

**DISTRICT COURT, WATER DIVISION 1, COLORADO
JULY 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 **JULY 2023** for each County affected. And pursuant to House Bill 11-1289, Section 3 and C.R.S. 24-80.1-109 this resume includes Notice of National Register Nomination for Victor Williams Homestead-Sprague Sand Creek Ranch.

2023CW13 (17CW6, 10CW185, 03CW281) MICHAEL FLYNN AND KERRI THURMON 21819 Clarence Lane, Golden, CO 80401. (720) 435-8840. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND OR TO MAKE ABSOLUTE IN WHOLE OR IN PART IN JEFFERSON COUNTY.** Date of original decree: 07-07-04 in case 03CW281, WD1; Subsequent decree: 01-11-11 in case 10CW185, WD1; 07-19-17 in case 17CW6, WD1. Burleson Well No 4, permit 79877-F, located SW1/4, NE1/4, S29, T4S, R70W of the 6th PM, Lot 4 Filing 1, Burleson Ranch. UTM Coordinates: Easting 478847 Northing 4392043. Source: Groundwater. Appropriation date: 7-31-03. Amount: 15 gpm, Conditional. Depth: 1001 ft. Date water applied to beneficial use: 2017 when home was constructed. Amount: 15 gpm. Use: Domestic and ordinary household uses inside one single family dwelling, irrigation of not more than 500 sq. ft. of lawns or 1250 sq. ft. of gardens or any combination thereof that does not consume more water than 500 sq. ft. of lawns and the watering of a maximum of two horses, fire protection.

2023CW3080 APPLICATION FOR APPROVAL OF UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING A WATER EXCHANGE PROJECT AND AN EXCHANGE PROJECT RIGHT IN CLEAR CREEK AND JEFFERSON COUNTIES.

Attorneys for Applicants: Gilbert Y. Marchand, Jr., #19870, Cynthia F. Covell, #10169, Andrea L. Benson, #33176, Alperstein & Covell, P.C., 1391 Speer Boulevard, Suite 730, Denver, CO 80204, phone: (303) 894-8191; fax: (303) 861-0420, gym@alpersteincovell.com; cfc@alpersteincovell.com; alb@alpersteincovell.com.

1. Name, mailing address, e-mail address, and telephone number of Applicants: **ROBERT EDWALL AND CHRISTINA EDWALL** (“Edwall”), **THOMAS KULISZ AND ASHLEY KULISZ** (“Kulisz”), c/o 11 Boca Raton Ct., San Ramon, CA 94583, E-mail: rob@ehsconstruction.com, Phone: 925-699-6961.

2. Names of structures to be augmented: Edwall Well and Kulisz Well. The wells are not currently permitted or decreed. A conditional underground water right for each well is sought herein. See section 5, below. Applicants will apply for well permits to be issued in accordance with the final decree entered in this proceeding. Edwall and Kulisz own and are developing the following property (Property) into a two-lot subdivision, each of which lots will have a well and/or will be supplied by a well on the Property. The Property is described as follows: a 54-acre parcel in the south half of the south half of Section 8, Township 4 South, Range 71 West, 6th P.M., Jefferson County, Colorado. The legal description and a general location map of the Property are contained, respectively, in Exhibits A and B, which are attached to the application filed with the Court and incorporated herein by reference. The proposed locations of the wells are shown in Exhibit B. However, Applicants seek the right to drill each well anywhere on the Property within the two-lot subdivision. Applicants will identify the specific point of diversion of each well in their application to make the conditional underground water rights absolute. Applicants request that the augmentation plan for which a decree is sought apply also to any replacement, supplemental, or additional wells that may subsequently be permitted as necessary to allow Applicants to obtain the water supply for the Property described herein. 3. Water rights to be used for augmentation: 0.50 acre-feet of water per year available to Applicants pursuant to a Water Supply Agreement (“Agreement”) that Applicants are negotiating with the City of Idaho Springs, a Colorado municipal corporation organized under the laws of the State of Colorado and acting by and through its Idaho Springs Water Activity Enterprise (“Idaho Springs”). Idaho Springs is the owner and operator of the Idaho Springs Reservoir, also known as Chicago Creek Reservoir (the “Reservoir”), located on Chicago Creek, a tributary of Clear Creek, in Clear Creek County, Colorado. More particularly, the Reservoir is generally located in the west half of Section 6, Township 5 South, Range 73 West, of the 6th P.M., and the east half of Section 1, Township 5 South, Range 74 West, of the 6th P.M.

Water stored in the Reservoir was decreed to Idaho Springs by the District Court for Water Division 1 in Case Nos. 84CW508 and 84CW671, and is decreed for use for augmentation purposes. Pursuant to the Agreement that Applicants are negotiating with Idaho Springs, Idaho Springs will lease and agree to provide to Applicants one-half (1/2) of an acre-foot of water (“Subject Water”) each year during the term of the Agreement, subject to the limitations, terms, and conditions stated in the Agreement. The Subject Water will be delivered by Idaho Springs by measured direct flow releases from the Reservoir, or, in Idaho Springs’ discretion, from such other water rights owned by or otherwise available to Idaho Springs which may be lawfully used to supply water to Applicants under the terms and conditions of the Agreement. The term of the Agreement being negotiated is twenty-five (25) years, and the Agreement is proposed to automatically renew for additional five (5) year terms unless, within thirty (30) days prior to the expiration of the then current term, either party provides written notice to the other party that the term of the Agreement shall not be extended. The location of the Reservoir is marked on Exhibit C, which is a USGS topographic map, attached to the application filed with the Court and incorporated herein by reference. Pursuant to C.R.S. Section 37-92-305(8)(c), the decree sought herein may provide procedures to allow additional or alternative sources of augmentation or replacement water, including water leased or purchased on a yearly or less frequent basis, to be used in the plan after the initial decree is entered if the use of the additional or alternative sources is part of a substitute water supply plan approved pursuant to C.R.S. Section 37-92-305(8) or if such sources are decreed for such use or are otherwise lawfully available.

4. Statement of plan for augmentation:

4.1 Water Demands: Applicants own the Property and are developing it into a two-lot subdivision, which will include two residences, irrigation (2,000 square feet per lot), domestic animals (up to four large animals per lot), two hot tubs, and a shop with equipment washing. The water demand estimates for the two-lot subdivision are as follows: household use - 0.6 acre-feet per year based on CDWR’s Standard HHU Estimate of 0.3 acre-feet per year per household; irrigation – 0.2 acre-feet per year based on CDWR’s estimate of 0.05 acre-feet per year per 1,000 square feet of lawn; domestic animals – 0.1 acre-feet per year based on CDWR’s Estimate on four large animals (i.e., four horses at 0.05 acre-feet per year); hot tubs – 0.009 acre-feet per year based on up to three fills per year at 500 gallons per tub; single shop and equipment washing – 0.031 acre-feet per year based on Applicants’ projected use of 10,000 gallons per year. The total projected demand for the two lots is 0.94 acre-feet per year. Applicants reserve the right to revise the proposed annual amounts and uses without having to amend or republish this application, provided that any resulting revised consumptive use amount is within the amount that can be augmented by the replacement supply proposed herein.

4.2 Stream depletions and Replacement: The total estimated consumptive use is estimated to be 0.37 acre-feet per year, comprised of 0.06 acre-feet per year associated with household use; 0.17 acre-feet per year associated with irrigation use; 0.1 acre-feet per year associated with domestic animals’ use; 0.009 acre-feet per year associated with hot tub use; and 0.031 acre-feet per year associated with single shop and equipment watering use. Sewage treatment will be provided by a nonevaporative septic system. Return flows will be approximately 61 percent of total water usage on the two lots. Applicants estimate that stream depletions will accrue to Soda Creek, a tributary of Beaver Brook, a tributary of Clear Creek, a tributary of the South Platte River, and that return flows will accrue to the same stream system. The depletions from well pumping will affect a reach of Soda Creek in the southwest quarter of Section 8, Township 4 South, Range 71 West, 6th P.M. (“Depletion Reach”), which location is depicted in Exhibit B. Applicants will take credit for return flows and will replace out-of-priority depletions to the stream caused by withdrawals from the wells. To replace such depletions, augmentation water is proposed to be delivered by Idaho Springs by measured direct flow releases from the Reservoir, or, in Idaho Springs’ discretion, from such other water rights owned by or otherwise available to Idaho Springs which may be lawfully used to supply water to Applicants under the terms and conditions of the proposed Agreement. Applicants acknowledge that transit losses may be assessed by the Division Engineer on the delivery of such augmentation water. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration.

4.3 Exchange Project: The augmentation supply will be delivered to the confluence of Beaver Brook and Clear Creek, which - per the DWR Map Viewer - is located in the northeast quarter of the northwest quarter of Section 3, Township 4 South, Range 71 West, of the 6th P.M. The

location where stream depletions from the well pumping affect the stream system is the Depletion Reach described in section 4.2, above, which is upstream of the location where the augmentation water is delivered. Since the location of the augmentation supply delivery is below the location of the Depletion Reach, an exchange project is involved. The reach of the exchange project is from the confluence of Beaver Brook with Clear Creek to the most upstream point of the Depletion Reach (“Exchange Reach”). The date of appropriation of the exchange project right is July 5, 2023. The appropriation was initiated by Applicants’ formation of the intent to appropriate the water exchange project right followed by actions to further and give notice of the appropriation including, but not limited to, the filing of this application. The maximum rate of the water exchange project right will be determined herein, and is presently estimated to be 0.113 cubic feet per second. The maximum volume of the water exchange project right will be determined herein, and is presently estimated to be 0.224 acre-feet. Without amending the application, Applicants reserve the right to revise the rate and volume of the water exchange project right as necessary to reflect the well pumping and augmentation operations proposed herein. The source of substitute supply for the water exchange project and water exchange project right is the 0.5 acre-feet per year available to Applicants pursuant to the proposed Agreement with Idaho Springs or such other replacement water that may be added to the plan pursuant to C.R.S. Section 37-92-305(8). The proposed use is augmentation of the well depletions described herein. The water exchange project and water exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project and water exchange project right will be operated and administered with a priority date of July 5, 2023, at the maximum flow rate determined herein. Applicants’ augmentation plan will cause depletion of the Exchange Reach described above, and future water rights in the Exchange Reach that are junior to an appropriation and priority date of July 5, 2023 will not be allowed to call out Applicants’ well pumping and/or augmentation plan. 5. Underground water rights: Applicants seek two underground water rights, one for the Edwall Well and one for the Kulisz Well described above in section 2. The name and permit information, as well as the proposed locations of the wells, are described in section 2. The proposed locations of the wells are shown on Exhibit B attached to the water court application. The source of water is groundwater, tributary to Soda Creek, tributary to Beaver Brook, tributary to Clear Creek, tributary to the South Platte River. The estimated depth of the Edwall Well is approximately 600 feet. The estimated depth of the Kulisz Well is approximately 600 feet. The date of appropriation of each well is July 5, 2023. The appropriations were initiated by formation of the intent to construct each well to supply water to its respective lot within the two-lot subdivision, followed by overt acts that gave notice of the appropriations, including the filing of this application. The amount claimed is 15 gallons per minute (0.033 cubic feet per second), conditional, for each well. The use of each well is water supply for the two-lot subdivision, as described above in sections 4.1 and 4.2. The wells will operate pursuant to the augmentation plan to be decreed in this case. 6. Name(s) of the owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: Same as Applicants. WHEREFORE, Applicants request the Court to enter a decree confirming the underground water rights claimed herein and approving the plan for augmentation including water exchange project and exchange project right described herein and finding that the exercise of the underground water rights and the augmentation plan including water exchange project and exchange project right will not cause injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right if approved on the terms and conditions proposed and/or to be determined herein, and to grant such other relief as the Court deems proper under the circumstances. Five pages, plus verification page and three pages of Exhibits.

2023CW3081 CITY OF BRIGHTON, Attn: Austin Creswell, Water Resources Engineer, 500 S. 4th Street Brighton, Colorado 80601, (303) 655-2033. Please send all further pleadings to: Brent A. Bartlett, Esq. and Sara J.L. Irby, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, Colorado 80525, brentbartlett@fischerbrownlaw.com; sarairby@fischerbrownlaw.com, (970) 407-9000. **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.5) IN ADAM AND WELD COUNTIES.** 1. Purpose. With this

Application, the City of Brighton seeks a simple change in the decreed point of diversion, pursuant to C.R.S. 37-92.305(3.5), for the Ken Mitchell Lakes Inlet (AKA the Bromley Lakes Inlet/ Ken Mitchell Reservoir Inlet), as that structure is described or referenced in Water Division 1 Case No. 1992CW18 (“Original Decree”) and subsequent decrees including: 1998CW257, 2000CW202, 2003CW320, 2004CW174, 2006CW222, 2007CW49, 2008CW105, 15CW3012, 14CW3091, 18CW3195, 20CW3105, 21CW3037, 22CW3095, 22CW3096, 22CW3097; as well as the final decree entered in pending case number 20CW3199. The Original Decree describes the point of diversion for the Ken Mitchell Lakes Inlet (“Original POD”). The new point of diversion is approximately 1,227 feet from the Original POD. There are no intervening surface diversion points, inflows, or instream flow rights between the new point of diversion and the Original POD. No other change of water right is sought with this Application.

2. Decreed Surface Point of Diversion for which Simple Change is Sought. A. Name of structure: Ken Mitchell Lakes, a/k/a Alfred Krogh Park Lake, a/k/a West Bromley Lakes a/k/a Bromley Lakes. B. Date of original decree: October 26, 2000, Water Division One Case No. 1992CW18. C. Legal description of structure as described in most recent decree that adjudicated the location: Ken Mitchell Lakes is located in portions of Sections 11, 12, 13 and 14, Township 1 South, Range 67 West, 6th P.M., Adams County, Colorado. The outlet of Ken Mitchell Lakes to the South Platte River is located in the SE 1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M. approximately 416 feet from the South Section line and 1,071 feet from the East Section line. D. Points of diversion: (i) On the east bank of the South Platte River, in the SE 1/4 of Section 11, Township 1 South, Range 67 West, of the 6th P.M., in Adams County, Colorado, at a point whence the Southwest Corner of said Section 11 bears approximately South 86° West, approximately 4,160 feet. From there, the pipeline extends in a generally easterly direction to the storage structure. (ii) On the east bank of the South Platte River, in the NW 1/4 of the SE 1/4 of Section 14, Township 1 South, Range 67 West, 6th P.M., Adams County, Colorado, at a point whence the Southwest Corner of said Section 14 bears approximately 69° West, approximately 4,000 feet. From there, Brighton intends to construct a ditch or pipeline that will flow generally northeast to the storage structure. (iii) The Ken Mitchell Lakes Inlet will be a gravity flow ditch or pipeline to be located on the east bank of the South Platte River, in the Southeast Quarter of Section 14, Township 1 South, Range 67 West, of the 6th P.M., Adams County, Colorado, at a point whence the Southwest Corner of said Section 14 bears approximately South 88° 30’ West, approximately 3,190 feet. From there, Brighton intends to construct a ditch or pipeline that will extend generally northeast to Ken Mitchell Park. E. Rates of Diversion: 300 c.f.s. F. Appropriation Date: February 28, 1992. G. Amount: The amount of water decreed for storage in Ken Mitchell Lakes is as follows: (i) 3,102 acre-feet ABSOLUTE for all decreed uses; 6,698 acre-feet CONDITIONAL. (ii) 9,800 acre-feet CONDITIONAL for one annual refill for all decreed uses. H. Decreed source of water: South Platte River I. Decreed uses: The uses of the water by Brighton shall be recreation, wildlife habitat, fish propagation, and all municipal uses, including irrigation, domestic, commercial, industrial, manufacturing, power generation, and fire protection via direct delivery, storage, exchange, augmentation of other diversions or use in a substitute water supply plan. Uses for recreation and wildlife habitat shall occur in and adjacent to Ken Mitchell Lakes. The municipal uses shall take place within the City of Brighton service area as it exists both now and in the future. The water may be used for augmentation, replacement and exchange pursuant to Brighton’s decrees in Case Nos. 2000CW202, 2003CW320, 2004CW174 and 2009CW144, District Court, Water Division No. 1 and under a separately decreed augmentation plans or exchanges, or as approved by the State Engineer, as appropriate. Applicant claims the right to fully consume the water so used by reuse, successive use, and disposition following use.

4. Detailed description of proposed change in a surface point of diversion. A. The Original Location for the Ken Mitchell Lakes Inlet is described in the Original Decree as being located on the east bank of the South Platte River, in the SE 1/4 of Section 14, Township 1 South, Range 67 West, at a point whence the Southwest Corner of said Section 14 bears approximately South 88° 30’ West, approximately 3,190 feet. B. Applicant proposes to change the decreed point of diversion for the Ken Mitchell Lakes Inlet to a new location on the east bank of the South Platte River, in the SE 1/4 of Section 14, Township 1 South, Range 67 West at a point approximately 1,245 feet north of the south section line of said section and 1,721 feet west of the east section line of said section (“New POD”). The UTM coordinates for the New POD are as follows: Easting 512575; Northing 4423460

(Zone 13). C. The proposed change in point of diversion does not include any other type of change of water right, and upon information and belief, there are no intervening surface diversion points, inflows, or instream flow rights not owned or controlled by the Applicant between the New POD and the diversion point from which a change is being made. C.R.S. § 37-92-305(3.5)(A)(II). D. The proposed change in point of diversion would not result in a greater flow rate or amount of water than has been decreed to this water right or injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. C.R.S. § 37-92-305(3.5)(C). E. Water is legally and physically available at the New POD. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed. Applicant owns the land where the New POD is located.

2023CW3082 SKY CORRAL, c/o Andy Peterson, Board Chair, P.O. Box 2169, Loveland, CO 80539-2169, 970-203-4263. 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 FINDING OF REASONABLE DILIGENCE AND TO MAKE PORTION OF CONDITIONAL WATER RIGHT ABSOLUTE IN LARIMER COUNTY.** 3. Application. Applicant owns and operates the Sky Corral Ranch (“Ranch”) located in Section 30, Township 8 North, Range 71 West of the 6th P.M., in Larimer County, Colorado (the “Property”). A copy of the deed by which Applicant acquired the Ranch and more accurately describing the Property is attached hereto and incorporated herein as **Exhibit A**. Applicant operates the Ranch and Property as a nonprofit conference and retreat center. The Ranch currently consists of a Lodge (dining hall, kitchen, seven bedrooms, meeting room and office), three guest houses/dormitories, a private residence, laundry, facility, recreation center and an activity barn. In Case No. 16CW3087, District Court, Water Division No. 1 (“Original Decree”), Applicant obtained a decree for: 1) a conditional underground water right for Well No. 81433-F (formerly Well No. 102632) (the “Well”) and 2) approval of a plan for augmentation to replace depletions associated with the use of the Well and up to three (3) new wells that may be constructed. With this application, Applicant seeks a finding of reasonable diligence for the Well and to make a portion of the underground water right absolute. 4. Description of Conditional Water Right and Previous Decree: 4.1. Original Decree. July 24, 2017, Case No. 16CW3087, District Court, Water Division 1. 4.2. Conditional Water Rights: 4.2.1. *Existing Well No. 102632* (the “Well”): 4.2.1.1. Name of Structure. Well No. 81433-F (formerly Well No. 102632). 4.2.1.2. Location. NW 1/4 SE 1/4 of Section 30, Township 8 North, Range 71 West of the 6th P.M., Larimer County, Colorado, 1,852 feet from the South section line and 2,487 feet from the East section line. UTM Coordinates, Easting 466967 Northing 4497738, Zone 13. 4.2.1.3. Source. Ground water tributary to the Cache la Poudre River. 4.2.1.4. Date of Appropriation. June 30, 2016. 4.2.1.5. Amount. 30 G.P.M.—CONDITIONAL. 4.2.1.6. Use. Domestic, commercial and livestock watering. 4.2.2. Proposed New Well(s): The Original Decree decreed conditional water rights for up to three (3) “New Wells” as follows: 4.2.2.1. Name of Structure: New Well(s) 4.2.2.2. Location: location(s) to be determined on the Property. 4.2.2.3. Source: Ground water tributary to the Cache la Poudre River. 4.2.2.4. Date of Appropriation: June 30, 2016. 4.2.2.5. Amount: 30 G.P.M.—CONDITIONAL, for reach well, cumulatively not to exceed 1 acre foot per year. 5. Claim to Make Portion Absolute: 5.1. Well No. 81433-F (formerly Well No. 102632). 5.1.1. Date applied to beneficial use: Numerous instances during the diligence period. 5.1.2. Amount: 5 G.P.M. 5.1.3. Uses: Water pumped from the Well was used for all of the decreed purposes of domestic, commercial and livestock watering. 6. Claim to Continue Remaining Conditional Right. Applicant seeks to continue the remaining 25 G.P.M. for an additional six-year diligence period. Applicant has been diligent in developing the conditional underground water right for the Well and the New Wells. This diligence is manifested in Applicant’s, and Applicant’s predecessor’s continuing operation of the Ranch and the Well within the terms, conditions and limitations contained in the Original Decree. Applicant has also incurred costs and undertaken a host of activities related to the operation under the Original Decree, including the cost of on-going accounting and the maintenance and operation of the Well. Applicant also incurred legal and engineering fees related to the Wells in excess of \$15,000. Accordingly, Applicant seeks a finding that it has been reasonably diligent in developing the remaining portion of the conditional groundwater right for

the Well. In the event that all or any portion of the amount claimed as absolute above in Paragraph 5 is determined not to be absolute, Applicant seeks to have that amount remain as conditional. 7. Right to Supplement and Present Additional Information. Applicant reserves the right to supplement this Application with additional information related to its claim for diligence and may present additional information related to its claim for diligence before and during trial in this matter. 8. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: This application does not involve any new diversion or storage structures or the modification of any existing diversion or storage structures. WHEREFORE, Applicant requests the Court make absolute the portion of the conditional water right described above in Paragraph 5 and continue the remaining portion of the conditional underground water right for Well No. 81433-F. (5 pages, 1 Exhibit).

2023CW3083 GLENKOR CORPORATION, c/o Ian Griffis, 6400 Fiddler’s Green Cir, Suite 1200, Greenwood Village, CO 80111. David S. Hayes, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS, AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN DOUGLAS COUNTY**. Subject Property: 160-acres on four contiguous properties, generally located in the NW1/4 of Section 31, Township 10 South, Range 66 West of the 6th P.M., Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). The Applicant is the sole owner of the Subject Property and therefore no notice is required under C.R.S. § 37-92-302(2)(b). The Subject Property is located in Water Division 1 close to the border with Water Division 2. This Application is being filed concurrently in Water Division 1 and 2 for notice purposes. A motion to consolidate multidistrict litigation into Water Division 1 will be filed once the time for filing statements of opposition has expired. Well Permits: There is currently one existing Dawson Aquifer domestic well on the Subject Property under well permit number 146562. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Denver Basin groundwater underlying the subject 160-acre parcel. The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following annual amounts may be available for withdrawal based on a 100-year aquifer life:

| Aquifer | Annual Amount (acre-feet) |
|------------------------|---------------------------|
| Dawson (NNT) | 136.1 |
| Denver (NT) | 151.6 |
| Arapahoe (NT) | 79.0 |
| Laramie-Fox Hills (NT) | 49.2 |

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the subject parcel will be used, reused, and successively used to extinction for all allowable beneficial uses, including but not limited to domestic, industrial, commercial, irrigation, livestock watering, fire protection, recreational, fish and wildlife, augmentation, replacement, and exchange. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above 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 Plan for Augmentation: Groundwater to be Augmented: 48.0 acre-feet per year for 100 years of Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use

of not-nontributary and nontributary groundwater underlying the Subject Property and direct discharge of nontributary groundwater underlying the Subject Property; or from other sources pursuant to Paragraph 8.6 below. Statement of Plan for Augmentation: Diversion & Uses: The Dawson Aquifer groundwater will be pumped from one or more wells, which will provide irrigation use on the Subject Property and contiguous parcels identified in Case Nos. 01CW41, 01CW42, and 05CW301, as shown on **Exhibit B**, will be used to fill a pond on the Subject Property, and will be used for indoor domestic uses associated with one single-family residence on the Subject Property. Applicant reserves the right to adjust the foregoing without amending the application or republishing the same provided the total annual pumping requirements do not exceed 48 acre-feet and the allocation of uses provides for sufficient return flows to replace depletions during pumping. Applicant may, as development plans for the Subject Property evolve, add or remove wells provided the cumulative annual pumping from all wells does not exceed 48 acre-feet. Consumptive Use: Wastewater treatment for indoor uses will be provided by non-evaporative septic systems; therefore, consumptive use associated with indoor uses will be approximately 10% of water used. For the purposes of this plan, irrigation use of the Dawson Aquifer groundwater will be considered 100% consumed. To ensure adequate return flows, additional not-nontributary and nontributary groundwater may be diverted into an engineered non-evaporative replacement structure. Consumptive use associated with not-nontributary and nontributary groundwater delivered to the engineered replacement non-evaporative structure will be approximately 10% of water delivered. Replacement During Pumping: During pumping of the Dawson Aquifer groundwater, Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Based on annual pumping of 48 acre-feet, it is estimated that in the 100th year of pumping the depletion to the South Platte River stream system will be approximately 5.3% of the amount withdrawn or 2.52 acre-feet. It is further estimated that depletions to the Arkansas River stream system at 100 years of pumping will be approximately 1.4% of the amount withdrawn or 0.69 acre-feet. Applicant shall replace all depletions to the South Platte River system pursuant to Paragraph 8.3. Applicant shall account for such return flows as may be required by the Division Engineer for Water Division 1. During such pumping Applicant may use, reuse, successively use, or dispose of any return flows not necessary for the operation of this plan for augmentation. Because return flows from all uses are estimated rather than measured, Applicant agrees that such return flows shall be used only to replace depletions under this plan for augmentation and will not be sold, leased, traded, or assigned in whole or in part for any other purpose. Post-Pumping Depletions: Applicant will begin making post-pumping replacements when (1) the absolute amount of groundwater (4,800 acre-feet of Dawson Aquifer groundwater) allowed to be withdrawn has been withdrawn from the well(s), (2) the Applicant, or successors in interest, have acknowledged in writing that all withdrawals for beneficial use of the Dawson Aquifer groundwater has permanently ceased, or (3) for a period of 10 consecutive years that no Dawson Aquifer groundwater has been withdrawn. Until such time as the post-pumping depletions begin the Applicant must continue to replace during pumping depletions to the stream using return flows, by pumping water directly to the stream to replace such depletions or using another replacement source approved by the Division Engineer. At the time that post-pumping depletions begin as described in this paragraph, Applicant, or successors in interest, may be required to construct a well and pump groundwater to replace post-pumping depletions, subject to the terms and conditions of this paragraph. Post-Pumping Volumes: Applicant's annual post-pumping replacement obligation shall be the total stream depletion factor for both the Arkansas and South Platte stream systems as set forth on the attached **Exhibit C**. The maximum total post-pumping depletions to the Arkansas and South Platte River stream systems will be approximately 8.6% of average annual pumping or 4.13 acre-feet in the 186th year and will decline thereafter. Overall Applicant estimates a total post pumping replacement volume of 4,661 acre-feet (4,800 acre-feet pumped over 100 years minus 139 acre-feet of depletions replaced during pumping). Applicant shall replace all such depletions to the South Platte River system. Reservation of Nontributary Groundwater: Applicant shall reserve and dedicate to this plan 4,800 acre-feet of the nontributary Laramie-Fox Hills aquifer groundwater underlying the Subject Property for post-pumping replacement obligations. Such reserved Laramie-Fox Hills groundwater shall not be available for use by the Applicant or its successors or assigns for any purpose other than replacement of depletions resulting from withdrawal and use of the Dawson Aquifer groundwater under this plan. If at some time

replacement of post-pumping depletions is no longer required pursuant to this Decree, then said reservation will become null and void. Applicant further reserves the right to substitute other legally available augmentation sources for such post-pumping depletions upon approval of the Court pursuant to its retained jurisdiction. Notice to Landowners: The Subject Property is owned by Applicant. WHEREFORE, Applicant requests that 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. 6 pages.

2023CW3084 APPLICATION FOR CHANGE OF WATER RIGHTS IN LARIMER AND WELD COUNTIES.

1. Name, Address, and Telephone Number of Applicant: **CITY OF EVANS** c/o Rick Pickard, P.E., Senior Civil Engineer, 1100 37th Street, Evans, Colorado 80620 Telephone: (970) 475-1113. Please send all Pleadings to Nathan Krob and Scotty P. Krob at Krob Law Office, LLC, 8400 E. Prentice Avenue, Suite 1500, Greenwood Village, Colorado 80111 Telephone: (303) 694-0099 E-mail: nathan@kroblaw.com and scott@kroblaw.com. 2. Summary of the Application. Applicant intends to change the use of certain shares in the Greeley and Loveland Irrigation Company (“GLIC”) for use in Applicant’s potable and non-potable water systems. Applicant has contracts and may contract for delivery of water for municipal, irrigation, augmentation and other beneficial uses. Applicant may deliver the water from the shares changed herein to the City of Greeley for treatment pursuant to an Intergovernmental Agreement between the City of Greeley and Applicant. Applicant intends to follow the system wide analyses for GLIC shares as set out in previous Decrees including case nos. 96CW958, 03CW314 and 08CW175B, as well as the methodologies contained in the Settlement Agreement In Conjunction With Resolution of Case No. 18CW3042 among the City of Evans and other users of GLIC shares (the Town of Windsor case). 3. Water Rights to be Changed: Six (6) shares in the Greeley and Loveland Irrigation Company (“the Shares”) owned by the Applicant. Shares in the GLIC system contain both a direct and storage component which are listed herein and will be changed under this application. A. Barnes Ditch. i. Adjudication Date: May 28, 1883, Boulder District Court. ii. Appropriation Dates and Amounts: 10/20/1865 18.56 cfs, 06/01/1867 12.06 cfs, and 06/23/1873 19.93 cfs. iii. Location: The decreed point of diversion is the North side of the Big Thompson Creek in the NW 1/4 of the SE 1/4 of Section 17, Township 5 North, Range 69 West of the 6th P.M., with an alternate point of diversion in Section 15, Township 5 North, Range 69 West, 6th P.M. iv. Source: Big Thompson River. v. Use: Irrigation. vi. Portions of the Barnes Ditch water rights are owned by and delivered to owners of certain contractual rights, commonly referred to as “inches.” These rights are not included in this application. B. Larimer County Irrigation and Manufacturing Ditch, a/k/a Chubbuck Ditch. i. Adjudication Date: May 28, 1883, Boulder District Court. ii. Appropriation Dates and Amounts: 11/01/1865 8.36 cfs, 10/20/1870 39.04 cfs, 10/25/1873 35.50 cfs, and 11/01/1883 15.20 cfs. iii. Location: The Big Thompson River through headgates of the Loveland and Greeley Canal. iv. Source: Big Thompson River. v. Use: Irrigation. C. Loveland and Greeley Canal. i. Adjudication Date: May 28, 1883, Boulder District Court. ii. Appropriation Dates and Amounts: 04/01/1881 297.44 cfs. iii. Location: Located in Section 15, Township 5 North, Range 69 West of the 6th P.M. Decreed with two separate and distinct headgates, one located in Section 15 and one in Section 17, each in Township 5 North, Range 69 West of the 6th P.M. iv. Source: Big Thompson River. v. Use: Irrigation. D. Boyd Lake. i. Adjudication Date and Appropriation Dates and amounts: 48,564 acre-feet, appropriated 4/28/1902 and adjudicated 6/29/1916. 44,031 acre-feet, appropriated 4/28/1902 and adjudicated 6/27/1978 in case no. W-8665-77. ii. Location of Storage: Section 5, the SE 1/4 of Section 6, the E 1/2 of the E 1/2 of Section 7, Section 8, all in Township 5 North, Range 68 West of the 6th P.M.; Section 29, the E 1/2 of the E 1/2 of Section 30, the E 1/2 of the E 1/2 of Section 31, Section 32, all in Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. iii. Source: Boyd Lake is supplied by waters from the Big Thompson River, diverted by the Barnes Ditch and delivered to Boyd Lake through Lake Loveland and Horseshoe Reservoir, or diverted and delivered by the Loudon Ditch or by the Loveland and Greeley Canal. In addition, Boyd Lake is supplied by storm and flood waters arising in the Dry Creek drainage basin and in the areas naturally sloping toward the Lake. iv. Historical Use: Irrigation, domestic, recreation, and industrial uses

for lands and users under the Greeley and Loveland Irrigation Company system. 4. Proposed Changes. A. Use. In addition to its historic use of the Shares, Applicant intends to apply the consumptive use credit of the Shares, whether such water is attributable to direct-flow or storage rights, delivered to Applicant, subject to shrinkage losses charged by GLIC, for the following uses: i. Delivery to Boyd Lake and/or Lake Loveland for treatment by the City of Greeley, which water will then be delivered to Applicant for all municipal purposes within Applicants' current and future service areas, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, street sprinkling, recreational, storage for later use, operational detention, replacement, and all other beneficial purposes related to the operation of municipal water and sewer services; ii. Delivery into GLIC's storage facilities and/or GLIC's canal delivery system and to Applicant for non-potable irrigation and watering of lawns, parks and grounds; iii. Satisfaction of return flow obligations associated with the change of Shares in this Decree; and iv. Satisfaction of return flow obligations associated with the change of shares and contract rights in the 96CW958, 03CW314 and 08CW175B Decrees. B. Diversion. Applicant does not propose to change the points of diversion of the water rights represented by the Shares. The Shares will be diverted at times when the Companies are otherwise diverting to deliver water to other shareholders. C. Location of Delivery. Applicant seeks to use the Shares in its integrated water supply system. In addition to taking delivery of the Shares as decreed, Applicant seeks to include delivery of shares to the following location: i. Boyd Lake. Applicant seeks to take delivery of both the direct flow and storage rights attributable to the Shares at Boyd Lake for treatment in the Boyd Water Treatment Plant owned by the City of Greeley. Water represented by the Shares may be stored in Boyd Lake as authorized by GLIC. D. Average Yield. The shares are issued various dividends based on GLIC's water rights and the operation of GLIC's systems. These dividends create a basis for the yield of the Shares. The average yields for the Shares are as follows: Total 18.0 acre-feet/share, Direct Flow 5.3 acre-feet/share and Boyd Lake 12.7 acre-feet/share. E. Dry-up. In accordance with previous changes of GLIC shares, the dry-up of land historically irrigated needed to support the change in this application is 52.80 acres. Prior to use of the Shares for any of the changed uses, an appropriate amount of land will be permanently removed from irrigation. Prior to dedication and conversion of the Shares to the new uses by Applicant, the Shares may continue to be used for irrigation on the historically irrigated lands. The Shares included in this application were used historically to irrigate farmland and a map showing the approximate location of the historical use of the Shares is included as Exhibit A, to the application. Not all of the shares and rights used on this farmland are included in this application. Applicant proposes to secure the removal of 19.60 historically irrigated acres from irrigation from a portion of the land shown on Exhibit B. In addition, Applicant proposes to secure the dry-up of 33.2 acres of historically irrigated land which has not previously been claimed, making up a portion of the land shown on Exhibits C-1 and C-2. The cumulative dry-up acreage is 52.8 acres. It is anticipated the Shares will provide approximately 35.6 acre-feet of consumptive use credit on an annual basis. F. Historical return flows. Applicant will replace historical return flows from the Shares in time, location, and amount as necessary to prevent injury to other vested and conditional water rights senior to the date of this application with any water rights it has which are physically and legally available to the Applicant. The Shares were historically used in Sector VII (as it is described in Case No. 87CW329). Return flows are owed to the South Platte River. Return flow obligations will be calculated as follows: the return flow obligations attributable to the direct flow deliveries shall be calculated as described in Case No. 87CW329 and the return flow obligations attributable to the storage deliveries shall be calculated as described in the Settlement Agreement in Conjunction with Resolution of Case No. 18CW3042. G. Return Flows. Applicant intends to maintain dominion and control over the fully consumable portion of the changed Shares once used in Applicant's municipal water supply system. To accomplish this, Applicant will quantify Effluent Return Flows from the Applicant's Wastewater Treatment Plant ("Evans WWTP) and the surface and groundwater lawn irrigation return flows as follows: i. The Effluent Return Flows. The Effluent Return Flows quantified herein are those releases from the Evans WWTP which are attributable to the fully consumable portion of the Shares changed herein and which accrue to the South Platte River; ii. Season of Effluent Returns. The Effluent Return Flows quantified herein are derived from the Shares which are to be treated at Greeley's Boyd Lake Water Treatment Plant ("Boyd

WTP”). Because the Boyd WTP only operates from April through October, Effluent Return Flows will only be accounted for during the same period; iii. Lawn Irrigation Return Flows (“LIRFs”). LIRFs shall be calculated to prevent injury to other vested and conditional water rights senior to the date of this application; and iv. Quantification. To the extent return flows attributable to the new use of the Shares are not sufficient to maintain historical return flows, Applicant further seeks approval to deliver water available under the Shares to the Big Thompson River or South Platte River as necessary to maintain historical return flows. To the extent return flows attributable to the new use of the Shares that are subject to this application exceed the historical return flows therefrom, Applicant seeks confirmation of the right fully to consume that incremental amount, whether by reuse, successive use, exchange, sale or otherwise. A map showing the relevant structures and decreed points of diversion is attached as Exhibit D. A map depicting Applicant’s current and future service area (also known as Applicant’s Urban Growth Boundary) is attached as Exhibit E. 5. Names and addresses of owners of land on which structures are located: GLIC structures are owned by the Greeley and Loveland Irrigation Company, whose address is 8209 W. 20th Street, Suite B, Greeley, CO 80634. The wastewater treatment plant outfalls are owned by the Applicant.

2023CW3085; Previous case No. 16CW3158 – PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Drive, Parker, CO 80134 (Please address all correspondence and inquiries regarding this matter to Applicant’s attorney: Robert F. T. Krassa, Krassa & Miller, LLC 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR RUETER-HESS RESERVOIR FIRST ENLARGEMENT STORAGE RIGHT IN DOUGLAS COUNTY.** **Names of structures:** Rueter-Hess Reservoir and Newlin Gulch Aqueducts 1 and 2. **Type of structures:** reservoir, pipelines and surface water diversion structures. **3. Describe conditional water right giving the following from the Referee’s Ruling and Judgment and Decree:** **a. Date of original decree:** October 13, 2010, Case 04CW348, District Court, Water Division No. 1. **b. Subsequent decrees** awarding findings of diligence: Case 16CW3158 decree dated July 19, 2017. **c. Legal description** of location of structures: i. **Location of Dam.** The axis of the dam intersects the thread of Newlin Gulch at a point in the SE/4SW/4 of Section 30, Township 6 South, Range 66 West of the 6th P.M. in Douglas County, Colorado, which point is approximately 98 feet north of the south section line and 2348 feet east of the west section line of said Section 30. The northwest abutment of the dam is in the SE/4SE/4 of Section 25, Township 6 South, Range 67 West of the 6th P.M., approximately 1026 feet west of the east section line, and approximately 708 feet north of the south section line, of said Section 25. The southeast abutment of the dam is in the NE/4SE/4 Section 31, Township 6 South, Range 66 West of the 6th P.M., approximately 4227 feet east of the west section line and 2950 feet south of the north section line, of said Section 31. ii. **Newlin Gulch Aqueducts 1 and 2.** Rueter-Hess Reservoir dams and impounds waters of the stream known as Newlin Gulch. However, this reservoir can also be filled by pipelines from the mainstem of Cherry Creek taking either surface or subsurface flows thereof. The alluvial wells adjudicated by Parker in Case 83CW346, as changed by the decree in Case 01CW060 entered June 30, 2006, and for which clarification of terms under which such water can be stored as provided in the decree in Case 04CW270 entered February 20, 2007, will be used to withdraw groundwater and deliver it to a pipeline known as Newlin Gulch Aqueduct #1 for delivery to the reservoir. The originally adjudicated location of those wells is fully described in the decree in Case 83CW346, dated July 30, 1992, which was recorded August 5, 1992, at reception number 9228305, Book 1076, page 1104 records of Douglas County and is incorporated by this reference. The revised locations are set out in said decree in Case 01CW060. Water may also be delivered by diversion structure, pumping plant and pipeline system known as Newlin Gulch Aqueduct #2 from the surface flows of Cherry Creek by means of a low diversion dam or weir and suitable pumps. Said diversion dam intersects the thread of Cherry Creek in the SE/4NW/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County at a point approximately 2090 feet south of the north section line of said Section 3, and approximately 1870 feet east of the west section line of said Section 3. This location was adjusted from the location originally decreed in Case 85CW448(A), by decree of this court dated April 21, 2005 in Case 99CW226. **d. Sources of Water:** Cherry Creek and its tributaries, including the tributary stream known as Newlin Gulch. **e. Date of Appropriation:** March 20, 1985. **f.**

Amounts: 62,035 acre feet, conditional, for the First Enlargement water storage right in addition to the 9,885 acre feet decreed in Case 85CW448(A). The rates of diversion from Cherry Creek will be 12 cfs through above described Newlin Gulch Aqueduct No. 1 and 150 cfs through above described Newlin Gulch Aqueduct No. 2. This reservoir is on-stream on Newlin Gulch. **g. Use:** The stored water will be transported via suitable stream channels, reservoirs, pumps and pipelines for all municipal purposes of Parker Water and Sanitation District including domestic, industrial, commercial, manufacturing, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production and will also be used for exchange, replacement, and augmentation at any location where it is physically available. Parker may fill and refill when this water storage right is in priority, and may further store such water in other facilities subject to applicable stipulation provisions. Parker's present service area is in parts of T.6 S. R.65 W., T. 6 S. R. 66 W., T. 6 S. R.67 W., T. 7 S. R.66 W. and T. 7 S. R. 67 W., all in Douglas County. **4. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures.** During the diligence period, Parker has among other things taken the following steps toward completion of the appropriation. a. **Capital Improvements.** During the diligence period the following capital improvements were made to Parker's water system for a total of over \$137 million: Ridgegate 42" water main, Canyons 36" water main, water treatment plant, Well Equipment Storage Building 2018 – ongoing \$1.5 million and various other building improvements, Canyons Well Facility, Ridgegate Well Facility and numerous water main, fire hydrant and other infrastructure. The following specific capital improvements were made to Rueter-Hess Reservoir itself: perimeter fence with actuated gate, aeration system design and water quality monitoring device, resurface dam crest, and Rueter-Hess Filtration Annex April 2021 and ongoing spent to date \$11.2 million. All of these improvements increased Parker's ability to utilize the subject water rights. b. **Water Court Proceedings.** Parker has filed and is prosecuting Case 22CW3166 in this Court Parker to increase the usefulness of Rueter-Hess Reservoir with local plans for augmentation and exchange. Parker has also participated as an Opposer in various water court applications of others as necessary to protect the subject water rights. c. **Rueter-Hess** Reservoir is in excellent condition and is fully prepared to store water. d. **Parker has** in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. **5. Integrated System.** Parker owns and operates a single, unified and integrated municipal water supply system that contains numerous components. Those components include, but are not limited to the structures and the water rights that are the subject of this application. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. **6. Name(s) and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** Applicant.

2023CW3086. Applicant: **THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“CCWCD”) AND THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS”),** hereinafter referred to collectively as “Central,” 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Please send all correspondence to Bradley C. Grasmick and David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone (970) 622-8181; brad@lcwaterlaw.com; dstrait@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHTS, IN WELD COUNTY.** 2. **Water Rights to be Changed.** Water rights represented by twenty-eight (28) Shares in the Farmers Independent Ditch Company (“FIDCO”), Stock Certificate Nos. 1222 (23 shares) and 1213 (9 shares total, 5 of which are being changed herein) which water rights are described below (collectively, the “Subject Shares”). 3. **Name of Structures.** Farmers Independent Ditch. 4. **Previous Decrees.** 4.1. The Farmers Independent Ditch was decreed in Civil Action No. 6009 Arapahoe County District Court on April 28, 1883, with appropriation dates of November 20, 1865, for 61.6 cfs (Priority No. 10) and November 20, 1876, for 85.4 cfs (Priority No. 45) for irrigation purposes. The headgate is located on the west bank of the South Platte River in the Southwest 1/4 of the

Southwest 1/4 of Section 19 Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado.

5. Historical Use. The Shares were used for irrigation on the following farms: 5.1. Meining Farm. 23 shares were historically used to irrigate a farm located in the Northeast 1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County Colorado. (See **Exhibit 1**). 5.2. WETCO Farm. 5 shares were historical used to irrigate a farm located in the East 1/2 of the Southwest 1/4 of Section 10, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. (See **Exhibit 1**).

6. Proposed Change. 6.1. Use. In addition to the currently decreed uses, Central seeks to add the following uses to the Subject Shares: irrigation (on new/separate lands within Central's boundaries), industrial, augmentation, recharge, replacement and exchange, with the right to totally consume the consumable portion of the water, either directly, after storage, by first use, successive use, or disposition. Specifically, the Subject Shares may be used as a source of substitution and replacement supply in the plans for augmentation decreed in Case Nos. 02CW335, 03CW99, 16CW3202 and 21CW3193 for replacing well depletions and return flows. Fully consumable water associated with the water delivered under the Subject Shares and released for augmentation or other decreed uses may also be re-diverted and delivered to recharge or storage, either directly or by exchange consistent with the terms and conditions of the following storage and recharge decrees, including, but not limited to Case Nos. 83CW184, 88CW127, 92CW021, 92CW165, 94CW096, 94CW097, 00CW83, 01CW48, 02CW269, 02CW270, 05CW331, 12CW304, 14CW3123, 16CW3119, 16CW3202, 17CW3202, and 19CW3088. 6.2. Dryup. The lands historically irrigated with the Subject Shares have been dried up and/or are subject to a dry-up covenant requiring the cessation of irrigation when the Subject Shares are used for the changed uses. 6.3. Diversion Period. Historically, there were diversions for the Subject Shares in the months of March through November. 6.4. Farm Headgate Delivery. Farm headgate deliveries for the Subject Shares were estimated based on pro-rata river headgate diversions reduced to account for an average 25% ditch loss in the Farmers Independent Ditch and an additional 2% per mile for any earthen lateral ditches used to deliver water to the farms historically irrigated and then reduced further based on the demand for water on each individual farm. Based on historical diversion records over representative study periods, historical river diversions for the Subject Shares averaged approximately 514 acre-feet and farm headgate deliveries attributable to the Subject Shares averaged approximately 371 acre-feet per year. 6.5. Historic Consumptive Use. Historical consumptive use associated with the Subject Shares are estimated to average approximately 235 acre-feet per year over the study periods of 1944-2020 for the Meining Farm, and 1947 through 2009 for the WETCO Farm. This amount is preliminary and may be adjusted up or down as more information becomes available to Central. 6.6. Return Flows. Annual return flows associated with water delivered to the Subject Shares historically averaged approximately 136 acre-feet per year over the study periods.. Returns from the Subject Shares may consist of surface returns which will accrue immediately to the stream, and deep percolation returns which will be lagged to the nearest flowing stream. Presently, Central anticipates that all return flows will be characterized as deep percolation returns. The timing of the return flows will be determined using the IDS AWAS software, the bounded alluvial aquifer Glover methodology and site-specific alluvial aquifer characteristics. Return flows from water delivered to the Subject Shares accrued to the South Platte River in the following locations: Meining Farm: Northeast 1/4 of the Southeast 1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; WETCO Farm: Northeast 1/4 of the Northwest 1/4 of Section 9, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Historical Return flows for the Meining Farm accrued to Reach C and Reach C-1 of the GMS (Case No. 02CW335) and WAS (Case No. 03CW99) augmentation plan administrative reaches, respectively. Return flows for the WETCO Farm accrued to GMS (Case No. 02CW335) and WAS (Case No. 03CW99) administrative Reach C and C-2, respectively. As a term and condition of this decree; Central hereby clarifies that it intends to utilize all the water diverted in priority pursuant to the Subject Shares for the uses decreed herein and will replace the historical return flows, either directly, by substitution or otherwise, at times when there are calls for water from rights which have relied on the return flows from the Subject Shares as a source to satisfy its appropriation. To prevent injury to water rights which have relied on the return flows from the Subject Shares, the return flows will be replaced above the calling water right entitled to said return flows by using a portion of the water associated with the Subject Shares or with other water

rights owned, leased, or otherwise controlled by Central and authorized for such use. Central's return flow replacement sources include water rights which recharge the aquifer between the Farmers Independent Ditch and the South Platte River from sources which include the Subject Shares. Monthly return flow factors will be determined upon completion of engineering analysis. 6.7. Delivery of the Shares. Water from the Subject Shares shall continue to be diverted from the South Platte River at the Farmers Independent Ditch headgate and carried in the Ditch. Central will take delivery of the water via headgates on the Farmers Independent Ditch for the beneficial uses to be decreed herein. Such delivery from the Farmers Independent Ditch may include delivering the water directly to the South Platte River, delivering the water to new storage reservoirs constructed under the Farmers Independent Ditch, or delivery to recharge facilities proximate to the Farmers Independent Ditch and recharged pursuant to the decrees entered in Case No. 05CW331. Current points of delivery from the Farmers Independent Ditch are listed in **Exhibit 2**, attached hereto. Future headgates, augmentation stations and recharge ponds located on or proximate to the Farmers Independent Ditch may be utilized by Central for the delivery and beneficial use of the water represented by the Subject Shares. Central may re-divert the Subject Shares after they have been delivered to the South Platte River for the beneficial uses decreed herein. Central may also utilize the water as a source of substitute supply in an exchange, divert the water to storage or divert the water to recharge at the projects listed in Case Nos. 05CW331 and 16CW3202. 6.8. Proposed terms and conditions. Central shall continue to take delivery of the Subject Shares from the Farmers Independent Ditch for the uses decreed herein either directly after storage or recharge or for delivery to the stream and re-diversion at the locations to be approved by the court. Central will continue to bear its proportionate amount of ditch loss assessed by FIDCO on its share deliveries. Delivery of the Subject Shares to recharge ponds and the calculation of recharge credit for delivery to ponds served by the Farmers Independent Ditch shall be pursuant to the decree entered in Case No. 05CW331. Monthly, annual and a 20-year average volumetric limits on deliveries shall be applied to the future delivery of the Subject Shares for the new uses to be decreed herein. Return flows shall be replaced as described herein to prevent injury to senior vested water rights and decreed conditional water rights. Approximately 218 acres historically irrigated by the Subject Shares shall be dried up when the Subject Shares are fully used for the new uses to be decreed herein in order to prevent an expansion of use. 7. Name and Address of Owners of Structures. Applicant owns the Subject Shares. The Farmers Independent Ditch is owned by the Farmers Independent Ditch Company, P.O. Box 1371, Greeley, CO 80632. The original format of this application is four pages in length plus two exhibits.

2023CW3087 DGM PROPERTIES, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; DGM Properties, LLC ("DGM"), c/o Douglas Meyer, 11120 Hacienda Del Mar, Unit F204, Placida, FL 33946; Email: meyerdouglasg@gmail.com; Telephone: (608) 331-7414; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY**. 2. Overview of Claims. DGM owns a parcel of land located on approximately 46 acres lying in the SW1/4 and the SE1/4, Section 2, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, presently known as 4201 Hilltop Road, Evergreen, CO 80439 ("DGM Property"). It is in the drainage of Bear Creek, which is tributary to the South Platte River. DGM seeks to divide the DGM Property into six lots. One lot will be supplied by DGM Well No. 1, an existing exempt well which is being adjudicated pursuant to Claim 1 of this Application, while the other lots will be supplied by DGM Well Nos. 2, 3, 4, 5, and 6 which will be subject to the augmentation plan sought in Claim 2 of this Application. The DGM Property on which DGM Well Nos. 1- 6 are or will be located is shown on the map attached as **Exhibit A. CLAIM NO. 1: APPLICATION FOR UNDERGROUND WATER RIGHT** 3. Names of Well and Permit Number: DGM Well No. 1 (Well Permit No. 326459). a. Legal Description of the Well: DGM Well No. 1 is located

on a parcel in the S1/2, Section 2, Township 5 South, Range 71 West, of the 6th P.M., Jefferson County, Colorado, which parcel is shown on the map attached as **Exhibit A**. b. Source: Groundwater in the drainage of Bear Creek, tributary to the South Platte River. c. Date of Appropriation: June 3, 2023. d. How Appropriation was Initiated: By drilling and applying the well to beneficial use. e. Date Water Applied to Beneficial Use: June 3, 2023. f. Amount Claimed: 7 gpm, ABSOLUTE. g. Depth: 577 feet. h. Uses: Fire protection, ordinary household purposes inside not more than three (3) single family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch, and the irrigation of not more than one (1) acre of home gardens and lawns. i. Names and Addresses of Owners of Land on Which the Well is Located: Co-Applicant, DGM. j. Remarks: The DGM Well No. 1 is an exempt well that will keep its exempt status. Senate Bill 20-0155, adopted on July 2, 2020, amended Section 37-92-602(3) to allow an existing exempt well permitted pursuant to Section 37-92-602(3)(b)(II)(A) to retain its presumption of noninjury after the land on which the well is located has been divided, provided that the existing well is only used on a single lot of the divided land and remains the only well serving that lot. **CLAIM NO. 2: APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 4. Names of Structures to be Augmented: DGM Well Nos. 2-6. The DGM Well Nos. 2-6 will divert groundwater on five of the six lots to be subdivided from the DGM Property; the remaining lot will be supplied by DGM Well No. 1, which is an exempt well and is not subject to this plan for augmentation. The rate of diversion for each of the DGM Well Nos. 2-6 will not exceed 15 gallons per minute. Applications to construct DGM Well Nos. 2-6 will be submitted to Colorado Division of Water Resources when the DGM Property described herein is developed and the wells are needed. The exact location of the DGM Well Nos. 2-6 will be determined at the time of construction and described in the well permits issued for each well. 5. Water Rights to be Used for Augmentation Purposes: DGM has entered into a contract with North Fork Associates, LLC to purchase 11 shares of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.346 of an acre-foot to satisfy the present and anticipated future replacement needs, attached as **Exhibit B**. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “Bear Creek/Turkey Creek water rights”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

| Appropriation Date | Priority Number | Source | Amount | MMRC Entitlement |
|--------------------|-----------------|--------------|-----------|------------------|
| April 15, 1868 | 21 | Turkey Creek | 10.75 cfs | 0.2072 cfs |
| March 16, 1869 | 23 | Bear Creek | 7.94 cfs | 0.1530 cfs |
| May 1, 1871 | 25 | Bear Creek | 25.54 cfs | 0.4923 cfs |
| March 1, 1882 | 30 | Bear Creek | 12.87 cfs | 0.2481 cfs |

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

| Appropriation Date | Priority Number | Source | Amount | MMRC Entitlement |
|--------------------|-----------------|--------------|-----------|------------------|
| Dec. 1, 1861 | 4 | Bear Creek | 12.33 cfs | 0.1541 cfs |
| April 16, 1862 | 8 | Turkey Creek | 2.86 cfs | 0.0358 cfs |

| | | | | |
|---------------|----|------------|-----------|------------|
| Oct. 31, 1864 | 14 | Bear Creek | 25.47 cfs | 0.3184 cfs |
| April 1, 1865 | 16 | Bear Creek | 11.49 cfs | 0.1436 cfs |

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this Application shall have the meaning set forth in the Decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this Application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this Application may be used as a Supplemental Supply as defined in the Decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said Decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7, 22.1, 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the Decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this Application. 6. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with DGM Well Nos. 2-6, for both indoor and outdoor uses, as described below. a. The water requirements for DGM Well Nos. 2-6 are for up to five single-family dwellings, with an average occupancy of 3.5 persons per house, and up to five auxiliary dwelling units, with an average occupancy of 2.0 persons per house (“Indoor Uses”). The estimated water requirements for the Indoor Uses is 80 gallons per capita per day (gpcd) with 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. In addition, the “Outdoor Uses” consist of up to five hot tubs based on the use of 5 gl/day with 100% consumption and the irrigation of up to 2,500 square-feet of turf irrigation based on the application of 1.25 af/ac with 100% consumption. This plan will require 0.346 of an acre-foot of replacement water as is shown in Table 1 below.

| |
|---------|
| Table 1 |
|---------|

| Use | Water Requirements | Units | Quantity AF | CU Rate | Replacement Requirements | | |
|---------------------------------|--------------------|--------|-------------|---------|--------------------------|--------------|--------------|
| | | | | | Total Ac-Ft | Summer Ac-Ft | Winter Ac-Ft |
| Single-Family In-house Use | 0.314 af/yr | 5 | 1.570 | 10% | 0.157 | 0.079 | 0.078 |
| Subtotal | | | 1.570 | | 0.157 | 0.079 | 0.078 |
| Auxiliary Unit* | 0.179 af/yr | 5 | 0.895 | 10% | 0.089 | 0.045 | 0.044 |
| *Irrigation 500 sq. ft per lot. | 1.25 af/ac | 0.0574 | 0.072 | 100% | 0.072 | 0.072 | 0.000 |
| *Hot Tub | 0.0056 af/tub | 5 | 0.028 | 100% | 0.028 | 0.014 | 0.014 |
| Subtotal | | | 0.995 | | 0.189 | 0.131 | 0.058 |
| Total | | | 2.565 | | 0.346 | 0.210 | 0.136 |

* The quantities of ADUs, hot tubs and/or irrigation for each lot can be varied as long as the total CU of these items do not exceed 0.0378 of an acre-foot per lot. The monthly depletions are as follows in acre-feet:

| Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 0.022 | 0.023 | 0.023 | 0.023 | 0.022 | 0.023 | 0.035 | 0.035 | 0.035 | 0.035 | 0.035 | 0.035 |

This equates to a maximum stream depletion of 0.26 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 5, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. c. The total consumptive use water requirement will be 0.346 of an acre-foot of the annual firm yield of the total Bear Creek/Turkey Creek water rights as reflected in **Exhibit B**. These requirements are needed at the point of depletion approximately in the SW1/4, Section 2, Township 5 South, Range 71 West. This is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. 7. Water Exchange Project: Since the point of depletion associated with DGM Well Nos. 2-6 are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West, thence up Bear Creek to the point of depletion in the SW1/4, Section 2, Township 5 South, Range 71 West, all in the 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of July 28, 2023, at a maximum flow rate of 0.001 of a cubic foot per second. 8. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 9. 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: Co-Applicants, DGM. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested

water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for DGM Well Nos. 1-6 consistent with the final decree entered in this case. (11 pgs., 2 Exhibits)

2023CW3088 BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK, (“Applicant” or the “County”), c/o Water Resources Department, P.O. Box 2000, Georgetown, CO 80444; Email: lleben@clearcreekcounty.us; Telephone: (303) 679-2434. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY**. In prior decrees for the subject water rights, described below, Applicant was identified as a Co-Applicant with the Clear Creek Economic Development Board. On June 6, 2023, the Clear Creek Economic Development Board conveyed the subject water rights to the board of county commissioners of the county of Clear Creek by Quitclaim Deed. Applicant has filed a notice of transfer of conditional water rights in the underlying case. 2. Names of Appropriative Rights of Substitution and Exchange: A. Johnson Gulch Exchange B. Clear Creek Reservoir Nos. 3 and 4 Exchange C. Ball Placer Reservoir Exchange D. Clear Creek Exchange E. Idaho Springs Reservoir Exchange F. Upper Beaver Brook Reservoir Exchange The aforementioned appropriative rights of substitution and exchange are referred to collectively as the “Subject Water Rights.” Exercising the Subject Water Rights allows Applicant to deliver certain water, identified below, to Clear Creek in order to divert an equivalent amount of water from the tributaries to or the mainstem of Clear Creek, as described further below. 3. Description of Subject Water Rights: A. **Date of Original Decree**: The Subject Water Rights were originally decreed in Case No. 02CW310, District Court, Water Division No. 1, entered October 20, 2010. B. **Subsequent Decrees Awarding Findings of Diligence**: Case No. 16CW3144, District Court, Water Division No. 1, entered on July 28, 2017. C. **Legal Descriptions**: All Exchange Reaches are located in Clear Creek County, except as provided otherwise below: 1. **Johnson Gulch Exchange**: The exchange reach will be located on Johnson Gulch, a tributary to Clear Creek. The upstream terminus will be Upper Johnson Gulch Reservoir, which will have a dam located in the NW1/4 NE1/4 of Section 3, T4S, R72W, 6th P.M. at a point approximately 900 feet from the North section line and 1,900 feet from the East section line of said Section 3. The downstream terminus will be the confluence of Johnson Gulch and the mainstem of Clear Creek in the SE1/4 SE1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 210 feet from the South section line and 950 feet from the East section line of said Section 34. The Applicant will also utilize the Johnson Gulch Exchange to store water in Clear Creek Reservoir No. 2, which will be located within the exchange reach. 2. **Clear Creek Reservoir Nos. 3 and 4 Exchange**: The exchange reach will be located on an unnamed tributary to Clear Creek which will fill Clear Creek Reservoir Nos. 3 and 4. The upstream terminus will be Clear Creek Reservoir No. 4, which will have a dam located in the SW1/4 NW1/4, Section 34, T3S, R72W, 6th P.M. at a point approximately 300 feet from the West section line and 1,800 feet from the North section line of said Section 34. The downstream terminus of said exchange will be the confluence of the unnamed tributary which fills Clear Creek Reservoir No. 4 and the mainstem of Clear Creek in the NE1/4 SW1/4, Section 34, T3S, R72W, 6th P.M., at a point approximately 1,400 feet from the West section line and 2,050 feet from the South section line of said Section 34. 3. **Ball Placer Reservoir Exchange**: The exchange reach will be located on Bard Creek, a tributary to Clear Creek and on the West Fork of Clear Creek. The upstream terminus will be the Ball Placer Pipeline, which will be located in the NW1/4 NW1/4, Section 33, T3S, R74W, 6th P.M., at a point approximately 320 feet from the West section line and 480 feet from the North section line of said Section 33. The downstream terminus of the exchange will be the confluence of West Fork of Clear Creek and the mainstem of Clear Creek in the NW1/4 SE1/4 Section 27, T3S, R74W, 6th P.M., at a point approximately 2,010 feet from the South section line and 2,160 feet from the East section line of said Section 27. Water will also be exchanged within the exchange reach from the confluence of Bard Creek and West Fork of Clear Creek to the upper terminus of the exchange reach. Said exchange shall only be made with the written consent of the Town of Empire to store water in the Ball Placer Reservoir. 4. **Clear**

Creek Exchange: The exchange reach will be located on the mainstem of Clear Creek. The upstream terminus will be the Bakerville Reservoir No. 2 which will have a dam located in T4S, R75W, 6th P.M. at a point on Clear Creek whence the NW1/4 corner of Section 22, T4S, R75W, 6th P.M. bears N 86° 0' E a distance of 11,000 feet. The downstream terminus of said exchange will be the confluence of the West Fork of Clear Creek and the mainstem of Clear Creek located in the NW1/4 SE1/4 Section 27, T3S, R74W, 6th P.M., at a point approximately 2,010 feet from the South section line and 2,160 feet from the East section line of said Section 27. Water from the downstream terminus and an intermediate point within the exchange reach at the confluence of the South Fork of Clear Creek and the mainstem of Clear Creek will be exchanged upstream to both Bakerville Reservoir No. 1, which is located within the exchange reach and Bakerville Reservoir No. 2, which is the upstream terminus of the exchange reach.

5. **Idaho Springs Reservoir Exchange:** The exchange reach is located on Chicago Creek, a tributary to Clear Creek. The upstream terminus is Idaho Springs Reservoir located on Chicago Creek in the SE1/4 NE1/4, Section 1, T5S, R74W, 6th P.M., at a point approximately 2,380 feet from the North section line and 160 feet from the East section line of said Section 1. The downstream terminus of said exchange is the confluence of Chicago Creek and Clear Creek at a point in the SE1/4 SE1/4, Section 35, T3S, R73W, 6th P.M., at a point approximately 530 feet from the South section line and 630 feet from the East section line of said Section 35. Said exchange shall only be made with the written consent of the City of Idaho Springs to store water in the Idaho Springs Reservoir.

6. **Upper Beaver Brook Reservoir Exchange:** The exchange reach will be located on Beaver Brook, a tributary to Clear Creek. The upstream terminus of the Upper Beaver Brook Reservoir Exchange will be the Upper Beaver Brook Reservoir located in the SW1/4 SE1/4, Section 15, T4S, R72W, 6th P.M., at a point approximately 100 feet from the South section line and 2,270 feet from the East section line of said Section 15. The downstream terminus of said exchange will be the confluence of Beaver Brook and Clear Creek located in the NE1/4 NW1/4, Section 3, T4S, R71W, 6th P.M., at a point approximately 1,370 feet from the North section line and 2,320 feet from the West section line of said Section 3. The exchange reach lies within both Clear Creek and Jefferson Counties. Said exchange shall only be made with the written consent of the Lookout Mountain Water District to store water in the Upper Beaver Brook Reservoir.

7. A map showing the approximate locations of the above-described structures and the substitution and exchange reaches are attached hereto as **Exhibit 1. D. Water and Water Rights to be Used for Substitution and Exchanges:** All water available to Applicants for substitution and exchange purposes. Said sources currently include, but will not be limited to, the following:

1. **Vidler Tunnel Water Rights:** Clear Creek County currently owns 71 acre feet of fully consumable water from the Vidler Tunnel. The Vidler Tunnel system water rights are comprised of the following:

(a) **Rice Ranch Rights:** A total of 361 consumptive acre feet, at a total maximum diversion rate of 31.22 cubic feet per second ("cfs"), was decreed by the District Court in and for Water Division No. 5, in Case Nos. W-217 and W-2110, for domestic, irrigation and use on the Eastern slope and being historically attributable to the following described water rights: (i) Rice Ditch, decreed for 4.50 cfs with a May 3, 1893 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Rice Ditch is located on the left (south) bank of the Snake River in the NW1/4 SE1/4 of Section 22, T5S, R77W, 6th P.M.; (ii) Soda Creek Ditch, decreed for 2.72 cfs with a July 1, 1900 appropriation date and March 10, 1952 adjudication date. The originally decreed headgate of the Soda Creek Ditch is located on the right (east) bank of the Soda Creek at a point whence the South quarter corner of Section 27, T5S, R77W, 6th P.M., bears South 10°5' East a distance of 940 feet; (iii) Phillips Ditch, decreed for 4.00 cfs with a June 1, 1904 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Phillips Ditch is located on the left (west) bank of the Keystone Creek in the SW1/4 SW1/4 of Section 14, T5S, R 77W, 6th P.M.; (iv) Rice Ditch - Riley Enlargement, decreed for 10.00 cfs with a July 5, 1914 appropriation date and an October 26, 1937 adjudication date. The originally decreed headgate of the Riley Enlargement is located on the left (south) bank of the Snake River at a point whence the SW corner of Section 22, T5S, R77W, 6th P.M., bears South 54°46' West a distance of 3845 feet; and (v) Rice Ditch - Rice Enlargement, decreed for 10.00 cfs with a July 5, 1914 appropriation date and a March 10, 1952 adjudication date. The originally decreed headgate of the Rice Enlargement is the same as the Rice Ditch - Riley Enlargement.

(b) **Arduser Ditch Rights:** A total of 52.5 consumptive acre feet, at a total maximum diversion rate of 3 cfs, was decreed

by the Summit County District Court in Case No. 2350 for all purposes including irrigation, domestic and manufacturing and being historically attributable to the Arduser Ditch, Ditch No. 230, Priority No. 249, decreed by the Summit County District Court in Civil Action No. 1709 for 3 cfs, with a September 28, 1934 appropriation date and an October 26, 1937 adjudication date. 2. **Henderson Mine Water:** Clear Creek County currently has a long-term lease for 12 acre-feet of fully consumable water from the Henderson Mine which has the following water rights: (a) **Date entered:** (i) Water Division No. 1 Decrees: Decreed as conditional on September 5, 1973, and made absolute on July 16, 1980. (ii) Water Division No. 5 Decrees: Decreed as conditional on August 10, 1973, and made absolute on March 17, 1978. (b) **Case Nos.:** (i) Water Division No. 1 Decrees: Case Nos. W-7158, W-715877, 81CW275 and 85CW235. (ii) Water Division No. 5 Decrees: Case Nos. W-1700 and W-1700A-77. (c) **Courts:** District Courts, Water Division Nos. 1 and 5, State of Colorado. (d) **Type of water right (surface, underground storage):** Non-tributary groundwater. (e) **Legal Description of Points of Diversion or Place of Storage:** Beginning at a point at the center of Shaft No. 1 whence USLM Mineral Monument Rue bears N. 73 degrees 42' E a distance of 3208.4 feet. This is an unsurveyed area but appears to be in Section 25, T3S, R76W of the 6th P.M., Clear Creek County. Alternate Point of Diversion: Henderson Shaft No. 2 – Beginning at a point at the center of Shaft No. 2 whence USLM Mineral Monument Rue bears N. 77 degrees 16' 46" E a distance of 4931.33 feet. This is an unsurveyed area but appears to be in Section 25, T3S, R76W of the 6th P.M., Clear Creek County. Note: The Rue Mineral Monument is located at North Latitude 39 degrees 46' 17" and West Longitude 105 degrees 49' 58". (f) **Source:** Non-tributary groundwater from the Henderson Mine. (g) **Amount:** 5 cfs absolute from Water Division 1; 0.349 cfs absolute from Water Division 5. (h) **Appropriation Date:** April 1, 1967. (i) **Decreed Uses:** Industrial, domestic, irrigation, municipal, piscatorial, recreational, and all other lawful uses. 3. **Additional Sources:** Applicant may use any additional source of decreed fully consumptive water for substitution and exchange that is available at or above the downstream terminus of the exchange being utilized, provided, however that Applicant shall not use effluent which is generated upstream of the Church Ditch as a source of substitution and exchange. E. **Appropriation Dates and Amounts of Substitutions and Exchanges:** 1. **Johnson Gulch Exchange:** December 19, 2002; 1.0 cfs CONDITIONAL. 2. **Clear Creek Reservoir Nos. 3 and 4 Exchange:** December 19, 2002; 0.5 cfs CONDITIONAL. 3. **Ball Placer Reservoir Exchange:** December 19, 2002; 5.0 cfs CONDITIONAL. 4. **Clear Creek Exchange:** December 19, 2002; 5.0 cfs CONDITIONAL. 5. **Idaho Springs Reservoir Exchange:** June 2, 2002; 2.0 cfs, of which 1.0 cfs is ABSOLUTE and 1.0 cfs CONDITIONAL. 6. **Upper Beaver Brook Reservoir Exchange:** December 19, 2002; 0.5 cfs CONDITIONAL. F. **Uses of Water:** All municipal uses within Clear Creek County including domestic, irrigation, lake level maintenance, industrial, commercial, fire protection, recreation, piscatorial, storage, augmentation, exchange, replacement and all other municipal uses. Such uses include the right to fully consumptive uses of the water for the above-described purposes and to use, reuse, and successfully use the water to extinction. 4. **Absolute Claims:** The Applicant does not seek to make any additional portion of the Subject Water Rights absolute in this Application. 5. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** A. The Subject Water Rights are part of an integrated system operated by the Applicant for use of water within Clear Creek County, which system includes other reservoirs, exchanges, and senior water rights. Pursuant to § 37-92-301(4)(b), C.R.S., work performed, effort, and cost expended on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. B. The Subject Water Rights are incorporated into Clear Creek County's basin-wide augmentation plan decreed in Case No. 05CW302 (hereinafter, "Basin-Wide Augmentation Plan"). Throughout the diligence period of July 28, 2017 to the present ("Diligence Period"), the County has operated, managed, administered, and maintained accounting for the Basin-Wide Augmentation Plan. During the Diligence Period, the County followed the decreed procedure to include ten new plan participants in the Basin-Wide Augmentation Plan, and the County currently is undertaking the process to add two new plan participants. C. During the Diligence Period, the County has continued to install, maintain, and upgrade its integrated water system, including but not limited to certain structures for

the Subject Water Rights. D. The County has participated in numerous regional and statewide water planning efforts during the Diligence Period. The County continues to actively attend and exercise its voting membership duties on the South Platte River Basin Roundtable in preparation and adoption of the 2023 update to the State Water Plan. Certain of the County’s reservoirs are identified in the draft 2023 update to the Colorado Water Plan’s Basin Implementation Plan for purposes of funding studies and construction of certain facilities through the Identified Project and Process. The County also has engaged in internal water planning efforts. E. During the Diligence Period, the County has maintained its water rights portfolio and prosecuted several water court applications related to its water rights, including: Upper Johnson Gulch Reservoir (Case No. 17CW3007, entered September 14, 2017); Grizzly Gulch Reservoir (Case No. 17CW3115, entered March 1, 2018); Green Lake (Case No. 18CW3184, entered June 25, 2019); Leavenworth Reservoirs Nos. 1 and 2 and Bakerville Reservoirs Nos. 1 and 2 (Case No. 19CW3095, entered November 19, 2019); Basin-Wide Augmentation Plan exchanges for two of the Subject Water Rights (Case No. 20CW3082, entered April 6, 2021); amendment to King Murphy School Pond augmentation plan (Case No. 20CW3165, entered April 14, 2022); and Clear Creek Reservoirs Nos. 2 – 4 and Clear Creek Diversion Structures A, B, and D (Case No. 22CW3179, entered June 6, 2023). F. In spring of 2022, County staff attended a meeting with the Freis and their representatives regarding the development of a public - private partnership for the development and construction of Clear Creek Reservoirs Nos. 3 and 4, which are exchange-to structures for the Subject Water Rights. G. During the Diligence Period, the County monitored the Water Court applications in Division No. 1 and opposed approximately eight (8) Water Court applications to protect its water rights, including the Subject Water Rights. H. The County expended approximately \$1.4 million, and dedicated additional staff time, towards the activities described above during the Diligence Period. 6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Nickolas J. & Shannon L. Williamson, 1647 Elk Valley Drive, Evergreen, CO 80439 B. AR & MJ Frei Limited Partnership, 35715 Hwy. 40, Bldg. B, Suite 120, Evergreen, CO 80439 C. Albert and Mary Jane Frei Irrevocable Trust, 35715 Hwy. 40, Bldg. B, Suite 120, Evergreen, CO 80439 D. Newton Family Investment Company, 171 Bard Creek Road, Empire, CO 80438 E. U.S. Forest Service, P.O. Box 3307, Idaho Springs, CO 80452 F. City of Idaho Springs , P.O. Box 907, Idaho Springs, CO 80452 G. Lookout Mountain Water District, c/o Robert Heine, 1202 Bergen Parkway, Suite 215, Evergreen, CO 80439 H. Town of Empire, P.O. Box 100, Empire, CO 80438 I. Colorado Department of Transportation, 2829 W. Howard Place, Denver, CO 80204 7. Remarks or other pertinent information: Structures will be located on lands owned by Colorado Department of Transportation (“CDOT”) only after all necessary approvals from that state agency. In the event that the Applicant needs to access CDOT right-of-way for any purpose, the Applicant shall obtain a utility permit (or any other required instrument) from CDOT. WHEREFORE, Applicant seek entry of a decree by the Court that grants findings of reasonable diligence for the Subject Water Rights in their entirety, continues the conditional Subject Water Rights for another diligence period, and confirms Applicant’s right to complete the appropriations to the full decreed extent. (15 pgs., 1 Exhibit)

2023CW3089 APPLICATION FOR GROUNDWATER RIGHTS AND FOR ADDITION OF STRUCTURES TO PLAN FOR AUGMENTATION IN ADAMS COUNTY - SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT, c/o Richard J. Mehren, Molly K. Haug, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, Colorado 80302 1. Name, address, and telephone number of Applicant: South Adams County Water and Sanitation District (“South Adams” or the “District”), c/o Zach Gilbert, Water Systems Manager, 6595 E. 70th Avenue, P. O. Box 597, Commerce City, Colorado 80037 2. Background: On April 9, 2014 South Adams entered into an Intergovernmental Agreement (“IGA”) with the City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”). The IGA includes, among other agreements, Denver Water’s and South Adams’ agreement for South Adams’ development and use of several mounding drains located at Denver Water’s North Reservoir Complex. The North Reservoir Complex is located adjacent to

the South Platte River between 108th and 120th Avenues and consists of the following five off-channel lined water storage reservoirs: Howe-Haller A Reservoir, Howe-Haller-B Reservoir, Hazeltine Reservoir, Tanabe Reservoir, and Dunes Dam and Reservoir (collectively, the “North Complex Reservoirs”). A map showing the location of the North Complex Reservoirs is attached as **Exhibit A**.

3. Description of application: South Adams seeks to: (a) adjudicate conditional groundwater rights for two mounding drains located at the North Reservoir Complex - the North Complex Mounding Drain and the North Complex South Heel Drain (collectively, the “North Complex Drains”); and (b) add the North Complex Drains to South Adams’ plan for augmentation including exchanges decreed by this Court in Consolidated Case Nos. W-8440-76 and W-8517-77 and subsequent Case Nos. W-8440-76A-D (generally referred to herein as “W-8440”) as that plan for augmentation has been expanded by Case Nos. 1997CW353, 2000CW102, 2001CW258 (“01CW258 Decree”), 2005CW115 (“05CW115 Decree”), 2006CW285 (“06CW285 Decree”), 2007CW303, 2010CW304, and 2015CW3177, by the decree to be entered in pending Case No. 2022CW3063, and as such plan may be expanded by other future cases (collectively, the “South Adams Augmentation Plan”). Denver Water will also divert groundwater from the North Complex Mounding Drain for its separate use, and Denver Water has filed a separate application with the Division 1 Water Court in pending Case No. 22CW3215 for its use and diversion of water at the North Complex Mounding Drain.

GROUNDWATER WATER RIGHTS

4. Name of structures: North Complex Mounding Drain and North Complex South Heel Drain.

5. Location of structures: The location of each of the North Complex Drains is described as follows, and a map showing the location of each drain is attached as **Exhibit A**.

5.1 North Complex Mounding Drain: The North Complex Mounding Drain is located along the eastern edge of the Hazeltine and Howe-Haller B Reservoirs and is currently used by Denver Water pursuant to an approved Substitute Water Supply Plan. The North Complex Mounding Drain is permitted for Denver Water’s use under Permit No. 82711-F issued November 14, 2018. The North Complex Mounding Drain is located within the NE 1/4 NE 1/4 of Section 9, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. UTM Coordinates (Meters, Zone: 13, NAD83), Easting 509849.0 Northing: 4416256.0.

5.2 North Complex South Heel Drain (“South Heel Drain”): The South Heel Drain is generally located to the south of the Howe-Haller A Reservoir in Section 9, Township 2 South, Range 67 West of the 6th P.M., Adams County, Colorado. UTM Coordinates (Meters, Zone: 13, NAD83), Easting 508816 Northing: 4415876.

6. Source: The source of the water is from the South Platte River alluvium and streams and wastewater tributary thereto.

7. Date of appropriation: July 31, 2023.

8. How appropriation was initiated: Formation of intent to appropriate water for beneficial use, site inspection, engineering analysis, and by filing this application.

9. Amount claimed:

9.1 North Complex Mounding Drain: 1,400 gpm, conditional.

9.2 South Heel Drain: 1,800 gpm, conditional.

10. Depth:

10.1 North Complex Mounding Drain: 20 feet, approximately.

10.2 South Heel Drain: 62.5 feet, approximately.

11. Proposed use: All municipal purposes, including but not limited to domestic, industrial, commercial, irrigation out of South Adams’ municipal system, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, sewage treatment, mechanical, manufacturing, street sprinkling, substitution, exchange, augmentation, and replacement purposes, and including both immediate application to such purposes and storage for subsequent application to such purposes, directly, through South Adams’ potable treated water system, or through a separate non-potable system. South Adams claims the right to use, reuse, successively use, and fully consume all water diverted under the water rights to extinction.

12. Notes: Water diverted by South Adams from the North Complex Drains may be delivered directly into South Adams’ municipal system or may first be delivered into the North Complex Reservoirs and then pumped into South Adams’ municipal system. At times when water is not being diverted from the North Complex Mounding Drain by South Adams or Denver Water for beneficial use, water intercepted by the North Complex Mounding Drain will be released to First Creek in the SE1/4 NE1/4 of Section 9, Township 2 South, Range 67 West of the 6th P.M., as approximately shown in **Exhibit A**. At times when water is not being diverted from the South Heel Drain by South Adams for beneficial use there will be no alternate point of discharge.

13. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structures, 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: City and County of Denver

Acting By and Through its Board of Water Commissioners, 1600 West 12th Avenue, Denver, CO 80204

ADDITION OF STRUCTURES TO THE SOUTH ADAMS AUGMENTATION PLAN South Adams seeks to add the North Complex Drains, as described in Paragraphs 4 through 12 above, to the South Adams Augmentation Plan. South Adams will only augment under the South Adams Augmentation Plan out-of-priority depletions resulting from its diversion and subsequent beneficial use of water from the North Complex Drains. 14. Names of structures to be augmented: The North Complex Mounding Drain and the South Heel Drain, as described in Paragraphs 4 through 12, above. 15. Water rights to be used for augmentation: Those water rights and other sources of water identified in paragraph 34 of the 01CW258 Decree, and those water rights and other sources of water that have been or will be added as sources of augmentation water to the 01CW258 Decree by a decree of the Water Court or pursuant to the terms and conditions of paragraph 35 of the 01CW258 Decree. 16. Statement of plan for augmentation: The decree in Case No. W-8440-76, as amended, specifically provides for the inclusion of additional wells in the decreed plan for augmentation including exchange. Decretal paragraph 11.B provides as follows: [T]his Court shall also retain continuing jurisdiction herein which may be invoked by applicant . . . for the purpose of expanding the aforescribed plan for augmentation by including therein additional alluvial wells . . . , with the terms and conditions of such expanded plan to be determined pursuant to such continuing jurisdiction. The Court has approved the expansion of the South Adams Augmentation Plan to include additional augmentation sources, additional alluvial wells, or both in Case Nos. W-8440 76A, W-8440 76C, W-8440-76D, 1997CW353, 2000CW102, 01CW258, 05CW115, 06CW285, 2007CW303, 2010CW304, and 2015CW3177. South Adams is also seeking the expansion and modification of the South Adams Augmentation Plan in pending Case No. 2022CW3063. In Case No. W-8440-76D, the Court ordered that future proposed expansions to South Adams' plan for augmentation pursuant to decretal paragraph 11.B of the decree in Case No. W-8440-76 be submitted in the form of new applications bearing new and separate case numbers in accordance with then-applicable statutes and rules of the Court. In accordance with the Court's order in Case No. W-8440-76D, South Adams has filed this proposed expansion to its plan for augmentation under a new application bearing a new and separate case number. South Adams' augmentation supplies are sufficient to replace any out-of-priority depletions caused by South Adams' diversion and subsequent beneficial use of water collected by the North Complex Drains in addition to any out-of-priority depletions caused by existing structures that are augmented by the South Adams Augmentation Plan. No injury will result from the inclusion of the North Complex Drains in the South Adams Augmentation Plan or from South Adams' diversion of water collected by the North Complex Drains so long as out-of-priority depletions attributable to such diversions are augmented pursuant to the South Adams Augmentation Plan, including a requirement to limit the gross depletions from South Adams diversions' from the North Complex Drains, the South Adams Wells, as that term is defined in Paragraph 36.b. of the 01CW258 Decree, and the wells included in the 05CW115 Decree, to the amount allowed by Paragraph 51 of the 01CW258 Decree as that limit was modified by the 06CW285 Decree and as that limit may be modified by subsequent decrees. Therefore, South Adams seeks a determination by the Court that South Adams may divert water from the North Complex Mounding Drain and the South Heel Drain, as described in Paragraphs 4 through 12 above, out-of-priority in accordance with the South Adams Augmentation Plan.

2023CW3090. JOHN FRITZEL, 3575 Ringsby Court, #400, Denver, CO 80216. Please send all pleadings and correspondence to Ryan W. Farr and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921, (719) 471-1212). **APPLICATION FOR ADJUDICATIONS OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN ADAMS COUNTY.** Applicant is seeking to quantify the Denver Basin groundwater underlying the Applicant's Property, as defined below, and approval of a plan for augmentation for the use of a not-nontributary Upper Arapahoe aquifer wells to serve a sixteen-lot subdivision of the Applicant's Property. Applicant owns an approximately 287.9-acre property that is depicted on the attached **Exhibit A** map, located in the W1/2 of Section 7, Township 1 South, Range 64 West of the 6th P.M., Adams County, specifically described on the attached **Exhibit B** ("Applicant's

Property”). Existing Well. There is one existing well on the Applicant’s Property for domestic use permitted under Colorado Division of Water Resources Permit No. 300515 (“Fritzel Well”). It is drilled to a depth of 300 feet to the Arapahoe aquifer, and located 381 feet from the north section line and 667 feet from the east section line in the NE1/4 of the NE1/4 of Section 7, Township 1 South, Range 64 West of the 6th P.M. This well will be re-permitted to operate pursuant to the herein requested augmentation plan. There is a well under Colorado Division of Water Resources Permit No. 120039 that previously claimed approximately 17.45 acres of Applicant’s Property to supply an exempt well of 1 acre-foot annually. To account for this well, Applicant has decreased the claimed amount of water in the Upper Arapahoe aquifer by 50 acre-feet (50% of 100-year life of a well that withdraws 1 acre-foot per year). Proposed Well. Applicant proposes the construction of fifteen additional wells to the Arapahoe aquifer to supply water to the individual lots in addition to the Fritzel Well. Not-Nontributary. The groundwater to be withdrawn from the Upper Arapahoe aquifer underlying Applicant’s Property is not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., the augmentation requirements for wells in the Upper Arapahoe aquifer in this location requires the replacement of 4% of the amount of water withdrawn on an annual basis. Nontributary. The groundwater that will be withdrawn from the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 200 g.p.m. per well. The actual pumping rates for the wells will vary according to aquifer conditions and well production capabilities. Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any wells to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying Applicant’s Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by Adams County, Colorado Land Dedication Standards § 5-04-05-06-04(2) which is more stringent than the State of Colorado’s 100-year life requirement pursuant to § 37-90-137(4), C.R.S. for aquifers. Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

| AQUIFER | NET SAND (Feet) | Total Appropriation (Acre Feet) | Annual Avg. Withdrawal 100 Years (Acre Feet) | Annual Avg. Withdrawal 300 Years (Acre Feet) |
|------------------------|------------------------|--|---|---|
| Denver (NNT) | 21.3 | 1,040 | 10.4 | N/A |
| Upper Arapahoe (NNT) | 47.6 | 2,280 | 22.8 | 7.6 |
| Lower Arapahoe (NT) | 93.5 | 4,410 | 44.1 | 14.7 |
| Laramie-Fox Hills (NT) | 158.8 | 68.60 | 68.6 | N/A |

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to § 37-92-305(11), C.R.S., Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Applicant requests the right to use the groundwater for beneficial uses upon the Applicant’s Property consisting of domestic within a single-family dwelling and guest house, structure and equipment washing, hot tub, irrigation (indoor and outdoor), commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant’s Property subject, however, to the requirement of § 37-90-137(9)(b), C.R.S., that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that Applicant shall only be entitled to construct wells or use water from the not-nontributary Denver or Upper Arapahoe

aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S., which includes the plan requested herein. Well Fields. Applicant requests that he be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field and waive any 600-foot spacing requirements. Averaging of Withdrawals. Applicant requests that he be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are to be located as well as the underlying groundwater is owned by the Applicant. Structures to be Augmented. The structures to be augmented are an existing Fritzel Well and fifteen additional Upper Arapahoe aquifer wells to be constructed to serve the other fifteen lots (for a total of sixteen lots), along with any replacement or additional wells as needed that are constructed to the Upper Arapahoe aquifer underlying the Applicant's Property ("Fritzel Wells"). Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Upper Arapahoe aquifer wells, together with water rights from the nontributary Lower Arapahoe aquifer for any injurious post-pumping depletions. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Upper Arapahoe aquifer. Pumping from the Upper Arapahoe aquifer will be a maximum of 7.60 acre-feet of water per year combined for the Fritzel Wells, with each lot pumping a maximum of 0.475 acre-feet per year. Such uses shall be for domestic within a single-family dwelling and guest house, structure and equipment washing, hot tub, irrigation (indoor and outdoor), commercial, stock water, recreation, wildlife, fire protection, and also for storage and augmentation purposes associated with such uses. Pumping from the Upper Arapahoe will require the replacement of 4% of the water withdrawn annually, or 0.304 acre-feet. Should annual pumping be less than the 7.6 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced. Augmentation of Depletions During Pumping. Pursuant to § 37-90-137(9)(c.5), C.R.S., Applicants are required to replace 4% of the water withdrawn from the Upper Arapahoe aquifer annually. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a conservative household use rate of 0.20 acre-feet per residence per year, 2.88 acre-feet is replaced to the stream system per year, assuming the use of a non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of post-pumping depletions which may be associated with the use of the Fritzel Wells, Applicant will reserve 2,326 acre-feet of the Laramie-Fox Hills aquifer, subject to credit for during-pumping replacement. The amount of nontributary Laramie-Fox Hills aquifer groundwater reserved may be reduced as may be determined through this Court's retained jurisdiction as described in any decree. If the Court, by order, reduces the Applicant's obligation to account for and replace such post-pumping depletions for any reason, it may also reduce the amount of Laramie-Fox Hills aquifer groundwater reserved for such purposes, as described herein. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. Pursuant to § 37-90-137(9)(b), C.R.S., no more than 98% of water withdrawn annually from a nontributary aquifer shall be consumed. (7 Pages of Application)

2023CW3091 ANNEKE B. TAGLIA REVOCABLE TRUST, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC; Anneke B. Taglia Revocable Trust ("Taglia Trust"), c/o James Taglia, 606 Iowa St., Oak Park, IL 60302; Email: jtaglia@pro-chem-co.com;

Telephone: (574) 320-3136; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY.** 2. Overview of Claims. Applicant, Taglia Trust, owns two adjacent parcels of land on either side of Bear Creek that total approximately 4.6 acres lying in the S1/2, Section 6, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado (collectively, the “Taglia Property”), shown on the map attached as **Exhibit A**. The Taglia Property is in the drainage of Bear Creek, which is tributary to the South Platte River. The Taglia Trust seeks to divide the Taglia Property into up to four lots, with two lots on each parcel. Two of the lots will be supplied by existing exempt wells, while the other two lots will be supplied by Taglia Well Nos. 1 and 2, which will be subject to the augmentation plan sought in this Application. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 3. Names of Structures to be Augmented: Taglia Well Nos. 1 and 2. The Taglia Well Nos. 1 and 2 will divert groundwater on up to two of the potential four lots to be subdivided from the Taglia Property. The rate of diversion for the Taglia Well Nos. 1 and 2 will not exceed 15 gallons per minute each. Applications to construct Taglia Well Nos. 1 and 2 will be submitted to Colorado Division of Water Resources when the Taglia Property described herein is subdivided and the wells are needed. The exact location of Taglia Well Nos. 1 and 2 will be determined at the time of construction and described in the well permits issued for the wells. 4. Water Rights to be Used for Augmentation Purposes: The Taglia Trust has entered into a contract with North Fork Associates, LLC to purchase 1.0 share of Mountain Mutual Reservoir Company (“MMRC”) stock, which represents a firm annual yield of 0.031 of an acre-foot to satisfy the present and anticipated future replacement needs, as show on the summary of firm yield commitments, attached as **Exhibit B**. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “Bear Creek/Turkey Creek water rights”), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

| Appropriation Date | Priority Number | Source | Amount | MMRC Entitlement |
|--------------------|-----------------|--------------|-----------|------------------|
| April 15, 1868 | 21 | Turkey Creek | 10.75 cfs | 0.2072 cfs |
| March 16, 1869 | 23 | Bear Creek | 7.94 cfs | 0.1530 cfs |
| May 1, 1871 | 25 | Bear Creek | 25.54 cfs | 0.4923 cfs |
| March 1, 1882 | 30 | Bear Creek | 12.87 cfs | 0.2481 cfs |

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

| Appropriation Date | Priority Number | Source | Amount | MMRC Entitlement |
|--------------------|-----------------|--------------|-----------|------------------|
| Dec. 1, 1861 | 4 | Bear Creek | 12.33 cfs | 0.1541 cfs |
| April 16, 1862 | 8 | Turkey Creek | 2.86 cfs | 0.0358 cfs |

| | | | | |
|---------------|----|------------|-----------|------------|
| Oct. 31, 1864 | 14 | Bear Creek | 25.47 cfs | 0.3184 cfs |
| April 1, 1865 | 16 | Bear Creek | 11.49 cfs | 0.1436 cfs |

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this Application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this Application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this Application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said Decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7, 22.1, 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the Decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this Application. 5. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Taglia Well Nos. 1 and 2 for indoor and outdoor uses, as described below. a. The water requirements for the Taglia Well Nos. 1 and 2 are for up to two single-family dwellings, with an average occupancy of 3.5 persons per house (“Indoor Use”). The estimated water requirements for Indoor Use for the wells is 80 gallons per capita per day (gpcd) with 5% consumption based on discharge to a municipal sewer system. In lieu of the second single-family dwelling, Applicants can use the replacement water for “Outdoor Uses” consisting of up to 550 square feet of turf irrigation based on the application of 1.25 af/ac with 100% consumption, or up to one horse (or equivalent animal) using 10 gallons per head per day with 100% consumption. This plan will require 0.031 of an acre-foot of replacement water as is shown in Table 1 below.

| |
|---------|
| Table 1 |
|---------|

| Use | Water Requirements | Units | Quantity AF | CU Rate | Replacement Requirements | | |
|-----------------------------|-----------------------|--------|-------------|---------|--------------------------|--------------|--------------|
| | | | | | Total Ac-Ft | Summer Ac-Ft | Winter Ac-Ft |
| *Single-Family In-house Use | 80 gl/cap/dy(3.5 cap) | 2 | 0.628 | 5% | 0.031 | 0.016 | 0.015 |
| Total | | | 0.628 | | 0.031 | 0.016 | 0.015 |
| *Irrigation 550 sq. ft. | 1.25 af/ac | 0.0126 | 0.016 | 100% | 0.016 | 0.016 | 0.000 |
| * Horse | 10 gl/dy/hd | 1 | 0.011 | 100% | 0.011 | 0.006 | 0.005 |

* Instead of the second single-family dwelling, Applicants may seek to replace depletions from one of the Outdoor Uses (irrigation or a horse) so long as the depletions for Indoor Uses and Outdoor Uses will not exceed 0.031 acre-feet. Upon subdivision and construction of all Indoor Uses (two single-family residences) no Outdoor Uses will be permitted. The monthly depletions are as follows in acre-feet:

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

This equates to a maximum stream depletion of 0.02 of a gallon per minute. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more release from storage of short duration. c. The total consumptive use water requirement will be 0.031 of an acre-foot of the annual firm yield of the total Bear Creek/Turkey Creek water rights as reflected in **Exhibit B**. These requirements are needed at the point of depletion in the S1/2, Section 6, Township 5 South, Range 71 West of the 6th P.M. This is upstream of the point of replacement at the confluence of Bear Creek and Turkey Creek in Section 5, Township 5 South, Range 69 West of the 6th P.M. 6. Water Exchange Project: Since the point of depletion associated with Taglia Well Nos. 1 and 2 is upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West, thence up Bear Creek to the point of depletion in the S1/2, Section 6, Township 5 South, Range 71 West, all in the 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, the Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of July 31, 2023, at a maximum flow rate of 0.001 of a cubic foot per second. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. 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: The Co-Applicant, the Taglia Trust. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for Taglia Well Nos. 1 and 2 consistent with the final decree entered in this case. (10 pgs., 2 Exhibits)

****AMENDED** 2022CW3001 ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS,** 4430 S. Adams County Pkwy. 5th Floor, Suite C5000A, Brighton, CO 80601, Telephone: (720) 523-6100, c/o Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, (303) 296-8100. **AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS, APPROPRIATION OF CONDITIONAL WATER RIGHTS, AND PLAN FOR AUGMENTATION IN ADAMS COUNTY.** **1. Name, mailing address, telephone number of Applicant:** Adams County Board of County Commissioners, 4430 S. Adams County Pkwy., 5th Floor, Suite C5000A, Brighton, CO 80601, Telephone: (720) 523-6100. **2. Introduction.** Adams County owns Twin Lakes Park. Twin Lakes Park is located on W. 70th Avenue just west of Broadway in the NW1/4 sec. 3, T.3S., R.68W. of the 6th P.M. The park features two gravel pits, hiking trails, picnic tables, and 4.66 acres of irrigated turf grass and landscaping. In the past, the park has been irrigated from water delivered from the Colorado Agricultural Ditch. Due to the junior nature of the Colorado Agricultural Ditch water rights, the ditch is often curtailed in mid to late summer. The water right for the Lower Clear Creek Ditch (which is diverted at the same headgate as the Colorado Agricultural Ditch) is more senior and not curtailed as often. Adams County filed the original application in this case to improve the reliability of the water supply by changing the use of 0.8 shares of stock in the Lower Clear Creek Ditch Company for the purposes of irrigating Twin Lakes Park. Adams County filed the Amended Application to change the type and place of use of 1.35 shares issued and outstanding shares in the Lower Clear Creek Ditch Company to include irrigation at Twin Lakes Park and storage in the Mann Lakes, to appropriate new conditional water rights in the amount of the historical return flows, and a plan for augmentation. Specifically, Adams County will irrigate 4.66 acres of turf grass and landscaping at Twin Lakes Park with water attributable to the Lower Clear Creek Ditch and dry up 7.98 acres of farmland previously irrigated from the Lower Clear Creek Ditch. In order to replace the return flows associated with the historic pattern of use of the 1.35 shares of stock in the Lower Clear Creek Ditch Company, Adams County intends to use the existing turnout (or install a new turnout) on the Lower Clear Creek Ditch near the historic place of use to deliver water directly to the stream system and/or to storage in the Mann Lakes prior to delivery to the stream system for the replacement of return flows or augmentation purposes. A map showing the general location of these features is attached to the Amended Application as **Exhibit 1.** **3. Change of Ditch Company Shares.** Adams County seeks to change the place and type of use of 1.35 shares or 0.42% of the 320 issued and outstanding shares in the Lower Clear Creek Ditch Company. **4. Decreed name of the structure for which change is sought.** Adams County seeks to change, as described in paragraph 9, below, certain water rights described in paragraph 5, below, associated with the following structure: Lower Clear Creek Ditch Company: **a.** The *Clear Creek and Platte River Ditch (a.k.a. Lower Clear Creek Ditch)* which diverts from the north bank of Clear Creek in the SE1/4 of Section 4, T. 3 S., R. 68 W., 6th P.M., Adams County, Colorado, at a point which is approximately 1400 feet West and 1200 feet North of the Southeast corner of said section. **5. From Previous Decrees.** The following priority is associated with the structure described in paragraph 4, above:

| <u>Structure</u> | <u>Amt</u> | <u>Source</u> | <u>Approp. Date</u> | <u>Adj. Date</u> | <u>Case No.</u> | <u>District Court</u> | <u>Comments</u> |
|-------------------------|------------|---------------|---------------------|------------------|-----------------|-----------------------|---|
| Lower Clear Creek Ditch | 49.5 cfs | Clear Creek | 11/01/1861 | 10/04/1884 | 6963 | Arapahoe | a.k.a. Clear Creek and Platte River Ditch |

6. Diversion Records. Pursuant to C.R.S. § 37-92-302(2)(a), summaries of records of diversions for the Lower Clear Creek Ditch are set forth in **Exhibit 2** to the Amended Application and incorporated herein. **7. Maps.** Pursuant to C.R.S. § 37-92-302(2)(a), a map showing the approximate location of the historical use of the water attributable to the Lower Clear Creek Ditch is set forth in **Exhibit 3** to the Amended Application and incorporated herein. **8. Mann Lakes.** Mann Lakes are a lined gravel pit storage facility owned by Adams County depicted on the map attached to the Application as Exhibit 1. **9. Proposed**

Change. In September, 1975, Adams County acquired a 65.13-acre field (the “65.13-Acre Field”) and 11 shares of stock in the Lower Clear Creek Ditch Company (the “11 Shares”). Historically, the 65.13-Acre Field was irrigated for agricultural crop production using the 11 Shares, which equates to 5.92 irrigated acres per share. No other water source was historically used to irrigate the 65.13-Acre Field. The 65.13-Acre Field is depicted in Exhibit 3. Adams County will use water attributable to 1.35 of the 11 Shares (the “Changed Shares”) to irrigate 4.66 acres at Twin Lakes Park and will dry up 7.98 acres of farmland on the 65.13-Acre Field. A map depicting the current configuration of the 4.66 acres to be irrigated at Twin Lakes Park is attached as **Exhibit 4**. Adams County shall install a turnout on the Lower Clear Creek Ditch in compliance with any applicable ditch company bylaws or rules and an irrigation system equipped with a totalizing flow meter or other measuring device acceptable to the Division Engineer (the “Twin Lakes Park Turnout”). Adams County shall also install a new turnout or reconfigure the existing turnout on the Lower Clear Creek Ditch at or near the 65.13-Acre Field in compliance with any applicable ditch company bylaws or rules equipped with a totalizing flow meter or other measuring device acceptable to the Division Engineer that includes the infrastructure necessary to convey water attributable to the Changed Shares to the stream system (the “Animal Shelter Turnout”). Water diverted at the Animal Shelter Turnout may be stored in the Mann Lakes. Water stored in Mann Lakes may be used for the replacement of return flows attributable to the Changed Shares or, to the extent that storage in Mann Lakes exceeds Adam’s County’s return flow obligations, for recreation, piscatorial, fire protection, and as a source of substitute supply for replacement or augmentation purposes. Adams County shall not use water attributable to the Changed Shares as a source of substitute supply without first obtaining administrative or judicial approval for such use. Applicant may temporarily detain water attributable to the Changed Shares in a clear well or similar structure at Twin Lakes Park for up to 72 hours in order to allow more efficient or effective beneficial use of the water. **10. Claim to Appropriate New Conditional Water Rights in the Amount of the Historical Return Flows.**

a. Name of Structure. Mann Lakes, for which the decreed point of diversion is described in paragraph 8, above. **b. Conditional Appropriation.** Adams County claims conditional water rights to retain and use for the changed uses described in paragraph 9, above, an amount of water equal to the historical return flow portion of the Changed Shares at any time of the year whenever there is no call for water rights below the historical return flow location, or that call is junior to the filing date of this Amended Application. **c. Date of Appropriation.** July 20, 2023. **d. How Appropriation was Initiated.** The appropriation date is based on the filing date of this Amended Application. **e. Date Water First Applied to Beneficial Use.** N/A. **f. Source.** South Platte River. **g. Amount Claimed.** As described in paragraph 3, above, Adams County seeks to change 1.35 shares in the Lower Clear Creek Ditch. Adams County claims a rate and volume of all return flows associated with those shares to the extent available under this claimed appropriation, conditional. **h. Claimed Uses.** For the same uses as described in paragraph 9, above. **11. Claim for Plan for Augmentation.** Through this plan for augmentation, Adams County will provide sources of replacement water to replace historical return flow obligations associated with the Changed Shares. **a. Location of the Return Flows.** Irrigation Return flows from the Changed Shares accrued historically to the South Platte River near the 65.13-Acre Field, above the South Platte River at Henderson gage as shown on the map attached as **Exhibit 5**. **b. Replacement Sources.** Adams County will use water derived from the Changed Shares to replace historical return flow obligations associated with the Changed Shares in time, location, and amount in order to prevent injury to any owner of or persons entitled to use water under a vested water right or decreed conditional water right at any time of the year whenever there is no call for water rights below the historical return flow location, or that call is junior to the filing date of this Amended Application. **c. Future Acquired Sources.** Adams County intends to acquire and/or lease additional water supplies in the future for use as a source of replacement water in the plan for augmentation described in the Amended Application. Those supplies may be acquired and/or leased to replace or supplement water from the Changed Shares. **12. Names and addresses of owners of land on which structures are located.** Adams County owns Twin Lakes Park, the Adams County Regional Park, including the Animal Shelter, and the Mann Lakes. Adams County believes that the Lower Clear Creek Ditch, a.k.a., the Clear Creek and Platte River Ditch, is owned by the Lower Clear Creek Ditch Company, P.O. Box 701, Eastlake, Colorado 80614.

****AMENDED** 2022CW3130 CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE FARMERS RESERVOIR AND IRRIGATION COMPANY AND BENNETT RESERVOIR, LLC**, 80 South 27th Ave. Brighton, CO 80601. Please direct all inquiries, pleadings and correspondence regarding this matter to counsel at the address set forth below: Joseph Dischinger, Beth Ann J. Parsons, Philip E. Lopez, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, CO 80202. **SECOND AMENDED APPLICATION FOR CONDITIONAL STORAGE RIGHT AND CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE IN ADAMS, DENVER AND WELD COUNTIES**. Co-Applicant, the Farmers Reservoir and Irrigation Company (“FRICO”) is a mutual ditch and reservoir company that operates a ditch and reservoir system for the benefit of its stockholders. The FRICO system is divided into four divisions, including the Barr Lake Division, Milton Lake Division, Standley Lake Division, and Marshall Lake Division. FRICO is the sole member of Co-Applicant Bennett Reservoir, LLC, which owns Bennett Reservoir. By this application, Co-Applicants FRICO and Bennett Reservoir, LLC seek to adjudicate a conditional storage right in Bennett Reservoir, as well as conditional appropriative rights of exchange to exchange water released from Bennett Reservoir to the South Platte River upstream to the Platte Valley Canal headgate, the United Diversion Facility No. 3, and the Burlington Canal headgate, for irrigation uses by FRICO stockholders in the Barr and Milton Divisions, both directly and after storage in Barr Lake, United Reservoir No. 3, the Mile High Lakes, and/or Milton Lake. In addition, Co-Applicants seek to decree the conditional storage right for Bennett Reservoir for augmentation use within the FRICO system. However, no augmentation plan is sought in this application, and the Bennett Reservoir storage right shall not be used for augmentation purposes unless and until included as an augmentation source in such future augmentation plan decreed by the Division 1 Water Court. The application was amended on December 12, 2022 to add Bennett Reservoir, LLC as a Co-Applicant, and include two proposed pump stations on the South Platte River to fill Bennett Reservoir, along with two corresponding release points back to the South Platte River, along with amended claimed exchanges that utilize the two release points as exchange-from points. This second amended application includes a proposed permanent pipeline diversion to fill Bennett Reservoir from the South Platte River. **FIRST CLAIM FOR RELIEF (Conditional Storage Right for Bennett Reservoir)**

2. Name and Location of Structure: a. Name: Bennett Reservoir. b. Location of Structure: Bennett Reservoir is a lined gravel pit located adjacent to the South Platte River in SE 1/4 of Section 1 and the N 1/2 of Section 12, Township 2 North, Range 67 West of the 6th P.M., in Weld County, Colorado, as shown on the attached Exhibit 1. 3. Points of Diversion: Co-Applicants will divert water for the claimed storage right at the following locations, which are depicted on the attached Exhibit 1. a. Proposed Bennett Pump Station No. 1: The proposed location for this pump station is located on the west bank of the South Platte River adjacent to the Bennett Reservoir in the NE 1/4 of Section 12, Township 2 North, Range 67 West, 6th P.M., in Weld County, Colorado with a maximum capacity of 50 cfs. Co-Applicants will divert water from the South Platte River via a two-way pipeline from the South Platte River to the reservoir with a design capacity of 50 cfs. b. Proposed Bennett Pump Station No. 2: The proposed location for this pump station is located on the west bank of the South Platte River adjacent to the Bennett Reservoir in the SE 1/4 of Section 1 or the NE 1/4 of Section 12, Township 2 North, Range 67 West, 6th P.M. in Weld County, Colorado with a maximum capacity of 50 cfs. Co-Applicants will divert water from the South Platte River via a two-way pipeline from the South Platte River to the reservoir with a design capacity of 50 cfs. c. Proposed Bennett Pipeline: The proposed location for this pipeline is located on the west bank of the South Platte River adjacent to the Bennett Reservoir in the SE 1/4 of Section 1 or the NE 1/4 of Section 12, Township 2 North, Range 67 West, 6th P.M., in Weld County, Colorado with a maximum capacity of 500 cfs. Co-Applicants will divert water from the South Platte River to the reservoir with a design capacity of 500 cfs. d. Meadow Island 1 Ditch (WDID 0200821). Located on the northwest bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M (UTM Zone 13, 515200 mE, 4441290 mN). Co-Applicants will divert at this location at a maximum rate of 50 cfs. Co-Applicants will convey water diverted from the South Platte River to the Bennett Reservoir via approximately 3.4 miles of the Meadow Island No. 1 Ditch before being diverted to a lateral or pipeline that conveys water from the

Meadow Island 1 Ditch to Bennett Reservoir. e. Lupton Bottom Ditch (WDID 0200812). Located on the north bank of the South Platte River in the NW 1/4 of the SW1/4 of Section 19, Township 1 North, Range 66 West of the 6th P.M (UTM Zone 13, 514550 mE, 4431670 mN). Co-Applicants will divert water at this location at a maximum rate of 50 cfs. Co-Applicants will convey water diverted from the South Platte River to the Bennett Reservoir via approximately 9.8 miles of the Lupton Bottom Ditch before being diverted to a lateral or pipeline that conveys water from Lupton Bottom Ditch to Bennett Reservoir. 4. Source: South Platte River. 5. Date of Appropriation: The date of the filing of the original Application in this matter on September 16, 2022. 6. How Appropriation was Initiated: By the filing of the original Application in this matter on September 16, 2022. 7. Date Water First Applied to Beneficial Use: Not applicable, since claim is conditional. 8. Amount Claimed: A first-fill of Bennett Reservoir, up to 2,800 acre-feet, along with two refill rights of 2,800 acre-feet each, for a maximum storage of up to 8,400 acre-feet in one year, all conditional. 9. Proposed Uses: a. Irrigation use via exchange: Co-Applicants will divert water from the South Platte River in priority through one or more of the points of diversion described in paragraph 3 above to fill and refill Bennett Reservoir. When needed, Co-Applicants will release water from Bennett Reservoir to the South Platte River and exchange such water upstream to the Platte Valley Canal headgate, United Diversion No. 3, and/or the Burlington Canal headgate pursuant to the appropriate rights of exchange described below. Co-Applicants will use the exchanged water for irrigation uses by FRICO stockholders in the Barr and Milton Divisions, both directly and after storage in Barr Lake, United Reservoir No. 3, the Mile High Lakes, and/or Milton Lake. The location of these storage facilities are as follows: i. Barr Lake: located in Sections 15, 21, 22, 23, 26, 27, 28 and 33, Township 1 South, Range 66 West of the 6th P.M. in Adams County, Colorado. ii. United Reservoir No. 3: located in the S 1/2 of Section 26 and the N 1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. iii. Milton Lake: located in Sections 10, 11, 14, 15, 22 and 23, Township 3 North, Range 65 West of the 6th P.M in Weld County, Colorado. iv. Mile High Lakes: 1. Meeks Reservoir No. 1: located in Section 12, Township 1 South, Range 66 West, 6th P.M., in Adams County, Colorado. 2. Meeks Reservoir No. 2: located in Section 12, Township 1 South, Range 66 West, 6th P.M., in Adams County, Colorado. 3. Bowles Reservoir No. 1: located in Section 1 and Section 12, Township 1 South, Range 66 West, 6th P.M., in Adams County, Colorado. 4. Bowles Reservoir No. 2: located in Section 6, Township 1 South, Range 65 West, 6th P.M., in Adams County, Colorado. 5. Geneva Reservoir: located in Section 31, Township 1 North, Range 65 West, 6th P.M., in Weld County, Colorado. 6. Lake Henry: located in Section 31, Township 1 North, Range 65 West, 6th P.M., in Weld County, Colorado. b. Augmentation use in future augmentation plans: Co-Applicants seeks to decree the Bennett Reservoir storage right sought herein for augmentation use within FRICO's system. No augmentation plan is sought herein, and the Bennett Reservoir storage right shall not be used for augmentation purposes unless and until included as an augmentation source in such future augmentation plan decreed by the Division 1 Water Court. 10. Place of Irrigation: FRICO's stockholders will use the subject water rights for irrigation in all places susceptible to irrigation from the Barr Lake and Milton Lake Divisions of FRICO's system in Adams and Weld Counties, located generally in Townships 1 South and 1, 2, 3, 4, and 5 North and Ranges 63, 64, 65, and 66 West of the 6th P.M., Weld County, Colorado. The service area of the Barr Lake and Milton Lake Divisions area is shown in the attached as Exhibit 2. **SECOND CLAIM FOR RELIEF (Appropriative Rights of Exchange)** 11. Exchange-From Points. Releases to the South Platte River will be made at the following Exchange-From Points: a. Proposed Bennett Reservoir Release Point No. 1: Located on the west bank of the South Platte River adjacent to the Bennett Reservoir in the NE 1/4 of Section 12, Township 2 North, Range 67 West, 6th P.M., in Weld County, Colorado. b. Proposed Bennett Reservoir Release Point No. 2: Located on the west bank of the South Platte River adjacent to the Bennett Reservoir in the SE 1/4 of Section 1 or the NE 1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M., in Weld County, Colorado. The Exchange-From Points are depicted on the attached Exhibit 1. 12. Exchange-To Points. Diversions from the South Platte River will be made at the following Exchange-To Points: a. Platte Valley Canal Headgate: located on the east bank of the South Platte River in the NE 1/4 of the NE 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M. (UTM Zone 13, 515524.7 mE, 4442089.9 mN) in Weld County Colorado. b. United Diversion Facility No. 3: located on the east bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section

26, Township 1 South, Range 67 West of the 6th P.M. (UTM Zone 13, 512078.0 mE, 4420306.0 mN) in Adams County, Colorado. c. Burlington Canal Headgate: located on the south bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M. (UTM Zone 13, 502620.0 mE, 4404470.0 mN) in the City and County of Denver, Colorado. The Exchange-To Points are depicted on the attached Exhibit 1. 13. Rates of Exchanges. The maximum exchange rate shall not exceed 50 cfs combined at all three Exchange-To Locations. See Exchange Matrix attached as Exhibit 3. 14. Date of Appropriation: The date of the filing of the original Application in this matter on September 16, 2022. 15. How Appropriation was Initiated: By the filing of the original Application in this matter on September 16, 2022. 16. Date Water First Applied to Beneficial Use: Not applicable, since claim is conditional. 17. Proposed Uses: For proposed uses of water diverted at the Exchange-To Points, see paragraph 9.a. above. 18. Sources of Substitute Supply: The substitute water supply for the claimed exchanges shall be water stored in Bennett Reservoir under the Bennett Reservoir Storage Right described above or water stored in Bennett Reservoir under Free River conditions when there is no call that is subsequently released to the South Platte River. Any water exchanged upstream shall maintain the characteristics of the water released from Bennett Reservoir. 19. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: a. Bennett Reservoir: Owned by Co-Applicant Bennett Reservoir, LLC, 80 S 27th Ave. Brighton, CO 80601. A portion of the land underlying Bennett Reservoir is currently owned by Pioneer Land Company, LLC, 4409 Coriolis Way, Frederick, CO 80504. b. The proposed Bennett Pump Station No. 1, proposed Bennett Pump Station No. 2, and proposed Bennett Pipeline will be located on land currently owned by Pioneer Land Company, LLC, 4409 Coriolis Way, Frederick, CO 80504. c. Meadow Island 1 Ditch: Owned by Meadow Island No. 1 Irrigation Co., 4322 County Rd. 66, Longmont, CO 80504. d. Lupton Bottom Ditch: Owned by the Lupton Bottom Ditch Company, P.O. Box 305, Ft. Lupton, CO 80621. e. Barr Lake: Owned by Co-Applicant The Farmers Reservoir and Irrigation Company. f. United Reservoir No. 3: United Reservoir is on land owned by Bromley District Water Providers, LLC, c/o of Robert A. Lembke (Registered Agent), 8301 East Prentice Ave., Suite 100, Greenwood Village, CO 80111. FRICO, Burlington and Henrylyn own 2,000 ac-ft of storage in United Reservoir and the right to use space available capacity. g. Milton Lake: Owned by Co-Applicant The Farmers Reservoir and Irrigation Company. h. Mile High Lakes: Owned by Co-Applicant The Farmers Reservoir and Irrigation Company. i. Platte Valley Canal: Owned by the Platte Valley Irrigation Company, P.O. Box 336483, Greeley, CO 80633. j. United Diversion Facility No. 3: The United Diversion No. 3 is on land owned by Henderson Aggregate Ltd., c/o of Albert Frei & Sons (Registered Agent), 35715 Hwy 40, Bldg B, Ste. 120, Evergreen, CO 80439. FRICO, Burlington and Henrylyn own half of the diversion capacity at that structure and the right to use space available capacity. k. Burlington Canal: Owned by Co-Applicant The Farmers Reservoir and Irrigation Company. WHEREFORE, Applicant requests the Court to confirm this request for determination of water rights and for such other relief as this Court deems just and proper. Second Amended Application and exhibits 12 pages.

****AMENDED**2023CW3020 JEFFREY E. BUERGER, MOUNTAIN MUTUAL RESERVOIR COMPANY, AND NORTH FORK ASSOCIATES, LLC**; Jeffrey E. Buerger, 27356 Kennedy Gulch Road, Conifer, CO 80433; Email: jeff@hallandhall.com; Telephone: (303) 229-9932; Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch20.com; Telephone: (303) 989-6932; and North Fork Associates, LLC, 2686 S. Yukon Ct., Denver, CO 80227; Email: 613blatch@gmail.com; Telephone: (303) 988-7111. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rlb@vrlaw.com; Telephone: (303) 443-6151. **FIRST AMENDED Application for APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES**. 2. Summary of Claims: The original application in this matter was filed on February 28, 2023. No statements of opposition were filed to the original application. This First Amended Application seeks to augment additional uses, using

additional shares of Mountain Mutual Reservoir Company stock, as compared to the original application. This First Amended Application fully sets forth Applicants' claims in this matter. Co-Applicant, Jeffrey Buerger ("Buerger"), owns an approximately 10-acre parcel located in the NW1/4 SW1/4, Section 23, Township 6 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, presently known as 27356 Kennedy Gulch Road, Conifer, Colorado 80433 ("Subject Property"), the general location of which is shown on the map attached as **Exhibit A**. The water for the Subject Property is supplied by an existing well, Tate Quinn Well No. 1. This application seeks an augmentation plan to: (1) replace all the out-of-priority depletions from pumping of the Tate Quinn Well No. 1 to supply water for the indoor and outdoor uses described herein; and (2) replace evaporative losses from an on-channel pond located on the Subject Property to be used for piscatorial, aesthetic, and recreation purposes. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE**

3. Name of Structures to be Augmented: The structures to be augmented pursuant to this plan for augmentation are: (i) the Tate Quinn Well No. 1; and (2) Vesper's Pond No. 1 (collectively, the "Augmented Structures"). The Augmented Structures are located on the Subject Property, which is in the drainage of the Kennedy Gulch, tributary to the North Fork of the South Platte River, tributary to the South Platte River. The Augmented Structures are more particularly described as follows: a. **Tate Quinn Well No. 1.** The Tate Quinn Well No. 1 is an existing non-exempt tributary well approved pursuant to C.R.S. § 37-90-137(2), Permit No. 75035-F, located in the NW1/4 SW1/4 of Section 23, Township 6 South, Range 71 West of the 6th P.M. and on the Subject Property. The rate of diversion for the Tate Quinn Well will not exceed 15 gallons per minute. After entry of the final decree in this case Buerger will seek a new permit for the Tate Quinn Well No. 1 consistent with the final decree. b. **Vesper's Pond No. 1:** Vesper's Pond No. 1 is located on the channel of Kennedy Gulch in the NW1/4 SW1/4 of Section 23, Township 6 South, Range 71 West of the 6th P.M. and on the Subject Property. The augmentation plan sought in this application will replace evaporative losses from the existing pond and those for a proposed expansion of Vesper's Pond No. 1. The center point of the existing dam for Vesper's Pond No. 1 is approximately located at point described as UTM Zone 13, NAD83, 473111.33608, 4372928.606561 (point located using CDSS Map Viewer).

4. Water Rights to be Used for Augmentation Purposes: Buerger has entered into an amended contract with North Fork Associates, LLC to purchase 28.5 shares of Mountain Mutual Reservoir Company ("MMRC") stock, which represents a firm annual yield of 0.894 of an acre-foot to satisfy present and anticipated future replacement needs associated with the Tate Quinn Well No. 1 and the evaporative losses from Vesper's Pond No. 1. a. The water rights associated with the MMRC shares include the following: i. **Slaght Ditch:** In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. ii. **Mack Ditch No. 2:** In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West,

6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iii. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. iv. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. v. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. vi. Guiraud 3T Ditch. MMRC owns 3.481 cubic feet per second of the water rights decreed in the Guiraud 3T Ditch as follows:

| <u>Adjudication Date</u> | <u>Appropriation Date</u> | <u>Amount</u> |
|---|---------------------------|---------------|
| Oct. 18, 1889 (Original Adjudication Water District 23) | July 1, 1867 | 20 cfs |

The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE1/4 of said Section 8 bears North 63° 35" East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre-feet per year per 1.0 cfs. MMRC therefore owns 75.972 acre-feet of consumptive use replacement water associated with its 3.481 cfs interest in the Guiraud 3T Ditch. The firm yield of Guiraud 3T Ditch owned by MMRC is attached as **Exhibit B. b. Firm Yield of Slaght Ditch Rights**: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower

Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credits are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC’s diversions are limited to its prorated entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in Case No. 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. The Slaght Ditch rights are claimed as an alternate replacement supply in this matter. c. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the “Nickerson Ditch Rights.” The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Sections 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The Nickerson Ditch rights are claimed as an alternate replacement supply in this matter. d. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaght Ditch. Allocation of yield to Maddox Reservoir is attached as **Exhibit C**. e. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 5. Statement of Plan for Augmentation: This augmentation plan for the Tate Quinn Well No. 1 would replace all out-of-priority depletions for indoor and outdoor uses without reliance on any other augmentation plan. The Indoor Uses are for one single family dwelling with an average occupancy of 3.5 persons per house and one auxiliary dwelling unit with an average occupancy of 2.0 persons per house. The estimated water requirement for the Indoor Uses is 80 gallons per capita per day with 10% consumption based on the subsurface discharge from an individual septic tank-soil absorption system. In addition, the Outdoor Uses consist of the watering of two horses (or equivalent animals) using 10 gallons per head per day with 100% consumption, the irrigation of 900 square-feet of turf based on the application of 1.25 af/ac with 80% consumption, and a 500 square foot swimming pool using 3.0 af/ac with 100% consumption. This augmentation plan would also replace the existing evaporative losses for the on-channel Vesper's Pond No. 1, and the evaporative losses for a possible expansion of the pond as more fully explained in Paragraph 5.b. Any portion of the augmentation water not needed for the expansion of Vesper's Pond No. 1 can be used for additional turf irrigation. If the swimming pool contemplated in this augmentation plan is not constructed, the plan is intended to replace the following alternate uses: (a) up to two additional horses (or equivalent animals) using 10 gallons per head per day with 100% consumption; (b) up to 1,500 square feet of additional turf irrigation based on the application of 1.25 af/ac with 80% consumption; (c) up to 3,700 square feet of garden irrigation based on the application of 0.50 af/ac with 80% consumption; or (d) a combination, not to exceed the total replacement capacity of the plan. The plan will require 0.894 acre-foot of replacement water as is shown in Table 1 below.

| Use | Water Requirements | Units | Quantity AF | CU Rate | Replacement Requirements | | |
|----------------------------|------------------------|-----------|-------------|---------|--------------------------|--------------|--------------|
| | | | | | Total Ac-Ft | Summer Ac-Ft | Winter Ac-Ft |
| Single-family In-house Use | 80 gl/cap/dy (3.5 cap) | 1 | 0.314 | 10% | 0.031 | 0.013 | 0.018 |
| ADU | 0.179 af/yr | 1 | 0.179 | 10% | 0.018 | 0.008 | 0.010 |
| *Swimming Pool 500 sqft | 3.0 af/ac | 0.0115 ac | 0.034 | 100% | 0.034 | 0.023 | 0.011 |
| Horses | 10 gl/hd/dy | 2 | 0.0224 | 100% | 0.022 | 0.009 | 0.013 |
| Turf (up to 900 sf) | 1.25 af/ac | 0.0207 | 0.0259 | 80% | 0.021 | 0.021 | 0.000 |
| Present Pond evap | 1.078 af/ac | 0.24 | 0.259 | 100% | 0.259 | 0.163 | 0.096 |
| Sub-tot | | | | | 0.385 | 0.237 | 0.148 |
| Trans. Chg | 0.15%/mile | 85 | 0.049 | 100% | 0.049 | 0.030 | 0.019 |
| Sub-Total | | | | | 0.434 | 0.267 | 0.167 |
| †Expanded Pond | 1.702 af/ac | 0.24 | 0.408 | 100% | 0.408 | 0.313 | 0.095 |
| Trans Chg | 0.15%/mile | 85 | 0.052 | 100% | 0.052 | 0.040 | 0.012 |
| Sub-Total | | | | | 0.460 | 0.353 | 0.107 |

| | | | | | | | |
|--|-------------|-----|--------|------|--------|--------|-------|
| Grand Total | | | 1.3 | | 0.894 | 0.620 | 0.274 |
| Alternative Uses (values set forth per unit for conversion purposes) | | | | | | | |
| *†Turf | 1.25 af/ac | 0.1 | 0.125 | 80% | .100 | .090 | 0.010 |
| *Garden | 0.50 af/ac | 0.1 | 0.050 | 80% | 0.040 | 0.035 | 0.005 |
| *Horses | 10 gl/hd/dy | 1 | 0.0112 | 100% | 0.0112 | 0.0047 | 0.065 |

*In lieu of a swimming pool, Applicant may seek to replace depletions from a combination of additional horses, additional turf irrigation, or garden irrigation so long as the combination of these alternative Outdoor Uses does not exceed 0.034 acre-feet of consumptive use.

†All or a portion of the replacement water that is not used for an expansion of Vesper’s Pond No. 1 may be used for turf irrigation so long as the consumptive use does not exceed 0.408 acre-feet.

The monthly depletions are as follows in acre-feet:

| | | | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct |
| 0.038 | 0.007 | 0.007 | 0.008 | 0.049 | 0.082 | 0.095 | 0.145 | 0.144 | 0.112 | 0.116 | 0.087 |

This equates to a maximum stream depletion of 1.1 gallon per minute. a. The total consumptive use water requirement will be met with 0.894 acre-feet of Guiraud 3T Ditch as described above and 0.274 acre-feet of storage in Maddox Reservoir (See **Exhibits “B”** and **“C”** respectively). The calculated requirements of the direct flow water rights from May through September are a total of 0.620 of an acre-foot and 0.274 of an acre-foot from October through April at the point of depletion on Kennedy Gulch in the NW1/4 SW1/4, Section 23, Township 6 South, Range 71 West of the 6th P.M. The point of delivery of the Guiraud 3T Ditch water, including 0.274 of an acre foot to be delivered to the Maddox Reservoir, will be the former headgate of the Guiraud 3T Ditch on the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West of the 6th P.M. The point of delivery from Maddox Reservoir shall be the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M, all in Park County. The total requirement at the points of exchange at the confluence of Kennedy Gulch and the North Fork of the South Platte River in the SW1/4 SE1/4 Section 16, Township 7 South, Range 70 West is 0.685 of an acre-foot of replacement water. During the irrigation season during the months of May through September, out-of-priority depletions to the stream system will be continuously augmented by MMRC by foregoing the diversion of a portion of its Guiraud 3T Ditch Rights. During the non-irrigation season during the months of October through April, and at times when the Guiraud 3T Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. b. Because Vesper’s Pond No. 1 is on-stream, Applicants are claiming a phreatophyte credit for 50% of the pond formerly being sub-irrigated by grass. In addition, the period that the pond would normally be frozen was determined using the average temperatures of Evergreen since the elevation of the two locations is within 500 feet of each other. The average first day with temperatures of 32 degrees or below was determined by extrapolating the average temperatures of February and March and the months of November and December. A calculation of evaporation for the Vesper’s Pond No. 1 is attached as **Exhibit D**. c. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 6. Water Exchange Project: Since the point of depletion associated with the Augmented Structures are upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange shall extend from the confluence of the North Fork of the South Platte River and the South Platte River in the SW1/4 SE1/4, Section 25, Township 7 South Range 70 West thence up the North Fork of the South Platte River to the confluence of the North Fork and Kennedy Gulch in the SW1/4 SE1/4, Section

16, Township 7 South, Range 70 West thence up Kennedy Gulch to the point of depletion in the NW1/4 SW1/4, Section 23, Township 6 South, Range 71 West. In the event that there is a senior call within the exchange project reach which precludes the exchange, the Applicants can have replacement water delivered via trucking to make replacements above the calling water right or release water from an onsite container. The exchange project rights will operate to replace depletions to the flow of water in the stream system as the depletions occur. The water exchange project right will be operated and administered with a priority date of February 28, 2023, at a maximum flow rate of 0.01 cfs per minute. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. 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: Co-Applicant, Buerger. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue a well permit for the use of, or any replacement well permit(s) required for, the Tate Quinn Well No. 1 consistent with the final decree entered in this case. (14 pgs., 4 Exhibits)

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **SEPTEMBER 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.

DISTRICT COURT, WATER DIVISION 1, COLORADO

TO: ALL PERSONS INTERESTED

Section 24-80.1-109 (I), C.R.S. directs the Society to submit to the Water Clerk for the Water Divisions in which the water supply structure is located, notice of the proposed nomination, for publication as set forth in Section 37-92-302 (3)(a) and (3)(b), C.R.S.

NOTICE OF PROPOSED NOMINATION OF A WATER SUPPLY STRUCTURE FOR INCLUSION IN THE STATE REGISTER OR NATIONAL REGISTER

National Register Nomination for Victor Williams Homestead – Sprague Sand Creek Ranch located at 25700 County Road 77 in Lake George (Park County) (5PA.6788) (affiliated water rights are not a part of the nomination), per HB11-1289.

Society Contact: ERIC NEWCOMBE, State and National Register Historian, History Colorado Center, 1200 N Broadway Ave. Denver, CO 80203 eric.newcombe@state.co.us, 720-765-0562

Pursuant to Section 24-80.1-109 (I), C.R.S., you are notified of the proposed nomination to the National Register of Historic Places for the Sprague Sand-Creek Ranch which contains the Bison Ditch Water Supply

Structure as a contributing feature. Only the historic built environment, and not the water rights are under consideration for nomination to the National Register of Historic Places.

YOU ARE HEREBY NOTIFIED that any person who objects to the proposed nomination for inclusion shall file a Letter of Objection in accordance with 36 CFR 60.6 with the Office of Archaeology and Historic Preservation within 120 days of receiving notice. Such Letter must be filed with the State and National Register Historian, Eric Newcombe who represents the Office of Archaeology and Historic Preservation by December 29, 2023. If you wish to comment on the nomination of the property to the National Register, please send your comments to the Office of Archaeology and Historic Preservation before the Colorado Historic Preservation Review Board considers this nomination on September 15, 2023.