

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

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications, and certain amendments filed in the Office of the Water Clerk during the month of **AUGUST 2023** for each County affected. (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us)

2023CW14 MIKE AND JANICE PRYOR – NO PUBLICATION AT THIS TIME. CONDITIONAL GRANTED IN 2022CW4 ON JUNE 30, 2023. DISMISSAL OF 2023CW14 PENDING.

2023CW15 LORETTA J. PHIPPS, 1157 S. Quitman St., Denver, CO 80219. 720-2555-5931; **ROGER D. PHIPPS**, 6610 W 96th Ave., Broomfield, CO 80021. 303-657-8981; **DIXIE CARTWRIGHT**, 39233 CR 54, Matheson, CO 80830. 719-541-0631. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 9-10-04 in case 96CW740, WD1; Subsequent decrees: 2-7-11 in case 10CW203, WD1; 08-1717 in case 17CW13, WD1. Phipps Lot 9 Well located SW1/4, SW1/4, S14, T9S, R74W of the 6th PM, Filing 1, Lost Park Ranches Subdivision, 334 Eagle Rock Road. Source: Groundwater. Appropriation date: 6-30-77. Amount: 15 gpm, Conditional. Use: Household use inside a single-family dwelling not including irrigation.

2023CW16 (17CW3011, 05CW222) CHARLES AND DIANE MORGAN, P.O. Box 637, Black Hawk, CO 80422, (303) 810-2795. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN GILPIN COUNTY**. Date of Original Decree: 01-04-11 in case 2005CW222, WD1. Subsequent decree: 08-01-17 in case 2017CW3011, WD1. (1) Wideawake Upper Reservoir: Located generally in the Northwest 1/4 of the Northeast 1/4 of Section 23, Township 2 South, Range 73 West of the 6th P.M. in Gilpin County, Colorado, at a point where the center of the dam is approximately 940 feet from the North section line and 1,796 feet from the East section line of said Section 23. (2) Wideawake Lower Reservoir: Located generally in the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 2 South, Range 73 West of the 6th P.M. in Gilpin County, Colorado, at a point where the center of the dam is approximately 1,242 feet from the North section line and 894 feet from the East section line of said Section 23. (3) Wideawake Upper Spring: Located generally in the Northwest 1/4 of the Northeast 1/4 of Section 23, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 1,101 from the north line and 2,211 feet from the east line of said Section 23. (4) Wideawake Lower Spring: Located generally in the Northwest 1/4 of the Northeast 1/4 of Section 23, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 1,303 from the north line and 1,754 feet from the east line of said Section 23. Sources: (1) Wideawake Upper Reservoir: On-channel reservoir. Missouri Creek. Applicants may also contract for fully reusable water to fill the reservoir. (2) Wideawake Lower Reservoir: On-channel reservoir. Missouri Creek; Wideawake Upper Spring, decreed herein; Wideawake Lower Spring, decreed herein; Wideawake Upper Reservoir, decreed herein. (Water is delivered from the Wideawake Upper Spring and Wideawake Upper Reservoir via release from Wideawake Upper Reservoir into Missouri Creek.) Applicants may also contract for fully reusable water to fill the reservoir. (3) Wideawake Upper Spring: Natural spring tributary to Missouri Creek, tributary to North Clear Creek. (4) Wideawake Lower Spring: Natural spring tributary Missouri Creek, tributary to North Clear Creek. Dates of appropriation: (1) Wideawake Upper Reservoir: August 31, 2005. (2) Wideawake Lower Reservoir: June 30, 2001. (3) Wideawake Upper Spring: June 30, 2001. (4) Wideawake Lower Spring: April 30, 2005. Amounts: (1) Wideawake Upper Reservoir: 0.64 acre-feet conditional for livestock watering and fish and wildlife, fire protection, recreation and augmentation. (2) Wideawake Lower Reservoir: 6.15 acre-feet, of which 6.15 acre-feet are absolute for livestock watering and fish and wildlife; and 6.15 acre-feet conditional for irrigation, fire protection, recreation and augmentation. (3) Wideawake Upper Spring: 2 gpm, absolute for recreation, including bathing, and domestic; and the same 2 gpm

conditional for commercial, including bathing and bottling, irrigation, livestock watering, fish and wildlife, fire protection and augmentation pursuant to the plan for augmentation decreed herein, with a maximum of 3.2 acre feet (1,051,200 gallons) annually. (4) Wideawake Lower Spring: 10 gpm, conditional, with a maximum of 3.2 acre feet (1,051,200 gallons) annually. Uses: (1) Wideawake Upper Reservoir: Recreational, livestock watering, fire protection, fish and wildlife, and augmentation purposes under the plan for augmentation decreed herein. The recreational and fish and wildlife uses are limited to in-lake uses and the only consumptive use is evaporation. (2) Wideawake Lower Reservoir: Irrigation of 0.4 acres of pasture, recreational, livestock watering, fire protection, fish and wildlife, and augmentation purposes under the plan for augmentation decreed herein. Irrigated acreage is located in the NE1/4 of Section 23, Township 2 South, Range 73 West, 6th P.M. The recreational and fish and wildlife uses are limited to in-lake uses and the only consumptive use is evaporation. (3) Wideawake Upper Spring: Domestic, irrigation, livestock watering, fish and wildlife, fire protection, commercial, including bottling and bathing, and recreational uses, including bathing. The water will be produced for immediate application to said uses, for storage, and for augmentation purposes under the plan for augmentation decreed herein. The amount of water to be used for irrigation decreed herein is subject to the duty of water for the 0.4 acres of pasture to be irrigated. The recreational and fish and wildlife uses are limited to in-lake uses and the only consumptive use is evaporation. (4) Wideawake Lower Spring: Domestic, irrigation, livestock watering, fish and wildlife, fire protection, commercial, including bottling and bathing, and recreational uses, including bathing. The water will be produced for immediate application to said uses, for storage, and for augmentation purposes under the plan for augmentation decreed herein. The amount of water to be used for irrigation decreed herein is subject to the duty of water for the 0.4 acres of pasture to be irrigated. The recreational and fish and wildlife uses are limited to in-lake uses and the only consumptive use is evaporation. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the last diligence period, Applicants installed new flow meters and staff gages in order to measure and record water use from the springs and reservoirs. Applicants updated accounting form to track water use and augmentation replacements in order to ensure water rights were operated per decreed terms and ensure that water operations did not cause injury to other water users. Accounting was submitted to the Water Commissioner for the creation of diversion records. Water from subject rights was placed to decreed beneficial uses of domestic, irrigation, livestock watering, fish and wildlife, fire protection, commercial, recreational and augmentation both while in priority and out of priority and fully augmented with approval of the Water Commissioner per the terms of the subject decreed plan for augmentation. Additionally, Applicants conducted routine maintenance and repairs of water delivery and storage infrastructure in order to ensure continued operation of subject water rights. Applicants incurred costs of approximately \$500 to purchase and install flow meters and staff gages and dedicated significant time and effort in order to maintain and operate water systems and track water use. Names and address of owners of the land upon which diversion or storage structure is located. Applicants. Wherefore, Applicants request the Court to make the subject water rights absolute as described in this application or in the alternative to continue any portion of the subject water rights as conditional for an additional diligence period.

2023CW3092 CENTER OF COLORADO WATER CONSERVANCY DISTRICT, P.O. Box 1747, Fairplay, CO 80440; please send all pleadings and documents to David M. Shohet and Sedona E. Chavez, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). Application to Make Conditional Water Storage Right Absolute in **DOUGLAS COUNTY AND JEFFERSON COUNTY**. Name of Structure: Chatfield Reservoir. Legal Description of Location: The right abutment of Chatfield Dam is in Section 7, Township 6 South, Range 68 West of the 6th P.M., Douglas County, Colorado. The left abutment of Chatfield Dam is in Section 1, Township 6 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Source: South Platte River and Plum Creek. Date of Appropriation: May 9, 2013. Amount of Water Decreed: 131.0 acre-feet, conditional, with one refill annually. Uses: Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge,

substitution, exchange, and replacement. Recreation and fish and wildlife preservation and propagation uses will occur below the high water line of Chatfield Reservoir. Places of Use: Within the service area boundaries of the District and the Upper South Platte Water Conservancy District, as they presently exist and as they may be revised in the future. Ownership: Chatfield Reservoir is on land owned by the U.S. Army Corps of Engineers, Omaha District, 9307 South Wadsworth, Littleton, CO. 80128. **CLAIM TO MAKE ABSOLUTE**: The Applicant seeks to make absolute a portion of the conditional storage water right decreed in Case No. 13CW3148 for the Chatfield Reservoir. Applicant has stored 45.29 acre-feet in Chatfield Reservoir, and the water stored has been applied to beneficial use. The Applicant attaches its reservoir accounting as **Exhibit A** to support its claim. The Applicant provides the additional following information regarding its absolute claim: Date Water Applied To Beneficial Use: May 20, 2023. Amount: 45.29 acre feet. Uses: Municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, substitution, exchange, and replacement. Recreation and fish and wildlife preservation and propagation uses will occur below the high water line of Chatfield Reservoir. Three Page Application.

2023CW3093 GREENTREE LAND CO, LLC, PO Box 1869, Elizabeth, CO 80107. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY DENVER AQUIFER, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: 87.03 acres on two contiguous parcels generally located in the E1/2 of the E1/2 of Section 25, Township 6 South, Range 65 West of the 6th P.M., Elbert County, State of Colorado, identified as Parcel 8 and Parcel 18 as shown on **Exhibit A** (“Subject Property”). Applicant certifies that there are no parties that have a mortgage or lien interest in the Subject Property, therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver Aquifer is nontributary as defined in C.R.S. § 37-90-103(10.5). Prior Decree Information: The Denver Aquifer groundwater underlying the Subject Property was decreed in Case No. 1989CW235, District Court, Water Division 1, on July 31, 1990 (“89CW235 Decree”). Applicant was deeded groundwater for use on the Subject Property in the Quit Claim Deed dated December 15, 2021, and recorded December 15, 2021, in the records of the Elbert County Clerk & Recorder under Reception No. 615092, and the Quit Claim Deed dated June 28, 2023, and recorded June 29, 2023, in the records of the Elbert County Clerk & Recorder under Reception No. 627614:

Aquifer	100-year Annual Amount (acre-feet)	300-year Annual Amount (acre-feet)
Denver (NT)	20	6.67

89CW235 Decreed Uses: The water withdrawn from any well may be used, reused, and successively used and after use, leased, sold, or otherwise disposed of for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose, to be used on or off the Subject Property. This water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. New Estimated Amounts: Applicants estimate the following annual amounts may be available for withdrawal based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	6.4

Proposed Uses: The water withdrawn from any well may be used, reused, and successively used and after use, leased, sold, or otherwise disposed of for domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose, to be used on or off the Subject Property. This water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. 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 6.4 acre-feet per year for 300 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used in up to eight (8) wells for in-house use in up to eight (8) single-family homes, or their equivalent (0.3 acre-feet per well per year, 2.4 acre-feet per year total), irrigation, including home lawn, garden, and trees, of up to 8,000 square-feet per well (0.4 acre-feet per well, 3.2 acre-feet per year total), stock watering for up to 4 large domestic animals per well (0.05 acre-feet per well, 0.4 acre-feet per year 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 Running and Cherry Creek stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. 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.

2023CW3094 RIVERSIDE IRRIGATION DISTRICT, 221 E. Kiowa Street, Fort Morgan, CO 80701. Matthew A. Montgomery and Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec Street, Suite 3400, Denver, CO 80207. **APPLICATION TO MAKE ABSOLUTE, IN PART, AND FOR FINDING OF REASONABLE DILIGENCE IN WELD AND MORGAN COUNTIES.** **2. Names of Structures:** Vancil Reservoir, First Enlargement. **3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree:** **3.1. Date of Original Decree:** October 30, 1990; Case No. 88CW221; Court: District Court, Water Division No. 1. **3.2. Location:** See Generally, Exhibit A. **3.2.1.** Vancil Reservoir is an off-channel reservoir located in portions of Sections 28, 29, 32, and 33, T5S, R56W, 6th P.M., Morgan County, Colorado. The initial point of survey of the high water line of Vancil Reservoir is located on the left abutment of the dam at a point which bears approximately north 52°52' west 1200 feet from the southeast corner of Section 29, T5N, R56W, 6th P.M., thence south 37°51' east 940 feet; thence across Section 32 into section 33, T5N, R56W, 6th P.M., south 43°55' east 1020 feet; thence north 87°34' east 396 feet; thence south 35°35' east 1000 feet; thence north 60°00' east 2600 feet to the northeast end of the dam. **3.2.2.** Point of diversion to storage: The ditch used to fill Vancil Reservoir is the Riverside Canal, having a capacity of 1000 cfs at the point of diversion located on the north bank of the South Platte River near Kuner, Colorado, in the SW/4 SW/4, Section 20, T5N, R63W, 6th P.M., Weld County Colorado. **3.3. Source:** South Platte River and all tributaries intersecting the Riverside Canal, including natural runoff. **3.4. Appropriation Date:** June 17, 1986. **3.5. Amount:** 1950 acre-feet to be diverted through the Riverside Canal at a maximum rate of 1000 cfs, with the right to temporarily store water in Riverside Reservoir and Wildcat Reservoir and to fill and refill and maintain Vancil Reservoir at full capacity when water is legally available. Pursuant to the Decree in Case No. 96CW236, 658.4 cfs of the said 1000 cfs conditional

diversion rate, and 1359 acre feet of the said 1950 acre feet conditional storage right, were made absolute.

3.6. Use: Irrigation, augmentation, recharge, replacement, domestic, municipal, industrial, stock water, recreational and wildlife purposes. The water stored in Vancil Reservoir or recharged to the alluvium of the South Platte River may be used directly or by exchange. The acreage to be irrigated includes land in Weld and Morgan Counties now, or in the future, included in Riverside Irrigation District under the provisions of the Irrigation District Law of 1905. The District is presently located on the north side of the South Platte River in Townships 4 and 5 North, Ranges 55 through 63 West, 6th P.M. in Weld and Morgan Counties.

4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During water year 2023, Applicant diverted 1,950 acre-feet of water under the Vancil Reservoir, First Enlargement, at a maximum rate of 683.75 c.f.s. During the diligence period, Applicant has spent in excess of \$4,400,000.00 on canal and inlet maintenance, reservoir maintenance, defense and prosecution of water right applications, spillway planning and construction, and river diversion maintenance, including over \$21,000.00, related specifically to Vancil Reservoir. The Riverside system is an integrated system with Riverside Reservoir and Canal being integral to the continued development of Vancil Reservoir, First Enlargement.

5. Names and addresses of owner(s) of land on which points of diversion place of use are located: Riverside Irrigation District, 221 E. Kiowa Ave., Fort Morgan, CO 80701.

6. Request to make absolutes and for finding of reasonable diligence: Applicant hereby requests the Court to enter an order that 1,950 of the 1,950 acre-feet decreed to Vancil Reservoir, First Enlargement, and that 683.75 of the 1000 c.f.s. decreed to Vancil Reservoir, First Enlargement, have been made absolute, and that as for the remaining 316.25 c.f.s. of the Vancil Reservoir, First Enlargement, not made absolute, Applicant is proceeding in a reasonably diligent manner and that the waters claimed by Applicant can and will be diverted, or otherwise captured, possessed and controlled and will be beneficially used and the project can and will be completed with diligence and within a reasonable time.

2023CW3095 ROBERT AND ALLISON JOHNSON, 1100 Shoreline Dr, Windsor, CO 80550, 970-581-2994. Please send all further pleadings to: Daniel K. Brown, Esq. and Whitney Phillips Coulter, Esq. Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525.

APPLICATION FOR CHANGE OF WATER RIGHT IN WELD COUNTY. 2. Decreed Water right for Which Change is Sought. 2.1. Name of Structure. Well No. 2-10675. 2.2. Original Decree. Case No. W-3558, Water Division 1, entered July 26, 1979. 2.3. Location. Approximately 600 feet North and 1320 feet East of the SW corner of Section 24, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, in the SE1/4 SW1/4 of said Section 24. 2.4. Source. Groundwater. 2.5. Appropriation Date. April 30, 1938. 2.6. Amount. 1.55 c.f.s., absolute. 2.7. Use. Irrigation of 80 acres in the E1/2 of the SW 1/4 of Section 24, Township 6 North, Range 65 West of the 6th P.M. 3. Detailed description of proposed change. The original amount appropriated for Well No. 2-10675 can no longer be obtained from Well No. 2-10675 alone. Applicants seek to add two supplemental points of diversion from the following five potential well locations. C.R.S. § 37-90-103(17) provides, “Supplemental well means any well drilled and used, in addition to an original well or other diversion, for the purpose of obtaining the quantity of the original appropriation of the original well, which quantity can no longer be obtained from the original well.” Accordingly the decree entered herein will limit the pumping of the supplemental wells together with the original well to collectively pumping not greater than 1.55 c.f.s for the irrigation of 80 acres in the E½ of the SW ¼ of Section 24, Township 6 North, Range 65 West of the 6th P.M. The proposed locations of the supplemental wells are as follows: 3.1. Supplemental Well 1: Approximately 320 feet North and 1,360 feet East of the SW corner of Section 24, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, in the SE1/4 SW1/4 of said Section 24. 3.2. Supplemental Well 1a: Approximately 170 feet North and 1,950 feet East of the SW corner of Section 24, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, in the SE1/4 SW1/4 of said Section 24. 3.3. Supplemental Well 2: Approximately 110 feet North and 1,790 feet East of the SW corner of Section 24, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, in the SE1/4 SW1/4 of said Section 24. 3.4. Supplemental Well 2a: Approximately 170 feet North and 2,365 feet East of the SW corner of Section 24,

Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, in the SE1/4 SW1/4 of said Section 24. 3.5. Supplemental Well 2b: Approximately 435 feet North and 1320 feet East of the SW corner of Section 24, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, in the SE1/4 SW1/4 of said Section 24. 4. Names and addresses of owners of land on which structures are located. Applicants are the owners of the land on which Well No. 2-10675 is located and where the proposed supplemental wells will be located. WHEREFORE, for the foregoing reasons, Applicants respectfully request the Court enter a decree granting the change of water right, and for such other relief as the Court deems proper. (4 pages).

2023CW3096 (17CW3029, 10CW239, 03CW411, 96CW1173, 87CW297), 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: **WILLIAM J. HOGAN, JOANN SHARP, AND JOHN C. HOGAN**, IN JEFFERSON COUNTY, COLORADO. **APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.** 1. Name, Address, and Telephone Number of Applicants: William J. Hogan, JoAnn Sharp, and John C. Hogan (collectively, the “Applicants”), c/o Chris Hogan, Authorized Representative, 11919 State Highway 93, Boulder, Colorado 80303, (303) 472-8822, jhogansprint@earthlink.net; chogan@hoganaction.com The Applicants also have trusts that hold a portion of the title to the subject water rights as follows: Bill Hogan Living Trust, JoAnn T. Sharp Living Trust, Christopher R. Bergquist Sr., Living Trust and John C. Hogan. 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: 2.1. Hogan Ditch No. 2; and 2.2. Hogan Reservoir No. 2. Collectively, the Hogan Ditch No. 2 and Hogan Reservoir No. 2 will be referred to herein as the “Structures.” 3. Descriptions of Conditional Water Rights: 3.1. Original Decree: The water rights associated with the Structures were originally decreed by the District Court in and for Water Division No. 1 (the “Water Court”) in Case No. 87CW297 on December 13, 1990, 3.2. Subsequent Decrees: Portions of the water rights associated with the Structures were made absolute or findings of reasonable diligence entered by the Water Court in Case Nos. 96CW1173, 03CW411, 10CW239, and 17CW3029, 3.3. Decreed Locations: 3.3.1. Hogan Ditch No. 2: The point of diversion for Hogan Ditch No. 2 is located in the E1/2 of the SW1/4 of Section 5, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, at a point approximately 1,475 feet from the south line and 1,630 feet from the west line of said Section 5. From this point, Hogan Ditch No. 2 heads northeast and terminates at Hogan Reservoir No. 2. Hogan Ditch No. 2 is used to fill Hogan Reservoir No. 2. *See Exhibit A*, 3.3.2. Hogan Reservoir No. 2: Hogan Reservoir No. 2 is located in a portion of the NW1/4 of the SE1/4 and the NE1/4 of the SW1/4 both in Section 5, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. *See Exhibit A*, 3.4. Sources: 3.4.1. Hogan Ditch No. 2: a spring located at the point of diversion for Hogan Ditch No. 2, tributary to Coal Creek, tributary to the South Platte River, 3.4.2. Hogan Reservoir No. 2: Hogan Ditch No. 2, 3.5. Appropriation Dates: June 1, 1938, for irrigation, livestock, and domestic purposes; December 1, 1985, for municipal, commercial, industrial, exchange, replacement, augmentation, and related beneficial uses, 3.6. Amounts: 3.6.1. Hogan Ditch No. 2: 70 gallons per minute (0.156 cubic feet per second), 3.6.2. Hogan Reservoir No. 2: 12 acre-feet with the right to fill and refill repeatedly at a filling rate of 0.156 cfs., 3.7. Uses: absolute for irrigation, livestock, domestic, commercial, industrial; conditional for municipal, exchange, replacement, augmentation, and related beneficial uses. 4. Request to Make Absolute: Hogan Reservoir No. 2 has been made absolute for only some of the decreed uses. Pursuant to C.R.S. § 37-92-301(4)(e), “[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” Accordingly, Applicants request that the Hogan Reservoir No. 2 water right be made absolute in its full decreed amount for all decreed uses, including the remaining conditional uses of municipal, exchange, replacement, augmentation, and related beneficial uses. 5. Request for Findings of Reasonable Diligence: For all portions of the conditional water rights associated with the Structures described in Paragraph 3 above that are not made absolute in this proceeding as

requested in Paragraph 4 above, Applicants request findings that they have exercised reasonable diligence in the development of all such remaining conditional water rights and that said conditional water rights continue in full force and effect. 6. Diligence Activities: The water rights associated with the Structures are part of Applicants' integrated water supply system. During the diligence period, Applicants have undertaken the following activities that demonstrate they have exercised reasonable diligence in the development of the remaining conditional water rights associated with the Structures: 6.1. Applicants continue to lease their property for the mining and extraction of aggregate materials. Water diverted and used by the Structures has been used either directly by Applicants or by the current lessee of the property for aggregate mining, Arcosa Lightweight. Applicants have initiated the process to renew the lease with Arcosa Lightweight in 2024. Such mining activities are also creating Hogan Reservoir on the property, and the subject water rights will be used for augmentation associated with Hogan Reservoir in the future, 6.2. Applicants conduct regular maintenance work to clean and maintain the Hogan Ditch No. 2 and Hogan Reservoir No. 2 structures. During the diligence period, Applicants rebuilt the inlet structure on Hogan Reservoir No. 2 and cleaned out the outlet ditch from Hogan Reservoir No. 2, 6.3. Applicants have pursued the development of a small subdivision on their property to construct five homes on five new parcels. In support of this effort, Applicants had surveys conducted and developed preliminary mapping of the proposed new parcels. Applicants also began evaluating the various infrastructure improvements and water system necessary to support the proposed subdivision. The subject water rights will be utilized to support the subdivision, 6.4. Applicants have also had ongoing discussions with potential municipal users of the subject water rights. To meet such demand and to further support their own subdivision water needs, Applicants have been exploring the potential purchase of additional senior water rights and increased storage capacity on their property, 6.5. During the diligence period, Applicants adjudicated Water Court Case No. 17CW3137, making findings of reasonable diligence for the remaining conditional portions of the Hogan Reservoir. The above diligence activities are necessary prerequisites to applying the subject water rights to the remaining conditional uses. 7. Land Ownership: Applicants. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant's request to make Hogan Reservoir No. 2 absolute for all decreed uses as described in Paragraph 4 above; (2) granting Applicant's request for findings of reasonable diligence for the remaining conditional water rights associated with the Structures 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. (5 pages + Exhibit)

2023CW3097 JAMIE L CHILDRESS AND DAVID T CHILDRESS, KRISTYN L KOLLER AND MATTHEW D KOLLER, 8788 Tanglewood Road, Franktown, CO 80116. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: 10.394 acres generally located in the SE1/4 of the NW1/4 of Section 6, Township 8 South, Range 66 West of the 6th P.M., also known as 8788 Tanglewood Road, Franktown, Douglas County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). Lien Holder Certification: Applicants certify that they have provided notice to all parties that have a mortgage or lien interest in the Subject Property as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently one Upper Dawson Aquifer well on the Subject Property under Well Permit No. 192706-A. This well will be re-permitted under the augmentation plan applied for herein. Additional well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper Dawson Aquifer is non-tributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants desire to leave no water unappropriated. Applicants estimate the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	3.40
Lower Dawson (NT)	1.41
Denver (NT)	3.37
Arapahoe (NT)	4.83
Laramie-Fox Hills (NT)	3.05

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, industrial, stock watering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: Approximately 3 acre-feet per year for 100 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used in one, or more, wells for in-house use in up to two (2) single-family homes or their equivalent (0.6 acre-feet per year), irrigation, including home lawn, garden, pasture, and trees, of up to 45,000 square-feet (2.25 acre-feet per year), stockwatering for up to 12 large domestic animals (0.15 acre-feet per year), and fire protection, on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry and East Plum creek stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2023CW3098 APPLICANT LOGAN WELL USERS, INC., P.O. Box 1172, Sterling, Colorado, 80751, (970) 522-5762. Ryan M. Donovan, #44435 5245 Ronald Reagan Blvd., Suite 1 Johnstown, CO 80534 Phone: (970) 622-8181 Email: ryan@lcwaterlaw.com **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE, FOR FINDING OF REASONABLE DILIGENCE, AND TO CONTINUE CONDITIONAL WATER RIGHTS IN LOGAN, MORGAN AND WASHINGTON COUNTIES.** 2. Previous Decree: Case No. 2016CW3187, Water Division No. 1. 2.1. Name of Structure. McEndaffer Stock Well No. 3, (LWU No. 472) 2.1.1. Owner. Bret McEndaffer, 412 Highland Park Drive, Sterling CO 80751. 2.1.2. Location. In the SW1/4 NW1/4 of Section 5, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2,280 feet from the North section line and 60 feet from the West section line of said section 5. 2.1.3. Appropriation Date. December 27, 2016. 2.1.4. Amount Claimed. 200 g.p.m., conditional. 2.1.5. Source. Groundwater tributary to the South Platte River. 2.1.6. Uses. Commercial, feedlot and stock watering. 2.2. Name of Structure. Island Cattle Company, LLC Well No. 1, (LWU No. 473). 2.2.1. Owner. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.2.2. Location. In the NW1/4 NE1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 30 feet from the North section line and 1,470 feet from the East section line of said Section 29. 2.2.3. Appropriation Date. December 27, 2016. 2.2.4. Amount. 75 g.p.m., conditional. 2.2.5. Source. Groundwater tributary to the South Platte River. 2.2.6. Uses. Commercial,

feedlot and stock watering. 2.3. Name of Structure. Island Cattle Company, LLC Well No. 2, (LWU No. 474). 2.3.1. *Owner*. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.3.2. *Location*. In the NE1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 30 feet from the North section line and 2,710 feet from the East section line of said Section 29. 2.3.3. *Appropriation Date*. December 27, 2016. 2.3.4. *Amount*. 75 g.p.m., conditional. 2.3.5. *Source*. Groundwater tributary to the South Platte River. 2.3.6. *Uses*. Commercial, feedlot and stock watering. 2.4. Name of Structure. Island Cattle Company, LLC Well No. 3, (LWU No. 475). 2.4.1. *Owner*. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.4.2. *Location*. In the NW1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 45 feet from the North section line and 1,245 feet from the East section line of said Section 29. 2.4.3. *Appropriation Date*. December 27, 2016. 2.4.4. *Amount*. 75 g.p.m., conditional. 2.4.5. *Source*. Groundwater tributary to the South Platte River. 2.4.6. *Uses*. Commercial, feedlot and stock watering. 2.5. Name of Structure. Island Cattle Company, LLC Well No. 4, (LWU No. 476). 2.5.1. *Owner*. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.5.2. *Location*. In the NW1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 50 feet from the North section line and 190 feet from the East section line of said Section 29. 2.5.3. *Appropriation Date*. December 27, 2016. 2.5.4. *Amount*. 75 g.p.m., conditional. 2.5.5. *Source*. Groundwater tributary to the South Platte River. 2.5.6. *Uses*. Commercial, feedlot and stock watering. 2.6. Name of Structure. Island Cattle Company, LLC Well No. 5, (LWU No. 477). 2.6.1. *Owner*. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.6.2. *Location*. In the NW1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1,280 feet from the North section line and 1,180 feet from the East section line of said Section 29. 2.6.3. *Appropriation Date*. December 27, 2016. 2.6.4. *Amount*. 75 g.p.m., conditional. 2.6.5. *Source*. Groundwater tributary to the South Platte River. 2.6.6. *Uses*. Commercial, feedlot and stock watering. 2.7. Name of Structure. Island Cattle Company, LLC Well No. 6, (LWU No. 478). 2.7.1. *Owner*. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.7.2. *Location*. In the SW1/4 NW1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2,540 feet from the North section line and 1,190 feet from the East section line of said Section 29. 2.7.3. *Appropriation Date*. December 27, 2016. 2.7.4. *Amount*. 75 g.p.m., conditional. 2.7.5. *Source*. Groundwater tributary to the South Platte River. 2.7.6. *Uses*. Commercial, feedlot and stock watering. 2.8. Name of Structure. Island Cattle Company, LLC Well No. 7, (LWU No. 479). 2.8.1. *Owner*. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.8.2. *Location*. In the SE1/4 NE1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2,610 feet from the North section line and 90 feet from the East section line of said Section 29. 2.8.3. *Appropriation Date*. December 27, 2016. 2.8.4. *Amount*. 75 g.p.m., conditional. 2.8.5. *Source*. Groundwater tributary to the South Platte River. 2.8.6. *Uses*. Commercial, feedlot and stock watering. 2.9. Name of Structure. Island Cattle Company, LLC Well No. 8, (LWU No. 480). 2.9.1. *Owner*. Alpha Cattle Company, LLC, P.O. Box 1151, Sterling, CO 80751. 2.9.2. *Location*. In the NE1/4 NE1/4 of Section 29, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 970 feet from the North section line and 975 feet from the East section line of said Section 29. 2.9.3. *Appropriation Date*. December 27, 2016. 2.9.4. *Amount*. 75 g.p.m., conditional. 2.9.5. *Source*. Groundwater tributary to the South Platte River. 2.9.6. *Uses*. Commercial, feedlot and stock watering. 2.10. Name of Structure. Jim Horner Irrigation Well, (LWU No. 481). 2.10.1. *Owner*. Anna Freemyer-Brown, 11632 County Road 37, Sterling, CO 80751. 2.10.2. *Location*. In the SW1/4 NW1/4 of Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 3,540 feet from the South section line and 500 feet from the West section line of said Section 6. 2.10.3. *Appropriation Date*. December 27, 2016. 2.10.4. *Amount*. 50 g.p.m., conditional. 2.10.5. *Source*. Groundwater tributary to the South Platte River. 2.10.6. *Use*. Irrigation of 5 acres located in the SW1/4 NW1/4 of Section 6, Township 7 North, Range 52 West of the 6th P.M. 2.11. Name of Structure. Jim Horner Residential Well, (LWU No. 482). 2.11.1. *Owner*. Jim Horner, 11598 County Road 37, Sterling, CO 80751. 2.11.2. *Location*. In the SW1/4 NW1/4 of Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, 2,200 feet from the North section line and 370 feet from the West section line of said Section 6. 2.11.3. *Appropriation Date*. December 27, 2016. 2.11.4. *Amount*. 15 g.p.m., conditional. 2.11.5. *Source*. Groundwater tributary to the South Platte

River. 2.11.6. *Uses*. Residential, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering. 2.12 Name of Structure. Lousberg Grain & Feed Well. (LWU No. 483). 2.12.1. *Owner*. P D Land CO LLC, Lousberg Grain & Feed Inc., P. O. Box 689, Sterling, CO 80751. 2.12.2. *Location*. In the NE1/4 NW1/4 of Section 16, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 50 feet from the North section line and 1,860 feet from the East section line of said Section 16. 2.12.3. *Appropriation Date*. December 27, 2016. 2.12.4. *Amount*. 100 g.p.m., conditional. 2.12.5. *Source*. Groundwater tributary to the South Platte River. 2.12.6. *Uses*. Commercial, feedlot and stock watering. 2.13. Name of Structure. Manuello's Inc. Well (LWU No. 484). 2.13.1. *Owner*. Manuello's Inc., P O Box 225, Sterling, CO 80751. 2.13.2. *Location*. In the NW1/4NE1/4 of Section 3, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, 1,640 feet from the North section line and 2,177 feet from the East section line of said Section 3. 2.13.3. *Appropriation Date*. December 27, 2016. 2.13.4. *Amount*. 1,300 g.p.m., conditional. 2.13.5. *Source*. Groundwater tributary to the South Platte River. 2.13.6. *Uses*. Commercial, feedlot, fire protection and industrial to be added to existing decreed uses. This structure was previously decreed in Case No. W-639 for irrigation use and Case No. 03CW195 for augmentation use. 2.14. Name of Structure. CHS/High Plains CO-OP Well (LWU No. 485). 2.14.1. *Owner*. CHS Inc., 21443 County Road 34, Sterling, CO 80751. 2.14.2. *Location*. In the SE1/4 SW1/4 of Section 10, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado, 235 feet from the South section line and 2,310 feet from the West section line of said Section 10. 2.14.3. *Appropriation Date*. December 27, 2016. 2.14.4. *Amount*. 75 g.p.m., conditional. 2.14.5. *Source*. Groundwater tributary to the South Platte River. 2.14.6. *Uses*. Commercial and industrial. 2.15. Name of Structure. Neeley Well, (LWU No. 486). 2.15.1. *Owner*. Casey and Erica Rinaldo, 12305 County Road 29, Sterling CO 80751. 2.15.2. *Location*. In the NE1/4 SE1/4 of Section 32, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 1,560 feet from the South section line and 460 feet from the East section line of said Section 32. 2.15.3. *Appropriation Date*. December 27, 2016. 2.15.4. *Amount*. 50 g.p.m., conditional. 2.15.5. *Source*. Groundwater tributary to the South Platte River. 2.15.6 *Uses*. Residential, irrigation of 3.5 acres located in the NE1/4 SE1/4 of Section 32, Township 8 North, Range 53 West of the 6th P.M., domestic animal and livestock watering. 2.16. Name of Structure. Guenzi Residential Well, (LWU No. 487). 2.16.1. *Owner*. David and Tara Guenzi, 13212 County Road, Sterling CO 80751. 2.16.2. *Location*. In the NW1/4 SW1/4 of Section 26, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2,040 feet from the South section line and 201 feet from the West section line of said Section 26. 2.16.3. *Appropriation Date*. December 27, 2016. 2.16.4. *Amount*. 15 g.p.m., conditional. 2.16.5. *Source*. Groundwater tributary to the South Platte River. 2.16.6. *Uses*. Residential, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering. 2.17. Name of Structure. Amen/Fiscus Residential Well, (LWU No. 488). 2.17.1. *Owner*. Quint Brothers LLP, 14601 County Road 16, Atwood, CO 80722. 2.17.2 *Location*. In the NE1/4 NE1/4 of Section 35, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado, 60 feet from the North section line and 140 feet from the East section line of said Section 35. 2.17.3. *Appropriation Date*. December 27, 2016. 2.17.4. *Amount*. 15 g.p.m., conditional. 2.17.5 *Source*. Groundwater tributary to the South Platte River. 2.17.6 *Uses*. Residential, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering. 2.181 Name of Structure. Rhodes Well, (LWU No. 489). 2.18.1. *Owner*. Lee Rhodes, 15652 County Road 26.9, Sterling, CO 80751. 2.18.2 *Location*. In the SW1/4 NE1/4 of Section 34, Township 8 North, Range 53 West of the 6th P.M., Logan County Colorado, 2,100 feet from the North section line and 1,773 feet from the East section line of said Section 34. 2.18.3 *Appropriation Date*. December 27, 2016. 2.18.4. *Amount*. 50 g.p.m., conditional. 2.18.5. *Source*. Groundwater tributary to the South Platte River. 2.18.6. *Uses*. Residential, commercial, and industrial. **3. Outline of What Has Been Done Toward Completion.** 3.1. The diligence period for the condition water rights described above is August 1, 2017 to August 31, 2023. 3.2. During the diligence period, Logan made annual projections and conducted annual accounting pursuant to the terms of the decree entered in Case No. 03CW195, which decree approved a plan for augmentation for Logan's Member Wells, referred to as the "Logan Augmentation Plan." During the diligence period, Logan operated the Logan Augmentation Plan, including delivering water to recharge ponds and ensuring replacement of out-of-priority depletions as required by the terms of the 03CW195 Decree. 3.3. During the diligence period, Logan filed statements

of opposition in the following cases: Dixie Water, 18CW3237 and BennT Creek Regional Water Authority and SP Regional Water Company, LLC, 20CW3215. 3.4. During the diligence period Logan has expended funds to install well telemetry, for certification of well meters, for reading of well meters, maintenance of recharge ponds, filed water court applications and obtained decrees in Case Nos. 17CW3045, 18CW3005, 18CW3227, 20CW3030, as well as filed an application still pending in Case No. 20CW3166, and expended funds related to water rights accounting, engineering and legal services, which total more than \$375,000.00.

4. Claims To Make Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-304. Logan's consultant Spronk Water Engineers, Inc. reviewed the State Engineer Diversion Records and Applicants' records to determine the diversions made pursuant to the conditional water rights described above. Applicant seeks a decree approving the following amounts of each water right as absolute. The conditional water rights amounts not made absolute set out in ¶ 2 above should remain conditional. The water rights set out in the Decree are part of an integrated system. Applicant's water rights and recharge projects and each of the water rights and structures which will provide augmentation, substitution, replacement and exchange supplies under this decree and Logan's other decrees collectively comprise an integrated system of water rights and structures under C.R.S. § 37 92 301(4)(b). Work performed and effort or costs expended by Applicant on any water rights or structures which are part of its integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 4.1. Bret McEndaffer Well – Permit No. 80830-F (LWU ID No. 472). 59.2 gpm was diverted on May 1, 2020 and should be made absolute. 4.2. Island Cattle Well No. 1 – Permit No. 80865-F (LWU ID No. 473). 66.6 gpm was diverted on July 14, 2022 and should be made absolute. 4.3. Island Cattle Well No. 2 – Permit No. 80866-F (LWU ID No. 474). 56.9 gpm was diverted on May 29, 2018 and should be made absolute. 4.4. Island Cattle Well No. 3 – Permit No. 80867-F (LWU ID No. 475). 62.1 gpm was diverted on July 14, 2022 and should be made absolute. 4.5. Island Cattle Well No. 4 – Permit No. 80868-F (LWU ID No. 476). 60.1 gpm was diverted on May 29, 2022 and should be made absolute. 4.6. Island Cattle Well No. 5 – Permit No. 80869-F (LWU ID No. 477). 65.2 gpm was diverted on May 30, 2018 and should be made absolute. 4.7. Island Cattle Well No. 6 – Permit No. 80870-F (LWU ID No. 478). 70.0 gpm was diverted on May 29, 2018 and should be made absolute. 4.8. Island Cattle Well No. 7 – Permit No. 80871-F (LWU ID No. 479). 26.0 gpm was diverted on July 14, 2022 and should be made absolute. 4.9. Island Cattle Well No. 8 – Permit No. 80872-F (LWU ID No. 480). 65.6 gpm was diverted on May 29, 2018 and should be made absolute. 4.10 Jim Horner Irrigation Well – Permit No. 80961-F (LWU ID No. 481). 0.68 gpm was diverted on June 1, 2019 and should be made absolute. 4.11. Jim Horner Residential – Permit No. 80960-F (LWU ID No. 482). 15.0 gpm was diverted on June 27, 2017 and should be made absolute. 4.12. Lousberg Grain & Feed Inc Well – Permit No. 80829-F (LWU ID No. 483). 85.2 gpm was diverted on September 1, 2019 and should be made absolute. 4.13. Lee Rhodes Well – Permit No. 87275-F (LWU ID No. 489). 23.5 gpm was diverted on September 1, 2017 and should be made absolute. **5. Names and addresses of owners of the Structures.** The names and addresses of the owners of the structures are set out above. **6. WHEREFORE,** Applicant requests the Court enter a decree finding that Applicant has satisfied the statutory standard of steady application of effort to complete the appropriations stated herein in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the conditional water rights, that a portion of the water rights should be made absolute as described herein, and that the remaining conditional portion of the water rights, or the full amount of the water rights as the case may be, should continue. as well as any other relief the Court deems appropriate. This application consists of 11 pages.

2023CW3099 MAPLES, LLC, 450 Newport Center Drive, Suite 300, Newport Beach, CA 82660. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY DENVER AQUIFER IN DOUGLAS COUNTY.** Subject Property: 53.1 acres generally located in the N1/2 of the NW1/4, and the W1/2 of the NE1/4 lying west of Daniels Park Road, all in Section 8, Township 7 South, Range 67 West of the 6th P.M., also known as 7007 Daniels Park Rd, Sedalia, CO, 80135, Douglas County,

State of Colorado, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: The Applicant is the sole owner of the Subject Property, and no other person or entity has a financial interest in the Subject Property. Accordingly, Applicant certifies compliance with the notice requirements of C.R.S. § 37-92-302(2)(b). Well Permits: There are currently the following wells on the Subject Property: Lower Dawson Aquifer Wells: 42201-F and 88033-F. Additional well permits will be applied for prior to construction of further wells. Previously Decreed Amounts: Applicant owns the following amounts of groundwater as decreed in Case Nos. 80CW054, 84CW060, 61, 62, and 85CW466, District Court, Water Division 1. The amounts were deeded to the Applicant in the Special Warranty Deed dated March 1, 2022, and recorded on March 8, 2022, at Reception No. 2022017172, in the records of the Douglas County Clerk, and Recorder, **Exhibit B**. The annual volumes below are based on a 100-year withdrawal period:

Aquifer	Decree	Annual Volume (acre-feet)	Total Volume (acre-feet)
Upper Dawson	85CW466	2.8	280
Lower Dawson	80CW054	9.1	910
Denver	84CW060	29.7	2,970
Arapahoe	84CW061	35.1	3,510
Laramie-Fox Hills	84CW062	14.2	1,420

84CW060 Decreed Uses: Groundwater withdrawn from the Denver Aquifer shall have the right of use, reuse, and succession of uses, for municipal, domestic, commercial, fire protection, sanitary purposes, industrial, residential, recreation, fish and wildlife, irrigation, livestock and agricultural uses, and other beneficial use. The water will be produced for immediate application to beneficial use and for storage and subsequent application to beneficial use, including substitution, exchange, replacement of depletions resulting from use of water from other sources and for all other augmentation uses. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Proposed Plan for Augmentation: Groundwater to be Augmented: 29.7 acre-feet per year for 100 years of not-nontributary Denver 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 not-nontributary Denver Aquifer groundwater will be used in any number of wells necessary to provide in-house use in up twenty-one (21) single-family dwellings or their equivalent (0.33 acre-feet per year each, 6.95 acre-feet per year), irrigation of up to 216,000 square-feet of home lawn, gardens, trees, and pasture (10.8 acre-feet per year), irrigation of up to 5 acres of hay and pasture (10.825 acre-feet per year), livestock watering of up to 66 large domestic animals (0.825 acre-feet per year), commercial sanitary use (0.3 acre-feet per year), and fire protection, anywhere 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 Plum Creek stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) right and is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

2023CW3100 APPLICATION FOR CHANGE OF WATER RIGHTS IN WELD AND LARIMER COUNTIES. 1. Name and Address of Applicants. HARTFORD INVESTMENTS, LLC, 4801

Goodman Street, Timnath, Colorado 80547, Phone: 970-825-7392, Email: patrick@hartfordco.com; **CCW DEVELOPMENT, LLC**, 4801 Goodman Street, Timnath, Colorado 80547, Phone: 970-825-7392, Email: patrick@hartfordco.com. Copies of all pleadings to: Stephen C. Larson, Esq. Cameron C. Frazier, Esq., Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, Phone: 303-442-1900, E-mail: sclarson@j-rlaw.com, ccfrazier@j-rlaw.com. **2. Overview of Application.** Hartford Investments, LLC and CCW Development, LLC (the “Applicants”) seek to change 12.83 shares of capital stock of the Lake Canal Ditch Company of Colorado (the “Company”) owned by Applicants and represented by stock Certificate Nos. 1176 and 1177 (the “Shares”). The 12.83 Shares represent 4.93% of all shares issued and outstanding and were historically used on three different farms: the Fewell farm (5.5 shares), Drehle farm (1.33 shares), and Jacoby farm (6 shares). Applicants and affiliated entities are developing an approximately 570-acre residential community known as “Prairie Song,” which is located in Section 8, Township 6 North, Range 67 West of the 6th P.M., Weld County, in northern Windsor, Colorado (the “Property”). The purpose of this application is to change the type and place of use of the water rights associated with the Shares, so that in addition to their currently decreed irrigation use, the water rights may be stored onsite and in Lake Canal Reservoir No. 1 and subsequently used for irrigation, recreation, construction, dust suppression, fire-fighting, aesthetic uses, and to replace historical return flow obligations associated with the changed Shares. **3. Description of the Water Rights to be Changed.** a. *Name and Description of Water Right Being Changed.* The water rights associated with 12.83 Shares of capital stock of the Company. i) Original Decree: Civil Action No. 320; adjudicated on April 11, 1882; District Court, Larimer County, Colorado. ii) Legal Description: The Lake Canal Ditch (the “Ditch”) is decreed to divert from the north side of the Cache la Poudre River in the NE1/4 SE1/4 SE1/4, Section 2, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado. UTM coordinates: Zone 13, Easting 493325.1, Northing 4494135. A map showing the general location of the headgate of the Ditch is attached hereto as Exhibit A. iii) Source: Cache la Poudre River, a tributary of the South Platte River. iv) Appropriation Date: November 1, 1872. v) Amount: 158.35 cfs, Absolute. vi) Decreed Use: Irrigation. vii) Amount to be Changed: 7.81 cfs (the pro rata diversion rate for the 12.83 Shares combined), resulting in an average annual supply of 130.99 acre-feet of historic consumptive use from an average farm delivery of 273.10 acre-feet per year. **4. Description of Proposed Change.** a) *Consumptive Use.* Applicants seek to change 12.83 Shares of the 260 issued and outstanding shares of the capital stock of the Company (4.93% of the total), for the uses described herein. Using appropriate study periods for each farm (minimum of 24 years) Applicants’ consultants quantified the historical diversions, consumptive use and return flows associated with historical irrigation of a cumulative total of 207.9 historically irrigated acres associated with subject Shares on the three farms, combined. Exhibit B attached hereto is a copy of the diversion records of the Ditch during the study periods, as maintained by the Colorado Division of Water Resources. The three farms historically irrigated by the subject Shares are located in Section 2, Township 6 North, Range 68 West of the 6th P.M. (the Fewell and Drehle farms); and in the Southeast Quarter of Section 18, Township 6 North, Range 67 West of the 6th P.M. (the three farms are collectively referred to as the “Historical Land”). The average year historical consumptive use yield for the 12.83 Shares is a combined total of 130.99 acre-feet per year. Applicants’ Shares will continue to be diverted at the Ditch headgate prior to delivery to the Property. A general location map depicting the Prairie Song Property boundaries, the four (4) places of storage for the changed water rights (Lake Canal Reservoir No. 1, Prairie Song Pond No. 1, Prairie Song Pond No. 2 and Prairie Song Pond No. 3), as well as the three farms comprising the Historical Land is attached hereto as Exhibit C. b. *Return Flows.* As a part of this change of water rights, Applicants shall replace to the calling water rights on the Cache la Poudre River or the South Platte River that are senior to the date of this application, the historical irrigation return flows associated with the changed water rights, in time, place, and amount. Applicants may replace the historical irrigation return flows with a portion of the water changed herein, water stored in priority in Prairie Song Pond No. 1, Prairie Song Pond No. 2 and Prairie Song Pond No. 3; and with other water rights as approved by the Water Court. In paragraph 5 below, Applicants claim a conditional appropriation of historical return flows associated with the Shares, that are not required to be replaced to prevent injury to senior water rights. c. *Dry-Up.* Applicants shall dry up the 207.9 combined acres of Historical Land, pursuant to dry-up covenants recorded against the subject

three farms or via dry-up in fact approved by the Water Court. d. Uses. Applicants seek to add the following uses to the Shares: recreation, construction, dust suppression, fire-fighting, aesthetic uses and to replace historical return flow obligations associated with the changed Shares. Applicants will also continue to use the Shares for irrigation. All recreational and aesthetic use shall be *in situ* in Prairie Song Ponds Nos. 1, 2 and 3. All other uses may be on a direct flow basis or following storage in the locations specified in paragraph 4.e below. Changed water rights released from the Prairie Song Ponds for irrigation may be used anywhere on the Property shown on the map attached hereto as Exhibit C. e) Places of Storage. The historic consumptive use credits attributable to the Shares will be stored in the following structures. The general locations of said structures are shown on the map attached hereto as Exhibit C. i) Prairie Song Pond No. 1: The pond centroid is located in the SE1/4 SE1/4, Section 8, Township 6 North, Range 67 West of the 6th P.M., at a point approximately 696 feet from the South Line and 643 feet from the East Line of Section 8. UTM coordinates: Zone 13, Easting 507636, Northing 4482826. ii) Prairie Song Pond No. 2: The pond centroid is located in the NE1/4 SW1/4, Section 8, Township 6 North, Range 67 West of the 6th P.M., at a point approximately 2480 feet from the South Line and 2400 feet from the West Line of Section 8. UTM coordinates: Zone 13, Easting 506988, Northing 4483360. iii) Prairie Song Pond No. 3: The pond centroid is located in the NW1/4, NW1/4, Section 8, Township 6 North, Range 67 West of the 6th P.M., at a point approximately 390 feet from the North Line and 700 feet from the West Line of Section 8. UTM coordinates: Zone 13, Easting 506433, Northing 4484090. iv) Lake Canal Reservoir No. 1: The reservoir centroid is located in the NW1/4 NE1/4, Section 7, Township 6 North, Range 67 West of the 6th P.M., at a point approximately 790 feet from the North Line and 2240 feet from the East Line of Section 8. UTM coordinates: Zone 13, Easting 505564, Northing 4483950. **5. Conditional Appropriation of Return Flows.** a) Name of Water Right. Prairie Song Historical Return Flow Diversion. b) Source. Cache la Poudre River, tributary of the South Platte River; the historical return flows from the 12.83 Shares described in paragraphs 2 and 3 above. c) Location of Diversions. i) Each of the reservoirs identified and legally described in paragraph 4.e above. The stored return flows may be released for use by Applicants or retained in storage when in priority. ii) Lake Canal Ditch headgate legally described in paragraph 3.a.ii above. The return flows may be diverted for use by Applicants when in priority. d) Appropriation Date. Date of this application. e) Amount (rate). 1.0 cfs conditional. f) Amount (volume). 123.35 acre-feet per year conditional. g) Uses. The uses claimed are the uses set forth in paragraph 4.d above. h) Remarks. The Applicants will divert or retain such return flows during free river and whenever the call on the Cache la Poudre River or the South Platte River is junior to the appropriation date hereof. **6. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located.** The new or modified storage structures relevant to this application are Prairie Song Ponds Nos. 1, 2 and 3, which are located on land owned by the Applicants. (6 pages plus exhibits)

2023CW3101 APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT IN LOGAN COUNTY PURSUANT TO § 37-90-107, C.R.S. Applicant: **THE DORYS G. FEHRINGER COMPANY**; 491 22nd Avenue Broken Bow, NE 68822; kjfbb@peetzplace.com; (308) 250-3111. Jenna H. Keller, Esq. Keller Law LLC 584 Yampa Avenue, Craig, CO 81625. 877-529-2125. jkeller@kellerlawllc.com Water right and structure: Dorys Fehringer Co. #4 Well. Permit Denied, Colorado Division of Water Resources Receipt No. 10016982. Location of the structure: SW/4 of the SE/4 of Section 28, T12N, R51W, 6th P.M., Logan County. Distance from Section Lines: 170 feet from S and 1823 feet from E. Source of water: North Clear Creek, tributary to Clear Creek, tributary to the South Platte River (a/k/a Ogallala Fringe). Depth of well: estimated at 180 to 200 feet. Appropriation date: November 7, 2021, initiated by application for well permit. Date water applied to beneficial use: November 7, 2021. Conditional 400 gpm and 132 annual acre feet tributary groundwater claimed. Use: irrigation, livestock watering, and commercial. Acres historically irrigated proposed to be irrigated 132. Location of irrigated acreage: a tract of land located in the SE 1/4 of Section 28, T.12 N., R.51 W. of the 6th P.M, Logan County, Colorado, more particularly described as follows: Beginning at the East Quarter corner of Section 28, T.12 N., R.51 W. of the 6th P.M, Logan County, Colorado; thence S 01°28'28" E on the east line of the SE 1/4 of said Section, 579.74 feet; thence S 69°28'43" W 2782.23 feet to a point on the west line of said SE 1/4;

thence N 01°37'00" W on said west line, 579.24 feet; thence N 69°28'43" E 2783.76 feet to the Point of Beginning; and a tract of land located in the SE 1/4 of Section 26, T.12 N., R.51 W. of the 6th P.M, Logan County, Colorado, more particularly described as follows: Beginning at the Southeast corner of Section 28, T.12 N., R.51 W. of the 6th P.M, Logan County, Colorado; thence S 88°23'49" W on the south line of the SE 1/4 of said Section, 2627.03 feet to the South Quarter corner of said Section; thence N 01°37'00" W on the west line of said SE 1/4, 1161.63 feet; thence N 69°28'43" E 2782.23 feet to a point on the east line of said SE 1/4; thence S 01°28'28" E on said east line, 2063.69 feet to the Point of Beginning. Record owners of land upon which any new diversion structures, or modification of any existing diversion structures, are to be installed are Applicant. Ruling sought for conditional underground water right. Remarks: See Court file for detailed information.

2023CW3102 THE HARMONY DITCH COMPANY, c/o John Monheiser, 30171 County Road 75, Crook, Colorado 80726. Please direct all correspondence and pleadings in this matter to: The Law Office of John D. Buchanan, PO Box 140207, Edgewater, Colorado 80214, (720) 413-2773, john@jdbuchananlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN LOGAN COUNTY**. Conditional Water Right: Harmony Augmentation Water Right No. 2. 2. Name of Structure: The Harmony Ditch a. Original decree: Case No. 2008CW289 entered by the district court, Water Division 1, on August 17, 2017 ("08CW289 Decree"). b. Legal Description of Point of Diversion: The headgate of the Harmony Ditch is located in the Southwest corner of the Southwest 1/4 of Section 19, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. c. Source of water: South Platte River. d. Appropriation date: October 31, 2007. e. Amount: 252 cubic feet per second, but not more than a total of 5,000 acre-feet during any period from November 1 to October 31 of the succeeding year, conditional. f. Use: The water will be delivered to the recharge structures identified in the 08CW289 to generate accretions to the South Platte River for replacement and augmentation use for wells included in the augmentation plan decreed in Case No. 02CW363, Water Division 1 ("02CW263 Decree"). The water may be fully consumed during the first use of the water. 3. Detailed Outline of Work Performed to Complete Application of Water to Beneficial Use. During the current diligence period that began in August 2017, Applicant has continued to divert and beneficially use the Harmony Augmentation Water Right No. 1 as necessary to generate accretions to the South Platte River to augment out-of-priority depletions. Under the 08CW289 Decree, Harmony may only divert the Harmony Augmentation Water Right No. 2 when the full 7,500 acre-foot annual limit for the Harmony Augmentation Water Right No. 1, adjudicated in the 02CW363 Decree, has been diverted. During the diligence period, Harmony was able to fully divert the Harmony Augmentation Water Right No. 1 and was also able to divert and beneficially use the Harmony Augmentation Water Right No. 2. Harmony has continued to maintain and operate its ditch system and associated diversion structures, including recharge ponds and groundwater wells, so that it will be ready and able to divert and use the Harmony Augmentation Water Right No. 2 when water is available pursuant to the terms of the 08CW289 as needed to replace out-of-priority depletions. 4. Claim to Make Absolute in Part: Harmony diverted 9,244.7 acre-feet for recharge in water year 2022. Of that amount, 7,500 acre-feet of diversions were accounted for under the Harmony Augmentation Water Right No. 1, and the remaining 1,744.7 acre-feet were accounted for under the Harmony Augmentation Water Right No. 2. Harmony's accounting spreadsheet that shows the annual diversions for recharge is filed herewith as Exhibit A. a. Date water applied to beneficial use: Water Year 2022. b. Amount in acre-feet: 1,744.7 acre-feet c. Maximum flow rate: 100 c.f.s. d. Use: The water was delivered into the recharge ponds approved in the 08CW289 Decree to generate accretions to the South Platte River for use in the 02CW263 Decree. 5. Name(s) and Address(es) of Owner(s) or Reputed Owners of the Land Upon Which Any New Diversion or Storage Structure, or Modification to Any Existing Diversion or Storage is or Will be Constructed or Upon Which Water is or Will be Stored, Including Any Modification to the Existing Storage Pool. No new diversion or storage structures, or modifications to any existing diversion or storage structures, and no water will be stored nor will any modifications to existing storage pools be made pursuant to this application. WHEREFORE, Applicant requests that the Court find and determine that Applicant has diverted and beneficially used 1,744.7 acre-feet of water at a maximum

flow rate of 100 c.f.s. and to make this amount and flow rate of the Harmony Augmentation Water Right No. 2 absolute. In addition, Applicant requests that the Court find and determine that Applicant has demonstrated reasonable diligence in attempting to put the conditional portion of the Harmony Augmentation Water Right No. 2 to beneficial use, and requests that the Court enter a decree finding and determining that Applicant has exercised reasonable diligence in the development of said water right and that said water right shall be continued for an additional diligence period.

2023CW3103 KARI KASEMAN-ABT AND JAMES SELECKY, 8227 East State Highway 86, Franktown, CO 80116. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: 3.177 acres generally located in the NW1/4 of the NW1/4 of Section 1, Township 8 South, Range 66 West of the 6th P.M., also known as 8227 East State Highway 86, Franktown, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicants certify that they have provided notice to all parties that have a mortgage or lien interest in the Subject Property as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently one Upper Dawson Aquifer well on the Subject Property under Well Permit No. 227706. This well will be re-permitted under the augmentation plan applied for herein. Additional well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants desire to leave no water unappropriated. Applicants estimate the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	0.76
Lower Dawson (NT)	0.34
Denver (NT)	1.23
Arapahoe (NT)	1.49
Laramie-Fox Hills (NT)	0.91

Proposed Uses: Use, reuse, and successive use for domestic, including in-house use, commercial, irrigation, industrial, stock watering, swimming pool and spa, 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 0.75 acre-feet per year for 100 years of Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The Upper Dawson Aquifer groundwater will be used in one, or more, wells for in-house use in one (1) single-family home (0.3 acre-feet per year), irrigation, including home lawn, garden, pasture, and trees, of up to 8,000 square-feet (0.4 acre-feet per year), swimming pool use (0.05 acre-feet per year), and fire protection, on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry and Running creek stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject

groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

2023CW3104 Applicant: FORT COLLINS-LOVELAND WATER DISTRICT (“FCLWD”) and EAST LARIMER COUNTY WATER DISTRICT (“ELCO”), c/o General Manager, 5150 Snead Dr., Fort Collins, CO 80525; c/o General Manager, 232 S. Link Lane, Fort Collins, CO 80524. Serve all pleadings on: Scott E. Holwick and Alison I. Gorsevski, Lyons Gaddis, PC, P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900 sholwick@lyonsgaddis.com, agorsevski@lyonsgaddis.com. **APPLICATION FOR CHANGE OF WATER RIGHTS IN LARIMER AND WELD COUNTIES. 2. Description of Water Rights.** FCLWD and ELCO (together, “Applicants”) seek entry of a decree changing the water rights associated with their ownership of 9.5794 shares of the total 160 shares of capital stock in the New Mercer Ditch Company (“Shares”). Of the subject 9.5794 shares, FCLWD owns 2.2307 shares, and ELCO owns 7.3487 shares. A map showing the general location of the New Mercer Ditch and Applicants’ service areas is attached as **Exhibit A**. The Applicants’ ownership of the Shares represents their proportionate ownership of the following water rights (“Water Rights”): **A. New Mercer Ditch** i. Original Decree: The New Mercer Ditch Company was awarded four priorities in the original adjudication decree entered in Case No. 320, dated April 11, 1882, by the District Court for Larimer County. 1. Subsequent Decree: In Case No. 84CW663 and 84CW020, Water Court Division 1, 85.53 cfs of the original 136.0 cfs priority with an appropriation date of February 15, 1880 (Priority No. 98) was abandoned, leaving 50.47 cfs remaining. ii. Appropriation Dates and Rates: 1. 4.17 cfs – September 1, 1869 (Priority No. 33); 2. 8.33 cfs – October 10, 1871 (Priority No. 47); 3. 15 cfs – July 1, 1872 (Priority No. 49); and 4.50.47 cfs – February 15, 1880 (Priority No. 98). iii. Point of Diversion: Originally decreed as located on the South side of the Cache la Poudre River, one mile above the town of La Porte, in the SW 1/4 of Sec. 28, T8N, R69W, 6th P.M., at a place called Point of Rocks. In the decree entered in Case No. 17CW3199, Water Court Division 1, dated October 9, 2018, the legal description of the ditch’s point of diversion was corrected to its actual point of diversion: in the NW 1/4 of Sec. 32, T8N, R69W, 6th P.M. Larimer County, Colorado, at a point 17 feet from the North section line and 237 feet from the West section line. iv. Source: Cache la Poudre River v. Uses: Irrigation and domestic **B. Josh Ames Irrigation Ditch** i. Original Decree: The Josh Ames Irrigation Ditch Company was awarded a water right in the original adjudication decree entered in Case No. 320, dated April 11, 1882, by the District Court for Larimer County, which decree was amended on April 11, 1884 by that proceeding entitled “In the matter of a certain petition for adjudication of priority of the right to use water in Water District No. 3.” The Josh Ames Irrigation Ditch water right was originally decreed in the amount of 35.91 cfs, under an October 1, 1867 appropriation date (Priority 25) for irrigation uses. 1. Transfer Decree: By the decree entered in Case No. 3040, District Court for Larimer County, on August 28, 1912, the point of diversion of 10 cfs of the 35.91 cfs Josh Ames Irrigation Ditch water right was moved to a point of diversion at the headgate of the New Mercer Ditch. 2. Subsequent Decree: By the decree entered in Case No. 3595, District Court for Larimer County, on January 2, 1919, 10.91 cfs of the original 35.91 cfs of the Josh Ames Irrigation Ditch water right was abandoned, inclusive of 2.97 cfs of the 10 cfs transferred to the New Mercer Ditch headgate in Case No. 3040. ii. Point of Diversion: New Mercer Ditch, as described in paragraph 2.A.iii, above iii. Appropriation Date and Rates: 7.03 cfs – October 1, 1867 (Priority No. 25) iv. Source: Cache la Poudre River v. Uses: Irrigation **C. New Mercer Ditch – Spring Creek** i. Original Decree: The New Mercer Ditch Company was awarded two priorities in the supplemental adjudication decree entered in Case No. 11217, dated September 10, 1953, by the District Court for Larimer County. ii. Point of Diversion: A point on the New Mercer Ditch where the ditch intercepts Spring Creek in the SE 1/4, Sec. 22, T7N, R69W, 6th P.M., Larimer County, Colorado. iii. Appropriation Date and Rates: 1. 27.50 cfs – July 1, 1872 (Priority 194) 2. 136.0 cfs – February 15, 1880 (Priority 194-B) iv. Source: Spring Creek, tributary of the Cache la Poudre River v. Uses: Irrigation **D. Mail Creek Ditch** i. Original

Decree: The New Mercer Ditch Company was awarded two priorities in the supplemental adjudication decree entered in Case No. 11217, dated September 10, 1953, by the District Court for Larimer County. ii. Point of Diversion: The North bank of Mail Creek, at a point in the SE 1/4 NW 1/4, Sec. 1, T6N, R69W, 6th P.M., Larimer County, Colorado. iii. Appropriation Date and Rates: 93 cfs – May 24, 1879 (Priority 194-A-1) iv. Source: Mail Creek, tributary of the Cache la Poudre River v. Uses: Irrigation. **3. Description of Proposed Changes.** Applicants seek to add additional types, locations, and methods of use of the Water Rights, including use after storage. **A. Change in Type of Use.** In addition to the previously decreed irrigation use, Applicants will use the Water Rights for: all municipal purposes, including but not limited to irrigation, domestic, mechanical, industrial, commercial, manufacturing, fire protection, sewage treatment, irrigation of parks, lawns, and grounds, recreation, fish culture, maintenance and preservation of wildlife; augmentation; replacement; substitution; adjustment and regulation of the Applicants' water system; and drought protection. i. Right to fully consume and successively use. Applicants may fully consume and reuse and successively use to extinction the Water Rights for all changed uses described in this paragraph 3. ELCO will quantify, use, and successively use municipal return flows resulting from indoor use of the Water Rights within the ELCO service area and lawn irrigation return flows from the outdoor use of the Water Rights in accordance with the decree entered in Case No. 09CW282. FCLWD will quantify, use, and successively use municipal return flows resulting from indoor use of the Water Rights in accordance with the terms of the decree entered in Case No. 19CW3019. **B. Change in Place of Use.** In addition to continued irrigation use under the New Mercer Ditch system, the Water Rights will be used within the Applicants' respective service areas, as the same exist or as may be expanded from time to time, and outside of those service areas pursuant to agreements between the Applicants' and others who take delivery from the District's water system. A map showing the Applicants' service areas is provided as **Exhibit A.** Applicants will also use the Water Rights for augmentation, replacement, and substitution purposes at any location where the Applicants are required to satisfy augmentation or replacement requirements arising under any existing or subsequent decree. **C. Change in Point of Diversion.** In addition to diverting the Water Rights at the New Mercer Ditch, Applicants will divert the Water Rights at the following alternate points of diversion (APODs): i. Munroe Gravity Canal (a/k/a North Poudre Supply Canal). The headgate of the Munroe Gravity Canal is located on the East bank of the Cache la Poudre River in the SW 1/4 NE 1/4, Sec. 5, T8N, R70W, 6th P.M. Larimer County, Colorado, at a point whence the Southeast corner of Section 5 bears South 37°27' 30" East 3,647.5 feet. ii. Larimer County Canal No. 2. The headgate of the Larimer County Canal No. 2 is in the NW 1/4, Sec. 32, T8N, R69W, 6th P.M. Larimer County Colorado, at a point 17 feet from the North section line and 237 feet from the West section line. iii. Overland Trail Diversion Structure. The Overland Trail Diversion Structure is located on the South side of the Cache la Poudre River at a point 2,400 feet West and 1,500 feet North of the Southeast corner of Sec. 33, T8N, R69W, 6th P.M. Larimer County, Colorado. iv. Arthur Ditch (a/k/a Arthur Irrigation Company Headgate). The Arthur Ditch headgate is located on the South bank of the Cache la Poudre River in the SW 1/4, Sec. 34, T8N, R69W, 6th P.M., Larimer County, Colorado. v. River Bluffs Reservoir Inlet. The River Bluffs Reservoir Inlet (North Inlet Pipeline) will divert in the SE 1/4 of the NE 1/4, or the NE 1/4 of the SE 1/4, Sec. 11, T6N, R68W, 6th P.M., Larimer County, Colorado. **D. Change to Storage.** In addition to making direct use of the Water Rights, the Water Rights, including any reusable return flows derived from the Water Rights, may be stored prior to initial use or for successive beneficial use, at one or more of the following locations: i. Overland Trails Reservoirs. The Overland Trails Reservoirs are a series of hydraulically connected, lined gravel pits located in parts of the SE ¼ of Sec. 32 and the S 1/2 of Sec. 33, T8N, R69W; the N1/2 of Sec. 4, and the E 1/2 of the NW 1/4, the SW 1/4 of the NE 1/4, and the NW 1/4 of the SE 1/4 of Sec. 3, T7N, R69W, 6th P.M., Larimer County, Colorado. ii. Horsetooth Reservoir. Horsetooth Reservoir is located on all or portions of Sec. 5, 6, and 8, T6N, R69W; Sec. 6, 7, 18, 19, 20, 29, 30, 31, and 32, T7N, R69W; and SE 1/4 of Sec. 1, T7N, R70W, 6th P.M., Larimer County, Colorado. Storage of the Water Rights in Horsetooth Reservoir is subject to contracts entered by and between each of the Applicants and the Northern Colorado Water Conservancy District and the U.S. Bureau of Reclamation for storage of non-project municipal and industrial water supplies. iii. River Bluffs Reservoir. River Bluffs Reservoir is a lined gravel pit located in the N 1/2 of Sec. 13, T6N, R68W, 6th P.M., Larimer County,

Colorado. iv. Storage at Alternate Places of Storage. Pursuant to § 37-87-101(3), C.R.S., any reservoir that is located on a ditch or diversion system that diverts at the point(s) of diversion identified in paragraphs 2.A.iii and 3.C, above. **4. Historical Use.** The Water Rights were historically used for irrigation purposes on lands lawfully irrigable under the New Mercer Ditch system, as shown on **Exhibit B**. To determine the historical consumptive use of the Water Rights, Applicants will utilize the ditch-wide historical consumptive use analysis initially developed in Case No. 92CW129, and subsequently relied upon in Case Nos. 05CW323 and 93CW168. Applicants will rely on records of actual diversion of the Water Rights, including but not limited to the records summarized in **Exhibit C**. **5. Historical Return Flows.** The historic irrigation use of the Water Rights resulted in return flows that accrued to the Cache la Poudre River. Applicants will quantify these return flows as part of its historical use analysis of the Water Right. **6. Replacement Plan.** Once the Water Rights are no longer used for agricultural irrigation, Applicants will replace return flows under a replacement plan to be decreed in this case at times when there is a downstream call being administered at the point(s) where the return flows historically accrued to the Cache la Poudre River. Applicants will not be required to replace return flows under “free river” conditions. Applicants will replace return flows using the Water Rights, reusable return flows derived from the Water Rights, and any other water rights which are legally and physically available to the District for the replacement of return flows, including but not limited to the water rights identified in **Exhibit D**. Applicants may divert and store the Water Rights, including both the historic consumptive use and return flow components at any of the points described in paragraphs 2.A.iii, 3.C, and 3.D, above, so long as they satisfy their replacement obligations using other decreed sources in the correct timing and amount under the replacement plan to be decreed in this case. Applicants may deliver replacement water supplies at locations upstream, at, or downstream of the point where return flows historically accrued to the Cache la Poudre River, so long as those supplies are delivered at a location above the downstream calling water right. **7. Owners of Land upon which Structures are or will be located.** The names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Munroe Gravity Canal: i. Northern Colorado Water Conservancy District, 220 Water Ave., Berthoud, CO 80513 ii. North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80549 B. Horsetooth Reservoir: i. Northern Colorado Water Conservancy District, 220 Water Ave., Berthoud, CO 80513 ii. United States Department of Interior, Bureau of Reclamation, Eastern Colorado Area Office, 11056 W. County Road 18E, Loveland, CO 80537 iii. Larimer County, P.O. Box 1190, Fort Collins, CO 80522 C. New Mercer Ditch: i. New Mercer Ditch Company, c/o Melissa Buick, Secretary, 207 Windflower Way, Severance, CO 80550 ii. Harry and Michelle Nequette Family Trust, 4009 Green Ridge Drive, Laporte, CO 80535 iii. Robert L. and Lori E. Graves, 5821 W. County Road 54, P.O. Box 312, Bellvue, CO 80512 D. Larimer County Canal No. 2: i. The Larimer County Canal Number Two Irrigating Company, c/o Melissa Buick, Secretary, 207 Windflower Way, Severance, CO 80550 ii. Harry and Michelle Nequette Family Trust, 4009 Green Ridge Drive, Laporte, CO 80535 iii. Robert L. and Lori E. Graves, 5821 W. County Road 54, P.O. Box 312, Bellvue, CO 80512 E. Overland Trail Diversion Structure and Overland Trail Reservoirs: i. City of Greeley, 1100 10th Street, 3rd Floor, Greeley, CO 80601 ii. Applicant - Fort Collins-Loveland Water District, 5150 Snead Drive, Fort Collins, CO 80525 iii. North Weld County Water District, 32825 WCR 39, P.O. Box 56, Lucerne, CO 80646 iv. Applicant - East Larimer County Water District, 232 South Link Lane, Fort Collins, CO 80524 F. Arthur Ditch: i. The Arthur Irrigation Company, c/o Melissa Buick, Secretary, 207 Windflower Way, Severance, CO 80550 ii. Martin Marietta Materials, Inc., 1800 N. Taft Hill Rd., Fort Collins, CO 80521 iii. Martin Marietta Materials, Inc., P.O. Box 8040, Fort Wayne, IN 46898-8040 G. River Bluffs Reservoir and Inlet: i. River Bluffs Ventures, LLC, 1927 Wilmington Drive, Suite 101, Fort Collins, CO 80528 ii. Steamboat Partners Investments, LLC, 1927 Wilmington Drive, Suite 101, Fort Collins, CO 80528 iii. Timnath Ranch Investments, LLC, 1927 Wilmington Drive, Suite 101, Fort Collins, CO 80528 iv. North Weld County Water District, 32825 WCR 39, P.O. Box 56, Lucerne, CO 80646 v. Applicant - East Larimer County Water District, 232 South Link Lane, Fort Collins, CO 80524 WHEREFORE, Applicants respectfully requests the Court to enter a decree granting all claims in this Application.

2023CW3105 1. **CITY OF THORNTON**, Colorado, Infrastructure Department, Division of Water Resources, 12450 North Washington Street, Thornton, Colorado 80241, Telephone: 720-977-6600. Kara N. Godbehere, #36742, City of Thornton, 9500 Civic Center Drive, Thornton, Colorado 80229-4326, (303) 538-7210. **VERIFIED APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE IN ADAMS AND JEFFERSON COUNTIES.** 2. Name of Structures. 2.1. Lower Clear Creek Ditch. 2.2. Croke Canal. 2.3. Farmers High Line Canal. 3. Description of conditional water right: Enlarged Clear Creek - South Platte River Exchange. 3.1. Date of Original Decree: July 15, 1993. Case No. 90CW231, District Court, Water Division 1. 3.2. Subsequent decrees awarding findings of diligence: Case No. 99CW116, District Court, Water Division 1, entered June 9, 2003 (making 13.83 cfs of the Lower Clear Creek Ditch exchange and 24.65 cfs of the Croke Canal exchange absolute), Case No. 09CW66, District Court, Water Division 1, entered March 15, 2011, and Case No. 17CW3047, District Court, Water Division 1, entered August 17, 2017. 3.3. Legal Description: 3.3.1. Location of Points of Diversion by Exchange (Exchange-To Points): 3.3.1.1. Lower Clear Creek Ditch: The headgate of the Lower Clear Creek Ditch as it presently exists and as it may be relocated in the future ("Lower Clear Creek Headgate"). The Lower Clear Creek Headgate is presently located on the north bank of Clear Creek in the SE 1/4 of Section 4, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. Water diverted through the Lower Clear Creek Ditch under the exchanges will be used by direct use and by storage in and subsequent release from the following reservoirs: 3.3.1.1.1. West Gravel Lakes: located in Sections 25 and 36, Township 2 South, Range 68 West, 6th P.M., Adams County, Colorado. 3.3.1.1.2. Brannan Lake: located in the SW 1/4 of Section 35, Township 2 South, Range 68 West, 6th P.M., Adams County, Colorado. 3.3.1.2. Croke Canal: The headgate of the Croke Canal as it presently exists and as it may be relocated in the future ("Croke Canal Headgate"). The Croke Canal Headgate is presently located on the north bank of Clear Creek in the NW 1/4 of the NE 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado. Water diverted through the Croke Canal under the exchanges will be used by direct use and by storage in and subsequent release from Standley Lake, located in Sections 16, 17, 20, 21, 22, 27, 28 and 29, Township 2 South, Range 69 West, 6th P.M., Jefferson County, Colorado. 3.3.1.3. Farmers High Line Canal: The headgate of the Farmers High Line Canal as it presently exists and as it may be relocated in the future ("Farmers High Line Headgate"). The Farmers High Line Headgate is presently located on the north bank of Clear Creek in the NW 1/4 of the SW 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado. Water diverted through the Farmers High Line Canal under the exchanges will be used by direct use and by storage in and subsequent release from the following reservoirs: 3.3.1.3.1. Standley Lake: located in Sections 16, 17, 20, 21, 22, 27, 28 and 29, Township 2 South, Range 69 West, 6th P.M., Jefferson County, Colorado. 3.3.1.3.2. Croke Reservoir No. 12 (a.k.a. Croke Lake or Croke and Badding Reservoirs): located in the S 1/2 of Section 15, Township 2 South, Range 68 West, 6th P.M., Adams County, Colorado. 3.3.1.3.3. Eastlake Reservoirs 1, 2 and 3: located in Sections 25, 35 and 36, Township 1 South, Range 68 West, 6th P.M., Adams County, Colorado. 3.3.1.3.4. Poitz Reservoir (a.k.a. Hunter's Glen Reservoir): located in the SW 1/4 of Section 26, Township 1 South, Range 68 West, 6th P.M., Adams County, Colorado. 3.3.2. Location of Points of Release of Substitute Supplies (Exchange-From Points): 3.3.2.1. Clear Creek-South Platte Confluence: The confluence of Clear Creek and the South Platte River, which is currently located in the SW 1/4 of the SE 1/4 of Section 36, Township 2 South, Range 68 West, of the 6th P.M. in Adams County, Colorado. 3.3.2.2. Tani Outfall: The outlet of Tani Lakes (a.k.a. South Tani Reservoir) on the South Platte River (the "Tani Outfall") is located on the South Platte River in the SE 1/4 of Section 25, Township 2 South, Range 68 West, of the 6th P.M., in Adams County, Colorado. 3.3.2.3. Metro Outfall: The outfall of the Robert W. Hite Treatment Facility (Metro Wastewater Reclamation District Plant) on the South Platte River as it currently exists and as it may be relocated in the future (the "Metro Outfall"). The Metro Outfall is currently located on the South Platte River near the section line between Sections 1 and 12, Township 3 South, Range 68 West, of the 6th P.M., in Adams County, Colorado. 3.4 Source of Diversion by Exchange: Clear Creek and its tributaries, all tributary to the South Platte River. 3.5. Appropriation Date: November 8, 1990. 3.6. Amounts: 3.6.1. Lower Clear Creek Ditch Exchange-To Point: 13.83 cfs, ABSOLUTE, 186.17 cfs,

CONDITIONAL. 3.6.2. Farmers High Line Canal Exchange-To Point: 200 cfs, CONDITIONAL. 3.6.3. Croke Canal Exchange-To Point: 24.65 cfs, ABSOLUTE, 175.35 cfs, CONDITIONAL. 3.7. Uses of Water Diverted by Exchange: All municipal uses, including domestic, mechanical, manufacturing, industrial, power generation, including generation of electric power, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, fish culture, agricultural uses, maintenance and preservation of wildlife and aesthetic values, and for the replacement, adjustment and regulation including exchange and augmentation, of, among and with the units of the city of Thornton municipal water system within themselves and with other water users and water rights. Thornton shall have the right to a single use of water diverted by exchange of substitute supplies that have been decreed for only a single use. To the extent that water diverted by Thornton under the subject exchanges is fully replaced with reusable substitute supplies, Thornton has the right to use, reuse, successively use and dispose of to extinction, the water diverted by the subject exchanges. 3.8. Remarks: A map showing the location of the Exchange-To and Exchange-From Points is attached hereto as Exhibit A. 4. **Detailed outline of what has been done toward completion, including expenditures**: From August 17, 2017 through August of 2023, Thornton performed the following work and incurred the following costs, all or in part, concerning the remaining conditional portion of the Thornton Enlarged Clear Creek - South Platte River Exchange (“Subject Water Right”), including work and expenditures on specific structures integral to the diversion and use of the Subject Water Right and in the further development of Thornton’s integrated water supply systems within which the Subject Water Right has been and will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional activities and costs at trial. 4.1. Thornton Integrated System Activities: During the relevant diligence period, Thornton has continued in the development and improvement of its Clear Creek and South Platte River water supply system including many of the structures used in the exercise of the Subject Water Right, and the eventual treatment and use of the water yielded by such right. Costs incurred by Thornton during the relevant diligence period totaled approximately \$124,631,579.00, and include the following: 4.1.1 Ditch Company Assessments: Thornton paid assessments of approximately \$1,242,000.00 for its share ownership in the Lower Clear Creek Ditch Company (LCC), Colorado Agricultural Ditch Company (COAg), Farmers’ High Line Canal and Reservoir Company, and the Farmers Reservoir and Irrigation Company (FRICO). 4.1.2. LCC and COAg Carriage and Maintenance Agreement: Under a carriage and maintenance agreement with the LCC and COAg, Thornton paid approximately \$115,500.00 for its share of operating expenses to allow Thornton to use the excess ditch capacity to run water for storage in West Gravel Lakes and treatment in the Wes Brown Treatment Plant. 4.1.3. FHL Carriage Agreement: Under a carriage agreement with the FHL, Thornton paid fees totaling approximately \$1,390.00 for carriage of water through that company’s facilities to Standley Lake. 4.1.4. Standley Lake Operating Committee: Thornton, Westminster, Northglenn, and FRICO have an Agreement concerning ongoing cost-sharing associated with the daily and annual accounting for water diversion and storage in the Croke Canal and Standley Lake. Thornton paid approximately \$689,360.00 for its share of such costs during the diligence period. 4.1.5. Standley Lake Pipeline and Facility Maintenance and Replacement: Thornton spent approximately \$853,650.00 for repair and replacement of pipe sections in the Thornton/Northglenn jointly owned 7-mile section of the Standley Lake Pipeline, spent approximately \$557,500.00 to improve the resiliency of the water supply by replacing valves and spent approximately \$32,250.00 on a security assessment at Standley Lake to identify potential risks to the quality and quantity of water. 4.1.6. Lower Clear Creek Ditch Structure: In 2023, Thornton spent approximately \$14,000.00 towards the design and engineering of a new LCC diversion structure. 4.1.7. Water Quality Monitoring: Thornton spent approximately \$1,134,280.00 on water quality monitoring and sampling of its Clear Creek raw water collection system including Standley Lake. 4.1.8. Wes Brown Water Treatment Plant (WBWTP) Projects: The Subject Water Right can be treated at WBWTP prior to being distributed to Thornton customers. During the relevant diligence period, the following projects and associated costs occurred at the WBWTP: 4.1.8.1. Thornton spent approximately \$4,384,037.00 for the replacement of membrane modules. 4.1.8.2. Thornton spent approximately \$10,536,420.00 to improve operations at WBTWP, including replacing air compressors and conducting programmable logic controller upgrades, reviewing existing plant processes

and operations, and implementing potential process modifications or additions to increase operational effectiveness. 4.1.8.3. Thornton spent approximately \$178,150.00 to improve the safety and security of the WBWTP and associated infrastructure including the installation of video surveillance cameras and fire alarms. 4.1.8.4. Thornton spent approximately \$2,211,460.00 on the engineering, maintenance, repair, installation and optimization of the clarifier and sludge disposal system. 4.1.9. Thornton Water Treatment Plant (TWTP) Replacement: The Subject Water Right can be treated at TWTP prior to being distributed to Thornton customers. During the diligence period, Thornton spent approximately \$89,701,870.00 on design and construction of a new TWTP. 4.1.9.1. Thornton spent approximately \$242,126.00 improving the resiliency of TWTP by maintaining and updating critical equipment as well as providing uninterrupted power supplies backups for critical valve operation. 4.1.10. Treated Water Systems Improvements: Thornton has regular programs in place to maintain its treatment technologies and treatment facilities. Thornton has continually improved, maintained, and extended its treated water distribution system to provide water service to its customers. During the diligence period, Thornton spent approximately \$8,569,468.00 to replace water distribution system facilities that are malfunctioning or nearing the end of their useful life due to deterioration and/or corrosion. Examples of such projects include installation of distribution tank mixers, replacement of sludge lines, and repair/replacement of pressure reduction valves and air release valves. 4.1.11. Gravel Lakes Planning and Facility Construction and Maintenance: Thornton spent approximately \$3,031,118.00 on the upgrade of pump stations, the design and construction of rip rap to protect eroded slopes on the city's raw water storage reservoirs, construction of outlet gates, and general engineering such as reservoir inspections, dam inspections, and design reviews. 4.1.12. Water Court: Thornton has actively continued ongoing participation in water court proceedings to protect the water rights decreed in Case No. 90CW231. Legal and engineering costs incurred related to the protection of Thornton's Clear Creek and South Platte River water rights portfolio, including the Subject Water Right totaled approximately \$1,137,000.00 during the diligence period. 5. Claim to make absolute: N/A. 6. **Names and addresses of owners of land upon which new diversion or storage structures will be built, owners of existing structures which may require modification and owners of land upon which water is or will be stored**: Not applicable; all diversion and storage structures named in this application exist and have been built to adequate capacity. Therefore, modifications to diversion structures or storage pools are not anticipated. **WHEREFORE**, Applicant respectfully requests a judgment and decree of this Court that: 1. Thornton has diligently pursued the completion of the Thornton Enlarged Clear Creek - South Platte River Exchange water right decreed in Case No. 90CW231, and that this water right shall be continued, in the amounts not previously made absolute, as a conditional water right for a period of six years after entry of the Court's decree herein; and 2. Such other relief as the Court deems just and proper. (9 pages, 1 exhibit).

****AMENDED**2020CW3208**. Division 1. DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, 901 9th Avenue, P.O. Box 2038, Greeley, Colorado 80632, (970) 475-2507. **IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF HF2M, INC., A TEXAS CORPORATION, IN LARIMER COUNTY, COLORADO. AMENDED APPLICATION FOR WATER RIGHTS, CHANGE OF WATER RIGHTS, PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHTS OF EXCHANGE IN LARIMER COUNTY.** 1. Name, Address, Telephone Number, and Email Address of Applicant: HF2M, Inc., a Texas Corporation ("Applicant"), c/o Max Moss, 430 N. College Ave., Suite 410, Fort Collins, CO 80524, (512) 507-5570, max@montava.com Direct All Pleadings to: Steven J. Bushong, Cassidy L. Woodard, Bushong & Holleman PC, 1525 Spruce Street, Suite 200, Boulder, CO 80302. sbushong@BH-Lawyers.com; cwoodard@BH-Lawyers.com 2. Overview: Applicant is developing a traditional neighborhood-style development on approximately 1,000 acres in Fort Collins, which already has an approved Planned Unit Development and Master Plan (referred to as "Montava") to be located on the lands depicted in **Exhibit A** hereto. Applicant seeks ground water rights that will principally supply potable water for the Montava development and intends to replace out-of-priority depletions associated with the use thereof through a plan for augmentation, all of which it intends will be operated by a quasi-governmental entity or private water company. In connection with the Montava water supply and plan for augmentation, Applicant also requests certain water rights to divert and/or store

water from Boxelder Creek and the Cache la Poudre River, appropriate rights of exchange, an alternate place of storage for already quantified shares in the Taylor and Gill Ditch Company, and a change of the transmountain water associated with up to 3 shares in the Water Supply & Storage Company (“WSSC”).

I. Request for Ground Water Rights

3. Names of Structures: A. Montava West Wellfield; and B. Montava East Wellfield; and C. Montava West Pond Well; and D. Montava East Pond Well.

4. Legal Descriptions: A. Montava West Wellfield: The Montava West Wellfield will contain two or more wells to be located anywhere in the NE1/4 of Section 4, Township 7 North, Range 68 West of the 6th P.M., B. Montava East Wellfield: The Montava East Wellfield will contain one or more wells to be located anywhere in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M., and may include an infiltration gallery, C. Montava West Pond Well. In the SW1/4 of the NE1/4 of Section 32, Township 8 North, Range 68 West of the 6th P.M. a distance of 2,629 feet south of the north section line and 2,348 feet west of the east section line, D. Montava East Pond Well. In the SE1/4 of the NW1/4 of Section 33, Township 8 North, Range 68 West of the 6th P.M. at a point approximately 2,165 feet south of the north section line and 1,414 feet east of the west section line of said Section 33.

5. Source: The source for the Montava West Wellfield and Montava East Well Field (collectively the “Wellfields”) and for the Montava West Pond Well and the Montava East Pond Well (collectively “Pond Wells”) is the unconfined alluvial aquifer of Boxelder Creek, tributary to Boxelder Creek and the Cache la Poudre River, tributary to the South Platte River.

6. Amount: 900 gallons per minute, conditional, as the maximum collective rate from one or both Wellfields and Pond Wells.

7. Appropriation Date: September 15, 2020 for the Wellfields and July 31, 2023, for the Pond Wells.

8. How Appropriation was Initiated: For the Wellfields, through noticed public meetings regarding the proposed Montava water supply, including but not limited to a meeting with the East Larimer County Water District. For the Pond Wells, by filing in the above captioned case engineering that identified the Pond Wells.

9. Uses: A. Wellfields. The ground water diverted at the Wellfields will be treated and used for all indoor municipal uses and certain limited outdoor municipal uses but not including outdoor irrigation. Claimed municipal uses include, but are not limited to, domestic, commercial, industrial, construction, potable storage, and related municipal uses. Further, Applicant claims the right to use and reuse to extinction and otherwise dispose of the effluent associated with the indoor use within Montava for any and all beneficial uses including, but not limited to, the purposes described in Paragraph 26.G and Section IX hereof. Additionally, water from the Montava East Wellfield may be used for augmentation and replacement uses, B. Ponds Wells. The Montava West Pond Well and the Montava East Pond Well will be used to fill when necessary and replace evaporation losses in the Montava West Pond and Montava East Pond (collectively “Ponds”), respectively, as those Ponds are described below. Water in the Ponds will be used for irrigation, recreation, piscatorial, and incidental aesthetic purposes. The locations of the Ponds are as follows: i. Montava West Pond: a pond within the Montava Property located in the NW1/4 of the SE1/4 of Section 32, Township 8 North, Range 68 West of the 6th P.M., ii. Montava East Pond: a pond within the Montava Property located in the SW1/4 of the NW1/4 of Section 33, Township 8 North, Range 68 West of the 6th P.M.

10. Remarks: The Ponds will be lined and constructed with the ability to release any out-of-priority storage. The Ponds will receive water during the irrigation season for irrigation use from supplies that are not the subject of this Application. The Pond Wells will be limited to filling the Ponds when needed and replacing evaporation. The Wellfields, Pond Wells, and Ponds are depicted on **Exhibit B**.

11. Depth: The estimated depth of individual wells in the Wellfields and the Pond Wells is estimated at 30 – 60 feet, subject to verification upon drilling and confirmation upon making absolute.

II. Request for Surface Water and/or Ground Water Rights

12. Name of Structure. Montava Boxelder Creek Diversion.

A. Legal description. The Montava Boxelder Creek Diversion will be in one of the following two locations: i. At a potential new location in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West, of the 6th P.M. at a point approximately 2,200 feet from the east section line and 2,000 feet from the south section line of said Section 3. UTM Zone 13 Easting 500860, Northing 4494480, ii. At a potential existing diversion located in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M. at a point approximately 1,625 feet from the east section line and 2,470 feet from the south section line. UTM Zone 13 Easting 501020, Northing 4494607, B. Source. Boxelder Creek surface water, tributary to the Cache la Poudre River, tributary to the South Platte River, C. Amount. 0.3 cfs, conditional, D.

Appropriation Date. July 31, 2023, E. How Appropriation was Initiated. By filing in the above-captioned case engineering that included the Montava Boxelder Creek Diversion, F. Uses. Augmentation and replacement, G. Remarks. The Montava Boxelder Creek Diversion is generally depicted in **Exhibit B** and will be used in the augmentation plan described below to replace depletions. The Montava Boxelder Creek Diversion will rely upon an existing surface diversion structure by agreement and/or a new diversion structure, and may rely upon part of the infrastructure associated with the Montava East Wellfield. 13. Name of Structure. Montava Poudre River Diversion. A. Legal description. in the SW1/4 of the SW1/4 of Section 27, Township 7 North, Range 68 West of the 6th P.M. at a point approximately 81 feet north of the south section line and 246 feet east of the west section line of said Section 27, B. Source. Cache la Poudre River surface water and/or groundwater immediately tributary to the Cache La Poudre River, tributary to the South Platte River, C. Amount. 1.87 cfs, conditional, D. Appropriation Date. July 31, 2023, E. How Appropriation was Initiated. By filing in the above-captioned case engineering that included the Montava Poudre River Diversion, F. Uses. Augmentation and replacement, directly or after storage in Rigdin Reservoir described in Paragraph 26.A, below. 14. Remarks. The Montava Poudre River Diversion is generally depicted in **Exhibit B** and will be used in the augmentation plan described below to replace out-of-priority depletions by diverting at rates up to the rate of fully consumable effluent returned from indoor use of the water diverted by the Wellfields. To the extent the source of the Montava Poudre River Diversion is groundwater the diversions are expected to operate similar to a headgate well with largely instantaneous depletions to the River but the structure is included in the augmentation plan in the event any lagged depletions must be addressed. **III. Request for Storage Right with Two Filling Structures** 15. Name of Junior Storage Right: Seaworth Augmentation Pond No. 2. A. Legal Description: The Seaworth Augmentation Pond No. 2 is located in the NW1/4 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M., B. Source: Cache la Poudre River, C. Points of Diversion for Filling Seaworth Augmentation Pond No. 2: i. Taylor and Gill Ditch. An existing ditch which diverts from the Cache la Poudre River in the SW 1/4 of the SW 1/4 of Section 29, Township 8 North, Range 69 West of the 6th P.M., ii. Seaworth River Diversion, A diversion point and/or pump station on the Cache la Poudre River, at a point in the W1/2 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M. The Seaworth River Diversion will be used to fill the Seaworth Augmentation Pond No. 2 under this appropriation, D. Diversion Rates for Filling Structures: i. Taylor and Gill Ditch. 13.81 cfs., ii. Seaworth River Diversion. 5.0 cfs., ii. Appropriation Date: December 30, 2020, F. How Appropriation was Initiated: By the filing the Application in this case, G. Amount: 140 acre-feet, conditional, with the right to fill and refill whenever water is available in priority. The precise amount will be determined when this water right is made absolute. This claimed amount includes any storage between the open water surface and the slurry wall liner, H. Uses: Storage, augmentation, including augmentation use for replacing depletions from structures on the adjacent lands owned by William O. and Paulette M. Seaworth and Ronny and Billy LLC and augmentation use for replacing depletions associated with Montava, replacement, exchange, commercial, in-reservoir recreation, piscatorial and fish propagation, and wildlife watering, I. Delivery Point: For the purposes of delivering water from the Seaworth Augmentation Pond No. 2 to the Cache la Poudre River for subsequent uses such as augmentation, replacement, and exchange, a structure will be constructed at a point in the W1/2 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M. that releases water directly to the Cache la Poudre River, J. Surface Area at High Water Line: Approximately 7.2 open surface acres (not including any storage between the open water surface and the slurry wall liner), K. Active Storage: 140 acre-feet, L. Remarks: Seaworth Augmentation Pond No. 2 is an existing gravel pit that will be improved and lined. The claimed storage right includes any water stored between the slurry wall and the open pit. The Seaworth River Diversion will also be used to fill Seaworth Augmentation Pond as described in Section III hereof. The structures described in this Section II of the Application are shown in **Exhibit C.** **IV. Request for New Water Right for Existing Reservoir** 16. Request for New Appropriation: Applicant requests a new appropriation to use the Seaworth River Diversion, described above in Paragraph 15.C.ii, as another point of diversion for the existing Seaworth Augmentation Pond originally decreed by the District Court in and for Water Division 1, State of Colorado (“Water Court”) in Case No. 16CW3093, on November 1, 2018 (“16CW3093 Decree”) as described below

in Paragraph 16.A.i.b., A. New Appropriation: i. Legal Descriptions: a. a. Seaworth River Diversion. See Paragraph 15.C.ii, above, b. Seaworth Augmentation Pond. As described in Paragraph 7.1 of the 16CW3093 Decree, the Seaworth Augmentation Pond is located in the NW1/4 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M. with the center of the as-built location being 2,585 feet north of the south line and 1,708 feet west of the east line of said Section 33. The entire pond is located in part of the NW1/4 of the SE1/4 and part of the SW1/4 of the NE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M., ii. Source: Cache la Poudre River, iii. Amount. 5 cfs at the Seaworth River Diversion with the right to fill and refill the existing Seaworth Augmentation Pond whenever water is available in priority, iv. Date of Appropriation: December 30, 2020, v. How Appropriation was Initiated: By the filing the Application in this case, vi. Uses: Storage in Seaworth Augmentation Pond for augmentation, including augmentation use for replacing depletions from structures on the adjacent lands owned by William O. and Paulette M. Seaworth and Ronny and Billy LLC and augmentation use for replacing depletions associated with Montava, replacement, commercial (fishing and hunting business), in-reservoir recreation, fish propagation, and wildlife watering purposes, vii. Remarks: The water right decreed to the Seaworth Augmentation Pond in the 16CW3093 Decree may only be diverted at the headgate of the Taylor and Gill Ditch. This request claims a new appropriation and water right for filling and refilling the Seaworth Augmentation Pond using the Seaworth River Diversion. The structures described in this Section III of the Application are shown in **Exhibit C**. V. Alternate Place of Storage 17. Water Right to be Alternately Stored: The previously changed and quantified Taylor and Gill Ditch water right described in the 16CW3093 Decree will be alternatively stored in Seaworth Augmentation Pond No. 2 as described below, A. Original Decree: The Taylor and Gill Ditch was originally decreed in Civil Action 320, District Court, Larimer County, dated April 11, 1882 for 18.48 cfs out of the Cache la Poudre River for irrigation use. The originally decreed legal description was the north side of the Cache la Poudre River, one-half mile above the Town of La Porte with a general southeasterly course, B. Prior Change Decree: 4.0 shares of the 64.375 shares in the Taylor and Gill Ditch Company, were quantified and changed in the 16CW3093 Decree, in which the use of that portion of the Taylor and Gill Ditch water right was changed from direct use for irrigation to direct use and storage in the Seaworth Augmentation Pond for augmentation, replacement, commercial (a hunting and fishing business), in-reservoir fish propagation, and in-reservoir wildlife watering, all as more specifically described in the 16CW3093 Decree, C. Legal Descriptions: i. Taylor and Gill Ditch Diversion Point: See Paragraph 15.C.i, above. This diversion point was described as the actual legal description for the Taylor and Gill Ditch in the 16CW3093 Decree, ii. Seaworth Augmentation Pond No. 2. See Paragraph 15.A, above, D. Source: Cache la Poudre River, E. Amount: 1.145 cfs., F. Appropriation Date: April 15, 1866, G. Uses: In addition to those uses and places of use identified in the 16CW3093 Decree, direct use and storage in the Seaworth Augmentation Pond No. 2 for augmentation, replacement, commercial (a hunting and fishing business), in reservoir fish propagation, and in-reservoir wildlife watering, H. Remarks: All terms and conditions applicable to the changed Taylor and Gill Ditch water right described in the 16CW3093 Decree shall remain in effect except that the consumptive use component and return flow component thereof, as defined in the 16CW3093 Decree, will alternatively be stored in Seaworth Augmentation Pond No. 2. That water right is not subject to re-quantification pursuant to C.R.S. § 37-93-305(3)(e). The structures described in this Section IV of the Application are shown in **Exhibit C**. VI. Change of Water Right 18. Water Right to be Changed: Applicant or its subsidiaries own shares of the capital stock in Water Supply and Storage Company (“WSSC”) including 3 shares out of 600 outstanding shares, which are included in Certificate Nos. 6846, 6847, and 6919 (“WSSC Shares”). By this Application, Applicant gives notice that it intends to change its proportionate share of the WSSC transmountain water rights represented by the WSSC Shares that are imported from the basins of the Laramie River, the Michigan River, and the Colorado River (the “WSSC Transmountain Water”), as further described in **Exhibit D** (which shall be attached to the resume notice hereof). Applicant does not seek to change its proportionate share of the WSSC water native to the Cache La Poudre or of WSSC’s interest in the water rights in the Jackson Ditch Company and Colorado-Big Thompson Project, all of which Applicant will continue to use when available for irrigation in Montava or other areas in the WSSC service area, A. Decrees: The decreed water rights of the WSSC Transmountain Water are described on the attached

Exhibit D, B. Legal Description: The legal descriptions of the WSSC Transmountain Water are described on the attached **Exhibit D, C. Source:** The decreed sources of water for the WSSC Transmountain Water are described on the attached **Exhibit D, D. Appropriation Date:** The appropriation dates for the WSSC Transmountain Water are listed on the attached **Exhibit D, E. Amount:** The total amounts decreed to each structure used for the WSSC Transmountain Water are listed on the attached **Exhibit D, F. Use:** Water associated with the WSSC Shares including the WSSC Transmountain Water was decreed for irrigation of land under the WSSC system as described in the decrees referenced in the attached **Exhibit D. 19. Historical Use:** Applicant will quantify the historical use of the WSSC Transmountain Water associated with the WSSC Shares that it seeks to change using the same or similar methodology used in other change cases involving WSSC. The WSSC Shares were historically used to irrigate lands in Weld County located in the SW1/4 of Section 8, Township 7 North, Range 67 West, of the 6th P.M. and in the NW1/4 and part of the NE1/4 of Section 28, Township 7 North, Range 67 West of the 6th P.M. and in the E1/2 of the NW1/4 of Section 21, Township 7 North, Range 67 West of the 6th P.M. and lands in Larimer County in parts of the NW1/4, NE1/4, and SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M. The lands are depicted in **Exhibit E**. Applicant shall rely upon the publicly available diversion records maintained by the Colorado Division of Water Resources for the WSSC Transmountain water rights described in **Exhibit D** and any summaries thereof. 20. **Change of Use:** Applicant seeks to change the type, location, and manner of use of the WSSC Transmountain Water associated with the WSSC Shares from the historical irrigation uses to irrigation, storage, augmentation, exchange, replacement, commercial, in-reservoir recreation, piscatorial and fish propagation, and wildlife watering. 21. **Storage of Changed WSSC Shares.** Storage of the changed WSSC Shares may occur in any or all of the following facilities or other storage facilities to which HF2M has or obtains a contractual right to store water: A. **Seaworth Augmentation Pond No. 2.** Described in Paragraph 15, above, via diversion out of the Cache la Poudre through the Seaworth River Diversion or the Taylor and Gill Ditch as described in Paragraphs 15.C.ii and 15.C.i, above, B. **WSSC Storage Reservoirs.** Described in **Exhibit D, C. The Ponds.** See Paragraphs 9.B.i and 9.B.ii. 22. **Remarks.** Although Applicant intends to quantify the WSSC Transmountain Water associated with the WSSC Shares for future use, it will continue using that WSSC Transmountain Water for irrigation within the WSSC service area until such time that Applicant requires the WSSC Transmountain Water for the changed uses.

VII. Request for Nontributary Ground Water Determination. 23. **Montava Nontributary Ground Water:** Applicant seeks to utilize the non-tributary ground underlying the contiguous 999.25 acres of the Montava property depicted in **Exhibit A**, which property is further described in **Exhibit F** (“Montava Property”). Applicant has a pending well permit application for use of the non-tributary ground water located underlying the Montava Property, A. **Source and Depth:** The source of the nontributary groundwater is the Dakota Formation aquifer, which includes both the “Muddy J” sandstone, the “Dakota sandstone,” and the “J Silt,” and is approximately 5,200 - 6,000 feet deep, B. **Estimated Amounts and Rate of Withdrawal:** Applicant claims the right to withdraw all of the nontributary groundwater in the Dakota Formation and the J Silt formation underlying the Montava Property at an average rate not to exceed 1% of the total decreed entitlement each year, but with the right to exceed that average annual withdrawal in any given year as allowed by law. The thickness of the Dakota Aquifer underlying the Montava Property is 288 feet and with a conservatively estimated specific yield of 10% based upon core samples, the total recoverable volume is 28,778 acre-feet from that formation. The J Silt formation is 53 feet thick underlying the Montava Property and at a specific yield of at least 5%, adds another 2,648 acre-feet of total recoverable volume from that related formation. Thus, the total anticipated volume of nontributary groundwater is 31,426 acre-feet with an average annual pumping equal to 314 acre-feet per year, C. **Nontributary Wells and Well Fields.** Applicant reserves the right to drill one or more nontributary wells anywhere on the Montava Property. The location of the proposed well for the pending application is located in the SW1/4 of the SE1/4 of Section 32, Township 8 North, Range 68 West of the 6th P.M. at a point approximately 1,300 feet from the south line and 2,550 feet from the east line of said Section 32 at a proposed depth of 5,520 feet. As additional wells are required, well permit applications for each will be filed and issued in accordance with C.R.S. § 37-90-137(10). Applicant requests that all wells, including additional wells, located on the Montava property that are completed in the same aquifer be allowed to operate as a “well

field” as that term is described in the Statewide Nontributary Ground Water Rules, 2 CCR 402-7:4.A(13), D. Proposed Uses. Domestic, industrial, municipal, irrigation, commercial, livestock watering, storage, recreational, aesthetic ponds and water features, fish and wildlife, fire protection, storage, augmentation, replacement, exchange, recharge, and any and all other beneficial purposes, E. Ownership. Applicant has the Montava Property under firm contracts by which Applicant will close upon said lands when it has developed an adequate water supply. Although Applicant will not use the nontributary groundwater claimed herein until it owns the Montava Property, it obtained consent of the current owners for purposes of adjudicating this Section of the Application. **VIII. Request for Plan for Augmentation**

24. Structures to be Augmented: A. Montava West Wellfield, described in Paragraph 4.A, above; B. Montava East Wellfield, described in Paragraph 4.B, above; C. Montava West Pond Well, described in Paragraph 4.C, above; D. Montava East Pond Well, described in Paragraph 4.D, above; E. Montava Boxelder Creek Diversion, described in Paragraph 12, above; and F. Montava Poudre River Diversion, described in Paragraph 13, above.

25. Points of Depletion from the Wellfields and Ponds Wells: A. Montava West Wellfield and Pond Wells: Depletions from the Montava West Wellfield and Pond Wells will principally impact Boxelder Creek, but some depletions on the Cache la Poudre River are also predicted. Points of depletion from these structures are at approximately the following locations: i. Boxelder Creek: at a point in the NE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M., ii. Cache la Poudre River: at a point in the NW1/4 of the NW1/4 of Section 17, Township 7 North, Range 68 West of the 6th P.M., In addition, if appropriate to include in the augmentation plan, the Montava West Wellfield and Pond Wells may directly deplete the adjacent Larimer Weld Canal prior to the Canal crossing Boxelder Creek. B. Montava East Wellfield: Depletions from the Montava East Wellfield will impact Boxelder Creek at a point approximately in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M.

26. Water Rights to be Used for Augmentation: A. Fully Consumable Water from the City of Fort Collins: Fully consumable water from the City of Fort Collins (“City”) is a potential augmentation source. Applicant is negotiating a permanent contractual right for up to 25 acre-feet of fully consumable water from the City that will be lawfully available for augmentation, replacement, and exchange uses. Applicant may also lease such water from the City in the future. Such augmentation water would be available at one of two delivery points: i. The confluence of the Foothills Outfall Channel and the Cache la Poudre River in the NW1/4 of the NW1/4 of Section 34, Township 7 North, Range 68 West of the 6th P.M. (just below Rigden Reservoir); or ii. The Fossil Creek Reservoir Inlet Ditch at the location where the City of Fort Collins is able to pump water from Rigden Reservoir into that ditch in the SW1/4 of Section 28, Township 7 North, Range 68 West of the 6th P.M., if and when Applicant owes water to that Inlet Ditch, B. Water Supply & Storage Company: Transmountain Water from the changed WSSC Shares as described in Section VI, above. Fully consumable water from the changed WSSC Shares will be released directly to the Cache la Poudre for augmentation and/or will be stored and re-released to the Cache la Poudre River as needed for augmentation as described in paragraphs 21.A and 21.B., C. Seaworth Augmentation Pond No. 2 and Seaworth Augmentation Pond: Pursuant to an agreement, Applicant has a 40-acre-foot storage account in Seaworth Augmentation Pond No. 2 and a lease for other augmentation water in Seaworth Augmentation Pond and Seaworth Augmentation Pond No. 2 (collectively the “Seaworth Augmentation Ponds”). Any water stored in the Seaworth Augmentation Ponds that is decreed for augmentation use may be released to the Cache la Poudre River for use in this augmentation plan in a manner consistent with the aforementioned agreement, D. Seaworth Taylor and Gill Ditch Shares: Pursuant to an agreement, consumptive use water quantified in the 16CW3093 Decree will be released to the Cache la Poudre River on a direct basis or after storage for use in this plan for augmentation, E. Wellington Water Works Water: By agreement, Applicant has the right to acquire nontributary ground water from Wellington Water Works (“3W”). The 3W nontributary groundwater consists of rights in and to the Muddy Sandstone, Entrada Sandstone, and Dakota Sandstone formations underlying approximately 4,760 acres as depicted in **Exhibit G**, and as determined and decreed in the Judgment and Decree of the Water Court in Water Court Case No. 05CW343, dated April 8, 2008 (“05CW343 Decree”), including the subset of those lands referred to in the 05CW343 Decree as “Consent Lands.” The 3W nontributary water is currently the subject of the following well permits: 61879-F, 67456-F, 67457-F, 67458-F, 67459-F, 67460-F, 67461-F, 67462-F, 67463-F, 67464-F, 67465-F, 67466-F, 67467-

F, 67468-F, 67470-F, 67472-F, 67474-F, 67477-F, 67478-F., i. Delivery: The 3W nontributary water is permitted to be treated and discharged into the alluvium of Boxelder Creek by use of rapid infiltration basins (“RIBs”) that is delivered to Boxelder Creek and/or the Cache la Poudre River over time. Applicant shall provide evidence in this case on the timing of that delivery, ii. Decreed Uses of the 3W water: Pursuant to the 05CW343 Decree, the 3W nontributary water may be used for domestic, industrial, municipal, irrigation, commercial, livestock watering, recreational, aesthetic ponds and water features, fish and wildlife, fire protection, storage, augmentation, replacement, exchange, recharge, and any and all other beneficial purposes. The 05CW343 Decree also grants the right to use, reuse, successively use, lease, sell or otherwise dispose of to extinction, F. Montava Nontributary Groundwater: See Section VII, above. The nontributary ground water will be treated and discharged to Boxelder Creek and/or the Cache la Poudre. Potential deliver points include, but are not limited to, a point near the Montava East Wellfield, a point at the Cache la Poudre River near the NW1/4 of Section 17, Township 7 North, Range 68 West of the 6th P.M., and the Boxelder Sanitation District outfall location in the NE1/4 of the NE1/4 of Section 28, Township 7 North, Range 68 West of the 6th P.M., including through existing water conveyance systems, G. Fully Consumable Effluent. Return flows from indoor use within Montava will be transported to the Boxelder Sanitation District for treatment and discharge at an outfall location in the NE1/4 of the NE1/4 of Section 28, Township 7 North, Range 68 West of the 6th P.M., to the Cache la Poudre River near the confluence of Boxelder Creek. This effluent is fully consumable per Paragraph 9.A. above, and may be left in the Cache La Poudre River to replace depletions or may be rediverted at the Montava Poudre River Diversion or by exchange at the Montava Boxelder Creek Diversion to replace depletions. Applicant reserves the right to use the Montava Poudre River Diversion, Montava Boxelder Creek Diversion and/or Montava East Wellfield to directly replace depletions to specific ditches and augment those diversions with the fully consumable effluent or other augmentation sources. Any portion of the effluent not so used by augmentation or exchange may be used and reused to extinction and otherwise disposed of as claimed in Paragraph 9,A, above, H. New Augmentation Sources. In addition to the above-described augmentation sources, Applicant requests the right to add new augmentation sources to this plan in the future after providing notice to the Water Court in this case, and to the State and Division Engineer (“Engineers”) and any parties in this case, with an opportunity for the Engineers and all parties to comment upon and/or oppose such sources. 27. Statement of Plan for Augmentation: By this Application, Applicant seeks to augment out-of-priority lagged depletions caused by diversions at the Wellfields and Pond Wells described in Section I, above, by using the augmentation sources described in Paragraph 26, above. More specifically, out-of-priority depletions from the Wellfields and Pond Wells will principally accrue to Boxelder Creek but a small percentage of the depletions are expected to occur on the Cache la Poudre River as depicted in **Exhibit B** and may occur directly to the Larimer Weld Canal before it crosses Boxelder Creek. Metered water deliveries to the indoor potable system will be considered 5% consumptive, with 95% considered to be treated return flows, unless a more detailed analysis of the indoor consumption is performed or other measurements are used. Any treatment loss prior to distribution through the Montava potable water supply system will be metered and considered 100% consumptive. There are no intervening water rights between the point of depletion on Boxelder Creek and the confluence with the Cache la Poudre River. When a lawful administrative call is placed downstream of the confluence of the Cache la Poudre River and Boxelder Creek, Applicant will replace out-of-priority depletions with any one or more of its augmentation sources described herein. A lawful administrative call upstream of the confluence of Boxelder Creek and the Cache la Poudre River, but downstream of the point of depletion on the Cache la Poudre River, will be replaced with an upstream augmentation source or directly to the Fossil Creek Reservoir Inlet Ditch if it is the calling water right. The Montava Poudre River Diversion and Montava Boxelder Creek Diversion will be used to divert the fully consumable effluent directly or by exchange to aid in the implementation of the augmentation plan by delivering replacement water to impacted ditches. If needed, the fully consumable effluent may be used to augment the replacement operation of those structures. At times when credit for some or all of the Wellfield return flows through the Boxelder Sanitation District is not needed or used to offset out-of-priority depletions, that portion of the effluent for which such credit is not claimed may be used and reused to extinction and otherwise disposed of as claimed in Paragraph 9,A, above. Many

components of this Augmentation Plan are depicted in **Exhibit B** hereto. **IX. Request for Appropriative Rights of Exchange** 28. Appropriative Right of Exchange: Applicant requests the right to deliver the 3W nontributary water and reusable effluent after a first use of the Wellfield water to the Cache la Poudre River and then exchange it up to the diversion structures for the Seaworth Augmentation Pond No. 2 for storage. A. Upstream Termini: i. Seaworth River Diversion, described in Paragraph 16.C.ii, above, ii. Taylor and Gill Ditch headgate, described in Paragraph 16.C.i, above, B. Downstream Terminus: the confluence of Boxelder Creek and the Cache la Poudre River, or immediately upstream thereof at the Boxelder Sanitation District outfall described in Paragraph 24, above, C. Appropriation Date: December 30, 2020, D. How Appropriation was Initiated: By the filing the Application in this case, E. Amount: 1.0 cfs., F. Uses: Storage, augmentation, replacement, exchange, commercial, in-reservoir recreation, piscatorial and fish propagation, and wildlife watering, G. Remarks. The proposed exchanges are depicted in **Exhibit H**. 29. Appropriative Right of Exchange: Applicant requests the right to exchange fully consumable effluent from uses at Montava from the outfall of the Boxelder Sanitation District Wastewater Treatment Plant to the Montava Boxelder Creek Diversion. A. Upstream Terminus: Montava Boxelder Creek Diversion as described in Paragraph 12.A, above, B. Downstream Terminus: Boxelder Sanitation District outfall location described in Paragraph 26.G., C. Appropriation Date: July 31, 2023, D. How Appropriation was Initiated: By filing in the above-captioned case engineering that included the Montava Boxelder Creek Diversion, E. Amount: 0.3 cfs, conditional, F. Uses: augmentation and replacement, G. Remarks: The proposed exchange is depicted in **Exhibit H**. 30. Owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: A. Applicant; B. William O. and Paulette M. Seaworth, 2305 N. Taft Hill Road, Fort Collins, Colorado 80524-1028; C. Slash V LLC, 23 Alles Drive, Greeley, CO 80631-6828; D. Anheuser-Busch Foundation, 1 Busch Place, Saint Louis, MO 63118-1849; E. Poudre R-1 School District, 2407 La Porte Avenue, Fort Collins, CO 80521-2211; F. Water Supply and Storage Company, P.O. Box 1584, Fort Collins, CO 80522; G. The Taylor and Gill Ditch Company, 2711 N. Overland Trail, P.O. Box 526, LaPorte, CO 80535; and H. Little Cache Ditch Company, c/o The Larimer & Weld Irrigation Company, 106 Elm Avenue, Eaton, CO 80615, I. City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522. WHEREFORE, Applicant respectfully requests the Court enter a ruling that: (1) grants Applicant’s request for ground water rights as described in Section I; (2) grants Applicant’s request for new surface water or ground water rights described in Section II; (3) grants Applicant’s request for storage right with two filling structures as described in Section III; (4) grants Applicant’s request for a water right for the Seaworth Augmentation Pond as described in Section IV; (5) grants Applicant’s request for an alternate place of storage as described in Section V; (6) grants Applicant’s request for a change of water right as described in Section VI; (7) grants Applicant’s request for a nontributary ground water determination as described in Section VII; (8) grants Applicant’s request for a plan for augmentation as described in Section VIII; (9) grants Applicant’s request for appropriative rights of exchange as described in Section IX; and (10) grants such other and further relief as the Court deems appropriate. (18 pages + Exhibits) The information from Exhibit D regarding the WSSC Shares is included in the below tables for resume publication:

**Water Supply and Storage Company Water Rights
Storage (District 3)**

Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
Chambers Lake Reservoir	3080.0 AF	Joe Wright Creek, Fall River Creek and Trap Creek	NE NE SE 6-7N-75W	1882/07/12	1886/10/12	Case 320 Original

Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
WSSC Res. No. 2, 3	689.0 AF	CLP	NE SE SW 14-8N-69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 4	574.0 AF	WSSC Res. No. 2, 3	SE NE SW 23-8N-69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 1 (Rocky Ridge)	4726.0 AF	CLP	SW SE SW 11-8N-69W	1891/09/01	1904/12/09	Case 1591 Original
WSSC Res. No. 5 (Long Pond)	4037.0 AF	CLP	SW SE NW 31-8N-68W	1891/09/01	1904/12/09	Case 1591 Original
Lindemeier Lake	608.0 AF	Long Pond Res.	SW NW NE 6-7N-68W	1892/02/16	1904/12/09	Case 1591 Original
WSSC Res. No. 4	310.0 AF	Long Pond Res.	23-8N-69W	1892/02/16	1904/12/09	Case 1591 (W-7821- 74) Original
WSSC Res. No. 4	422.0 AF	WSSC Res. No. 2, 3	SE NE SW 23-8N-69W	1900/12/12	1904/12/09	Case 1951 Original
Black Hollow Res.	6428.0 AF	CLP	SE SE SE 34-8N-67W	1906/02/20	1922/04/22	Case 2031 Supp.
Chambers Lake Reservoir	3577.0 AF	Joe Wright Creek, Fall River Creek and Trap Creek	NE NE SE 6-7N-75W	1910/05/28	1922/04/22	Case 2031 Supp.
Kluver Res.	1562.0 AF	CLP	SW NE NW 23-8N-69W	1911/05/01	1945/12/18	Case 5362 Supp.
Black Hollow Res.	2158.0 AF	CLP	SE SE SE 34-8N-67W	1918/10/05	1945/12/18	Case 5362 Supp.
Long Draw Res.	4201.0 AF	Long Draw Creek	NE NW SE 11-6N-75W	1922/06/05	1945/12/18	Case 5362 Supp.
Chambers Lake Reservoir	2197.0 AF	Joe Wright Creek, Fall River Creek and Trap Creek	NE NE SE 6-7N-75W	1922/12/03	1945/12/18	Case 5362 Supp.
WSSC Res. No. 2, 3	3615.0 AF	CLP	NE SE SW 14-8N-69W	1943/10/04	1953/09/10	Case 11217 Supp.
WSSC Res. No. 2, 3	445.9 AF	CLP	NE SE SW 14-8N-69W	1943/10/04	1953/09/10	Case 11217 (W-112- 74) Supp.

Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
WSSC Res. No. 2, 3	138.0 AF	CLP	NE SE SW 14-8N-69W	1943/10/04	1977/12/31	W-112-77 Supp.
Long Draw Res.	6600.0 AF	CLP	NE NW SE 11-6N-75W	1965/08/31	1977/12/31	W-9322-78 (83CW126) Supp.
Trap Lake II	3800.0 AF	Trap Creek	NW NW SW 21-7N-75W	1982/06/16	1982/12/31	82CW289 Supp. - Cond.

Note: CLP - Cache la Poudre River

Water Supply and Storage Company Water Rights Transmountain

Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
Chambers Lake Reservoir	11478.0 AF	Big Laramie River	6-7N-75W	1891/08/07	1896/10/30	Case 1247 Original
Laramie River Ditch (Skyline Ditch)	300 cfs	West Branch Laramie River	NE NE SW 14-8N-76W	1891/08/07	1896/10/30	Case 1247 Original (84CW204) Supp.
Cameron Pass Ditch	10.0 cfs	Michigan River	SE 2-6N-76W	1882/07/30	1902/04/23	Case 1519 Original
Cameron Pass Ditch	18.0 cfs	Michigan River	NW SE 2-7N-76W	1898/07/07	1902/05/23	Case 1519 Original
Cameron River Ditch Alternate Point Alternate Point	524.6 cfs	Colorado River	NE SW NW 21-6N-75W NW NE NW 28-5N-76W NW NE SE 29-6N-75W	1890/09/01	1906/08/11	Case 112 Original
Laramie River Tunnel*	300.0 cfs	Big Laramie River	NE SW 7-8N-75W	1902/08/25	1914/02/20	Case 2725 Case 5993 (84CW204) Supp.
Rawah Ditch*	225.0 cfs	Rawah Creek	NE NE SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Rawah and Lower Supply Ditch*	275.0 cfs	Rawah Creek	SE SE SW 14-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.

Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
McIntyre Ditch*	40.0 cfs	McIntyre Creek	SE NE NE 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 1*	1050.0 AF	Rawah Creek	SE 7-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 2*	1400.0 AF	Rawah Creek	SW 5-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 3*	525.0 AF	Rawah Creek	NW 5-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 4*	592.0 AF	Rawah Creek	SW 32-9N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 5*	700.0 AF	Rawah Creek	NE 5-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 6*	300.0 AF	Rawah Creek	SW 32-9N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 7*	440.0 AF	Rawah Creek	NE 5-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 8*	2000.0 AF	Rawah Creek	SW 4-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 9*	574.0 AF	Rawah Creek	NE 6-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 10*	425.0 AF	McIntyre Creek	NE 31-9N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 11*	1148.0 AF	McIntyre Creek	SW 31-9N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 12*	138.0 AF	Rawah Creek	NW 4-8N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 13*	597.0 AF	Rawah Creek	NE 29-9N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 14*	597.0 AF	Rawah Creek	NE 29-9N- 76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.

Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
Laramie Lake	340.0 AF	Drainage	SE NW 32- 8N-75W	1890/07/01	1944/09/11	Case 5993 Supp.
Lost Lake	288.0 AF	Drainage	SW SE 31- 8N-75W	1890/07/02	1944/09/11	Case 1993 Supp.
Lilly Lake	178.00 AF	Drainage	SE NW 29- 8N-78W	1912/07/01	1944/09/11	Case 5993 Supp.

Note: * Partial Ownership

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 **OCTOBER 2023** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.