lupton Bottom Ditch to Bennett Reservoir. 4. Source: South Platte River. 5. Date of Appropriation: The date of the filing of this Application. 6. How Appropriation was Initiated: By the filing of this Application. 7. Date Water First Applied to Beneficial Use: Not applicable, since claim is conditional. 8. Amount Claimed: A first-fill of Bennett Reservoir, up to 2,800 acre-feet, along with two refill rights of 2,800 acre-feet each, for a maximum storage of up to 8,400 acre-feet in one year, all conditional. The claimed rate of diversion through any of the points of diversion described in paragraph 3 above is 50 cfs. 9. Proposed Uses: a. Irrigation use via exchange: FRICO will divert water from the South Platte River in priority through one or more of the points of diversion described in paragraph 3 above to fill and refill Bennett Reservoir. When needed, FRICO will release water from Bennett Reservoir to the South Platte River and exchange such water upstream to the Platte Valley Canal headgate, United Diversion No. 3, and/or the Burlington Canal headgate pursuant to the appropriate rights of exchange described below. FRICO will use the exchanged water for irrigation uses by its stockholders in the Barr and Milton Divisions, both directly and after storage in Barr Lake, United Reservoir No. 3, the Mile High Lakes, and/or Milton Lake. The location of these storage facilities are as follows: i. Barr Lake: located in Sections 15, 21, 22, 23, 26, 27, 28 and 33, Township 1 South, Range 66 West of the 6th P.M. in Adams County, Colorado. ii. United Reservoir No. 3: located in the S 1/2 of Section 26 and the N 1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. iii. Milton Lake: located in Sections 10, 11, 14, 15, 22 and 23, Township 3 North, Range 65 West

of the 6th P.M in Weld County, Colorado. iv. Mile High Lakes: 1. Meeks Reservoir No. 1: located in Section 12, Township 1 South, Range 66 West, 6th P.M., in Adams County, Colorado. 2. Meeks Reservoir No. 2: located in Section 12, Township 1 South, Range 66 West, 6th P.M., in Adams County, Colorado. 3. Bowles Reservoir No. 1: located in Section 1 and Section 12, Township 1 South, Range 66 West, 6th P.M., in Adams County, Colorado. 4. Bowles Reservoir No. 2: located in Section 6, Township 1 South, Range 65 West, 6th P.M., in Adams County, Colorado. 5. Geneva Reservoir: located in Section 31, Township 1 North, Range 65 West, 6th P.M., in Weld County, Colorado. 6. Lake Henry: located in Section 31, Township 1 North, Range 65 West, 6th P.M., in Weld County, Colorado. b. Augmentation use in future augmentation plans: FRICO seeks to decree the Bennett Reservoir storage right sought herein for augmentation use within FRICO's system. No augmentation plan is sought herein, and the Bennett Reservoir storage right shall not be used for augmentation purposes unless and until included as an augmentation source in such future augmentation plan decreed by the Division 1 Water Court. 10. Place of Irrigation: FRICO's stockholders will use the subject water rights for irrigation in all places susceptible to irrigation from the Barr Lake and Milton Lake Divisions of FRICO's system in Adams and Weld Counties, located generally in Townships 1 South and 1, 2, 3, 4, and 5 North and Ranges 63, 64, 65, and 66 West of the 6th P.M., Weld County, Colorado. Maps depicting the acreage historically irrigated by the subject water rights are attached as Exhibit 2 (Barr Lake Division) and Exhibit 3 (Milton Lake Division). **SECOND CLAIM FOR RELIEF (Appropriative Rights of Exchange)** 11. Exchange-From Point. Proposed Bennett Reservoir Release Point to the South Platte River, to be located on the west bank of the South Platte River within the in SE ¼ of Section 1 and the N 1/2 of Section 12, Township 2 North, Range 67 West of the 6th P.M., in Weld County, Colorado. The Exchange-From Point is depicted on the attached Exhibit 1. 12. Exchange-To Points. Diversions from the South Platte River will be made at the following Exchange-To Points: a. Platte Valley Canal Headgate: located on the east bank of the South Platte River in the NE 1/4 of the NE 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M. (UTM Zone 13, 515524.7 mE, 4442089.9 mN) in Weld County Colorado. b. United Diversion Facility No. 3: located on the east bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M. (UTM Zone 13, 512078.0 mE, 4420306.0 mN) in Adams County, Colorado. c. Burlington Canal Headgate: located on the south bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M. (UTM Zone 13, 502620.0 mE, 4404470.0 mN) in the City and County of Denver, Colorado. The Exchange-To Points are depicted on the attached Exhibit 1. 13. Rates of Exchanges. The maximum exchange rate shall not exceed 50 cfs combined at all three Exchange-To Locations. See Exchange Matrix attached as Exhibit 4. 14. Date of Appropriation: The date of the filing of this Application. 15. How Appropriation was Initiated: By the filing of this Application. 16. Date Water First Applied to Beneficial Use: Not applicable, since claim is conditional. 17. Proposed Uses: For proposed uses of water diverted at the Exchange-To Points, see paragraph 9.a. above. 18. Sources of Substitute Supply: The substitute water supply for the claimed exchanges shall be water stored in Bennett Reservoir under the Bennett Reservoir Storage Right described above or water stored in Bennett Reservoir under Free River conditions when there is no call that is subsequently released to the South Platte River. Any water exchanged upstream shall maintain the characteristics of the water released from Bennett Reservoir. 19. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing 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. Bennett Reservoir: Owned by the Applicant The Farmers Reservoir and Irrigation Company. b. Meadow Island 1 Ditch: Owned by Meadow Island No. 1 Irrigation Co., Rt. 2, Box 74. Platteville, Colorado 80601. c. Lupton Bottom Ditch: Owned by the Lupton Bottom Ditch Company, 25 South 4th Avenue, Brighton, CO 80601. d. Barr Lake: Owned by Applicant The Farmers Reservoir and Irrigation Company. e. United Reservoir No. 3: United Reservoir is on land owned by Bromley District Water Providers, LLC,

c/o of Robert A. Lembke (Registered Agent), 8301 East Prentice Ave., Suite 100, Greenwood Village, CO 80111. FRICO, Burlington and Henrylyn own 2,000 ac-ft of storage in United Reservoir and the right to use space available capacity. f. Milton Lake: Owned by Applicant The Farmers Reservoir and Irrigation Company. g. Mile High Lakes: Owned by Applicant The Farmers Reservoir and Irrigation Company. h. Platte Valley Canal: Owned by the Platte Valley Irrigation Company, P.O. Box 336483, Greeley, CO 80633. i. United Diversion Facility No. 3: The United Diversion No. 3 is on land owned by Henderson Aggregate Ltd., c/o of Albert Frei & Sons (Registered Agent), 11521 Brighton Road, Henderson, CO 80640. FRICO, Burlington and Henrylyn own half of the diversion capacity at that structure and the right to use space available capacity. j. Burlington Canal: Owned by Applicant The Farmers Reservoir and Irrigation Company. WHEREFORE, Applicant requests the Court to confirm this request for determination of water rights and for such other relief as this Court deems just and proper. Application and exhibits 12 pages.

2022CW3131 TOWN OF EATON, c/o Wesley LaVanchy, Interim Town Administrator, 223 1st Street, Eaton, CO 80615. Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec Street, Denver, CO 80207. **APPLICATION FOR CORRECTION FOR AN ESTABLISHED BY ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN WELD COUNTY.** **2. Decreed water right for which correction is sought.** **A. Name of Structure:** Well No. 2 of the Joe F. Haythorn Pumping System No. 3, *a.k.a.*, Joe F. Haythorn Well No. 2, *a.k.a.*, Haythorn Well No. 2, *a.k.a.*, Eaton Maplewood Well (“Maplewood Well”). **B. Date of Original Decree:** September 10, 1953, Civil Action No. 11217, District Court in and for Larimer County. **C. Legal Description of Structure as Described in Most Recent Decree that Adjudicated the location:** The Haythorn Pumping System No. 3 consists of and includes four wells located on the farm of claimant, which includes all that part of the Northwest Quarter (NW1/4) of Section Six (6), in Township Six (6) North, Range Sixty-five (65) West of the Sixth Principal Meridian, West of the right of way of the Union Pacific Railroad, the South West Quarter (SW1/4) of said Section Six (6), and the Northwest Quarter (NW1/4) of Section Seven (7), in Township Six (6) North, Range Sixty-five (65) West of the Sixth Principal Meridian, in Weld County, Colorado. The Maplewood Well is located in said NW1/4 of said Section 6, as follows: in a plot of ground 50 feet square, the center of which is a point 265 feet East of the northwest corner of said farm as marked by fences presently constructed thereon, and 589 feet South of the fence on the North side of said farm. **D. Decreed Source of Water:** Not Tributary. **E. Appropriation Date:** February 28, 1935. **F. Total Amount Decreed to Structure:** 2.23 c.f.s., absolute. **3. Detailed description of proposed correction to an established but erroneously described point of diversions.** **A. Complete Statement of Correction to Established by Erroneously Described Point of Diversion, Including Whether it is Erroneously Described.** *See §§ 37-92-305(3.6)(a) & (b), C.R.S.* Applicant owns the Maplewood Well. Applicant’s predecessors in interest first appropriated water from Maplewood Well for irrigation on February 28, 1935, and the Maplewood Well has been used to beneficially apply water for irrigation since that time. Available evidence (including aerial photographs) indicates that the location of the Maplewood Well has not changed since the date of appropriation. The legal description of the Maplewood Well in the original decree states that the well is located in “a plot of ground 50 feet square, the center of which is a point 265 feet East of the northwest corner of said farm as marked by fences presently constructed thereon, and 589 feet South of the fence on the North side of said farm. Although these fences no longer exist, the available evidence indicates that the fences were located historically near the West and North section lines of the NW1/4 Section 6, Township Six (6) North, Range Sixty-five (65) West of the Sixth Principal Meridian. Based on the assumption that the fences were located historically near the section lines, this legal description erroneously describes the location of the Maplewood Well, which is 546 feet east of the West Section line and 529 feet south of the North Section line. Accordingly, Applicant seeks a decree to correct the erroneously described point of diversion. **B. The Legal Description of the Corrected Point of Diversion.** **a. PLSS:** Well No. 2 is located in the NW1/4 Section 6, Township Six (6) North, Range Sixty-five (65) West of the Sixth Principal Meridian in Weld County, Colorado, 546 feet east of the West Section Line of said Section 6, and 529 feet

south of the North Section Line of said Section 6. Source: 2019 Aerial. **b. UTM (preferred):** Well No.2 is located at the following UTM coordinates: X (Northing) – 524230.0, Y (Easting) – 4485863.3, Zone 13. Source: CDSS Map Viewer. **c. Map:** A map showing the approximate location of Well No. 2 is attached as Exhibit A. **4. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** A. Applicant is the owner of the land where the Maplewood Well is located. WHEREFORE, Applicant respectfully requests that the Court enter a decree correcting the decreed but erroneously described point of diversion for the Maplewood Well pursuant to Section 37-92-305(3.6), C.R.S., and granting all such other and further relief, whether in law or equity, as the Court may determine necessary or desirable.

2022CW3132 (05CW112) CITY OF ARVADA (“Arvada”) c/o Water Resources Administrator 8101 Ralston Rd., Arvada, CO 80002; ken-p@arvada.org, (720) 898-7766. Please send pleadings to: Steven P. Jeffers, Esq. Madoline Wallace-Gross, Esq., Casey J. Weaver, Esq. Lyons Gaddis, PC, 950 Spruce Street, Unit 1B, Louisville, CO 80027; sjeffers@lyonsgaddis.com; mwg@lyonsgaddis.com; cweaver@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN ADAMS AND JEFFERSON COUNTIES** 2. **Decreed name of conditional water rights:** Clear Creek to Croke Canal Exchange; Ralston Creek to Arvada Reservoir Exchange I; Ralston Creek to Arvada Reservoir Exchange II; Ralston Creek to Ralston Creek Croke Canal Exchange; Ralston Creek to Clear Creek Croke Canal Exchange; Clear Creek to Ralston Creek Arvada Reservoir Exchange; Clear Creek to Ralston Creek Croke Canal Exchange; Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal or Ralston Creek Arvada Reservoir Exchange. 3. **Describe the conditional water rights, including the following information from previous decree:** A. **Date of original decree, case no. and court:** The original decree was entered in Case No. 05CW112, District Court, Water Division 1, on September 26, 2016. A reformatted version was filed by the court on October 3, 2016, but did not change the date of entry or any substantive terms of the decree. B. **Subsequent diligence decrees:** This is Arvada’s first diligence application. C. **Description of conditional water rights and rates of diversion:** In Case No. 05CW112, the District Court, Water Division 1, awarded a decree changing Arvada’s interest in a number of water rights to allow diversion at both their originally decreed and alternate points of diversion; changing their place of use; changing their type of use; changing them from direct flow to direct flow and storage; and approving a plan for augmentation. Those water rights included Arvada’s interest in the Farmers High Line Canal and Reservoir Company (FHL), the Church Ditch, the Consolidated Juchem Ditch & Reservoir Company (the “Reno-Juchem Ditch”), the Member Ditches of the Bayou Ditch Association (the “Slough Ditches”), the Manhart Ditch, the Cort, Graves & Hughes Ditch, and the Swadley and Longan Ditch (referred to collectively as the “subject ditch water rights”). Additionally, the Court granted several conditional rights of exchange, allowing Arvada to divert and store Arvada’s subject ditch water rights and treated effluent return flows from the Robert W. Hite Treatment Plant for which it is entitled to take credit, in Arvada Reservoir, Tucker Lake, and the Highway 93 Lakes. The following paragraphs describe the conditional rights of exchange, their sources, and their maximum combined rates of diversion/exchange: i. **Clear Creek to Croke Canal Exchange.** The source of this exchange is water to which Arvada is entitled by its ownership of the subject ditch water rights which divert from Clear Creek below the headgate of the Croke Canal that will be diverted at the Clear Creek Croke Canal headgate. The maximum combined annual exchange rate is 4.17 cfs, conditional, including Arvada’s interest in the Cort, Graves & Hughes Ditch (0.14 cfs), the Reno-Juchem Ditch (0.41 cfs), and Slough Ditches (3.62 cfs, combined, as further limited by the allowed rate for each individual Slough Ditch). The maximum combined annual volume is 385 acre-feet. ii. **Ralston Creek to Arvada Reservoir Exchange I.** The source of this exchange is water conveyed to Ralston Creek in the Croke Canal from the Cort, Graves & Hughes Ditch, Reno-Juchem Ditch, and Slough Ditches water rights, or conveyed to Ralston Creek from the Church Ditch, the Farmers High Line Canal, or the Reno-Juchem Ditch water rights, released to Ralston Creek in exchange for an equal amount stored

in Arvada Reservoir. The maximum combined rate of exchange is 21.77 cfs, conditional, including Arvada's interest in the Church Ditch (2.16 cfs), Farmers High Line Canal (15.45 cfs), Reno-Juchem Ditch (0.41 cfs), Cort, Graves and Hughes Ditch (0.14 cfs), and Slough Ditches (3.62 cfs, combined, as further limited by the allowed rate for each individual Slough Ditch). The maximum combined annual volume is 1,722 acre-feet. iii. **Ralston Creek to Arvada Reservoir Exchange II**. The source of this exchange is water to which Arvada is entitled by its ownership of the subject ditch water rights which divert from Ralston Creek that will be diverted at Arvada Reservoir. The maximum combined rate of exchange is 0.13 cfs, conditional, including Arvada's interest in the Swadley and Longan Ditch (0.043 cfs) and the Manhart Ditch (0.08 cfs). The maximum combined annual volume is 35 acre-feet. iv. **Ralston Creek to Ralston Creek Croke Canal Exchange**. The source of this exchange is water to which Arvada is entitled by its ownership of the subject ditch water rights which divert from Ralston Creek that will be diverted at the Ralston Creek Croke Canal headgate. The maximum combined rate of exchange is 0.13 cfs, conditional, including Arvada's interest in the Swadley and Longan Ditch (0.043 cfs) and the Manhart Ditch (0.08 cfs). The maximum combined annual volume is 35 acre-feet. v. **Ralston Creek to Clear Creek Croke Canal Exchange**. The source of this exchange is water to which Arvada is entitled by its ownership of the subject ditch water rights which divert from Ralston Creek that will be delivered down Ralston Creek to Clear Creek at the confluence, and an equal amount will be diverted at the Clear Creek Croke Canal headgate. The maximum combined rate of exchange is 0.13 cfs, conditional, including Arvada's interest in the Swadley and Longan Ditch (0.043 cfs) and the Manhart Ditch (0.08 cfs). The maximum combined annual volume is 35 acre-feet. vi. **Clear Creek to Ralston Creek Arvada Reservoir Exchange**. The source of this exchange is water to which Arvada is entitled by its ownership of the subject ditch water rights that divert from Clear Creek that will be delivered down Clear Creek to the confluence of Ralston Creek and Clear Creek, and then an equal amount of water will be diverted at Arvada Reservoir. The maximum combined rate of exchange is 21.77 cfs, conditional, including Arvada's interest in the Church Ditch (2.16 cfs), Farmers High Line Canal (15.45 cfs), Reno-Juchem Ditch (0.41 cfs), Slough Ditches (3.62 cfs, combined, as further limited by each individual Slough Ditch), and Cort, Graves & Hughes Ditch (0.14 cfs). The maximum combined annual volume is 1,722 acre-feet. vii. **Clear Creek to Ralston Creek Croke Canal Exchange**. The source of this exchange is water to which Arvada is entitled by its ownership of the subject ditch water rights that divert from Clear Creek that will be returned to or bypassed down Clear Creek to the confluence of Ralston Creek and Clear Creek, and then an equal amount of water will be diverted at the Ralston Creek Croke Canal headgate. The maximum combined rate of diversion/exchange is 21.77 cfs, conditional, including Arvada's interest in the Church Ditch (2.16 cfs), Farmers High Line Canal (15.45 cfs), Reno-Juchem Ditch (0.41 cfs), Slough Ditches (3.62 cfs, combined as further limited by each individual Slough Ditch), and Cort, Graves & Hughes Ditch (0.14 cfs). The maximum combined annual volume is 1,722 acre-feet. viii. **Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal or Ralston Creek Arvada Reservoir Exchange**. The source of this exchange is treated effluent for which Arvada is entitled to claim credit pursuant to the decree in Case No. 05CW112, and which treated effluent is in excess of the return flow obligations due at the outfall of the Robert W. Hite Treatment Plant, that will be released at the plant outfall, delivered to the confluence of the South Platte River and Clear Creek, and then an equal amount of water will be diverted either at the Clear Creek Croke Canal headgate or at Arvada Reservoir. The maximum cumulative rate of exchange described in the decree in Case No. 05CW112 together with the like Robert W. Hite Treatment Plant exchanges described in the decrees in Case Nos. W-8762-77, 82CW359, 85CW409, 85CW410, 88CW105, and 96CW148, is 12 cfs, conditional. D. **Legal Descriptions:** The locations of the structures and other exchange-from points involved in the conditional exchanges are depicted on the map attached hereto as **EXHIBIT A** and are described as follows: i. **Arvada Reservoir**. Arvada Reservoir is located in Section 3 and the NW 1/4 of Section 2, Township 3 South, Range 70 West, 6th P.M., and the SE 1/4 Section 33, Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The centerline of the dam is described as follows: Commencing at the NE Corner of Section 3, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado; thence at an angle to the right of 17°34'59" from the East line of said Section 3, a distance of 200.75 feet to the True Point of Beginning. Thence at a deflection angle to the right of 4°52'48", a

distance of 1,683.374 feet to a point of curvature; thence along a curve to the right, having a radius of 2,585.813 feet, and a delta of 26°07'37", a distance of 1,179.134 feet to a point of tangency; thence along the tangent of the before-described curve, a distance of 819.242 feet to the point of ending. ii. **Cort, Graves & Hughes Ditch**. The headgate is located on the north bank of Clear Creek in the NE 1/4 SW 1/4 in Section 14, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. iii. **Church Ditch**. The Clear Creek headgate of the Church Ditch is located on the north bank of Clear Creek about one mile west of Golden, at a point in the SE 1/4 NW 1/4 NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, South 69°30' West, 1,450 feet from the northeast corner of said section. iv. **Croke Canal**. The Clear Creek headgate is at a point on the north bank of Clear Creek in the NW 1/4 NE 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Ralston Creek headgate is located at a point where said canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. v. **Farmers High Line Canal**. The Clear Creek headgate is located on the north bank of Clear Creek in the N 1/2 SW 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Little Dry Creek headgate is located on the west or upper bank of the Farmers High Line Canal where it crosses Little Dry Creek in the NE 1/4 of Section 13, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Ralston Creek headgate is located on the north bank of Ralston Creek at a point about 175 feet west of the point where said canal crosses Ralston Creek and near the center of the NW 1/4 of Section 1, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Leyden Creek headgate is located at a point on the west or upper bank of the Farmers High Line Canal where it crosses Leyden Creek below the embankment of Leyden Reservoir in the NE 1/4 of Section 36, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. vi. **Manhart Ditch**. The decreed point of diversion is on the north bank of Ralston Creek in the SW 1/4, Section 12, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. vii. **Metro Wastewater Reclamation District Treatment Plant Outfall**. The present location of the outfall of the Treatment Plant is at a point on the east bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet East of the SW corner of said Section 1, Adams County, Colorado. viii. **Reno-Juchem Ditch**. The Clear Creek headgate is located in the NE 1/4 SE 1/4, SW 1/4 Section 19, Township 3 South, Range 69 West of the 6th P.M., at a point on the north bank of Clear Creek about 1,350 feet upstream of Eldridge Street, Jefferson County, Colorado. The Ralston Creek headgate is located on the north bank of Ralston Creek in the SE 1/4 NW 1/4, Section 4, Township 3 South, Range 69 West, Jefferson County, Colorado. ix. **Slough Ditches**. The headgate is located in the NE 1/4 SE 1/4, Section 19, Township 3 South, Range 69 West of the 6th P.M., at a point on the north bank of Clear Creek, one quarter-mile west of the Youngfield Street Bridge, Jefferson County, Colorado. x. **Swadley and Longan Ditch**. The headgate is located in the SE 1/4 NW 1/4 of Section 4, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. xi. **Confluence of the South Platte River and Clear Creek**. The confluence of the South Platte River and Clear Creek is located in the SW 1/4 SE 1/4 of Section 36, Township 2 South, Range 68 West of the 6th P.M. xii. **Confluence of Ralston Creek and Clear Creek**. The confluence of Ralston Creek and Clear Creek is located in the NE 1/4 NE 1/4 of Section 13, Township 3 South, Range 69 West, 6th P.M. E. **Sources of water:** Ralston Creek and Clear Creek, tributaries to the South Platte River. F. **Appropriation date:** May 31, 2005, for all exchanges. G. **Uses:** Municipal (including domestic, irrigation, commercial and industrial), recreational, fish and wildlife propagation, irrigation, augmentation, replacement, and exchange purposes, including replacement of historical return flows to the South Platte River system. Arvada may use the water directly or after storage and Arvada may reuse and successively use all treated water return flows from the fountain and from municipal effluent after initial use of the water, including selling, leasing or otherwise disposing of such return flows to third parties as described in Paragraph 23 of the decree. 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:** These conditional exchanges are component parts of Arvada's integrated water supply system. During the subject diligence period, Arvada conducted the following work related to its integrated system at a cost in excess of \$12 million: A. Conducted service spillway modifications to the underdrain

system at a cost of \$117,885 in 2017. B. Worked with Division Engineer to revise Arvada Reservoir accounting forms in 2017, and augmentation plan accounting forms in 2020 and 2021. C. Entered into an agreement with Black Hawk for use of its augmentation station on the Church Ditch on April 22, 2020. D. Conducted a seismic study of Arvada/Blunn Reservoir in a dam safety evaluation in 2020 at a cost of \$37,000. E. Conducted a bathymetric survey of Arvada Reservoir in 2020 at a cost of \$10,000. F. Constructed a pump station and pipeline to deliver water from Arvada Reservoir to the Ralston Water Treatment Plant in 2021 at a cost of \$11 million. G. Adjudicated water court cases including Case Nos. 17CW3210 for change of water rights, exchanges, and plans for augmentation including these structures; 17CW3085 for diligence on the Arvada Reservoir storage right; 18CW3165 for diligence for storage in Highway 93 Lakes; 20CW3064 for diligence on the Arvada Reservoir Refill; 20CW3119 for diligence on exchanges involving Arvada Reservoir; 21CW3069 for diligence on Tucker Lake exchanges; and 21CW3136 for diligence on exchanges involving Arvada Reservoir. Applicant expended in excess of \$1 million in legal and engineering fees and costs on water rights matters since 2018. H. Initiated a water treatment plant siting study. I. Repaired Arvada Reservoir spillway at a cost of \$43,120. J. Constructed and installed a bypass structure in Ralston Creek at a cost of \$42,554. K. Opposed numerous water court cases filed by other water users to protect from injury Applicant's water rights, including the subject conditional water right, and incurred legal and engineering expenses in defense of Arvada's water rights.

5. If claim to make absolute in whole or in part: The following amounts of water were diverted and put to beneficial use under the terms of the decree in Case No. 05CW112, in addition to the amounts previously decreed absolute:

A. Clear Creek to Croke Canal Exchange. Date water applied to beneficial use: June 14, 2021. Amount: 3.62 cfs from Slough Ditches, leaving 0.55 cfs conditional. Applicant diverted 65.92 acre-feet in 2021. B. Ralston Creek to Arvada Reservoir Exchange I. Date water applied to beneficial use: May 5, 2020. Amount: 2.98 cfs from Farmers High Line Canal, leaving 18.79 cfs conditional. Applicant diverted 84.97 acre-feet in 2020. C. Ralston Creek to Arvada Reservoir Exchange II. Date water applied to beneficial use: June 26, 2021. Amount: 0.04 cfs from Manhart Ditch, leaving 0.09 cfs conditional. Applicant diverted 1.85 acre-feet in 2021. D. Ralston Creek to Ralston Creek Croke Canal Exchange. Date water applied to beneficial use: NA. E. Ralston Creek to Clear Creek Croke Canal Exchange. Date water applied to beneficial use: June 15, 2021. Amount: 0.13 cfs, with 0.043 cfs from Swadley and Longan Ditch and 0.08 cfs from Manhart Ditch, making the full flow rate absolute. Applicant diverted 0.34 acre-feet in 2021. F. Clear Creek to Ralston Creek Arvada Reservoir Exchange. Date water applied to beneficial use: July 1, 2021. Amount: 2.61 cfs, with 2.33 cfs from Slough Ditches and 0.28 cfs from Reno-Juchem Ditch, leaving 19.16 cfs conditional. Applicant diverted 32.57 acre-feet in 2021. G. Clear Creek to Ralston Creek Croke Canal Exchange. Date water applied to beneficial use: NA. H. Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal or Ralston Creek Arvada Reservoir Exchange. Date water applied to beneficial use in this case: NA. In Case No. 12CW293, the Court determined that Arvada had completed the combined exchange to Clear Creek Croke Canal in the amount of 5.65 cfs, leaving 6.35 cfs conditional, and completed the combined exchange to Ralston Creek Arvada Reservoir in the amount of 6.05 cfs absolute, leaving 5.95 cfs conditional. Applicant did not divert at a higher rate of exchange in this case so does not claim any additional amounts absolute. I. Uses: The water diverted under the subject exchanges was used for municipal purposes within Arvada's municipal water system, for recreational, fish and wildlife propagation purposes in Arvada Reservoir, and for irrigation, and augmentation purposes. Applicant's service area shown on attached **EXHIBIT B**. Copies of Arvada's accounting sheet demonstrating its exercise of these conditional water rights and the call records are attached as **EXHIBIT C**.

6. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Arvada does not propose to add or modify any diversion or storage structures pursuant to this application. The owners of the structures identified in this case are as follows: A. Arvada owns Arvada Reservoir, the Croke Canal Ralston Creek headgate and the Cort, Graves & Hughes Ditch. B. Croke Canal is owned by Farmers Reservoir and Irrigation Company, 80 South 27th Avenue Brighton, CO 80601. C. Church Ditch is owned by Church Ditch Water Authority, 14025 W.

82nd Ave., Arvada, CO 80005. D. Farmers High Line Canal is owned by Farmers High Line Canal & Reservoir Company, 8399 W. 89th Avenue, Westminster, CO 80021. E. Manhart Ditch is owned by Manhart Ditch Company, 6575 W. 88th Avenue, Westminster, CO 80031. F. Metro Wastewater Reclamation District Treatment Plant is owned by Metro Wastewater Reclamation District, 6450 York Street, Denver, Colorado 80229. G. Reno-Juchem Ditch and Swadley and Longan Ditch are owned by Consolidated Juchem Ditch and Reservoir Company, c/o Lynn Hightower, Secretary, 5771 Tabor Street, Arvada, CO 80002. H. Slough Ditches diversion structure is owned and operated by Bayou Ditch Association, 4515 Robb Street, Wheat Ridge, CO 80033. WHEREFORE, Arvada requests that this Court enter a decree finding and determining that: 1. Arvada has exercised reasonable diligence in the development of all of the conditional rights of exchange; 2. Arvada has made the conditional water rights absolute in the amounts described above; and 3. The remaining conditional water rights should be continued in full force and effect for an additional six years following entry of the decree in this case. Number of pages in application: 11, excluding exhibits.

2022CW3133 (11CW237) CITY OF ARVADA (“Arvada”) c/o Water Resources Administrator 8101 Ralston Rd., Arvada, CO 80002; ken-p@arvada.org, (720) 898-7766. Please send pleadings to: Steven P. Jeffers, Esq. Madoline Wallace-Gross, Esq., Casey J. Weaver, Esq. Lyons Gaddis, PC, 950 Spruce Street, Unit 1B, Louisville, CO 80027; sjeffers@lyonsgaddis.com; mwg@lyonsgaddis.com; cweaver@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN ADAMS AND JEFFERSON COUNTIES**. 2. **Decreed name of conditional water rights:** Ralston Creek to Arvada Reservoir Exchange I; Clear Creek to Ralston Creek Arvada Reservoir Exchange; Clear Creek to Ralston Creek Croke Canal Exchange; and Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal or Ralston Creek Arvada Reservoir Exchange. 3. **Describe the conditional water rights, including the following information from previous decree:** A. **Date of original decree, case no. and court:** The original decree was entered in Case No. 11CW237, District Court, Water Division 1, on September 26, 2016. B. **Subsequent diligence decrees:** N/A: Arvada has not yet had to seek a finding of reasonable diligence in its development of the subject conditional rights. C. **Description of conditional water rights and rates of diversion:** i. **Ralston Creek to Arvada Reservoir Exchange I.** The source of water is water to which Arvada is entitled by its ownership of interests in the Farmers High Line Canal and Reservoir Company and the Wannamaker Ditch (the “subject ditch water rights”) conveyed to Ralston Creek from the Croke Canal, Farmers High Line Canal, or Wannamaker Ditch, that will be released to Ralston Creek, in exchange for an equal amount that will be stored in Arvada Reservoir. The maximum combined rate of exchange will be 10.48 cfs conditional, including Arvada’s interest in the Farmer’s High Line Canal (9.6 cfs) and Wannamaker Ditch (0.88 cfs). The maximum combined annual and maximum 20-year volumetric limitations are 731 acre-feet and 10,356 acre-feet respectively. ii. **Clear Creek to Ralston Creek Arvada Reservoir Exchange.** The source of water is the subject ditch water rights that will be delivered down Clear Creek to the confluence of Ralston Creek and Clear Creek, in exchange for an equal amount that will be diverted at Arvada Reservoir. The maximum combined rate of exchange will be 10.48 cfs, conditional, including Arvada’s interest in the Farmers High Line Canal (9.6 cfs) and Wannamaker Ditch (0.88 cfs). The maximum combined annual and maximum 20-year volumetric limitations are 731 acre-feet and 10,356 acre-feet respectively. iii. **Clear Creek to Ralston Creek Croke Canal Exchange.** The source of water is the subject ditch water rights that will be delivered down Clear Creek to the confluence of Ralston Creek and Clear Creek, in exchange for an equal amount of water delivered to the Croke Canal Ralston Creek headgate and then delivered to Arvada Reservoir. The maximum combined rate of exchange will be 10.48 cfs, conditional, including Arvada’s interest in the Farmers High Line Canal (9.6 cfs) and Wannamaker Ditch (0.88 cfs). The maximum combined annual and maximum 20-year volumetric limitations are 731 acre-feet and 10,356 acre-feet respectively. iv. **Metro Wastewater Reclamation District Treatment Plant to Clear Creek or Ralston Creek Arvada Reservoir Exchange.** The source of water is treated sewage effluent for which Arvada is entitled to claim credit pursuant to the decree in Case No. 11CW237, in excess of the return flow obligations due at the outfall of the Robert W. Hite Treatment Plant, that will

be released at the plant outfall in exchange for an equal amount of water diverted either at the Croke Canal Clear Creek headgate or at Arvada Reservoir. The maximum cumulative rate of exchange described in Case No. 11CW237, together with the Robert W. Hite Treatment Plant exchanges described in the decrees in Case Nos. W-8762-77, 82CW359, 85CW409, 85CW410, 88CW105, 96CW148, and 05CW112, is 12 cfs, conditional. The maximum cumulative annual volume and maximum cumulative 20-year volume are 4,560 acre-feet and 63,509 acre-feet respectively. D. **Legal Descriptions:** The locations of the structures and other exchange-from points involved in the conditional exchanges are depicted on the map attached hereto as **EXHIBIT A** and are described as follows: i. **Arvada Reservoir**. Arvada Reservoir is located in Section 3 and the NW 1/4 of Section 2, Township 3 South, Range 70 West, 6th P.M., and the SE 1/4 Section 33, Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The centerline of the dam is described as follows: Commencing at the NE Corner of Section 3, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado; thence at an angle to the right of 17°34'59" from the East line of said Section 3, a distance of 200.75 feet to the True Point of Beginning. Thence at a deflection angle to the right of 4°52'48", a distance of 1683.374 feet to a point of curvature; thence along a curve to the right, having a radius of 2585.813 feet, and a delta of 26°07'37", a distance of 1179.134 feet to a point of tangency; thence along the tangent of the before-described curve, a distance of 819.242 feet to the point of ending. ii. **Croke Canal**. The Clear Creek headgate is at a point on the North bank of Clear Creek in the NW 1/4 NE 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Ralston Creek headgate is located at a point where said canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. iii. **Farmers High Line Canal**. The Clear Creek headgate is located on the north bank of Clear Creek in the N 1/2 SW 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Little Dry Creek headgate is located on the west or upper bank of the Farmers High Line Canal where it crosses Little Dry Creek in the NE 1/4 of Section 13, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Ralston Creek headgate is located on the north bank of Ralston Creek at a point about 175 feet west of the point where said canal crosses Ralston Creek and near the center of the NW 1/4 of Section 1, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The Leyden Creek headgate is located at a point on the west or upper bank of the Farmers High Line Canal where it crosses Leyden Creek below the embankment of Leyden Reservoir in the NE 1/4 of Section 36, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. iv. **Metro Wastewater Reclamation District Treatment Plant Outfall**. The present location of the outfall of the Treatment Plant is at a point on the east bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet east of the SW corner of said Section 1, Adams County, Colorado. v. **Wannamaker Ditch**. The Clear Creek headgate of the Wannamaker Ditch is located on the north bank of Clear Creek, at a point in the SE 1/4 NE 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, whence the NE corner of section 27 bears North 38° 17.5' East 2,099.64 feet. vi. **Confluence of the South Platte River and Clear Creek**. The confluence of the South Platte River and Clear Creek is located in the SW 1/4 SE 1/4 of Section 36, Township 2 South, Range 68 West of the 6th PM. vii. **Confluence of Ralston Creek and Clear Creek**. The confluence of Ralston Creek and Clear Creeks is located in the NE 1/4 NE 1/4 of Section 13, Township 3 South, Range 69 West, 6th P.M. E. **Sources of water:** Ralston Creek and Clear Creek, tributaries to the South Platte River. F. **Appropriation date:** November 23, 2011, for all exchanges. G. **Uses:** Municipal (including domestic, irrigation, commercial and industrial), recreational, fish and wildlife propagation, irrigation, augmentation, replacement, and exchange purposes, including replacement of historical return flows to the South Platte River system. Arvada may use the water directly or after storage and Arvada may reuse and successively use all treated water return flows from the fountain and from municipal effluent after initial use of the water, including selling, leasing or otherwise disposing of such return flows to third parties as described in Paragraph 23 of the decree. 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:** These conditional exchanges are component parts of Arvada's integrated water supply system. During the subject diligence period, Arvada conducted the following work related to its integrated system at a cost in excess of \$12 million: A.

Conducted service spillway modifications to the underdrain system at a cost of \$117,885 in 2017. B. Worked with Division Engineer to revise Arvada Reservoir accounting forms in 2017, and augmentation plan accounting forms in 2020 and 2021. C. Entered into an agreement with Black Hawk for use of its augmentation station on the Church Ditch on April 22, 2020. D. Conducted a seismic study of Arvada/Blunn Reservoir in a dam safety evaluation in 2020 at a cost of \$37,000. E. Conducted a bathymetric survey of Arvada Reservoir in 2020 at a cost of \$10,000. F. Constructed a pump station and pipeline to deliver water from Arvada Reservoir to the Ralston Water Treatment Plant in 2021 at a cost of \$11 million. G. Adjudicated water court cases including Case Nos. 17CW3210 for change of water rights, exchanges, and plans for augmentation including these structures; 17CW3085 for diligence on the Arvada Reservoir storage right; 18CW3165 for diligence for storage in Highway 93 Lakes; 20CW3064 for diligence on the Arvada Reservoir Refill; 20CW3119 for diligence on exchanges involving Arvada Reservoir; 21CW3069 for diligence on Tucker Lake exchanges; and 21CW3136 for diligence on exchanges involving Arvada Reservoir. Applicant expended in excess of \$1 million in legal and engineering fees and costs on water rights matters since 2018. H. Initiated a water treatment plant siting study. I. Repaired Arvada Reservoir spillway at a cost of \$43,120. J. Constructed and installed a bypass structure in Ralston Creek at a cost of \$42,554. K. Opposed numerous water court cases filed by other water users to protect from injury Applicant's water rights, including the subject conditional water right, and incurred legal and engineering expenses in defense of Arvada's water rights.

5. If claim to make absolute in whole or in part: The following amounts of water were diverted and put to beneficial use under the terms of the decree in Case No. 11CW237, in addition to the amounts previously decreed absolute:

A. Ralston Creek to Arvada Reservoir Exchange I. Date water applied to beneficial use: May 5, 2020. Amount: 1.67 cfs from Farmers High Line Canal, leaving 8.81 cfs conditional. Applicant diverted 47.7 acre-feet in 2020. B. Clear Creek to Ralston Creek Arvada Reservoir Exchange. Date water applied to beneficial use: NA. C. Clear Creek to Ralston Creek Croke Canal Exchange. Date water applied to beneficial use: NA. D. Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal or Ralston Creek Arvada Reservoir Exchange. Date water applied to beneficial use in this case: NA. In Case No. 12CW293, the Court determined that Arvada had completed the combined exchange to Clear Creek Croke Canal in the amount of 5.65 cfs, leaving 6.35 cfs conditional, and completed the combined exchange to Ralston Creek Arvada Reservoir in the amount of 6.05 cfs absolute, leaving 5.95 cfs conditional. Applicant did not divert at a higher rate of exchange in this case so does not claim any additional amounts absolute.

6. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Arvada does not propose to add or modify any diversion or storage structures pursuant to this application. The owners of the structures identified in this case are as follows: A. Applicant owns Arvada Reservoir and the Croke Canal Ralston Creek headgate. B. Croke Canal is owned by Farmers Reservoir and Irrigation Company, 80 South 27th Avenue Brighton, CO 80601. C. Farmers High Line Canal is owned by Farmers High Line Canal & Reservoir Company, 8399 W. 89th Avenue, Westminster, CO 80021. D. Metro Wastewater Reclamation District Treatment Plant is owned by Metro Wastewater Reclamation District, 6450 York Street, Denver, Colorado 80229. E. Wannamaker Ditch is owned by Wannamaker Ditch Company, P.O. Box 4030, Golden, CO 80402.

WHEREFORE, Arvada requests that this Court enter a decree finding and determining that: 1. Arvada has exercised reasonable diligence in the development of all of the conditional rights of exchange; 2. Arvada has made the conditional water rights absolute in the amounts described above; and 3. The remaining conditional water rights should be continued in full force and effect for an additional six years following entry of the decree in this case. Number of pages in application: 8, excluding exhibits.

2022CW3134 (15CW3100, 08CW270, 01CW173, 94CW181) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: PETE C. KUYPER, IN TELLER COUNTY, COLORADO. APPLICATION FOR FINDING OF

REASONABLE DILIGENCE IN TELLER COUNTY. 1. Name, Address, and Telephone Number of Applicants: Pete C. Kuyper (“Applicant”), P.O. Box 729, Divide, CO 80814, Telephone: (719) 687-6011, Email: bryan@pkenterprisesinc.com Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302 sbushong@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Name of Structure: Divide Reservoir No. 1. 3. Description of Conditional Water Right: 3.1. Decrees: Divide Reservoir No. 1 was originally decreed by the District Court in and for Water Division No. 1, State of Colorado (“Water Court”), in Case No. 85CW453. Subsequent findings of reasonable diligence were entered in Water Court Case Nos. 94CW181 on October 12, 1995, 01CW173 on December 31, 2002, and 08CW270 on August 12, 2009. In Water Court Case No. 15CW3100 decreed on September 14, 2016, a portion of Divide Reservoir No. 1 was made absolute, and a finding of reasonable diligence was entered on the remaining conditional portion, 3.2. Location: Divide Reservoir No. 1 is an off-stream reservoir originally decreed to be located in the SE1/4NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M., with the center point of the dam at a point approximately 1,350 feet south of the north section line and 2,100 feet east of the west section line of said Section 7, 3.2.1. Remarks: By the decree entered in Water Court Case No. 13CW3117 on October 30, 2014, the legal description for Divide Reservoir No. 1 was corrected to the NE1/4 NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 1,112 feet south of the north section line and 2,312 feet east of the west section line of said Section 7. *See Exhibit A*, 3.3. Source: surface and groundwater tributary to Rule Creek, a tributary of Trout Creek, a tributary of Horse Creek, a tributary of the South Platte River. These waters include runoff from surrounding property, water diverted from wells to be located in parts of Sections 6 and 7, Township 13 South, Range 69 West of the 6th P.M., and delivered to the Reservoir by means of pipes or surface ditches, and water diverted from Rule Creek; provided, however, that wells can be used to fill the Reservoir only if the prior written consent is obtained from the State or Division Engineers, 3.4. Appropriation Date: December 30, 1985, 3.5. Amount: 50 acre-feet, of which 8.4 acre-feet is absolute and 41.6 acre-feet remains conditional, with the right to refill continuously whenever in priority, 3.6. Uses: irrigation, municipal, fire protection, commercial, industrial, domestic, recreational, fish propagation, aesthetic uses, and augmentation purposes. 4. Request for Findings of Reasonable Diligence: Applicant herein requests findings that it has exercised reasonable diligence in the development of the full remaining conditional portion of Divide Reservoir No. 1 for all decreed uses as further described in Paragraph 3 above. 5. Diligence Activities: During the diligence period, Applicant has performed the following activities that demonstrate it has exercised reasonable diligence in the development of the conditional water right: 5.1. Applicant commissioned an engineering study to explore the options for expanding Divide Reservoir No. 1. This work was conducted in 2018 and 2020 at a total expenditure of \$3,975., 5.2. Divide Reservoir No. 1, along with Divide Reservoir Nos. 2 and 3 and Kuyper Well Nos, 1-11 and 13-14, is designed to serve a development located on property owned by PK Enterprises, Inc., which is an entity owned by Applicant. Applicant anticipates imminent growth and construction within the development. As a result, during the diligence period, Applicant extended the distribution of the water system by installing approximately 2,840 linear feet of twelve-inch water main lines, including fittings, valves, hydrants, and other accessories. This work was performed at a cost of approximately \$288,000., 5.3. To meet the demands of the anticipated development growth, Applicant permitted, drilled, and constructed Kuyper Well No. 9 at a total cost of approximately \$167,000. Kuyper Well No. 9 is now used to fill Divide Reservoir No. 1 and is the subject of a separate application filed in Water Court in September 2022, to make a portion thereof absolute and maintain the remaining conditional portion, 5.4. During the diligence period, Applicant redrilled Kuyper Well No. 3, which is part of the water system to serve the development discussed above, at a total expenditure of approximately \$78,000., 5.5. Applicant is currently under contract to replace the entire SCADA system that operates the communications between Divide Reservoir No. 1, the various Kuyper Wells, and Applicant’s water treatment system and storage. The estimate replacement cost is approximately \$63,000, and work on the SCADA replacement is anticipated to take place in Fall 2022, 5.6. Applicant filed for and obtained findings of reasonable diligence for water rights related to the water system connected to Divide Reservoir No. 1 and associated with the property, including for water rights associated with Kuyper Well Nos. 1 though 11, Kuyper Well Nos. 13 and 14, and

Divide Reservoir Nos. 2 and 3 and for the Woodland Park/Divide Exchange, which provides additional sources of augmentation water for storage in Divide Reservoir No. 1, 5.7. Applicant continues to maintain accounting and report such information to the Water Commissioner on a monthly basis. Applicant also makes any of the required releases to replace out-of-priority depletions from the water rights associated with the property. 6. Land Ownership: PK Enterprises, Inc., which is an entity owned by Applicant. WHEREFORE, Applicant respectfully requests that the Court enter an order (1) granting Applicant's request for a finding of reasonable diligence as to the remaining conditional portion of the Divide Reservoir No. 1 as described in Paragraph 3 above and continuing said conditional water right in full force and effect; and (2) granting such other and further relief as deemed appropriate.
(5 pages + Exhibit)

2022CW3135 IPA DEVELOPMENT, INC., 10003 N. Delbert Road, Parker, CO 80138. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: Approximately 80 acres, on two (2) contiguous parcels, located in the W1/2 of the SW1/4 of Section 34, Township 8 South, Range 65 West of the 6th P.M., Elbert County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). The Applicant is the sole owner of the Subject Property, and no other party has a mortgage or lien interest, therefore no notice was required under C.R.S. 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	11.63
Lower Dawson (NT)	6.55
Denver (NT)	8.95
Arapahoe (NT)	10.87
Laramie-Fox Hills (NT)	8.96

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 8.8 acre-feet per year for 300 years of not-nontributary Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used on up to eight (8) lots, in up to eight (8) individual wells (1.1 acre-feet per well, 8.8 acre-feet total), for in-house use in two (2) single-family homes, or their equivalent, per lot (0.6 acre-feet per year per well, 4.8 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 8,000 square-feet per lot (0.4 acre-feet per lot, 3.2 acre-feet per year total), stockwatering for up to 8 domestic animals per lot (0.1 acre-feet per lot, 0.8 acre-feet total), and fire protection, on 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 flow from in-house use will

be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3136 (15CW3101, 08CW271, 01CW174, 94CW180, 85CW452) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County, Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507. IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: PETE C. KUYPER, IN TELLER COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN TELLER COUNTY. 1. Name, Address, and Telephone Number of Applicants: Pete C. Kuyper (“Applicant”), P.O. Box 729, Divide, CO 80814, Telephone: (719) 687-6011, Email: bryan@pkenterprisesinc.com Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302, sbushong@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Names of Structures: Kuyper Well Nos. 1 through 11 (collectively, the “Kuyper Wells”). 3. Descriptions of Conditional Water Rights: 3.1. Decrees: The Kuyper Wells were originally decreed by the District Court in and for Water Division No. 1 (the “Water Court”) in Case No. 85CW452 on October 5, 1988. Findings of reasonable diligence were subsequently made by the Water Court in Case No. 94CW180 on October 12, 1995, Case No. 01CW174 on December 31, 2002, Case No. 08CW271 on August 12, 2009, and Case No. 15CW3101 on September 14, 2016 (the “15CW3101 Decree”). Portions of Kuyper Wells No. 1, 3, and 4 were also made absolute in the 15CW3101 Decree, 3.2. Decreed Locations: Locations of the Kuyper Wells are depicted on the map attached as **Exhibit A**, 3.2.1. Kuyper Well No. 1: originally decreed in the NW1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 1,000 feet south of the north section line and 300 feet east of the west section line of said section 7, 3.2.1.1. Remarks: In Water Court Case No. 13CW3117, decreed on October 30, 2014 (the “13CW3117 Decree”), the decreed location of Kuyper Well No. 1 was corrected to the NW1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 1,209 feet south of the north section line and 147 feet east of the west section line of said Section 7, 3.2.2. Kuyper Well No. 2: located in the SW1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 1,400 feet south of the north section line and 400 feet east of the west section line of said Section 7, 3.2.3. Kuyper Well No. 3: originally decreed in the SW1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 1,950 feet south of the north section line and 550 feet east of the west section line of said Section 7, 3.2.3.1. Remarks: In the 13CW3117 Decree, the decreed location of Kuyper Well No. 3 was corrected to the SW1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 1,728 feet south of the north section line and 378 feet east of the west section line of said Section 7, 3.2.4. Kuyper Well No. 4: located in the NW1/4 of the SW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 3,400 feet south of the north section line and 700 feet east of the west section line of said Section 7, 3.2.5. Kuyper Well No. 5: located in the SW1/4 of the SW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 4,100 feet south of the north section line and 800 feet east of the west section line of said Section 7, 3.2.6. Kuyper Well No. 6: located in the SW1/4 of the SW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 4,800 feet south of the north section line and 900 feet east of the west section line of said Section 7, 3.2.7. Kuyper Well No. 7: located in the NW1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 900 feet south of the north section line and 1,300 feet east of the west section line of said Section 7, 3.2.8. Kuyper Well No. 8: located in the NE1/4 of the SW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point

3,200 feet south of the north section line and 1,500 feet east of the west section line of said Section 7, 3.2.9. Kuyper Well No. 9: located in the NE1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 800 feet south of the north section line and 2,500 feet east of the west section line of said Section 7, 3.2.10. Kuyper Well No. 10: located in the SE1/4 of the NW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 2,200 feet south of the north section line and 2,400 feet east of the west section line of said Section 7, 3.2.11. Kuyper Well No. 11: located in the NE1/4 of the SW1/4 of Section 7, Township 13 South, Range 69 West of the 6th P.M. at a point 3,250 feet south of the north section line and 2,300 feet east of the west section line of said Section 7, 3.3. Source: Groundwater tributary to Rule Creek, a tributary of Trout Creek, a tributary of Horse Creek, a tributary of the South Platte River, 3.4. Appropriation Dates: November 11, 1985, for each well, 3.5. Amounts: The Kuyper Wells were originally decreed 200 gallons per minute (“gpm”) conditional for each well, with total diversions of all Kuyper Wells not to exceed 400 acre-feet annually. In the 15CW3101 Decree, Kuyper Well Nos. 1, 3, and 4 were made partially absolute with the remaining conditional rights retained, as follows: 3.5.1. Kuyper Well No. 1: 51 gpm absolute for irrigation, municipal, fire protection, commercial, industrial, and domestic purposes; leaving 149 gpm conditional for irrigation, municipal, fire protection, commercial, industrial, and domestic purposes; and 200 gpm conditional for recreational, fish propagation, and aesthetic uses, 3.5.2. Kuyper Well No. 3: 14 gpm absolute for irrigation, municipal, fire protection, commercial, industrial, and domestic purposes; leaving 186 gpm conditional for irrigation, municipal, fire protection, commercial, industrial, and domestic purposes; and 200 gpm conditional for recreational, fish propagation, and aesthetic uses, 3.5.3. Kuyper Well No. 4: 59 gpm absolute for irrigation, municipal, fire protection, commercial, industrial, and domestic purposes; leaving 141 gpm conditional for irrigation, municipal, fire protection, commercial, industrial, and domestic purposes; and 200 gpm conditional for recreational, fish propagation, and aesthetic uses, 3.6. Uses: Irrigation, municipal, fire protection, commercial, industrial, domestic, recreational, fish propagation, and aesthetic uses. The wells may also be used to fill and maintain Divide Reservoir Nos. 1, 2, and 3, but only if the prior written consent is obtained from the State or Division Engineers. The decreed recreational, fish propagation, and aesthetic uses will only be made if and when the water is lawfully stored in Divide Reservoir Nos. 1, 2, and/or 3, 3.7. Remarks: The Kuyper Wells were decreed as alternate and supplemental points of diversion for one another. The Kuyper Wells were also decreed as part of an integrated municipal water supply system. 4. Request to Make Absolute: Kuyper Well No. 9 was drilled and completed in Fall 2020. Copies of Well Permit No. 82532-F, a Well Construction and Yield Estimate Report, and a Pump Installation and Production Equipment Test Report are attached hereto as **Exhibit B**. As detailed in the Affidavit of Pete C. Kuyper attached hereto as **Exhibit C**, Kuyper Well No. 9 was pumped at a rate of 37 gpm on April 14, 2022, used to fill Divide Reservoir No. 1, and placed to beneficial use therein for recreational, fish propagation, and aesthetic uses. Accordingly, Applicant herein requests that Kuyper Well No. 9 be made partially absolute at a rate of 37 gpm for recreational, fish propagation, and aesthetic uses, while retaining the remaining amounts and uses as conditional. 5. Request for Findings of Reasonable Diligence: Applicant requests findings of reasonable diligence for all remaining conditional amounts and uses of the water rights decreed to the Kuyper Wells that were not previously made absolute or not made absolute as requested in Paragraph 4 above. 6. Diligence Activities: During the diligence period, Applicant has undertaken the following specific activities that demonstrate it has exercised reasonable diligence in the development of the conditional water rights: 6.1. The Kuyper Wells, along with Divide Reservoir Nos. 1, 2, and 3, are designed to serve a development located on property owned by PK Enterprises, Inc., which is an entity owned by Applicant. Applicant anticipates imminent growth and construction within the development. As a result, during the diligence period, Applicant extended the distribution of the water system by installing approximately 2,840 linear feet of twelve-inch water main lines, including fittings, valves, hydrants, and other accessories. This work was performed at a cost of approximately \$288,000., 6.2. During the diligence period, Applicant redrilled Kuyper Well No. 3, which is part of the water system to serve the development discussed above, at a total expenditure of approximately \$78,000., 6.3. Applicant commissioned an engineering study to explore the options for expanding Divide Reservoir No. 1. This work was conducted in 2018 and 2020 at a total expenditure of \$3,975., 6.4. Applicant is currently under contract to replace the entire SCADA system that

operates the communications between Divide Reservoir No. 1, the various Kuyper Wells, and Applicant’s water treatment system and storage. The estimate replacement cost is approximately \$63,000, and work on the SCADA replacement is anticipated to take place in Fall 2022, 6.5. Applicant filed for and obtained findings of reasonable diligence for water rights related to the water system connected to the Kuyper Wells and associated with the property, including for water rights associated with Kuyper Well Nos. 13 and 14 and Divide Reservoir Nos. 1, 2, and 3 and for the Woodland Park/Divide Exchange, 6.6. As described in Paragraph 4 above, Kuyper Well No. 9 was drilled and completed. This work was performed at an expense of approximately \$167,000., 6.7. Applicant has continued to operate the water system that utilizes the water rights decreed to the Kuyper Wells, 6.8. Applicant continues to maintain accounting and report such information to the Water Commissioner on a monthly basis. Applicant also makes any of the required releases to replace out-of-priority depletions from the water rights associated with the property. 7. Land Ownership: Applicant. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant’s request to make Kuyper Well No. 9 partially absolute as described in Paragraph 4 above; (2) granting Applicant’s request for findings of reasonable diligence for the remaining conditional portions of the Kuyper Wells for all decreed amounts and uses as described in Paragraph 5 above and continuing said conditional water rights in full force and effect; and (3) granting such other and further relief as deemed appropriate.

(7 pages + Exhibits)

2022CW3137 DANE SHAW, 25715 County Road 5, Elbert, CO 80106. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: 40.096 acres generally located in the SE1/4 of the NW1/4 of Section 27, Township 9 South, Range 65 West of the 6th P.M., also known as 25715 County Road 5, Elbert, 80106, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). The Applicant is the sole owner of the Subject Property, and no other party has a mortgage or lien interest, therefore no notice was required under C.R.S. 37-92-302(2)(b). Well Permits: There is currently one well on the Subject Property operating under Well Permit No. 73869, which will be re-permitted under the augmentation plan applied for herein. Additional well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	6.38
Lower Dawson (NT)	3.91
Denver (NT)	5.44
Arapahoe (NT)	5.5
Laramie-Fox Hills (NT)	3.73

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 1.95 acre-feet per year for 300 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-

nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used on up to three (3) lots, in up to three (3) individual wells (0.65 acre-feet per well, 1.95 acre-feet total), for in-house use in one (1) single-family home per lot (0.3 acre-feet per year per well, 0.9 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 6,000 square-feet per lot (0.3 acre-feet per lot, 0.9 acre-feet per year total), stockwatering for up to 4 large domestic animals per lot (0.05 acre-feet per lot, 0.15 acre-feet total), and fire protection, on 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 flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3138 OLSON FAMILY TRUST, 1290 Buttercup Road, James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: 1.96 acres generally located in the NW1/4 of the NW1/4 of Section 23, Township 7 South, Range 65 West of the 6th P.M., also known as 38891 Kittridge Pl, Elizabeth, CO 80107, Elbert County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). The Applicant is the sole owner of the Subject Property, and no other party has a mortgage or lien interest, therefore no notice was required under C.R.S. 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	0.72
Lower Dawson (NT)	0.19
Denver (NT)	0.85
Arapahoe (NT)	0.81
Laramie-Fox Hills (NT)	0.54

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 0.70 acre-feet per year for 100 years of not-nontributary Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used in one well,

for in-house use in one (1) single-family home (0.3 acre-feet per year), irrigation, including home lawn, garden, and trees, of up to 8,000 square-feet (0.4 acre-feet per year), and fire protection, on 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 flow from in-house use will be approximately 90% of that use, and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2022CW3139 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT (“ECCV”), c/o Dave Kaunisto, 6201 South Gun Club Road, Aurora, Colorado 80015, Telephone: (303) 693-3800. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ARAPAHOE COUNTY**. All correspondence and communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720) 647-5661, (Attorneys for ECCV). **2. Original Decree**. The original decree was entered by the Water Court, Water Division 1, on September 23, 2016, in Case No 03CW200 (“03CW200 Decree”). A copy of the 03CW200 Decree is attached as **Exhibit A**. **3. Description of Conditional Appropriative Right of Exchange**. The water right which is the subject of this application involve one conditional appropriative right of exchange. 3.1. **Description of Piney Creek Exchange**. The Piney Creek Exchange is a conditional appropriative right of exchange that will maximize the use of water owned by ECCV by enabling ECCV to use the Reusable LIRFs as a source of substitute supply to replace depletions under the ECCV Piney Creek Augmentation Plan in exchange for depletions from diversions made through certain of ECCV’s Piney Creek alluvial wells. 3.2. **Exchange Reach**. The Piney Creek Exchange reach will be from the Toll Gate Creek Pipeline Outlet, described in paragraph 2.5.4.1, above, upstream to the points of depletions for Piney Creek Well No. 4, UTM Coordinates Northing 4382893m and Easting 521845m (Zone 13) and Piney Creek Well No. 7, UTM Coordinates Northing 4383126m and Easting 521171m (Zone 13), the locations of which are shown on **Exhibit B**. The Reusable LIRFs quantified in the 03CW200 Decree will be diverted through one or more of the structures described in paragraph 2.3 of the 03CW200 Decree. ECCV will then transport the Reusable LIRFs to Piney Creek via the Toll Gate Pipeline. The Reusable LIRFs delivered to Piney Creek through the Toll Gate Pipeline will be used as source of substitute supply to replace depletions from diversions made through Piney Creek Well Nos. 4 and/or 7 by exchange. 3.2.1. **Piney Creek Well No. 4 (WDID 0805127)**. 3.2.1.1. **Legal Description**: Located in the SW1/4 of the SE1/4 of Section 23, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 100 feet from the South section line and 2,500 feet from the East section line of said Section 23. The UTM coordinates are Northing 4382911m, Easting 521866m (Zone 13). 3.2.1.2. **Diversion Rate**: 500 gpm. 3.2.1.3. **Depth**: 60 feet. 3.2.1.4. **Decree Information**: Decreed by the Division 1 Water Court on April 13, 1992, in Case No. 88CW054(A). 3.2.2. **Piney Creek Well No. 7 (WDID 0805145)**. 3.2.2.1. **Legal Description**: Located in the SW1/4 of the SW1/4 of Section 23, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 700 feet from the West section line and 1,025 feet from the South section line of said Section 23. The UTM coordinates are Northing 4383155m, Easting 521315m (Zone 13). 3.2.2.2. **Diversion Rate**: 500 gpm. 3.2.2.3. **Depth**: 60 feet. 3.2.2.4. **Decree Information**: Decreed by the Division 1 Water Court on April 13, 1992, in Case No. 88CW054(A). 3.3. **Exchange Matrix**. The maximum exchange rates in cubic feet per second (c.f.s.) for the Piney Creek Exchange are set forth below in the following Exchange Matrix:

Exchange-From Point	Exchange-To Points	
	Point of Depletion for Piney Creek Well No. 4	Point of Depletion for Piney Creek Well No. 7
Toll Gate Creek Pipeline Outlet	0.83 c.f.s.	0.83 c.f.s.

3.4. Rate of Exchange. The maximum individual and combined rate of exchange for the Piney Creek Exchange is 0.83 cfs., conditional. 3.5. Source of Substitute Supply. The source of substitute supply for the Piney Creek Exchange will be the Reusable LIRFs which are delivered to Piney Creek via the Toll Gate Pipeline. 3.6. Use of Exchanged Water. The exchanged water will be used by ECCV to augment depletions from ECCV's Piney Creek Well Nos. 4 and/or 7 pursuant to the 00CW217 Decree, the 01CW284 Decree, and shall be consistent with the provisions of paragraphs 3.6, 3.8, 3.9 and 5.3 of the Decree in ECCV Case 12CW220, subject to the limitations of paragraph 2.5.2, above. 3.7. Appropriation Date. The appropriation date for the Piney Creek Exchange is April 22, 2003. 3.8. Terms and Conditions from the 03CW200 Decree Governing the Piney Creek Exchange: 3.8.1. Maximum Amount Diverted by Exchange. The maximum amount of water diverted pursuant to the Piney Creek Exchange shall not exceed the lesser of the following: (1) 0.83 c.f.s., which may be exchanged to replace depletions from diversions through either or both of Piney Creek Well Nos. 4 and 7; (2) the amount of substitute supply (*i.e.* Reusable LIRFs) released into Piney Creek through the Toll Gate Creek Pipeline; or (3) the amount of substitute supply released into Piney Creek through the Toll Gate Creek Pipeline less the amount of such release used to replace depletions from the downstream Piney Creek Wells described below. 3.8.1.1. Piney Creek Well No. 1 (Well Permit No. 42914-F, WDID 0805119). 3.8.1.1.1. Legal Description: Located in the SE1/4 of the SW1/4 of Section 17, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 400 feet from the South section line and 1,500 feet from the West section line of said Section 17. The UTM coordinates are Northing 4384543m, Easting 516719m (Zone 13). 3.8.1.1.2. Diversion Rate: 500 gpm. 3.8.1.1.3. Depth: 62 feet. 3.8.1.1.4. Decree Information: Decreed by the Division 1 Water Court on April 13, 1992, in Case No. 88CW054(A). 3.8.1.2. Piney Creek Well No. 2 (WDID 0805125). 3.8.1.2.1. Legal Description: Located in the SW1/4 of the SW1/4 of Section 16, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 150 feet from the South section line and 400 feet from the West section line of said Section 16. The UTM coordinates are Northing 4384482m, Easting 518000m (Zone 13). 3.8.1.2.2. Diversion Rate: 500 gpm. 3.8.1.2.3. Depth: 60 feet. 3.8.1.2.4. Decree Information: Decreed by the Division 1 Water Court on April 13, 1992, in Case No. 88CW054(A). 3.8.1.3. Piney Creek Well No. 3 (WDID 0805126). 3.8.1.3.1. Legal Description: Located in the SW1/4 of the NW1/4 of Section 22, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 2,350 feet from the North section line and 300 feet from the West section line of said Section 22. The UTM coordinates are Northing 4383731m, Easting 519617m (Zone 13). 3.8.1.3.2. Diversion Rate: 500 gpm. 3.8.1.3.3. Depth: 60 feet. 3.8.1.3.4. Decree Information: Decreed by the Division 1 Water Court on April 13, 1992, in Case No. 88CW054(A). 3.8.1.4. Piney Creek Well No. 6 (WDID 0805129). 3.8.1.4.1. Legal Description: Located in the SE1/4 of the SW1/4 of Section 17, Township 5 South, Range 66 West of the 6th P.M., Arapahoe County, Colorado, at a point 2,530 feet from the West section line and 200 feet from the South section line of said Section 17. The UTM coordinates are Northing 4384480m, Easting 517044m (Zone 13). 3.8.1.4.2. Diversion Rate: 500 gpm. 3.8.1.4.3. Depth: 60 feet. 3.8.1.4.4. Decree Information: Decreed by the Division 1 Water Court on April 13, 1992, in Case No. 88CW054(A). 3.8.2. Live Stream. The Piney Creek Exchange will operate only when there is a live stream on Piney Creek between the upstream point(s) of the Piney Creek Exchange and the outfall of the Toll Gate Pipeline. 3.8.3. Administration Within Priority System. The Piney Creek Exchange is an appropriative water right with an appropriation date of April 22, 2003, and, like other appropriative water rights, will be exercised within the priority system so that ECCV's rights of exchange and substitution are subject to the call of water rights senior in priority, and are able to call out water rights junior in priority to ECCV's rights of exchange and

substitution as decreed herein. There are no water rights senior to April 22, 2003 that divert within the exchange reach. 3.8.4. Substitute Supply. Pursuant to C.R.S. § 37-80-120(3), the substitute source of supply for the Piney Creek Exchange shall be of a quality to meet the requirements of use to which downstream seniors have normally been accustomed. 3.8.5. Notice to Division Engineer. Forty-eight (48) hour advance notice of the operation of the Piney Creek Exchange shall be provided by ECCV to the Water Commissioner, who must approve the Piney Creek Exchange before it operates. **4. Detailed outline of work done for the completion of the conditional appropriation for reasonable diligence.** 4.1. 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. 4.2. Reuse of Lawn Irrigation Return Flows. During this diligence period, ECCV continued to prosecute Case No. 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. 4.3. 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. 4.4. Maintenance and Repairs. 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. Substitute Water Supply Plans. During this diligence period, ECCV has filed joint substitute water supply plans ("SWSP") with ACWWA in order to use additional replacement supplies to replace out-of-priority depletions from the ACWWA/ECCV Well Field to facilitate the efficient operation of the Water Supply Project. SWSPs were filed in 2014 (approved April 15, 2015), 2015 (approved April 6, 2016), 2016 (approved May 19, 2017), 2017 (approved March 30,

2018), 2018 (approved March 27, 2019), 2019 (approved April 6, 2020) and 2020 (approved April 28, 2021 and April 29, 2021). 4.6. Protection of Water Rights. ECCV has regularly monitored the filings of other water users. It has filed statements of opposition to and has incurred legal and engineering costs in connection with numerous cases to protect its water rights. Legal fees in the amount of \$150,000.00 were expended during the diligence period in water rights protection and opposition on behalf of ECCV for its operations. 4.7. Opposition of Detrimental Legislation. ECCV has been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges. 4.8. ECCV continues to rely upon and develop the conditional water right described herein and has no intent to abandon it. 5. **Names and addresses of owners of the land on which the structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use**. Piney Creek Well No. 4, Piney Creek Well No. 7, and Toll Gate Creek Pipeline Outlet, are located on land that is jointly owned by ECCV and the Arapahoe Park and Recreation District. The address for the Arapahoe Park and Recreation District is: Arapahoe Park and Recreation District, 16799 E. Lake Avenue, P.O. Box 3354 Centennial, CO 80015. WHEREFORE, ECCV respectfully requests that this Court enter an order finding that the Piney Creek Exchange continue as conditional. (9 pages, 2 exhibits).

2022CW3140 APPLICANT, DALE WEIDERSPON, 28194 Rd. W5, Snyder, CO 80705, (970) 768-1861. Please send correspondence and pleadings to: David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; (970) 622-8181; david@lcwaterlaw.com. **APPLICATION TO MAKE WATER RIGHT ABSOLUTE OR ABSOLUTE IN PART AND/OR FOR A FINDING OF REASONABLE DILIGENCE IN MORGAN COUNTY.**

2. Name of Structure: Schultz Reservoir 3. Description of Water Right and Previous Decrees: 3.1. Date of Original Decree, Case No. and Court: June 26, 2009; Case No. 2003CW133, Water Division No. 1. 3.2. Subsequent Decrees Awarding Diligence: September 14, 2016; Case No. 2015CW3076, Water Division No. 1. 3.3. Legal Description: In the NW1/4 SE1/4, Section 2, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado, at a point 1,948 feet from the South line and 1,381 feet from the East line of Section 2. 3.5. Source: Natural run-off, seepage and waste water arising in Sections 27, 28, 34, and 35, Township 5 North, Range 56 West of the 6th P.M., Morgan County, Colorado. 3.6. Date of Appropriation: February 17, 2003 3.7. How Appropriation was Initiated: Formation of the intent to appropriate water to beneficial use. 3.8. Amount: 120 acre feet, conditional 3.9. Use: Livestock, recreation, wildlife uses and irrigation of 101 acres in the W1/2 SE1/4 Section 2 and NE1/4 Section 11, both in Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado. 3.10. Irrigation Use: of the 101 acres to be irrigated, approximately 21 acres lie in the NE1/4 of Section 11, North of the Tremont Ditch. The remaining 80 acres lie in the W1/2 of the SE1/4 of Section 2. 3.11. Remarks. Schultz Reservoir was decreed absolute for 120 acre feet for livestock watering, wildlife and recreation uses, and maintained as conditional for irrigation use on 101 acres in Case No. 15CW3076. 4. Detailed Outline of What Has Been Done Toward Completion of the Appropriation: During this diligence period applicant diverted and filled Schultz Reservoir and released water for irrigation. A map showing the acreage irrigated is attached here to as Exhibit A. 5. Claim to Make Water Right Absolute and/or for Finding of Reasonable Diligence: Applicant seeks to make the Schultz Reservoir absolute for irrigation use pursuant to C.R.S. § 37-92-301(4)(e). In the alternative, Applicant seeks a finding of reasonable diligence in the development of the conditional water right. The original format of this application is 3 pages in length plus one exhibit.

2022CW3141 AMY M. SHEFLIN AND JOHN R. SHEFLIN, 162 Sara Lane, Livermore, CO 80536, (303)378-3267. Please address all future correspondence and pleadings to: Sara J.L. Irby, Esq. and Whitney Phillips Coulter, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80522, (970) 407-9000, sarairby@fischerbrownlaw.com, whitneycoulter@fischerbrownlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 1. Description of Conditional Water Right: (a) **Melott Spring No. 1.** i. Location: SE 1/4 SW 1/4 of Section 21, Township 9 North, Range 71 West, of the 6th P.M., Larimer County, Colorado, at a point 100 feet from the south section line and 1,540 feet from the west section line of said Section 21, also known as Lot 19,

Deer Meadow Subdivision, as shown on Exhibit A. ii. Source of water: Spring, tributary to Gordon Creek, tributary to the Cache La Poudre River. iii. Date of Appropriation: March 22, 2007. iv. Amount: 75 gallons per minute (gpm), CONDITIONAL. v. Use: Irrigation of 20 acres on the SW 1/4 SW 1/4 and part of the SE1/4 SW 1/4 of Section 21, Township 9 North, Range 71 West of the 6th P.M., and storage in Teddy's Pond. (b) **Melott Spring No. 2**. i. Location: SW1/4 SW 1/4 of Section 21, Township 9 North, Range 71 West, of the 6th P.M., Larimer County, Colorado, at a point 100 feet from the south section line and 1,290 feet from the west section line of said Section 21, also known as Lot 19, Deer Meadow Subdivision, as shown on Exhibit A. ii. Source of water: Spring, tributary to Gordon Creek, tributary to the Cache La Poudre River. iii. Date of Appropriation: March 22, 2007. iv. Amount: 75 gallons per minute (gpm), CONDITIONAL. v. Use: Irrigation of 20 acres on the SW 1/4 SW 1/4 and part of the SE 1/4 SW 1/4 of Section 21, Township 9 North, Range 71 West of the 6th P.M., and storage in Teddy's Pond. 2. Diligence. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During this diligence period, Applicants purchased the property and associated water rights, including the subject water rights, in September 2020. Prior to owning the property, an overflow structure was installed for the pond and related remediation was done at the inflow area of the pond during the diligence period. Upon becoming owners of the subject water rights, Applicants continued to develop, maintain and upgrade the springs and equipment associated with the water rights, including purchasing and installing a water pump, generator and hoses to prepare for use of the water from the springs for irrigation purposes. Applicants also prepared the land to be irrigated by clearing off brush and spreading hay seeds in 2022. Applicants also have paid all taxes on the property and have continued to maintain the springs since becoming owners of the property and water rights. In total, Applicants expended approximately \$1,800 in developing and maintaining the water rights and related structures and appurtenances. Applicants have demonstrated continued intent and progress toward finalizing these the subject water rights and has further shown that the conditional decree is being pursued in a manner that confirms that beneficial uses of the conditional water rights can and will occur. Applicants reserve the right to assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation. 3. Name and address of owner of land on which structure is located: Applicants own the land and the structures: Amy M. Sheflin and John R. Sheflin, 162 Sara Lane, Livermore, CO 80536. **WHEREFORE**, the Applicants respectfully requests the Court to enter a ruling and decree for the following: A. Finding that Applicants and their predecessor in interest have diligently exercised due and reasonable diligence during the six years following entry of the decree in Case No. 2014CW12 towards completion or for completion of the portion of the water rights that have not been perfected, and have further demonstrated that they have satisfied the requirements of can and will; and B. To continue in full force and effect the CONDITIONAL water rights for Melott Spring No. 1 and Melott Spring No. 2 for an additional six-year period, and for such other relief as the Court deems proper.

2022CW3142 AMY M. SHEFLIN AND JOHN R. SHEFLIN, 162 Sara Lane, Livermore, CO 80536, (303)378-3267. Please address all future correspondence and pleadings to: Sara J.L. Irby, Esq. and Whitney Phillips Coulter, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80522, (970) 407-9000, sarairby@fischerbrownlaw.com, whitneycoulter@fischerbrownlaw.com. **APPLICATION FOR A CONDITIONAL STORAGE WATER RIGHT IN LARIMER COUNTY**. 2. New Storage Water Right: Applicants seek a new storage water right for a pond on their property, known as Teddy's Pond. Teddy's Pond was originally decreed a conditional water right in Case No. 2007CW46, District Court, Water Division No. 1 on March 8, 2008. This right was subsequently cancelled in Case No. 2014CW12, District Court, Water Division No. 1 on September 15, 2016, due to Applicants' predecessor in interest failing to file an application for reasonable diligence for the pond. Accordingly, pursuant to this Application, Applicants seek a new water right for Teddy's Pond. 3. Application of Storage Water Right. Applicant requests confirmation and adjudication of a storage water right for the Teddy's Pond, as further described below: 3.1 Name of Structure: Teddy's Pond. 3.2 Location: Teddy's Pond is an on-stream SE 1/4 of the SW 1/4, Section 21, Township 9 North, Range 71 West of the 6th P.M., in Larimer County,

Colorado, at a point 100 feet from the south section line and 1640 feet from the west section line of said Section 21, also known as Lot 19, Deer Meadow Subdivision, as generally shown on **Exhibit A**, attached hereto and incorporated herein. 3.3 Source: Gordon Creek, tributary to the Cache la Poudre River; Melott Spring No. 1 and Melott Spring No. 2, decreed in Case No. 2007CW46, District Court, Water Division No. 1, tributary to Gordon Creek, tributary to the Cache la Poudre River. 3.4 Points of Diversion: Teddy's Pond is located onstream, and therefore there is not diversion from Gordon Creek. Diversion points for the springs are as follows: 3.4.1 Melott Spring No. 1: SE 1/4 of the SW 1/4 of Section 21, Township 9 North, Range 71 West of the 6th P.M., at a point 100 feet from the south section line and 1540 feet from the west section line of said Section 21. 3.4.2 Melott Spring No. 2: SW 1/4 of the SW 1/4 of Section 21, Township 9 North, Range 71 West of the 6th P.M., at a point 100 feet from the south section line and 1290 feet from the west section line of said Section 21. 3.5 Date of appropriation: March 22, 2007. 3.6 How appropriation was initiated: Filing of the application in Case No. 2007CW46, District Court, Water Division No. 1. 3.7 Date water applied to beneficial use: N/A. 3.8 Amount: 0.3 acre feet, CONDITIONAL. 3.9 Proposed use: Irrigation of 20 acres in the SW 1/4 of the SW 1/4 and part of the SE 1/4 of the SW 1/4 of Section 21, Township 9 North, Range 71 West of the 6th P.M., fire protection, and *in situ* fish and wildlife propagation. 4. Names and Addresses of Owner of the Land and Structure: 4.1 Applicants own the land and the structure: Amy M. Sheflin and John R. Sheflin, 162 Sara Lane, Livermore, CO 80536.

2022CW3143 MEMBERS OF THUNDERBIRD ESTATES PROPERTY OWNERS ASSOCIATION, INC., BEING BRIAN CORREA ALVAREZ AND VICENTE J. CORREA, et al. c/o Citizens Groundwater Protective Association, 57 S. Grand Bay Circle, Aurora, Colorado 80018, (303) 913-3239. The names, addresses and telephone numbers of the individual Applicants are more particularly described on **Exhibit A** to the Application. Please send correspondence and pleadings to: David L. Kueter, Holsinger Law, LLC, 1800 Glenarm Place, Ste. 500, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LARAMIE-FOX HILLS AQUIFER IN ARAPAHOE COUNTY. Well Permits:** Well permits will be applied for prior to construction of the wells to withdraw the Laramie-Fox Hills groundwater which is the subject of this application. **Legal Description of Wells and Subject Property:** The property which is the subject of this application are 22 individual residential lots located in and adjacent to the Thunderbird Estates Subdivision, comprised of approximately 77.8 acres, which lots are located in the S1/2 of Section 7, T4S, R65W and the N1/2 of Section 18, T4S, R65W of the 6th P.M. (the "Subject Property"). The acreage and legal description of each of the lots are more particularly described on **Exhibit A**, and the location of the lots within the subdivision are shown on **Exhibit B** to the Application. Applicants will own a *pro-rata* interest in the total amount of groundwater requested herein underlying their respective lots. The wells which will withdraw the subject groundwater will be located at any location on the Subject Property and/or on adjacent property which was the subject of the decrees in Cases Nos. 2002CW284 and 2004CW129. **Source of Water Rights:** The source of the groundwater to be withdrawn from the Laramie-Fox Hills aquifers underlying the Subject Property is nontributary groundwater as described in §37-90-103(10.5), C.R.S. **Underground water rights pursuant to Section 37-92-602(4), C.R.S.:** There are existing wells located on the lots which are located in the Denver or Upper Arapahoe aquifers which were previously permitted for exempt uses pursuant to Section 37-92-602, C.R.S., as described on **Exhibit C** to the Application. Applicants request adjudication of these wells pursuant to Section 37-92-604(4), C.R.S. The appropriation date for each well will be the date the original permit was issued. **Estimated Amounts:** The estimated average annual amounts of withdrawal available from the Laramie-Fox Hills aquifer as indicated below, is based on the Denver Basin Rules, 2 C.C.R. 402-6: Aquifer: Laramie Fox-Hills. Saturated Thickness: 155 feet. Annual Amount: 18.1 acre-feet. **Well Fields:** Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below their respective lands, through wells or any additional wells which may be completed in the future, as Applicants' well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). Applicants also request that the Laramie-Fox Hills aquifer water herein be withdrawn in combination with the same type of water previously quantified in

Cases Nos. 2002CW284 and 2004CW129, which water is also located underlying lots in the same subdivision. **Proposed Use:** The water will be used, reused, successively used, and after use leased, sold, or otherwise disposed of for the following beneficial purposes: domestic, industrial, commercial, irrigation, livestock watering, fire protection, and augmentation purposes. **Jurisdiction:** The Water Court has jurisdiction over the subject matter of this application pursuant to §§37-92-302(2) and 37-90-137(6), C.R.S. **Names and addresses of owners of land which is the subject of this Application:** See **Exhibit A.** **Remarks:** (a). Applicants claim the right to withdraw more than the average annual amounts estimated in paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. (b). Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. WHEREFORE, Applicants pray that this Court enter a Decree: granting the application herein and awarding the water rights claimed herein as final water rights, except as to those issues for which jurisdiction of the Court will be specifically retained; and specifically determining that: A. Applicants have complied with §37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein, but that jurisdiction will be retained pursuant to §37-92-305(11), C.R.S. and Denver Basin Rule 9.A.; and B. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater proposed herein. **Additional information.** Number of pages in application: 9 pages, including 5 pages of exhibits.

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT 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 **NOVEMBER 30, 2022** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.

****AMENDED****

2021CW3216 AMENDED NOTICE OF FILING OF FINAL DECENNIAL ABANDONMENT LIST for Water Division NO. 1 FOR LINCOLN COUNTY. The State Engineer and the Division Engineer for Water Division 1, by and through the Attorney General and the Assistant Attorneys General, Andrew B. Nicewicz and Marc D Sarmiento, Water Resources Unit, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203, Telephone: (720) 508-6259 (Nicewicz); (720) 508-6429 (Sarmiento), Email: andy.nicewicz@coag.gov; marc.sarmiento@coag.gov, hereby provide notice to persons interested in water rights decreed to structures located in **Lincoln County** in Water Division 1 of the filing with the Water Clerk of the decennial abandonment list for Water Division 1 under section 37-92-401(4)(c), C.R.S. The decennial abandonment list was e-filed on December 20, 2021, and notice of such filing was included in the Water Court resume, but publication of the notice did not occur for water rights decreed to structures located in Lincoln County in Water Division 1 in The Limon Leader. Notice is hereby given that, pursuant to section 37-92-401(4), C.R.S., the Division Engineer, in consultation with the State Engineer, has revised and finalized the decennial abandonment list, which contains those water rights that the Division Engineer has determined to have been abandoned in whole or in part. The decennial abandonment list, when concluded by judgment

and decree, shall be conclusive as to the water rights determined to have been abandoned. The initial abandonment list (published in July 2020) and the final revised abandonment list are available online at: <https://dwr.colorado.gov/services/water-administration/water-rights>. The initial and final revised decennial abandonment lists may also be inspected at the offices of the State Engineer, Division Engineer, and Clerk of the Water Court. Contact the respective offices for information on hours and/or appointments. This decennial abandonment proceeding, including any protest proceedings, are subject to Rule 12 of the Uniform Local Rules for All State Water Court Divisions (Water Court Rules), effective as amended on June 3, 2022, and available on the Water Court's website at: <https://www.courts.state.co.us/Courts/Water>, as modified by an order of the Water Court approving this notice for protests to the inclusion of any water rights on the final revised abandonment list decreed to a structure located in Lincoln County in Water Division 1. Any person who wishes to protest the inclusion of any water right decreed to a structure located in Lincoln County on the final decennial abandonment list for Water Division 1 shall file a written protest with the Water Clerk and the Division Engineer in accordance with the procedures set forth in section 37-92-401(5), C.R.S., not later than **November 30, 2022**. The fee for filing such a protest with the Water Clerk is forty-five dollars (\$45.00). The protest shall set forth in detail the factual and legal basis therefor. A form for such a protest ([JDF 304W](#)) is available on the Water Court website. Any entry of appearance in a bifurcated protest case for any water right decreed to a structure located in Lincoln County shall be filed in the bifurcated protest case not later than **January 31, 2023**, which shall serve as the at-issue date for any bifurcated protest for a water right decreed to a structure located in Lincoln County in Water Division 1. A form for such an entry of appearance ([JDF 320W](#)) is available on the Water Court website. All water rights decreed to structures located in other counties are not subject to the order of the Water Court approving this notice and the case management dates set forth above.

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

YOU ARE HEREBY NOTIFIED that any person who wishes to protest the inclusion of any water right decreed to a structure located in Lincoln County on the final decennial abandonment list for Water Division 1 shall file a written protest with the Water Clerk, Water Clerk, P.O. BOX 2038, Greeley, CO 80632 and the Division Engineer in accordance with the procedures set forth in section 37-92-401(5), C.R.S., not later than **NOVEMBER 30, 2022**. The fee for filing such a protest with the Water Clerk is forty-five dollars (\$45.00). The protest shall set forth in detail the factual and legal basis therefor. A form for such a protest ([JDF 304W](#)) is available on the Water Court website.

YOU ARE FURTHER NOTIFIED that any person who wishes to support or oppose a protest and/or may be affected by the subject matter of a protest or by a ruling thereon and desiring to participate in any protest hearing must file with the Water Clerk, P.O. BOX 2038, Greeley, CO 80632, an entry of appearance, under Water Court Rule 12(d), and file a completed JDF 320W - Entry of Appearance in Protest to Final Abandonment List (forms available on www.courts.state.co.us or in the Clerk's office). Such Entry of Appearance must be filed by **JANUARY 31, 2023**. A copy of such entry of appearance must also be served upon the Opposer and the Applicant's attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.