

DISTRICT COURT, WATER DIVISION 1, COLORADO
JUNE 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 **JUNE 2023** for each County affected.

2023CW3050 ABBEY OF ST. WALBURGA, 32109 North US Highway 287, Virginia Dale, CO 80536. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN LARIMER COUNTY.** Prior Decree Information: Originally decreed in Case No. 2000CW257 on December 9, 2002. The period of diligence which is the subject of this application is from the date of the decree in Case No. 2016CW3097 (the “16CW3097 Decree”). Name of Structures: Abbey of St Walburga Well No 1 and Alternate Wells 1 and 2. Description of Conditional Water Rights: Abbey Well No. 1 and Alternate Wells 1 and 2 (the “Abbey Wells”) are decreed for 5.8 acre-feet conditional in Case No. 2000CW257 and 0.6 acre-feet per year was made absolute in Case No. 09CW115. Abbey Well No. 1 and Alternate Wells 1 and 2 were decreed absolute for an additional 1.36 acre-feet per year in Case No. 2016CW3097. The total amount of absolute water rights, as of the date of this application, is 1.96 acre-feet per year. The total amount of remaining conditional water rights is 3.84 acre-feet per year. Location: Abbey Well No. 1: NE1/4 of the NE1/4 of Section 8, Township 11 North, Range 71 West, 6th P.M., at a point 140 feet from north and 270 feet from the East section lines of Section 8. Alternate Well 1: SE1/4 of the NW1/4 of Section 4, Township 11 North, Range 71 North, 6th P.M., 2,240 feet from the North and 2,130 feet from the West section lines of Section 4. Alternate Well 2: SW1/4 of the SW1/4 of Section 4, Township 11 North, Range 71 West, 6th P.M., 650 feet from the South and 950 feet from the West section lines of Section 4. Source of Water: Fish Creek, a tributary of Dale Creek, a tributary of Cache La Poudre River. Date of Appropriation: January 7, 1997. Conditional Amount: 3.84 acre-feet. Use: Commercial within the Abbey of St Walburga. **CLAIM TO MAKE ABSOLUTE** Abbey Well No. 1 and Alternate Well 1 were diverted and used in priority from September 17, 2013, through April 22, 2014, for a combined total of 1.96 acre-feet. Applicant requests that an additional 1.36 acre-feet (1.96 minus 0.6 acre-feet previously made absolute) per year be made absolute for commercial purposes within the Abbey of St. Walburga. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** During this diligence period, in continuing the development of the conditional water rights, Applicant has been engaged in the legal defense and protection of the water rights and has been diligent in the continued use and development of the water rights involved. These activities include, but are not limited to, the following: Applicant has continued in the use, development, and maintenance of its overall unified water supply system of which the subject conditional rights are a part, including maintenance and engineering work, replacement of pumps, tanks, and storage tanks, water line repair and replacement, water meter replacement and repair, installation of tanks, safe drinking water permits, and monthly well and water system maintenance fees. During the period July 1, 2016, to February 28, 2023, the expenditures for the work described total in excess of \$23,000.00. Applicant has incurred legal costs and fees in the defense and protection of the water rights described in this Application. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. WHEREFORE, Applicant requests this Court to enter a Decree finding that Applicant has made 1.36 acre-feet per year of the conditional rights for the Abbey Wells, as set forth herein, absolute for all uses described above, has exercised reasonable diligence in the development of the remaining conditional water rights, continuing the conditional water rights for another diligence period and for other such relief as the Court deems just and proper in the premises. 4 pages.

2023CW3063 ANNE R. YOUNGLUND, MARSHAL A. YOUNGLUND, 6101 County Road 166, Elizabeth, Colorado 80107; (303) 646-0767, younglundam@gmail.com; Attorneys: Michael A. Kopp, Esq., Lucas O’Brien, Esq., Trout Raley, 1120 Lincoln St., Suite 1600, Denver, CO, 80203, mkopp@troutlaw.com and lobrien@troutlaw.com. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM**

NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN ELBERT, COUNTY. 2. Subject Property: Applicants are the owners of two noncontiguous parcels totaling approximately 1,550 acres located generally in Section 34, Township 6 South, Range 64 W. 6th P.M., and Section 3 and Section 11, in Township 7 South, Range 64 W. 6th P.M. (the “Subject Property”). The legal description of the parcels is more particularly described on Exhibit A hereto, and the location of the parcels are shown on Exhibit B hereto. Applicants are the sole owners of the Subject Property and therefore no notice is required pursuant to C.R.S. § 37-92-302(2). 3. Well Permits: There are currently two Denver Aquifer wells on the Subject property operating under Well Permit Nos. 296826 and 252607 and one Dawson Aquifer well operating under Well Permit No. 289315. These wells will continue to operate under their existing permits. Additional well permits will be applied for prior to construction of wells to withdraw the groundwater which is the subject of this application. Additionally, should Applicants construct a new well to pump not-nontributary water from the Dawson aquifer, an augmentation plan will be applied for if needed to replace surface depletions attributable to that pumping. 4. Well Permit Application: It was discovered during preparation of this application that there is an unregistered existing well on Applicants’ property that has been used for stock watering. Applicants have filed with the Colorado Division of Water Resources a Residential Well Permit Application for use of the existing well simultaneously with the filing of this application. The existing well will operate under the permit issued by the Division of Water Resources and shall not withdraw the groundwater which is the subject of this application. 5. Source of Water Rights: The Denver, Laramie-Fox Hills, Arapahoe, and a portion of the Dawson aquifers underlying the Subject Property are nontributary as defined in C.R.S. § 37-90-103(10.5), and a portion of the Lower Dawson aquifer underlying the Subject Property is nontributary as defined in C.R.S. § 37-90-103(10.7). 6. Well Fields: Applicants request that this Court determine that Applicants have the right to withdraw all the legally available groundwater lying below their respective lands, through any additional wells which may be completed in the future, as Applicants’ well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules 2 C.C.R. 402-7. 7. Estimated Amounts: Applicants estimate that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period: Aquifer Annual Amount (acre-feet) Dawson (NNT) 132.61 Dawson (NT) 150.41 Denver (NT) 892.31 Arapahoe (NT) 685.43 Laramie-Fox Hills (NT) 402.62 8. Proposed Uses: The groundwater will be used, reused, and successively used for domestic, irrigation (indoor and outdoor), agricultural, commercial, industrial, stock watering, fire suppression, fish and wildlife, storage, and augmentation purposes. 9. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-302(2), 37-92-203(1). 10. Remarks: 10.1 Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. 10.2 Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request that this Court approve the above-described underground water rights, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. Page numbers: 6 pages.

2023CW3064 ON A LARK PROPERTIES, LLC, 7531 E State Highway 86, Franktown, CO 80116. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT-NONTRIBUTARY SOURCES IN THE UPPER DAWSON AQUIFER AND NONTRIBUTARY SOURCES IN THE LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY.** Subject Property: 1.3147 acres generally located in the NE1/4 of the NW1/4 of Section 2, Township 8 South, Range 66 West of the 6th P.M., also known as 7531 E State Highway 86, Franktown, CO, 80116, Lot 3, Wentzel Commercial Park, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property and has provided notice to all mortgage

and lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently one well on the Subject Property operating under Well Permit 90619-A, issued July 10, 2002. This well will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifers is not-nontributary as defined in C.R.S. § 37-90-103(10.7). The Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	0*
Lower Dawson (NT)	0.12
Denver (NT)	0.57
Arapahoe (NT)	0.60
Laramie-Fox Hills (NT)	0.37

* The total estimated amount of Upper Dawson Aquifer groundwater is 0.23 acre-feet per year. All Upper Dawson Aquifer groundwater is withheld from this adjudication for use by Well Permit No. 90619-A. Proposed Use: Use, reuse, and subsequent use for domestic, including in-house use, commercial, irrigation, livestock watering, industrial, fire protection, and augmentation and replacement purposes, including storage, both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

2023CW3065 APPLICATION FOR DETERMINATION OF GROUNDWATER RIGHTS FROM THE NOT NONTRIBUTARY AND NONTRIBUTARY DENVER BASIN AQUIFERS IN DOUGLAS COUNTY - Name and Mailing Address of Applicants. CROSS CREEK INVESTORS, LLC, Attn: Michael Sanders, 5989 Interlocken Street, Parker, CO 80134, E-mail: landdad@gmail.com; Jean McClure Thayer Living Trust c/o Jean Thayer, Trustee, 8535 E. Hawaii Lane, Denver, CO 80231-2701. Copies of all pleadings to: Stephen C. Larson, Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, #100, Louisville, CO 80027. 2. Overview. The Trust is the owner of approximately 29.18 acres, more or less, of land located in Douglas County, as legally described in Exhibit A attached hereto (the “Property”), Below the Property lies the Denver Basin groundwater that is the subject of this Application (the “Water Rights”). Cross Creek has entered into a purchase and sale agreement with the Trust to purchase the Property and Water Rights. Cross Creek is in the process of receiving all applicable zoning approvals from Douglas County for the development of the Property; and will be dedicating the Water Rights to Denver Southeast Suburban Water and Sanitation District (the “District”) in connection with approval of a petition for inclusion into the District. The Trust and Cross Creek (collectively, “Applicants”) through this application, seek to adjudicate the Water Rights underlying the Property in the Upper Dawson, Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers. 3. Claim for Groundwater Underlying Property. Applicants claim the right to withdraw all of the legally available Denver Basin ground water from the not-nontributary and nontributary sources underlying the Property at rates of flow necessary to withdraw the entire amount. Applicants will withdraw the ground water in all of the Denver Basin aquifers through wells to be located anywhere on the Property. (a) Legal Description of

the Property. The Property is located in the SE1/4 SW1/4, Section 10, Township 7 South, Range 66 West, of the 6th P.M., Douglas County, Colorado, as legally described in **Exhibit A**. The Property is not located within a designated ground water basin. (b) Names and Legal Descriptions of Structures. The names of the wells to be constructed pursuant to this application will be designated at the time they are permitted. Applicants shall construct as many wells as necessary to withdraw its full entitlement of the Denver Basin groundwater underlying the Property. The wells may be constructed at any location on the Property pursuant to C.R.S. § 37-90-137(4) and Rule 14 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7 (“Statewide Rules”). (c) Wells and Well Permit Information. There are currently two pre-Senate Bill 213 wells drilled into the Lower Dawson aquifer formation, which wells are not located on the Property, but whose cylinders of appropriation overlap the Property: (1) Well Permit No. 16008-F; and (2) Well Permit No. 27296. The above referenced pre-Senate Bill 213 well cylinders reduce the Property’s area overlying the Lower Dawson aquifer and the estimated appropriation values, as shown in the table in paragraph 3(e), below. Well permits necessary for withdrawing the not-nontributary and nontributary groundwater adjudicated pursuant to this application will be obtained prior to drilling each such well. (d) Source of Water. (i) Not-Nontributary Water. The groundwater from the Upper Dawson aquifer underlying the Property is not-nontributary (“NNT”) groundwater as defined by C.R.S. § 37-90-103(10.7). Applicants shall not withdraw any NNT water unless and until a plan for augmentation is approved allowing such withdrawal, subject to the applicable replacement requirements of C.R.S. § 37-90-137(9). (ii) Nontributary Water. The groundwater from the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Property is nontributary (“NT”) groundwater as defined by C.R.S. § 37-90-103(10.5). Applicants shall relinquish to the stream system two percent (2%) of all NT water withdrawn on an annual basis, or otherwise demonstrate to the State Engineer that not more than ninety-eight percent (98%) of such NT water withdrawn shall be consumed by Applicants, pursuant to Rule 8 of the Denver Basin Rules, 2 CCR 402-6. (e) Estimated Amounts Claimed. Applicants request the right to withdraw all of the physically available Denver Basin groundwater from the NNT and NT sources underlying the Property at rates of flow legally available and necessary to withdraw the entire amount permitted under any decree granted pursuant to this application. Applicants will withdraw all of the groundwater in all aquifers underlying the Property through wells to be located anywhere on the Property. Said amounts may be (a) withdrawn over the 100-year life of the aquifers as set forth in C.R.S. § 37-90-137(4); (b) withdrawn over a longer time based upon actual withdrawal or local government regulations; or (c) withdrawn subject to the banking provisions of Statewide Rule 8.A. The estimated average annual amounts of withdrawal from the aquifers underlying the Property, as indicated below, is based upon the Denver Basin Rules, 2 C.C.R. 402-6 as applied to SE1/4 SW1/4, Section 10, Township 7 South, Range 66 West, of the 6th P.M., Douglas County, Colorado. Applicants estimate that the following values and average annual amounts are representative of the aquifers underlying the Property:

Aquifer	Area (acres)	Pre-213 Area (acres)	Net Area (acres)	Specific Yield	Sandstone/Siltstone Thickness (feet)	Appropriation Amount (af/yr)	Tributary Status
Upper Dawson	29.18	0.0	29.18	0.20	49.1	2.87	NNT - Actual
Lower Dawson	29.18	21.0	8.16	0.20	135.2	2.21	NT
Denver	29.18	0.0	29.18	0.17	253.7	12.59	NT
Arapahoe	29.18	0.0	29.18	0.17	305.0	15.13	NT
Laramie - Fox Hills	29.18	0.0	29.18	0.15	209.6	9.17	NT

Total:	41.96 (39.09 NT; 2.87 NNT)	
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(f) Uses or Proposed Uses. Water withdrawn from the Property may be used, reused, and successively used to extinction, both on and off the Property, for all beneficial uses, including without limitation the following beneficial uses: recreational, domestic, industrial, commercial, irrigation, livestock watering, fish and wildlife, fire protection, augmentation, replacement, and exchange. The water may be immediately used or stored for subsequent use. (g) Remarks. Although Applicants estimated the amount of water available from the Denver Basin aquifers, Applicants claim the right to withdraw all Denver Basin groundwater underlying the Property, and therefore request the right to revise the estimates upward or downward, in any final decree based on revised data, without the necessity of amendment to or republication of this application. 4. **Name and Address of Landowner upon which Structures will be Located.** Applicant Trust is the legal owner of the Property; Applicant Cross Creek is the beneficial owner, pursuant to executory purchase and sale contract. WHEREFORE, Applicants respectfully request that the Court enter a decree granting the underground water rights in the not-nontributary and nontributary Denver Basin aquifers, as requested herein. (5 pages plus exhibit)

2023CW3066 Applicant, **THOMAS G. BROWN**, 6207 Calle Vera Cruz, LaJolla, California, 92037. Wesley S. Knoll, #48747, David L. Strait, #52659, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Telephone: (970) 622-8181; wes@lcwaterlaw.com; dstrait@lcwaterlaw.com. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN LOGAN, MORGAN AND WASHINGTON COUNTIES.** 2. Applicant seeks a finding to make conditional water rights absolute in part and for finding of reasonable diligence for the following conditional water rights decreed in Case No. 98CW366 on April 24, 2000. Applicant seeks a finding of reasonable diligence for 3 wells to be located in and used in Block 1, Lots 1 and 5 and Block 2, Lot 1, Columbine Acres Subdivision, Second Filing, Logan County, which is in the Northwest Quarter of Section 35, Township 8 North, Range 53 West of the 6th P.M. The source of each Well is the tributary alluvium about 50 feet deep. The date of appropriation of each Well is July 29, 1998 for 15 g.p.m. conditional for in-house use and irrigation of 6,000 square feet of lawn. 3. Augmentation. The augmentation plan for the 9 Wells was decreed in Case No. 98CW366 by adding the Wells to the augmentation plan decreed in Case No. 96CW117. The augmentation plan accounting is provided by the Lower South Platte Water Conservancy District. 4. Outline of What Has Been Done Toward Completion. Three Wells have not been drilled. Two Wells have not been drilled because the lots have not been purchased. Applicant desires to allow the new owners to determine the location of the Wells on each of the lots in relation to the other improvements. Applicant continues to market the remaining lots but due to economic circumstances beyond Applicant's control sales of the remaining lots in the City of Sterling, Columbine Acres have not come to fruition. Applicant expended funds to maintain the lots and to market the lots. Since the Wells are included in a decreed augmentation plan no injury will result from continuing the conditional appropriations. Below is a table showing the lots that have been sold and Wells drilled.

BLK	LOT	NAME	STREET ADDRESS	CITY	STATE	WELL DRILLED	WELL PERMIT NUMBER
1	1	Thomas G. Brown	6207 Calle Veracruz	La Jolla	CA	No	N/A
1	2	John D. & Kari L. Michal	213 Springdale Road	Sterling	CO	Yes	63611-F
1	3	Dennis & Linda Pejas	7801 5th Street PO Box 18	Atwood	CO	Yes	66864-F
1	4	Thomas G. Brown	6207 Calle Veracruz	La Jolla	CA	Yes	

1	5	Thomas G. Brown	6207 Calle Veracruz	La Jolla	CA	No	N/A
1	6	Jack & Shirley Fiscus	12800 Everett Way	Sterling	CO	Yes	66860-F
2	1	Jeffrey S. Robirds	PO Box 1725	Sterling	CO	No	N/A
2	2	Matthew & Shelley Haragan	12430 Everett Way	Sterling	CO	Yes	65998-F
2	3	Kristen & Brian Lynch	16795 Mesa Road	Sterling	CO	Yes	64463-F

5. Claim for Finding of Reasonable Diligence. Pursuant to §37-92-304 C.R.S., Applicant seeks to continue the conditional appropriation for the 3 undrilled wells as indicated in the table below.

BLK	LOT	NAME	STREET ADDRESS	CITY	STATE	WELL DRILLED	WELL PERMIT NUMBER
1	1	Thomas G. Brown	6207 Calle Veracruz	La Jolla	CA	No	N/A
1	5	Thomas G. Brown	6207 Calle Veracruz	La Jolla	CA	No	N/A
2	1	Jeffrey S. Robirds	PO Box 1725	Sterling	CO	No	N/A

6. Claim to Make Absolute. Applicant seeks a decree making the 6 drilled Wells absolute, as indicated in the table below.

BLK	LOT	NAME	STREET ADDRESS	CITY	STATE	WELL DRILLED	WELL PERMIT NUMBER
1	2	John D. & Kari L. Michal	213 Springdale Road	Sterling	CO	Yes	63611-F
1	3	Dennis & Linda Pejas	7801 5th Street PO Box 18	Atwood	CO	Yes	66864-F
1	4	Thomas G. Brown	6207 Calle Veracruz	La Jolla	CA	Yes	
1	6	Jack & Shirley Fiscus	12800 Everett Way	Sterling	CO	Yes	66860-F
2	2	Matthew & Shelley Haragan	12430 Everett Way	Sterling	CO	Yes	65998-F
2	3	Kristen & Brian Lynch	16795 Mesa Road	Sterling	CO	Yes	64463-F

7. Name and Address of Owners of Structures. Thomas G. Brown, 6207 Calle Vera Cruz, LaJolla, California, 92037; Jeffrey S. Robirds, P. O. Box 1725, Sterling, CO 80751; John D. & Kari L. Michal, 213 Springdale Road, Sterling, CO 80751; Dennis and Linda Pejas, 7801 5th Street, P. O. Box 18, Atwood, CO 80722; Jack and Shirley Fiscus, 12800 Everett Way, Sterling, CO 80751; Matthew and Shelley Haragan, 12430 Everett Way, Sterling, CO 80751; Kristen and Brian Lynch, 16795 Mesa Road, Sterling, CO 80751. The original format of this application is four (4) pages.

2023CW3067 SUNDANCE RANCH PROPERTY OWNERS ASSOCIATION, c/o Michael Turner, 12265 Oracle Blvd., Ste. 105, Colorado Springs, CO 80921. Please forward all pleadings and correspondence to Chris D. Cummins and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212.

APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN EL PASO COUNTY.

Sundance Ranch Property Owners Association (hereafter "Sundance POA") seeks to augment up to 71 non-exempt wells to the not-nontributary Dawson aquifer for provision of domestic water service to an equivalent number of single-family lots, based on an anticipated subdivision of multiple parcels within the Sundance POA. The membership of the Sundance POA controls 362.63 acres of land currently made up

of ten (10) parcels. The Sundance POA properties are generally depicted on the attached **Exhibit B**¹. These ten parcels will be subdivided into various size lots, up to a maximum of 71 lots. The Denver Basin groundwater underlying the Sundance POA Property was previously quantified by Water Division 1 District Court in Case No. 03CW227, and the bulk of such Denver Basin supplies are also subject of the plan for augmentation decreed to the Cherokee Metropolitan District (“Cherokee”) in Case No. 14CW3061. The members of the Sundance POA, however, are the owners of eighty-seven annual acre feet (100-year allocation) of the Dawson aquifer, which the membership of the Sundance POA now seeks approval of a plan for augmentation for the use thereof. Sundance POA also has a contractual agreement with Cherokee to provide a source of post-pumping depletion augmentation supply (the “Cherokee Agreement”). The Cherokee Agreement is consistent with the terms and conditions of the decree in Case No. 14CW3061. Specifically, Cherokee has agreed to provide Sundance POA with post pumping augmentation supplies to replace the depletions from the pumping of up-to eighty-seven (87) annual acre feet from the Dawson aquifer wells described herein.

III. Application for Use of Underground Water Rights. All wells for withdrawal of the underground water rights requested herein shall be constructed to the not-nontributary Dawson aquifer. Each of the owners of the parcels described herein was deeded a portion of the not-nontributary Dawson aquifer along with the acquisition of their respective parcels, such Dawson aquifer groundwater totaling 87 annual acre feet of supply based upon the statutory 100-year allocation of Denver Basin supplies. However, as the water rights sought herein will be utilized to support the subdivision of the Sundance POA parcels in El Paso County, Colorado, and as El Paso County’s Land Development Code (“LDC”) requires demonstration of a 300-year water supply, the 300-year allocation of 29 annual acre feet shall be utilized herein.

Parcel B Wells: Property Description: Parcel B is located in the NW1/4 and the NE1/4 of the NW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, Colorado, and is approximately 35.09 acres in size. Parcel B will be subdivided into a maximum of seven (7) +/- 5-acre lots, with six (6) augmented wells. **Existing Wells:** There is one well currently constructed on Parcel B, Division of Water Resources Permit No. 326635, UTM being Easting 524702, Northing 4324466. This well is permitted for ordinary household purposes inside one single family dwelling, the watering of up to four domestic animals, and irrigation of up to 13,000 square feet of home lawn, landscape and gardens. The 1 annual acre feet of withdrawals associated with the existing well on Parcel B are expressly derived from the total 9 annual acre feet of Dawson aquifer groundwater vacated from the 03CW277 decree, and therefore not included in the 87 annual acre feet of supply otherwise owned by the members of the Sundance POA. Permit No. 326635 is currently permitted as an exempt well and will remain so permitted following decree of the plan for augmentation requested herein, and upon subdivision of the Parcel B property. **Land Ownership:** The land upon which the Parcel B wells will be constructed is owned by Scott and Debra Andrews, members of the Sundance Ranch POA. **Parcel C Wells: Property Description:** Parcel C is located in the NE1/4 of the NW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, Colorado, and is approximately 35.05 acres in size. Parcel C will be subdivided into a maximum of six (6) +/- 5-acre lots, with six (6) augmented wells. **Existing Wells:** There are no existing wells permitted or constructed on Parcel C. **Land Ownership:** The land upon which the Parcel C wells will be constructed is owned by Connie Deim, a member of Sundance POA. **Parcel D & G Wells: Property Description:** Parcel D is located in the SE1/4 of the NW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, Colorado, and is approximately 35.05 acres in size. Parcel G is located in the NW1/4 and the NE1/4 of the SW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, Colorado, and is approximately 35.29 acres in size. Parcel D will be developed into a maximum of ten (10) lots, while Parcel G will be developed into a maximum of three (3) lots, with thirteen (13) augmented wells. **Existing Wells:** There are no existing wells permitted or constructed on Parcels D and G. **Land Ownership:** The land upon which the Parcel D and G wells will be constructed is owned by Alan and Judith Greaves, members of Sundance POA. **Parcel E Wells: Property Description:** Parcel E is located in the SW1/4 of the NW1/4 of Section 30, Township 11

¹ Groundwater associated with Parcel A, depicted on Exhibit B, is not included in this application nor are any augmented structures described herein located on said Parcel A.

South, Range 65 West of the 6th P.M, in El Paso County, Colorado, and is approximately 46.47 acres in size. Existing Wells: There is one (1) well currently on the Parcel E property, Permit No. 250932, located at UTM Easting 524436, Northing 4323898, completed to the Dawson aquifer and permitted to pump up to 4 acre feet annually for fire protection, ordinary household purposes inside up to 3 single family dwellings, watering of poultry, domestic animals and livestock, and the irrigation of not more than 1 acre of farms and gardens. The four annual acre feet of withdrawals associated with the existing well on Parcel E are expressly derived from the total 9 annual acre feet of Dawson aquifer groundwater vacated from the 03CW277 decree, and therefore not included in the 87 annual acre feet of supply otherwise owned by the members of the Sundance POA. The owner of Parcel E, Michael Turner, also is the owner of 8 acre feet of such vacated Dawson aquifer groundwater. It is Mr. Turner's intention to maintain these existing wells as exempt structures as currently permitted, utilizing these unadjudicated Dawson aquifer supplies. All adjudicated supplies owed by Mr. Turner and associated with Parcel E will be utilized for development of Parcels F, H, I and J, as described in further detail below. Land Ownership: The land upon which the existing wells on Parcel E are constructed is owned by Michael Turner, a member of Sundance POA. Parcel F Wells: Property Description: Parcel F is located in the NW1/4 and the NE1/4 of the SW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M., in El Paso County, Colorado. This property will be subdivided, along with Parcels H, I, and J, into a maximum of 46 lots, collectively, resulting in forty-six (46) augmented wells. Existing Wells: There are no existing wells permitted or constructed on Parcel F. Land Ownership: The land upon which the wells will be constructed is owned by Michael Turner, a member of Sundance POA. Parcels H, I and J Wells: Property Description: Parcel H is located in the NW1/4 of the SW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. Parcel I is located in the SE1/4 of the SE1/4 of Section 25 Township 11 South, Range 66 West of the 6th P.M., and the SW1/4 of the SW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. Parcel J is located in the SE1/4 of the SE1/4 of Section 25 Township 11 South, Range 66 West of the 6th P.M., and the SW1/4 of the SW1/4 of Section 30, Township 11 South, Range 65 West of the 6th P.M. in El Paso County, Colorado. These properties will be subdivided, along with Parcel into a maximum of forty-six (46) lots. Existing Wells: There is one existing well constructed on Parcel H, Permit No. 257754, completed to the Dawson aquifer and permitted to pump up to 3 acre feet annually for fire protection, ordinary household purposes inside up to 3 single family dwellings, watering of poultry, domestic animals and livestock, and the irrigation of not more than 1 acre of farms and gardens. The three annual acre feet of withdrawals associated with the existing well on Parcel H are expressly derived from the total 9 annual acre feet of Dawson aquifer groundwater vacated from the 03CW277 decree, and therefore not included in the 87 annual acre feet of supply otherwise owned by the members of the Sundance POA. There are no existing wells located on Parcel I. There are two existing well on Parcel J: DWR Permit No. 62265-F-R, UTM coordinates: Easting 524264.9, Northing 4323091.7; and, DWR Permit No. 123522, UTM coordinates: Easting 524328.9, Northing 4323103.1. These existing wells with either be re-permitted as augmented wells pursuant to the augmentation plan requested herein, or abandoned so as to allow for new augmented wells to be constructed. Land Ownership: The land upon which the wells will be constructed for Parcels H, I and J is owned by Sundance Ranch of Black Forest, LLC, a Colorado limited liability company, a member of Sundance POA. Additional Information: All wells described herein will be constructed to the not-nontributary Dawson aquifer, and in locations consistent with all terms, conditions and restrictions of Sundance POA's agreement with Cherokee (the "Cherokee Agreement"), a copy of which is attached hereto as **Exhibit A**. See **Exhibit A**, at 3(a)(i) and (ii). The members of the Sundance POA have acquired 87 annual acre feet of water in the not-nontributary Dawson aquifer that, as decreed in 03CW227 (amending 99CW126), and as considered in Cherokee's Case No. 14CW3061, may be withdrawn over a 100-year life of the aquifer as set forth in C.R.S. §36-90-137(4), or may be withdrawn over the 300-year life of the aquifer as required by El Paso County, Colorado Land Development Code §8.4.7(C)(1), which is more stringent than the State of Colorado's 100-year life requirement. Applicant requests that its members be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifer beneath Sundance POA, so long as the sum of the total withdrawals from all the wells in the aquifer 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 Sundance POA is entitled to withdraw from the Dawson aquifer underlying the parcels described herein. Statement of Plan for Augmentation: Sundance POA seeks approval of a plan for augmentation to allow its members to utilize the not-nontributary Dawson aquifer underlying their respective properties, including potential subdivision thereof. Such Dawson aquifer wells will, during the pumping life of such wells, be augmented by septic return flows resulting from domestic uses, with post-pumping depletions being provided by contract with Cherokee. Augmented Structures. The structures to be augmented under this plan for augmentation are up to 71 residential wells to be located on up to 71 residential lots, to be created by subdivision proceedings which may be initiated by each of the members of the Sundance POA as concerns their respective parcels, in their discretion (collectively the “Sundance POA Wells”). Each of these residential wells shall be constructed to the not-nontributary Dawson aquifer, with combined pumping not to exceed the 87 acre feet (29 annual acre feet on a 300-year basis) owned by the members of the Sundance POA and available under this plan. Such not-nontributary Dawson groundwater was previously adjudicated by this Court in Case Nos. 99CW126 and 03CW227, and likewise discussed in Cherokee’s Case No. 14CW3061. Augmentation Supplies. During the anticipated 300-year pumping term of this augmentation plan, depletions resulting from the pumping of the Sundance POA Wells will be replaced by septic return flows resulting from in-house uses of water by residents of the Sundance POA via Individual Septic Disposal Systems (“ISDS”). Post-pumping depletions will be provided by Cherokee pursuant to the **Exhibit A** Agreement with the Sundance POA utilizing nontributary groundwater supplies available to Cherokee underlying the Sundance POA member’s parcels, underlying other properties in the vicinity for which Cherokee owns or controls underlying nontributary groundwater supplies, or by other sources of water available to Cherokee to be substituted in their discretion and pursuant to the terms and conditions of the decree in Case No. 14CW3061 and any decree entered in this matter. Sundance POA Wells. It is anticipated that the parcels owned by the members of the Sundance POA and subject to this plan for augmentation, will be created through a subdivision process pursuant to the El Paso County, Colorado Land Development Code, with maximum lots as follows, with each lot supporting having a single-family residence, with an individual well and ISDS. Parcels with wells not included in the plan for augmentation requested herein are not included in the following table:

Parcel	Lots to be Created	Annual Acre Feet per Well (300-Year)	Total Water Available to Parcel Owner
B	One +/- 5-acre lot (on exempt well) & Six +/- 5-acre lots	0.333 AF for each of the Six +/- 5-acre lots (1.998 AF total)	6 AF (100-yr) = 2.0 AF (300-yr)
C	Six +/- 5 acre lots	0.388 AF per lot (2.328 AF total)	7 AF (100-yr) = 2.34 AF (300-yr)
D and G	Three +/- 10 acre lots & Ten +/- 3 acre lots	0.36 AF for each of the lots (4.67 AF total)	14 AF (100-yr) = 4.67 AF (300-yr)
F, H, I, & J	Forty-Six +/- 2.5 acre lots	0.434 AF for each lot (19.964 AF total)	60 AF (100-yr) = 20 AF (300-yr)
TOTALS:	<i>71 Lots</i>	<i>28.96 AF (300-yr)</i>	<i>29 AF (300-yr)</i>

The maximum number of lots to be created by subdivision of the parcels owned by members of the Sundance POA is therefore seventy-one (71) lots, not including remainder parcels/lots utilizing exempt wells, with a corresponding maximum of seventy (71) augmented Sundance POA wells. Depletions. Sundance POA has determined that maximum stream depletions over a 300-year period for the not-nontributary Dawson aquifer amounts to approximately 22% of pumping. Maximum annual depletions from the pumping of 29 acre feet annually are therefore 6.38 acre feet in year 300. Should pumping be less than 29 acre-feet annually, resulting depletions and required replacements will be correspondingly reduced. Augmentation of Depletions During Pumping. Depletions during pumping will be replaced by return flows from non-evaporative septic systems. The annual consumptive use for a non-evaporative septic system is

10% per year. Therefore, at conservatively estimated in-house use rates of 0.20 acre-feet per year, replacement amounts of 0.18 acre-feet accrue to the stream system annually from each well. With 71 wells this amounts to 12.78 acre feet annually, nearly double the amount of annual depletions. Thus, during pumping, stream depletion replacement requirements will be met by dedication of septic return flows from the residences within the Sundance POA. Augmentation of Post Pumping Depletions. For the replacement of injurious post-pumping depletions which may be associated with the use of the Sundance POA Wells, Sundance POA has acquired a contractual entitlement to 87 acre-feet (100-year) annually of water from Cherokee to meet these post-pumping depletions. *See* Cherokee Agreement, **Exhibit A**. It is anticipated that this replacement supply will be from nontributary Denver Basin supplies decreed in Case No. 14CW3061 to Cherokee's use, though consistent with the terms and conditions of the Cherokee Agreement, Cherokee reserves the right to substitute other legally available augmentation sources for such post-pumping depletions. Upon entry of a decree in this case, the members of the Sundance POA with Parcels and water subject to such decree will be entitled to apply for well permits for each of the Sundance POA Wells.

2023CW3068 APPLICATION FOR GROUNDWATER RIGHTS AND FOR ADDITION OF GROUNDWATER RIGHTS TO PLAN FOR AUGMENTATION IN ADAMS COUNTY. SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT c/o Richard J. Mehren, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 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, CO 80037 2. Description of application: South Adams seeks to: (a) adjudicate new conditional groundwater rights for two existing South Adams' wells known as Well Nos. 21 and 47; and (b) to add the new conditional groundwater rights for Wells 21 and 47 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") to allow South Adams to divert the new groundwater rights under the South Adams Augmentation Plan when the rights are out of priority. **GROUNDWATER WATER RIGHTS** 3. New conditional groundwater right: SACWSD Well No. 21 (WDID: 0207880) (Well permit No. 65431-F) ("SACWSD Well No. 21 Enlargement Right"). 3.1 Location of structures: SACWSD Well No. 21 is located in the NE1/4 SW1/4 Section 21, T2S, R67W of the 6th P.M., Adams County, Colorado, at a point approximately 1,800 feet from the South line and 2,300 feet from the West line of said Section 21 (UTM Coordinates NAD 83, Zone 13, Easting: 509030, Northing: 4412353). A map showing the location of SACWSD Well No. 21 is attached as **Exhibit A**. 3.2 Source: The source of the water is from the South Platte River alluvium. 3.3 Depth: 120 feet. 3.4 Date of appropriation: June 30, 2023. 3.5 How appropriation was initiated: Formation of intent to appropriate water for beneficial use, site inspection, engineering analysis, and by filing this application. 3.6 Rate and amount claimed: 1,200 gpm, conditional. South Adams previously was granted a groundwater right for SACWSD Well No. 21 for 2,000 gpm (4.46 cfs) in Case No. W-8440-76D ("SACWSD Well No. 21 Original Right"). The 1,200 gpm pumping rate claimed in this application is in addition to the rate decreed to Well No. 21 under the SACWSD Well No 21 Original Right. Therefore, the maximum combined pumping rate for SACWSD Well No. 21 under both the Original Right and the Enlargement Right will be limited to 3,200 gpm. Pumping of the SACWSD Well No. 21 Enlargement Right and the SACWSD Well No. 47 Enlargement Right, as described in paragraph 4 below, will be limited to an annual aggregate volume of 3,500 acre-feet, which volume is in addition to the annual aggregate volume of 2,000 acre-feet Well Nos. 21 and 47 are authorized to pump under the 01CW258 Decree. Therefore, the annual aggregate volume of both SACWSD Well Nos. 21 and 47 under both the Original Rights and the Enlargement Rights will be limited to 5,500 acre-feet. 3.7 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. The boundaries of South Adams' current service area are shown on the map attached as **Exhibit B**. 4. New conditional groundwater right: SACWSD Well No. 47 (WDID: 0205134) (Well permit No. 65430-F) ("SACWSD Well No. 47 Enlargement Right"). 4.1 Location of structures: SACWSD Well No. 47 is located in the SE1/4 SE1/4 Section 20, T2S, R67W of the 6th P.M., Adams County, Colorado, at a point approximately 70 feet from the South line and 50 feet from the East line of said Section 2021 (UTM Coordinates NAD 83, Zone 13, Easting: 508255, Northing: 4411875). A map showing the location of SACWSD Well No. 47 is attached as **Exhibit A**. 4.2 Source: The source of the water is from the South Platte River alluvium. 4.3 Depth: 120 feet. 4.4 Date of appropriation: June 30, 2023. 4.5 How appropriation was initiated: Formation of intent to appropriate water for beneficial use, site inspection, engineering analysis, and by filing this application. 4.6 Rate and amount claimed: 1,700 gpm, conditional. South Adams previously was granted a groundwater right for the SACWSD Well No. 47 for 1,500 gpm (4.46 cfs) in Case No. W-8440-76D ("SACWSD Well No. 47 Original Right"). The 1,700 gpm pumping rate claimed in this application is in addition to the 1,500 gpm rate decreed to Well No. 47 under the SACWSD Well No. 47 Original Right. Therefore, the maximum combined pumping rate for SACWSD Well No. 47 under both the Original Right and the Enlargement Right will be limited to 3,200 gpm. Pumping of the SACWSD Well No. 47 Enlargement Right and the SACWSD Well No. 21 Enlargement Right will be limited to an annual aggregate volume of 3,500 acre-feet, which volume is in addition to the annual aggregate volume of 2,000 acre-feet Well Nos. 27 and 47 are authorized to pump under the 01CW258 Decree. Therefore, the annual aggregate volume of both SACWSD Well Nos. 21 and 47 under both the Original Rights and the Enlargement Rights will be limited to 5,500 acre-feet. 4.7 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. The boundaries of South Adams' current service area are shown on the map attached as **Exhibit B**. 5. 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: South Adams owns the land on which Well Nos. 21 and 47 are located. **ADDITION OF SACWSD WELL NOS. 21 AND 47 ENLARGEMENT GROUNDWATER RIGHTS TO THE SOUTH ADAMS AUGMENTATION PLAN** Well Nos. 21 and 47 and their respective Original Rights decreed in Case No. W-8440-76D are structures and groundwater rights that are included in and augmented by the South Adams Augmentation Plan. South Adams seeks to add the SACWSD Well Nos. 21 and 47 Enlargement Rights described in Paragraphs 3 and 4 respectively, above, as groundwater rights to be augmented by 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 SACWSD Well Nos. 21 and 47 Enlargement Rights. 6. Names of structures to be augmented: 6.1 Well No. 21 under the SACWSD Well No. 21 Enlargement Right described in Paragraph 3, above. 6.2 Well No. 47 under the SACWSD Well No. 47 Enlargement Right described in Paragraph 4, above. 7. 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. 8. 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 from Well Nos. 21 and 47 under the SACWSD Well Nos. 21 and 47 Enlargement Rights 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 SACWSD Well Nos. 21 and 47 Enlargement Rights in the South Adams Augmentation Plan or from South Adams' diversion of water from Well Nos. 21 and 47 under the SACWSD Well Nos. 21 and 47 Enlargement Rights 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 of the SACWSD Well Nos. 21 and 47 Enlargement Rights from Well Nos. 21 and 47, 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 Well Nos. 21 and 47 under the SACWSD Well Nos. 21 and 47 Enlargement Rights, as described in Paragraphs 3 and 4 above, out-of-priority in accordance with the South Adams Augmentation Plan.

2023CW3069 (2016CW3145, 2009CW122, 94CW036) **THE CITY OF BLACK HAWK**, c/o Director of Public Works, P.O. Box 68, Black Hawk, Colorado, 80422, Telephone: (303) 582-1324, Tisbester@cityofblackhawk.org. Please send all correspondence to: David L. Kueter (26136), Kent Holsinger (33907), Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, CO 80202, Tel: (303) 722-2828, E-mail: dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GILPIN COUNTY.** 2. Names of structure: North Clear Creek Well, a/k/a Well No. 3 (Permit Number 051757-F, attached hereto as Exhibit A). 3. Describe conditional water right giving the following from the Judgment and Decree: 3.a. Date of prior decrees: Original decree entered August 22, 2003, Case No. 94CW036, in the District Court, Water Division No. 1, State of Colorado; diligence decree entered October 28, 2010, Case No. 2009CW122, in the District Court, Water Division No. 1, State of Colorado; and diligence decree entered June 28, 2017, Case No. 2016CW3145, in the District Court, Water Division No. 1, State of Colorado. 3.b. Legal Description of Point of Diversion: Located at a point in the SW1/4 of the SW1/4, Section 6, Township 3 South, Range 72 West of the 6th P.M. at a point located approximately 1,100 feet from the South section line and 500 feet from the West section line of said Section 6, in Gilpin County. See Exhibit B hereto. 3.c. Source: Groundwater tributary to North Clear Creek, a tributary of Clear Creek. 3.d. Appropriation Date: April 1, 1996. 3.e. Decreed Amount: 30 g.p.m. (0.067 c.f.s.) absolute, and 10 g.p.m. (0.023 c.f.s.), conditional, which 10 g.p.m. (0.023 c.f.s.) is the subject of this application. 3.f. Decreed Use: All municipal

purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal uses, including the right to use and reuse the water for all of the aforesaid purposes, including reuse by exchange for all of the aforesaid purposes, to extinction all water lawfully diverted. The water may also be used for exchange, for replacement, and for augmentation purposes. Black Hawk is entitled to use the water diverted for all municipal purposes, for exchange, replacement and augmentation, and Black Hawk is entitled to reuse of this water for the same purposes. Black Hawk is not entitled to any right of successive use or rights of disposition, as those terms are defined in *City & County of Denver v. Fulton Irrigating Ditch Co.*, 506 P.2d 144, 146-47 (Colo. 1972), of the water diverted pursuant to this decree. 3.g. **Depth (if well):** 1,100 feet. 3.h. **Well Permit:** 51757-F. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** As part of Black Hawk's decrees in Cases Nos. 92CW058 and 92CW059, entered on August 22, 2003, the Water Court ruled that Black Hawk's water project, which includes the conditional water right described above, is an integrated project, and that pursuant to C.R.S. § 37-92-301(4)(b), work on one or more of the separate components constitutes diligence for all. 4.a. During the diligence period from 2017 to the present, the City of Black Hawk has spent in excess of \$16,851,100 on its integrated water system of which the subject water right is a part: 4.a.(1) For fiscal year 2017, the City of Black Hawk expended \$2,059,524 on its water system including \$456,689 on capital projects. Projects included design of the Church Ditch Augmentation Station replacement, sand blasting and painting the exterior of the Dory Hill water tank, installation of new Gregory Street pipeline and pressure reducing valve vault, installation of fiber optics within the distribution system, installation of new chlorine dioxide system at the Hidden Valley Treatment Plant, completion of the Georgetown Lake outlet, preliminary design and survey for a new headgate for the Green Lake inflow pipeline, and preliminary design of power generators for the Hidden Valley Treatment Plant and Pump Stations. 4.a.(2) For fiscal year 2018, the City of Black Hawk expended \$2,934,151 on its water system including \$741,990 on capital projects. Projects included construction of the Church Ditch Augmentation Station, painting the exterior of the Dory Hill water tank, sand blasting and painting PRV vaults in the distribution system, sealing Green Lake with sodium bentonite, design and construction to dredge Georgetown Lake, pre-design for a new headgate for the Leavenworth diversion for Green Lake, and final design of power generators for the Hidden Valley Treatment Plant & Pump Stations. 4.a.(3) For fiscal year 2019, the City of Black Hawk expended \$2,603,209 on its water system including \$619,808 on capital projects. Projects included construction of the Hidden Valley Stand-by Generators back-up electrical system, design for a new headgate for the Leavenworth diversion for Green Lake, rebuilding the Hidden Valley pipeline pumps, design and construction of the Green Lake seepage flume. 4.a.(4) For fiscal year 2020, the City of Black Hawk expended \$2,013,906 on its water system including \$264,600 on capital projects. Projects included improvements to the Church Ditch Augmentation Station, purchasing the headgate structure for the Leavenworth diversion for Green Lake and improvements to the fiber optic communication system. 4.a.(5) For fiscal year 2021, the City of Black Hawk expended \$2,969,848 on its water system including \$1,179,493 on capital projects. Projects included construction of the new headgate structure for the Green Lake intake, new generators for the water treatment plant, and expansion of the water distribution system. 4.a.(6) For fiscal year 2022, the City of Black Hawk expended \$3,351,317 on its water system including \$476,200 on capital projects. Projects included design of a new potable water tank, design of the expansion of the Hidden Valley Water Treatment Plant and continued expansion of the water distribution system. 4.a.(7) For fiscal year 2023 through May, the City of Black Hawk expended \$919,148 on its water system. 4.b. The amounts in paragraph 4.a include more than \$1,100,000 for engineering and \$152,000 for legal fees and costs during the diligence period. 4.c. During the diligence period, Black Hawk participated in rulemaking hearings and other proceedings before the Colorado Water Quality Control Commission regarding water quality standards and the Black Hawk-Central City Sanitation District's CDPEs permit. 4.d. During the diligence period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the subject water rights. 5. **Claim to Make Absolute:** n/a. 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. Applicant City of Black Hawk. WHEREFORE, Applicant requests that diligence be found for the 10 g.p.m. (0.023 c.f.s.) conditionally decreed to the North Clear Creek Well and that said conditional water right be continued in full force and effect until the due date of the next diligence filing herein. Number of pages of Application: 5, in addition to 2 pages of exhibits.

2023CW3070 POLO PROPERTIES HOLDINGS, LLC, Attn: Mike Humphrey, 2407 Morningview Trial, Castle Rock, CO 80109 (Please direct all pleadings and correspondence to Chris D. Cummins, W. James Tilton, Paul J. Raymond of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). **APPLICATION FOR AMENDMENT OF DECREE DETERMINING GROUNDWATER RIGHTS IN DOUGLAS COUNTY.** Applicant seeks to amend the decree entered in Case No. 06CW212, District Court, Water Division 1, dated August 16, 2007 (“06CW212 Decree”) to remove a portion of its interest in the not-nontributary Denver aquifer water in order to supply four (4) exempt wells for Applicant’s properties. The 06CW212 Decree adjudicated groundwater rights underlying approximately 721.28 acres located in Section 1, Township 8 South, Range 68 West of the 6th P.M.; and in Sections 31 and 32, Township 7 South, Range 67 West of the 6th P.M., Douglas County (“Decree Property”). The 06CW212 Decree adjudicated the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifer water underlying the Decree Property. On February 21, 2023, Applicant purchased four (4) 35+ acre parcels of land that were all part of the Decree Property, being Lots 5 through 8 of Oaklands Estates, and total 154.6 acres in size. These parcels are located in W1/2 of Section 5, Township 8 South, Range 67 West of the 6th P.M., and specifically described on the attached **Exhibit A** deed and shown on the attached **Exhibit B** map (“Applicant’s Property”). Included with the purchase of the Applicant’s Property was a portion of the groundwater rights in the not-nontributary Denver and nontributary Arapahoe aquifers subject of the 06CW212 Decree as set forth in **Exhibit C**. Requested Amendment to 06CW212 Decree. Applicant seeks to remove and vacate a total of 1,200 acre feet, or 12 annual acre-feet, of not-nontributary Denver aquifer water underlying the Applicant’s Property from the 506.2 annual acre-feet adjudicated in the 06CW212 Decree in order to be able to qualify for the issuance of exempt well permits for each Lot within the Applicant’s Property pursuant to § 37-92-602(1)(b), C.R.S. Applicant seeks no other amendments to the 06CW212 Decree.
(Application, 4 pages)

2023CW3071 (90CW123) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 8216 (Please address all correspondence and inquiries regarding this matter to: Elizabeth M. Joyce, 720-508-6761 and Tarn Udall, 720-508-6266, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) **APPLICATION TO MAKE WATER RIGHT ABSOLUTE OR IN THE ALTERNATIVE FOR FINDINGS OF REASONABLE DILIGENCE, IN JEFFERSON AND DOUGLAS COUNTIES, COLORADO. 1. Name, mailing address, e-mail address, and telephone number of Applicant:** CPW Attn: Water Rights Program Administrator 6060 Broadway, Denver, Colorado 80216 303-291-7466 **2. Description of conditional water right:** A. CPW’s **1990 Chatfield Reservoir Storage Right (1990 Storage Right)** i. Original decree: Case No. 90CW123, Water Division 1, entered June 1, 2017. ii. Subsequent decrees: N/A iii. Legal description of Chatfield Reservoir: Chatfield Dam is located on the mainstem of the South Platte River in Douglas and Jefferson Counties, the eastern abutment being located in Douglas County in Sections 6 and 7, Township 6 South, Range 68 West, and the western abutment being located in Jefferson County in Section 1, Township 6 South, Range 69 South, 6th P.M. A map depicting the general location of Chatfield Reservoir is attached hereto as Exhibit A. In the decree entered in 90CW123, the location is described as: the southeast-end of dam (right) abutment is located at a point from whence the southeast corner of Section 7, T6S, R68W, 6th P.M. bears South 64° east a distance of 2,064 feet, which point is also described as a point in the SW/4 of the SE/4 of Section 7, T6S, R68W, 6th P.M. that lies 890 feet from the south line and 1,845 feet from the east line of Section 7. iv. Source: South Platte River and its tributaries at and above the Chatfield Dam. v. Amount: 75 acre-feet, conditional, one fill only

with no right of refill. vi. Date of appropriation: June 27, 1990. vii. Uses: (1) recreational piscatorial uses, wildlife uses, and maintenance of storage reserves, all in Chatfield Reservoir; and (2) augmentation and exchange purposes by CPW, including replacement of depletions for the Chatfield Fish Unit and other water rights owned by CPW. viii. Place of use: Recreational, piscatorial uses, wildlife uses, and maintenance of storage reserves will be within Chatfield Reservoir. The place of use for augmentation and exchange purposes, including for any replacement of depletions at the Chatfield Fish Unit, will be determined when CPW obtains a substitute water supply plan pursuant to § 37-92-308, C.R.S., or successor statutes, or a decree for a plan for augmentation or exchange. **3. Claim to make absolute**: A. Date water applied to beneficial use: May 19, 2023, by storing water for the uses described below. See **Exhibit B**. B. Amount: 75 acre-feet. C. Uses: (1) recreational piscatorial uses, wildlife uses, and maintenance of storage reserves, all in Chatfield Reservoir; and (2) augmentation and exchange purposes by CPW, including replacement of depletions for the Chatfield Fish Unit and other water rights owned by CPW. See § 37-92-301(4)(e), C.R.S. **4. Outline of work completed toward diligence**: A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period (June 2017 through June 2023) follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 1, including the 1990 Storage Right. B. CPW currently has the right to store water in Chatfield Reservoir through the Chatfield Reservoir Reallocation Project (Reallocation Project). The Reallocation Project, which reallocates storage capacity in Chatfield Reservoir to allow an additional 20,600 acre-feet of storage, received final authorization to fill in May of 2020. CPW currently owns 1,000 acre-feet of Reallocation Project reservoir capacity that is reserved for use as part of the Reallocation Project Environmental Pool. CPW has paid over \$8,000,000.00 in project costs to implement the Reallocation Project and secure the right to store water in Chatfield Reservoir. C. CPW pursued the acquisition of additional storage space in the Reallocation Project through purchasing orphan shares from the Colorado Water Conservation Board (CWCB). CPW's efforts to obtain the additional storage space have included, but are not limited to, hiring a consultant to advise on the need for additional storage space in Chatfield Reservoir to support CPW's operations and assisting with CWCB's efforts through the 2023 CWCB Water Projects Appropriations Bill (SB23-177) to appropriate \$8,000,000.00 from the wildlife cash fund to allow CPW to purchase 924 acre-feet of orphan share space. SB23-177 was approved and CPW is pursuing an agreement with CWCB to complete this acquisition. D. CPW also reached agreement with CWCB to allow CPW to use this orphan share space until the final acquisition is complete. CPW exercised its rights under this short-term agreement on May 18-19, 2023, when it stored water in its 924 acre-feet of operational space, including 75 acre-feet accounted for under the 1990 Storage Right. E. CPW has remained an active member in the Chatfield Reservoir Mitigation Company (CRMC) during the diligence period. CPW has paid annual assessments to CRMC for the development and management of the Reallocation Project. CPW has paid annual assessments of approximately \$30,000.00 – \$65,000.00 to CRMC. F. CPW staff members serve on the board of directors for the CRMC and participate in the Chatfield Reservoir operations committees. CPW staff members also served on the Technical Advisory Committee for the Chatfield Storage Reallocation Project during the diligence period. G. The Chatfield Fish Unit is currently operated as a holding facility for fish hatched and reared in other CPW facilities for eventual stocking into lakes, streams, and rivers in the Denver Metropolitan Area. CPW intends to expand it into a fully operational warm-water production hatchery that will include the hatching and rearing phases. During the diligence period, CPW staff and counsel have spent hundreds of hours on planning efforts for development of the expanded hatchery, including evaluation of the water rights to support such an expansion. H. CPW hired engineering consultants to evaluate, among other things, the potential yield from the 1990 Storage Right and CPW's other storage water rights in Chatfield Reservoir. I. Pursuant to Paragraph 18 of the final decree entered in Case No. 90CW123, CPW developed revised accounting forms for its Chatfield Reservoir storage account, including the 1990 Storage Right. The Division Engineer reviewed and approved the updated accounting in May 2020. CPW has also been working with Division of Water Resources (DWR) to further update the accounting to include CPW's

924 acre-feet of operational space and Environmental Pool operations. J. On February 28, 2023, DWR approved CPW's request for renewal of a Substitute Water Supply Plan (SWSP) for the Chatfield Fish Unit (No. 9410). The out-of-priority evaporative depletions from the Fish Unit raceways and settling ponds are currently replaced under the augmentation plan decreed in Case No. 80CW152, and the 1990 Storage Right is listed as a replacement source pursuant to the augmentation plan. The SWSP adds additional sources of replacement water, including CPW's Chatfield Reservoir storage water right decreed in Case No. 94CW12, to replace the evaporative and pond-filling depletions. **5. Alternative claim for findings of reasonable diligence:** CPW claims to make the 1990 Storage Right fully absolute. In the event the Court declines to make the claimed right fully or partially absolute, CPW requests the Court enter a finding of diligence and continue the 1990 Storage Right conditional in any amounts not made absolute, based upon the actions set forth in Paragraph 4 above. **6. Remarks:** At the time of filing this application, CPW's and DWR's review of accounting for storage in Chatfield Reservoir is ongoing. As part of this review, DWR is working with CPW, CRMC, and other project participants to confirm amounts stored in Chatfield Reservoir during the months of May and June 2023. In the event the final accounting reflects different amounts than those claimed in this application, CPW reserves the ability to adjust the amounts claimed absolute prior to entry of any decree in this case. **7. Name of owners of land upon which structures are located:** U.S. Army Corps of Engineers 9307 Hwy 121 Littleton, CO 80123-6901 WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has made the subject water right absolute in its entirety or in the alternative has exercised reasonable diligence in the development of the conditional water right, to continue the conditional water right in full force and effect, and for such other relief as this Court deems just and proper. (5 pages.)

2023CW3072 EDWARD RIDGEWAY, 3103 County Road 32, Lake George, CO 80827 (Please send all pleadings and documents to David M. Shohet and W. James Tilton, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212.)

APPLICATION FOR ADJUDICATION OF EXEMPT WELLS IN TELLER COUNTY.

Applicants wish to adjudicate the groundwater supply related to two exempt wells on two separate properties owned by the Applicants, and to maintain the exempt status of both wells. Name of Structure: Ridgeway Well No. 1. Property Description: Ridgeway Well No. 1 is located and used upon on the Applicants' property located in the SW1/4 NW1/4 of Section 23, Township 12 South, Range 71 West of the 6th P.M., known as Lot 4, Block No. 4, Filing No. 2 in Indian Creek Wilderness Estates Subdivision, also known as 893 Cheyenne Creek Drive, Lake George, CO 80827, containing approximately 5.14 acres, more or less. Legal Description of Well: The Ridgeway Well No. 1 is located in Teller County, Colorado in the SW1/4 NW1/4 of Section 23, Township 12 South, Range 71 West of the 6th P.M. Well Permit No.: The Ridgeway Well No. 1 is permitted as an exempt well pursuant to Division of Water Resources Permit No. 80295. Source: Groundwater tributary to the South Platte River. Appropriation: Date of Initiation of Appropriation: July 18, 1975, by the filing of an application for a well permit with the Colorado Division of Water Resources. Date Water Applied to Beneficial Use: August 5, 1976. Amount Claimed and Rate: 0.4 acre feet, at 6 g.p.m. Uses: House-hold use only. Name of Structure: Ridgeway Well No. 2. Property Description: Ridgeway Well No. 2 is located and used upon on the Applicants' property located in the SW1/4 SW1/4 of Section 22, Township 12 South, Range 71 West of the 6th P.M., also known as 286 Trail Creek Road, Florissant, CO 80816, containing approximately 40 acres. Legal Description of Well: The Ridgeway Well is located in Teller County, Colorado in the SW1/4 SW 1/4 of Section 22, Township 12 South, Range 71 West of the 6th P.M. Well Permit No.: The Ridgeway Well No. 2 is permitted as an exempt well pursuant to Division of Water Resources Permit No. 160526. Source: Groundwater tributary to the South Platte River. Date of Initiation of Appropriation: June 28, 1991, by the filing of an application for a well permit with the Colorado Division of Water Resources. Date Water Applied to Beneficial Use: August 6, 1991. Amount Claimed and Rate: 3 acre-feet, at 14 g.p.m. Uses: Fire protection, ordinary household uses inside one single family dwelling and one mobile home, irrigation of 1 acre of lawn and garden and watering of domestic animals. (Application – 3 pages)

2023CW3073 (94CW12) COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 6060 Broadway, Denver, CO 8216 (Please address all correspondence and inquiries regarding this matter to Elizabeth M. Joyce, 720-508-6761 and Tarn Udall, 720-508-6266, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, CO 80203.) **APPLICATION TO MAKE WATER RIGHT PARTIALLY ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE in JEFFERSON AND DOUGLAS COUNTIES, COLORADO**. **1. Name, mailing address, e-mail address, and telephone number of Applicant:** CPW Attn: Water Rights Program Administrator 6060 Broadway, Denver, Colorado 80216 303-291-7466 **2. Description of conditional water right:** A. **CPW's 1994 Chatfield Reservoir Storage Right (1994 Storage Right)** i. Original decree: Case No. 94CW12, Water Division 1, entered June 1, 2017. ii. Subsequent decrees: N/A iii. Legal description of Chatfield Reservoir: Chatfield Dam is located on the mainstem of the South Platte River in Douglas and Jefferson Counties, the eastern abutment being located in Douglas County in Sections 6 and 7, Township 6 South, Range 68 West, and the western abutment being located in Jefferson County in Section 1, Township 6 South, Range 69 South, 6th P.M. A map depicting the general location of Chatfield Reservoir is attached hereto as **Exhibit A**. In the decree entered in 94CW12, the location is described as: the southeast-end of dam (right) abutment is located at a point from whence the southeast corner of Section 7, T6S, R68W, 6th P.M. bears South 64° east a distance of 2,064 feet, which point is also described as a point in the SW/4 of the SE/4 of Section 7, T6S, R68W, 6th P.M. that lies 890 feet from the south line and 1,845 feet from the east line of Section 7. iv. Source: South Platte River and its tributaries at and above the Chatfield Dam. v. Amount: 2,000 acre-feet, conditional, one fill only with no right of refill. vi. Date of appropriation: January 28, 1994. vii. Uses: (1) recreational piscatorial uses, wildlife uses, and maintenance of storage reserves, all in Chatfield Reservoir; and (2) augmentation and exchange purposes by CPW, including replacement of depletions for the Chatfield Fish Unit and other water rights owned by CPW. viii. Place of use: Recreational, piscatorial uses, wildlife uses, and maintenance of storage reserves will be within Chatfield Reservoir. The place of use for augmentation and exchange purposes, including for any replacement of depletions at the Chatfield Fish Unit, will be determined when CPW obtains a substitute water supply plan pursuant to § 37-92-308, C.R.S., or successor statutes, or a decree for a plan for augmentation or exchange. **3. Claim to make partially absolute:** A. Date water applied to beneficial use: May 19, 2023, by storing water for the uses described below. See **Exhibit B**. B. Amount: 239.35 acre-feet. C. Uses: (1) recreational piscatorial uses, wildlife uses, and maintenance of storage reserves, all in Chatfield Reservoir; and (2) augmentation and exchange purposes by CPW, including replacement of depletions for the Chatfield Fish Unit and other water rights owned by CPW. See § 37-92-301(4)(e), C.R.S. D. As noted below in Paragraph 6, review of accounting for the water stored under this water right is ongoing. Depending on final accounting, CPW's claim to make this water right partially absolute may be increased up to a total of 839.35 acre-feet. **4. Outline of work completed toward diligence:** A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period (June 2017 through June 2023) follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 1, including the 1994 Storage Right. B. CPW currently has the right to store water in Chatfield Reservoir through the Chatfield Reservoir Reallocation Project (Reallocation Project). The Reallocation Project, which reallocates storage capacity in Chatfield Reservoir to allow an additional 20,600 acre-feet of storage, received final authorization to fill in May of 2020. CPW currently owns 1,000 acre-feet of Reallocation Project reservoir capacity that is reserved for use as part of the Reallocation Project Environmental Pool. CPW has paid over \$8,000,000.00 in project costs to implement the Reallocation Project and secure the right to store water in Chatfield Reservoir. C. CPW pursued the acquisition of additional storage space in the Reallocation Project through purchasing orphan shares from the Colorado Water Conservation Board (CWCB). CPW's efforts to obtain the additional storage space have included, but are not limited to, hiring a consultant to advise on the need for additional storage space in Chatfield Reservoir to support CPW's operations and assisting with CWCB's efforts through the 2023 CWCB Water Projects Appropriations Bill (SB23-177) to appropriate

\$8,000,000.00 from the wildlife cash fund to allow CPW to purchase 924 acre-feet of orphan share space. SB23-177 was approved and CPW is pursuing an agreement with CWCB to complete this acquisition. D. CPW also reached agreement with CWCB to allow CPW to use this orphan share space on a temporary basis until the final acquisition is complete. CPW exercised its rights under this short-term agreement on May 18-19, 2023, when it stored water in its 924 acre-feet of operational space, including 239.35 acre-feet accounted for under the 1994 Storage Right. E. CPW has remained an active member in the Chatfield Reservoir Mitigation Company (CRMC) during the diligence period. CPW has paid annual assessments to CRMC for the development and management of the Reallocation Project. CPW has paid annual assessments of approximately \$30,000.00 – \$65,000.00 to CRMC. F. CPW staff members serve on the board of directors for the CRMC and participate in the Chatfield Reservoir operations committees. CPW staff members also served on the Technical Advisory Committee for the Chatfield Storage Reallocation Project during the diligence period. G. The Chatfield Fish Unit is currently operated as a holding facility for fish hatched and reared in other CPW facilities for eventual stocking into lakes, streams, and rivers in the Denver Metropolitan Area. CPW intends to expand it into a fully operational warm-water production hatchery that will include the hatching and rearing phases. During the diligence period, CPW staff and counsel have spent hundreds of hours on planning efforts for development of the expanded hatchery, including evaluation of the water rights to support such an expansion. H. CPW hired engineering consultants to evaluate, among other things, the potential yield from the 1994 Storage Right and CPW's other storage water rights in Chatfield Reservoir. I. Pursuant to Paragraph 18 of the final decree entered in Case No. 90CW123, CPW developed revised accounting forms for its Chatfield Reservoir storage account, including the 1994 Storage Right. The Division Engineer reviewed and approved the updated accounting in May 2020. CPW has also been working with Division of Water Resources (DWR) to further update the accounting to include CPW's 924 acre-feet of operational space and Environmental Pool operations. J. On February 28, 2023, DWR approved CPW's request for renewal of a Substitute Water Supply Plan (SWSP) for the Chatfield Fish Unit (No. 9410). The out-of-priority evaporative depletions from the Fish Unit raceways and settling ponds are currently replaced under the augmentation plan decreed in Case No. 80CW152. The SWSP adds additional sources of replacement water, including the 1994 Storage Right, to replace the evaporative and pond-filling depletions. **5. Claim for findings of reasonable diligence:** CPW claims to make 239.35 acre-feet of the 1994 Storage Right absolute and requests that the Court continue the remaining conditional portion of the 1994 Storage Right (1,760.65 acre-feet) based upon the actions set forth in Paragraph 4, above. In the event the Court declines to make 239.35 acre-feet absolute, CPW requests that the Court enter a finding of diligence and continue the 1994 Storage Right as conditional in any amounts not made absolute. **6. Remarks:** At the time of filing this application, CPW's and DWR's review of accounting for storage in Chatfield Reservoir is ongoing. As part of this review, DWR is working with CPW, CRMC, and other project participants to confirm amounts stored in Chatfield Reservoir during the months of May and June 2023. In the event the final accounting reflects different amounts than those claimed in this application, CPW reserves the ability to adjust the amounts claimed absolute prior to entry of any decree in this case. **7. Name of owners of land upon which structures are located:** U.S. Army Corps of Engineers 9307 Hwy 121 Littleton, CO 80123-6901 WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has made the subject water right partially absolute and has exercised reasonable diligence in the development of the remainder of the conditional storage water right, to continue the conditional portion of the water right in full force and effect, and for such other relief as this Court deems just and proper. (5 pages.)

2023CW3074 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY ("ACWWA"), c/o Steve Witter, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE AMOUNT ABSOLUTE in ADAMS, ARAPAHOE, DENVER, DOUGLAS, ELBERT, MORGAN, AND WELD COUNTIES.** All correspondence and communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720)

647-5661, (Attorneys for ACWWA). 2. **Original Decree.** The original decree was entered by the Water Court, Water Division 1, on June 20, 2017, in Case No. 13CW3171 (“3171 Decree”). In Case No. 16CW3195, ACWWA changed the uses associated with the conditional 70 Ranch Reservoir water storage right (“3195 Decree”). 3. **Description of the Water Storage Right (“Subject Water Right”).** 3.1. **Name of Structure.** 70 Ranch Reservoir. 3.2. **Legal Description and Location.** 70 Ranch Reservoir is a lined off-channel reservoir located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. A map showing the location of 70 Ranch Reservoir is attached as **Exhibit 1.3.3. Surface Area.** The as-built maximum surface area is 167.3 acres. 3.4. **Maximum Diversion Rate.** 100 cfs. 3.5. **Capacity.** The as-built maximum capacity is 5,990.8 acre-feet. 3.6. **Storage Depth.** The as-built maximum storage depth is 49 feet. 3.7. **Legal Description of Point of Diversion Filling the Structure and Outlets.** 70 Ranch Reservoir is filled and makes releases through a bi-directional pipeline, which point of diversion/release is on the South Platte River, in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., approximately 1,596 feet from the East section line and 1,675 feet from the South section line of said Section 34 in Weld County, Colorado. Releases from the bi-directional pipeline may also be made to the South Platte River through a separate outlet located within 500 feet of a point in the SE1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., approximately 690 feet from the East section line and 270 feet from the South section line of said Section 34 in Weld County, Colorado. 3.8. **Source.** South Platte River. 3.9. **Date of Appropriation.** December 30, 2013. 3.10. **Decreed Amount.** 3,000 acre-feet, conditional, with one refill in the amount of 3,000 acre-feet per year, conditional, for a total amount of 6,000 acre-feet that can be stored in one water year. 3.11. **Uses.** The Subject Water Right can be used as follows: 3.11.1. **Replacement of Return Flow Obligations.** The decrees entered in Case Nos. 10CW313, 12CW73, 13CW3026, and 11CW151 all require that ACWWA replace its historical return flow obligations in time, place, and amount, as more fully described in each of those decrees. ACWWA may meet those return flow obligations using the Subject Water Right. 3.11.2. **Use in ACWWA’s Augmentation Plans.** The Subject Water Right may be used as a source of replacement water in the ACWWA Augmentation Plans decreed in Case Nos. 10CW306 (“306 Decree”) and 13CW3026 to replace depletions resulting from the pumping of water from the ACWWA/East Cherry Creek Valley Water and Sanitation District (“ECCV”) Well Field for delivery to ACWWA’s present and future service areas. ACWWA will also use the Subject Water Right as a source of replacement water pursuant to ACWWA’s 70 Ranch Augmentation Plan approved in the 306 Decree. ACWWA will also use the Subject Water Right in its future augmentation plans if such use is approved in a future Water Court decree or substitute water supply plan (“SWSP”) approved by the State Engineer pursuant to C.R.S. § 37-92-308(4) or successor statute. 3.11.3. **Source for Recharge.** ACWWA may deliver the Subject Water Right to the recharge facilities located in the Beebe Draw and on 70 Ranch subject to the terms and conditions in paragraphs 22-25 and 37-41, respectively, of the 306 Decree for subsequent use, and the terms of the decree entered in this case. ACWWA may deliver the Subject Water Right to the recharge sites described in the 3195 Decree and any existing or future recharge facility in which ACWWA is legally permitted to recharge water. 3.11.4. **Sources of Substitute Supply in Exchanges.** ACWWA may use the Subject Water Right as sources of substitute supply in the exchanges decreed in Case Nos. 09CW283 and 16CW3195, and any future exchange operated or decreed by ACWWA. 3.11.5. **Places of Storage.** ACWWA may store the Subject Water Right in the following surface storage structures for use as a source of augmentation, replacement, recharge, or substitute supply: 3.11.5.1. **70 Ranch Reservoir**, a lined off-channel reservoir to be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.11.5.2. **Milliken Reservoir (a/k/a Gilcrest Reservoir)**, a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.11.5.3. **United Reservoir No. 3**, an off-channel reservoir located on the East side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.11.5.4. **Barr Lake**, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South,

Range 66 West of the 6th P.M., Adams County, Colorado. 3.11.5.5. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.11.5.6. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.11.5.7. Holton Lake, an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, and the SW1/4 of the SE1/4 of Section 6, and the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.11.5.8. Other Storage Facilities. Any future storage facility in which ACWWA is legally permitted to store water. 3.11.6. Use by ECCV. ACWWA may lease and/or trade water attributable to the Subject Water Right to ECCV for use in ECCV's augmentation plans and delivery to recharge projects and exchanges, and use to replace return flow obligations. This water may also be used by ECCV, by lease or trade with ACWWA, pursuant to a subsequent Water Court decree, so long as the Subject Water Right is listed as a source of supply or replacement water in that decree. 3.11.7. Place of Use. The Subject Water Right shall only be used within ACWWA's present and future service areas or by ACWWA at other locations as necessary to operate its augmentation plans, recharge projects, and exchanges described above. 3.11.8. All Municipal Uses. ACWWA may use the Subject Water Right via delivery by a pipeline to ECCV's surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's service areas in Arapahoe and Douglas Counties, as it now exists or may exist in the future. ACWWA may also make the foregoing uses by exchange. 3.11.9. Rights of Reuse and Successive Use. ACWWA has the right, after first use, to reuse and successively use to extinction, to the extent applicable following initial use, all water diverted under the Subject Water Right for the uses described above. **4. Detailed Outline of Work Done for the Completion of the Conditional Appropriation for Reasonable Diligence**. ACWWA's unified, integrated system for the diversion, accretion, collection, storage, transmission, and treatment of water rights (the "Water Supply Project" or "Flow Project") was originally designed to provide ACWWA with a long-term, sustainable municipal water supply for its present and future service areas. The conditional water rights described above are part of the Water Supply Project, which will provide water within ACWWA's present and future service areas. Pursuant to C.R.S. §37-92-301(4)(b), for purposes of demonstrating diligence, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein and shall constitute diligence toward the development of each of the conditional water rights decreed herein. During the diligence period ACWWA has done, at a minimum, the following work towards completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed: 4.1. Construction of 70 Ranch Reservoir. During the diligence period, 70 Ranch Reservoir was constructed; ACWWA began storing water in 70 Ranch Reservoir in 2019. 4.2. Legal Fees. Legal fees in excess of \$3,500,000.00 were expended during the diligence period in ACWWA's adjudicatory proceedings for the appropriation of new water rights, changes to existing water rights for ACWWA's Flow Project, and water rights protection and opposition. 4.3. Engineering Costs. Engineering costs in excess of \$2,500,000.00 were expended during the diligence period in connection with ACWWA's Flow Project to perform water rights modeling, exchange potential modeling, appropriate new water rights, change existing water rights, for water rights protection and opposition, and for water rights accounting. 4.4. Additional Replacement Water. ACWWA has filed applications and obtained decrees in the cases listed below to increase the replacement supplies available under its augmentation plans and facilitate increased diversions in the ACWWA/ECCV Well Field, to add storage facilities and recharge locations, and to add exchanges to aid in moving its replacement water to its places of beneficial use: 4.4.1. Case No. 11CW151, original application filed August 31, 2011; decree entered November 26, 2018. 4.4.2. Case No. 13CW3026, original application filed April 26, 2013; decree entered October 31, 2017. 4.4.3. Case No. 16CW3195, application filed December 29, 2016; decree entered October 21, 2021. 4.4.4. Case No. 16CW3200, application filed December 29, 2016; decree entered March 28, 2021. 4.4.5. Case No. 19CW3074, application filed April 27, 2019; decree entered September 27, 2021. 4.4.6. Case No. 19CW3084, application filed May 15, 2019; decree entered May 10, 2021. 4.4.7. Case No. 20CW3117,

application filed August 21, 2020; case currently pending. 4.4.8. Case No. 20CW3142, application filed September 30, 2020; case currently pending. 4.4.9. Case No. 20CW3146, application filed September 30, 2020; decree entered October 11, 2022. 4.4.10. Case No. 20CW3160, application filed October 30, 2020; decree entered November 23, 2022. 4.4.11. Case No. 20CW3188, application filed on November 30, 2020; decree entered December 8, 2022. 4.4.12. Case No. 21CW3094, application filed on June 29, 2021; decree entered March 21, 2023. 4.4.13. Case No. 21CW3234, application filed on December 30, 2021; case currently pending. 4.4.14. Case No. 22CW3010, application filed on January 31, 2022; decree entered June 23, 2022. 4.4.15. Case No. 22CW3039, application filed March 31, 2022; case currently pending. 4.4.16. Case No. 22CW3208, application filed December 27, 2022; case currently pending. 4.4.17. Case No. 23CW3012, application filed January 31, 2023; case currently pending. 4.5. Water System Development. During the diligence period, United Water and Sanitation District, on behalf of ACWWA, developed and acquired infrastructure for Phase II of the Water Supply Project (“Phase II”) including, but not limited to, mining United Reservoir No. 3; completing construction of 70 Ranch Reservoir in July 2019; completing construction of Holton Reservoir in June 2021; and securing easement deeds and agreements for structures necessary to deliver water to ACWWA. During this diligence period ACWWA has been working on Phase II, which will allow ACWWA to deliver up to 5.25 million gallons of renewable water to customers each day, thereby reducing dependency on non-renewable wells. Phase II also included expansion of the Northern Water Treatment RO Plant (2018-2020) and the North and South Booster Pump Stations (2018-2019), and construction of Deep Injection Well II (2018). The total estimated cost of the Phase II infrastructure is \$60 million for an additional 10 million gallons of pumping and treatment capacity. The Booster Pump Stations are approximately \$25 million and the NWTP Expansion is approximately \$35 million. ACWWA has purchased an additional 3 million gallons of capacity from these facilities, totaling about \$18 million in capital expenditure. 4.6. Substitute Water Supply Plans. During this diligence period, ACWWA has filed joint SWSPs with ECCV in order to use additional replacement supplies to replace out-of-priority depletions from the ACWWA/ECCV Well Field to facilitate the efficient operation of the Water Supply Project. SWSPs were filed annually from 2017-2022. 4.7. Protection of Water Rights. ACWWA has regularly monitored the filings of other water users. It has filed Statements of Opposition and incurred legal and engineering costs in connection with numerous cases to protect its water rights. 4.8. Opposition of Detrimental Legislation. ACWWA has been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges. 4.9. ACWWA continues to rely upon and develop the conditional water right described herein and has no intent to abandon it. 5. Claim to Make Absolute. During this diligence period, in Water Year 2021, ACWWA stored 1,597.3 acre-feet of the first fill of the 3,000 acre-feet conditional water right decreed to the Subject Water Right. Those portions of the Subject Water Right not made absolute, including the refill right for the Subject Water Right, remain conditional. Of the 100 cfs diversion rate decreed for the Subject Water Right, 51.90 cfs has been made absolute based on diversions on June 10, 2023, and the remainder remains conditional. 6. Names and Addresses of Owners of the Land Upon Which the Structures are or will be Located, Upon Which Water is or will be Stored, and Upon Which Water is or will be Placed to Beneficial Use. 6.1. 70 Ranch Reservoir is located on land owned by 70 Ranch LLC, 8301 E. Prentice Ave., Suite 100, Greenwood Village, CO 80111. WHEREFORE, Applicants respectfully request that this Court enter an order finding that: (1) 1,597.3 acre-feet of the first fill and 51.90 cfs of the diversion rate are made absolute; and (2) reasonable diligence has been exercised in the development of the Subject Water Right and that the portions of the Subject Water Right not made absolute be continued as conditional. (9 pages, 1 exhibit).

2023CW3075 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT, c/o Dave Kaunisto, 6201 S. Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE AMOUNT ABSOLUTE IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, ELBERT, MORGAN, AND WELD COUNTIES**. All correspondence and communications should be addressed to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111, Telephone: (720)

647-5661, (Attorneys for ECCV). **2. Original Decree.** The original decree was entered by the Water Court, Water Division 1, on June 20, 2017, in Case No 13CW3172 (“3172 Decree”). In Case No. 16CW3196, ECCV added uses to the conditional 70 Ranch Reservoir water storage right (“3196 Decree”). **3. Description of the Water Storage Right (“Subject Water Right”).** 3.1. Name of Structure. 70 Ranch Reservoir. 3.2. Legal Description and Location. 70 Ranch Reservoir is a lined off-channel reservoir located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. A map showing the location of 70 Ranch Reservoir is attached as **Exhibit 1**. 3.3. Surface Area. The as-built maximum surface area is 167.3 acres. 3.4. Maximum Diversion Rate. 100 cfs. 3.5. Capacity. The as-built maximum capacity is 5,990.8 acre-feet. 3.6. Storage Depth. The as-built maximum storage depth is 49 feet. 3.7. Legal Description of Point of Diversion Filling the Structure and Outlets. 70 Ranch Reservoir is filled and makes releases through a bi-directional pipeline, which point of diversion/release is located on the South Platte River, in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., approximately 1,596 feet from the East section line and 1,675 feet from the South section line of said Section 34 in Weld County, Colorado. Releases from the bi-directional pipeline may also be made to the South Platte River through a separate outlet located within 500 feet of a point in the SE1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., approximately 690 feet from the East section line and 270 feet from the South section line of said Section 34 in Weld County, Colorado. 3.8. Source. South Platte River. 3.9. Date of Appropriation. December 30, 2013. 3.10. Decreed Amount. 3,000 acre-feet, conditional, with one refill in the amount of 3,000 acre-feet per year, conditional, for a total amount of 6,000 acre-feet that can be stored in one water year. 3.11. Uses. The Subject Water Right can be used as follows: 3.11.1. Replacement of Return Flow Obligations. The decrees entered in Case Nos. 02CW403, 11CW151 (“151 Decree”), 12CW73, and 13CW3026 all require that ECCV replace its historical return flow obligations in time, place, and amount, as more fully described in each of those decrees. ECCV may meet those return flow obligations using the Subject Water Right. 3.11.2. Use in ECCV’s Augmentation Plans. ECCV will use the Subject Water Right as a source of replacement water in the ECCV Augmentation Plans decreed in Case Nos. 02CW403 and 02CW404/442, as amended by the decrees entered in Case Nos. 10CW306 (“306 Decree”) and 13CW3026. ECCV will also use the Subject Water Right in its future plans for augmentation if such use is approved in a separate Water Court decree or Substitute Water Supply Plan (“SWSP”) approved by the State Engineer pursuant to C.R.S. § 37-92-308(4) or successor statute. 3.11.3. Source for Recharge. ECCV may deliver the Subject Water Right to the recharge facilities located in the Beebe Draw and on 70 Ranch subject to the terms and conditions in the 02CW404/442 Decree, as amended by the 10CW306 Decree, for subsequent use, and the terms of the decree entered in this case. ECCV may deliver the Subject Water Right to the recharge sites described in the 3196 Decree and any existing or future recharge facility in which ECCV is legally permitted to recharge water. 3.11.4. Source of Substitute Supply in Exchanges. ECCV may use the Subject Water Right as sources of substitute supply in the exchanges decreed in Case No. 11CW285 and 16CW 3196, and any future exchange operated or decreed by ECCV. 3.11.5. Places of Storage. ECCV may store the Subject Water Right in the following surface storage structures for use as a source of augmentation, replacement, recharge, or substitute supply: 3.11.5.1. 70 Ranch Reservoir, a lined off-channel reservoir to be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.11.5.2. Milliken Reservoir (a/k/a “Gilcrest Reservoir”), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.11.5.3. United Reservoir No. 3, an off-channel reservoir located on the East side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.11.5.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. 3.11.5.5. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.11.5.6. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6

North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.11.5.7. Holton Lake, an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, and the SW1/4 of the SE1/4 of Section 6, and the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.11.5.8. Other Storage Facilities. Any future storage facility in which ECCV is legally permitted to store water. 3.11.6. Use by Arapahoe County Water and Wastewater Authority (“ACWWA”). ECCV may lease and/or trade water attributable to the Subject Water Right to ACWWA for use in ACWWA’s augmentation plans and delivery to recharge projects and exchanges, and use to replace return flow obligations. This water may also be used by ACWWA, by lease or trade with ECCV, pursuant to any subsequent Water Court decree, so long as the Subject Water Right is listed as sources of supply or replacement water in that decree. 3.11.7. Place of Use. The Subject Water Right shall only be used within ECCV’s present and future service areas or by ECCV at other locations as necessary to operate its augmentation plans, recharge projects, and exchanges described above. 3.11.8. All Municipal Uses. ECCV may use the Subject Water Right via delivery by a pipeline to ECCV’s surface water treatment plant for treatment and subsequent direct delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV’s present and future service areas. ECCV may also make the foregoing uses by exchange. 3.11.9. Rights of Reuse and Successive Use. ECCV has the right after first use to reuse and successively use to extinction, to the extent applicable following initial use, all water diverted under the Subject Water Right for the uses described above. **4. Detailed Outline of Work Done for the Completion of the Conditional Appropriation for Reasonable Diligence**. ECCV’s unified, integrated system for the diversion, accretion, collection, storage, transmission, and treatment of water rights (the “Water Supply Project”) was originally designed to provide ECCV with a long-term, sustainable municipal water supply for its present and future service areas. The conditional water rights decreed herein are part of the Water Supply Project, which will provide water within ECCV’s present and future service areas. Pursuant to C.R.S. § 37-92-301(4)(b), for purposes of demonstrating diligence, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein and shall constitute diligence toward the development of each of the conditional water rights decreed herein. During the diligence period ECCV has done, at a minimum, the following work towards completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed: 4.1. Construction of 70 Ranch Reservoir. During the diligence period, 70 Ranch Reservoir was constructed; ECCV began storing water in 70 Ranch Reservoir in 2019. 4.2. Legal Fees. Legal fees in excess of \$4,500,000.00 were expended during the diligence period in ECCV’s adjudicatory proceedings for the appropriation of new water rights, changes to existing water rights for ECCV’s Water Supply Project, and water rights protection and opposition. 4.3. Engineering Costs. Engineering costs in excess of \$1,500,000.00 were expended during the diligence period in connection with ECCV’s Water Supply Project to perform water rights modeling, exchange potential modeling, appropriate new water rights, change existing water rights, for water rights protection and opposition, and for water rights accounting. 4.4. Additional Replacement Supplies. ECCV has filed applications and obtained decrees in the cases listed below to increase the replacement supplies available under its augmentation plans and facilitate increased diversions in the ACWWA/ECCV Well Field, to add storage facilities and recharge locations, and to add exchanges to aid in moving its replacement water to its places of beneficial use: 4.4.1. Case No. 11CW151, original application filed August 31, 2011; decree entered November 26, 2018. 4.4.2. Case No. 13CW3026, original application filed April 26, 2013; decree entered October 31, 2017. 4.4.3. Case No. 16CW3196, application filed December 29, 2016; decree entered October 20, 2021. 4.4.4. Case No. 16CW3200, application filed December 29, 2016; decree entered March 28, 2021. 4.4.5. Case No. 19CW3075, application filed April 27, 2019; decree entered September 27, 2021. 4.4.6. Case No. 19CW3084, application filed May 15, 2019; decree entered May 10, 2021. 4.4.7. Case No. 20CW3096, application filed July 13, 2020; decree entered April 20, 2023. 4.4.8. Case No. 20CW3117, application filed August 21, 2020; case currently pending. 4.4.9. Case No. 20CW3147, application filed September 30, 2020; decree entered December 11, 2022. 4.4.10. Case No. 20CW3161, application filed October 30, 2020; decree entered November 23, 2022. 4.4.11. Case No. 21CW3094, application filed June 29, 2021; decree entered

March 21, 2023. 4.4.12. Case No. 22CW3205, application filed December 21, 2022; case currently pending. 4.4.13. Case No. 22CW3209, application filed December 27, 2022; case currently pending. 4.5. Water System Development. During the diligence period, United Water and Sanitation District, on behalf of ECCV, has developed and acquired infrastructure for Phase II of the Water Supply Project (“Phase II”), including but not limited to mining United Reservoir No. 3; completing construction of 70 Ranch Reservoir in July 2019; completing construction of Holton Reservoir in June 2021; and securing easement deeds and agreements for structures necessary to deliver water to ECCV. During this diligence period ECCV has been working on Phase II, which will allow ECCV to deliver up to 14.75 million gallons of renewable water to customers each day, whereby reducing dependency on non-renewable wells. Phase II also included designing expansion of the RO Plant and North and South Booster Pump Station (2017), construction of Deep Injection Well II (2018), and expansion of the plant and pump station (2020). The estimated cost of the Phase II infrastructure is \$84.8 million. 4.6. Substitute Water Supply Plans. During this diligence period, ECCV has filed joint substitute SWSPs with ACWWA in order to use additional replacement supplies to replace out-of-priority depletions from the ACWWA/ECCV Well Field to facilitate the efficient operation of the Water Supply Project. SWSPs were filed annually from 2017-2022. 4.7. Protection of Water Rights. ECCV has regularly monitored the filings of other water users. It has filed Statements of Opposition and incurred legal and engineering costs in connection with numerous cases to protect its water rights. 4.8. Opposition of Detrimental Legislation. ECCV has been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges. 4.9. ECCV continues to rely upon and develop the conditional water rights described herein and has no intent to abandon it. 5. Claim to Make Absolute. During this diligence period, in Water Year 2021, ECCV stored 1,596.9 acre-feet of the first fill of the 3,000 acre-feet conditional water right decreed to the Subject Water Right. Those portions of the Subject Water Right not made absolute, including the refill right for the Subject Water Right, remain conditional. Of the 100 cfs diversion rate decreed for the Subject Water Right, 51.85 cfs has been made absolute based on diversions on June 9, 2023, and the remainder remains conditional. 6. Names and Addresses of Owners of the Land Upon Which the Structures are or will be Located, Upon Which Water is or will be Stored, or Upon Which Water is or will be Placed to Beneficial Use. 6.1. 70 Ranch Reservoir is located on land owned by 70 Ranch LLC, 8301 E. Prentice Ave., Suite 100, Greenwood Village, CO 80111. WHEREFORE, Applicants respectfully request that this Court enter an order finding that: (1) 1,596.9 acre-feet of the first fill and 51.85 cfs of the diversion rate are made absolute; and (2) reasonable diligence has been exercised in the development of the Subject Water Right and that the portions of the Subject Water Right not made absolute be continued as conditional. (9 pages, 1 exhibit).

2023CW3076 ROSSI INVESTMENTS, LP, 16522 E Easter Way, Foxfield, CO 80016. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 Seventeenth Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY SOURCES IN THE UPPER DAWSON AQUIFER AND NONTRIBUTARY SOURCES IN THE LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS IN DOUGLAS COUNTY**. Subject Property: 163.38 acres generally located in the SE1/4 of the NE1/4 of Section 12, Township 10 South, Range 66 West of the 6th P. M., and the NE1/4 of the SW1/4, the SE1/4 and SW1/4 of the NW1/4, Section 7, Township 10 South, Range 65 West of the 6th P.M., also known as 11200 S. State Highway 83, Franktown, CO, 80116, as shown on **Exhibit A** (“Subject Property”). Applicant is the sole owner of the Subject Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There are currently no wells on the property. Well permits will be applied for prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7) The Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates that the following annual amounts may be available for withdrawal based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
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Upper Dawson (NNT)	83.35
Lower Dawson (NT)	50.60
Denver (NT)	78.80
Arapahoe (NT)	87.80
Laramie-Fox Hills (NT)	44.60

Proposed Use: 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). **Remarks:** Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

2023CW3077 BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN c/o County Manager, P.O. Box 366; 203 Eureka St., Central City, Colorado 80427 (Attorney: County Attorney Bradford Benning. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR EXCHANGE, GILPIN COUNTY, Names, mailing addresses, email, and telephone number of Applicant:** The Board of County Commissioners of the County of Gilpin c/o County Manager or Deputy Clerk to the Board of County Commissioners; P.O. Box 366, Central City, CO 80427; 303-582-5214; rrears@gilpincounty.org with email copy to County Attorney Brad Benning bbenning@gilpincounty.org and paralegal Sarah Baciak sbaciak@gilpincounty.org. **Name of Appropriative Rights of Substitution and Exchange:** GC Ralston Exchange 2. **Description of Conditional Water Rights:** Date of Original Decree. January 5, 2011 in Case No. 2003CW217. **Legal Description of Conditional Exchange:** GC Ralston Exchange 2 involves the exchange of water from the confluence of an unnamed tributary and Ralston Creek up Ralston Creek and then up South Ralston Creek to Dory Lake. The exchange to points are the Inlet to Dory Lake and Dory Lake itself, both located in the SE1/4 NW1/4, Sec. 29, T2S, R72W, 6th P.M., Gilpin County, Colorado. The exchange from point is the confluence of an unnamed tributary to Ralston Creek and Ralston Creek in the NE1/4 NW1/4 of Sec. 34, T2S, R72W of the 6th P.M., Gilpin County, Colorado. The GC Ralston Exchange 2 reach is shown on the map attached as Exhibit 1. **Source of Water:** To the extent not needed for augmentation or to satisfy return flow obligations, Gilpin County will exchange measured discharge resulting from the use of water from the Justice Center Wells into storage in Dory Lake. **Appropriation Date:** March 31, 2003. **Amount:** 0.3 c.f.s., conditional. **Uses:** All municipal uses, including irrigation, domestic, commercial, fire protection, recreational, piscatorial. All uses may be made directly, following storage, or by augmentation of uses pursuant to the augmentation plan decreed herein. **Integrated Project, Integrated System or Unified Water System – C.R.S. § 37-92-301(4)(b):** GC Ralston Exchange 2, described above, is part of an integrated project, integrated system or unified water system pursuant to section C.R.S. § 37-92-301(4)(b) and 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. GC Ralston Exchange 2 is

part of the County's unified water system and integrated project allowing water use for the County's Justice Center Complex. GC Ralston Exchange 2 is part of the County's augmentation plan and Dory Lake water rights and the County's overall operations, water rights and supplies. GC Ralston Exchange 2 relies on operation within this system and project and is dependent on the development of return flows from water used from the Justice Center Wells that can be measured and discharged back to Ralston Creek. GC Ralston Exchange 2 is dependent upon continued adequate water supplies, measurement, accounting, and operations of the augmentation plan and Dory Lake. GC Ralston Exchange 2 helps support Gilpin County's Justice Center Complex, which is the location of Gilpin County's Combined Courts, Recreation Center, Event Arena, athletic fields and sites, parks, certain County government offices, as well as supporting Gilpin County's Public Works and Road and Bridge Department in maintaining Gilpin County roads and other projects throughout Gilpin County. Gilpin County needs a multifaceted means of replacing depletions and effectively and efficiently managing its water needs, supplies, and development in both of these river systems to support its uses. The GC Ralston Exchange 2 is an integral part of Gilpin County's unified water system by providing for Gilpin County's water needs and helping to better manage its water needs and replacement obligations within the Ralston Creek stream system. **Proof of Reasonable Diligence - Diligence Activities.** During this diligence period, in continuing the development of its conditional water rights, Gilpin County has engaged in considerable diligent efforts in the development of those rights including Gilpin County's unified water system and integrated project as discussed below. Gilpin County has been reasonably diligent in the development of these rights, legal defense and protection of said water rights and has been diligent in the continued use and development of the water rights involved. These matters and the reasonable diligence are set forth below: **Specific Diligence.** Gilpin County's diligence includes retaining BBA Water Consultants, Inc. and formerly retained but now defunct private legal counsel (Petrock, Fendel & Poznanovic, P.C. fka Petrock & Fendel, P.C.) to assist in all water and water rights matters including. Additionally, Gilpin County's employees assist Gilpin County with GC Ralston Exchange 2 and other water and water rights matters in Gilpin County's unified water system and integrated project. These include the following: During the diligence period for Case No. 11CW272, Gilpin County expended approximately \$170,000 to BBA Water Consultants, for water resource consulting services pertaining to the County's plan for augmentation for the Justice Center and Recreation Center facilities, including, but not limited to, assistance with operating Dory Lake, augmentation accounting, and communications with the water commissioner and City of Arvada. These efforts included tasks applicable to Ralston Creek operations, Clear Creek basin operations and both basins. These efforts are further described below: **Ralston Creek Basin-Specific Tasks:** Preparation of annual summaries of Dory Lake storage volume amounts for compliance with DLPOA lease agreement. Communications with the City of Arvada regarding Tucker Lake operations and Gilpin's storage accounts every month. Communication and coordination with the Water Commissioner and City of Arvada each year for in-priority diversion of water into Dory Lake during limited periods of available water. Monitoring of weather forecasts and spring runoff conditions for potential opportunities to store water in Dory Lake. Multiple site visits to Dory Lake to calibrate lake data logger and inlet ditch transducer. Communications with Road and Bridge Department regarding use of Slough Pond for diversions when needed and as water becomes legally available. Reviewed a SWSP Request by Colorado Parks and Wildlife (CPW) regarding pond depletions on Ralston Creek. Evaluated potential impact of depletions and replacement plan on Gilpin County's augmentation plan and Dory Lake operations. Reviewed Youth With a Mission SWSP Request on Ralston Creek and provided comments and concerns. Followed SWSP process. Various activities researching and assisted with the purchase of additional Tucker Lake share from Randolph property. Researched and obtained available historical photographs. Review of County Assessor records regarding property ownership. Review prior change of use decrees for Tucker Lake shares, prepare summary table and provide to County Attorney. Various activities researching historical information and approximate value of Tucker Lake share potentially available and provided a brief summary to client. **Clear Creek Basin-Specific Tasks:** Requested and coordinated releases to be made by Central City on behalf of Gilpin to provide additional water supplies. Various communications with Central City and Black Hawk regarding joint use of Clear Creek basin water facilities (e.g., emails with CC regarding acquisition of storage space in Chase Gulch Q1

2021). Communications with Central City and Black Hawk regarding potential exchange operations and a proposed IGA. Tasks **Applicable to Both Ralston and Clear Creek Basins:** Revisions to and finalization of Gilpin County's accounting forms for Case No. 11CW273 based upon requests by the Water Commissioner and the Division Engineer's Office. Prepare, review, and submit Gilpin County's monthly water accounting report to the State. Ongoing monitoring of Ralston Creek and Clear Creek streamflow and call conditions. Annual communication with Farmers Highline augmentation station operator regarding Gilpin County's augmentation station deliveries. Provided assistance with Gilpin County's well meter calibration. Reviewed Gilpin County's well permits and provided recommendations and considerations regarding the potential conditions of the well structures and pumps, including the Justice Center wells and a well located on a property acquired by Gilpin County. Communicated with client and subcontractors regarding replacement and upgrade of water monitoring devices. Prepared detailed workplan regarding the same. Participated in installation of water monitoring devices. Prepared a memorandum to document the installation of new water monitoring devices at Dory Lake. In response to a residential well complaint, reviewed information on Black Hawk wells, including diversion records, decrees, and agreements between Black Hawk and Gilpin County; prepared a memorandum summarizing Black Hawk and Gilpin County Justice Center municipal groundwater withdrawals and trends, and implications of those withdrawals to nearby wells. Prepared a map of Black Hawk and Gilpin County wells and various residential wells. Updated a figure presenting Gilpin County Justice Center well pumping and water levels. Researched and summarized well pumping amounts by Black Hawk. Interviewed local well driller and pump installer. Various activities related to a leak at potable water storage tank. Requested approval from DWR to deduct tank leakage from well pumping volume. Addressed issues regarding possible water quality issues associated with County effluent used in Plan for Augmentation. Review of water rights applications by others in both Ralston and Clear Creek basins to ensure protection of County water resources and water rights. Preparation of County water operations manual/SOP guidelines for operations in both Clear Creek and Ralston Creek basins. **Outside Legal Counsel Diligence Work.** Gilpin County's former water attorneys (Petrock Fendel Poznanovic P.C. fka Petrock & Fendel, P.C) regularly reviewed water court resumes and other matters that could affect the GC Ralston Exchange 2 operation to determine if action was needed. Gilpin County's attorneys filed statements of opposition and participated in water court proceedings during the diligence period to protect its water rights including the GC Ralston Exchange 2. This work was done between 2016 and 2019. Petrock Fendel Poznanovic, P.C. regularly reviewed monthly resumes to protect Gilpin County's water rights and review accounting and regular updated provided by BBA Water Consulting, Inc. Additional work completed by outside legal counsel includes the following: Petrock Fendel Poznanovic, P.C. completed final litigation and settlement necessary to obtain its decree in Case No. 2011CW271 in March 2016, which is part of Gilpin County's integrated water project and unified water system. Petrock Fendel Poznanovic, P.C. obtained a diligence decree in Case No. 2017CW3016 for an exchange originally decreed in Case No. 2003CW217 for return flows from water used from the Justice Center Wells. GC Ralston Exchange 2 was also found to be part of Gilpin County's unified water system and integrated project. **County Personnel Diligence Work.** In 2020, Brad Benning, former partner with Petrock Fendel Poznanovic, P.C., accepted an offer to come inhouse as the County Attorney for Gilpin County. County Attorney Benning continued to manage all water and water rights work for Gilpin County. Gilpin County's legal department including the County Attorney and paralegal assist in reviewing all water and water rights related matters including the operation of GC Ralston Exchange 2 and related water matters, reviewing accounting provided by BBA Water Consultants, reviewing water resumes for applications or other matters of concern, pursuing water rights purchases addressing Gilpin County's water need, maintaining contracts, payments, and business relationships with the ditch companies and others. Gilpin County's Facilities Dept. staff performed regular maintenance, repair, and work on the unified water system and recorded data for the County's accounting for its augmentation plan and operations of Dory Lake and worked with the County's water engineers, BBA Water Consultants, as well as Petrock Fendel Poznanovic, P.C., former water law firm for Gilpin County. Gilpin County staff undertook investigation into improving the pumps and pump design and placement for better operation, longevity, capability, and efficiency. This work is presently ongoing. Gilpin County staff engaged in water planning and

development research periodically during this diligence period to assess the current needs, projects, and actions needed to address Gilpin needs in addressing its water needs including diligence and use of its water rights and exchanges. Gilpin County further paid \$158,224.83 in this diligence period to preserve and continue Gilpin County's water rights and rights to use water infrastructure necessary for operations of its unified water system including annual payments for use of the Coors' augmentation station; lease of Dory Lake storage capacity from the Dory Lakes Property Owners' Association; Church Ditch Water Authority annual member fees and costs; and Denver View Reservoir and Irrigation Co. (Denver View) annual shareholder dues; Gilpin County purchased 1 additional share in Denver View in 2020 at a price of \$100,001.00 to be changed or otherwise incorporated into Gilpin County's water supply in the future. **Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** Property owner of Dory Lake: Dory Lakes Property Owners Association (DLPOA), c/o , Gary Sloneker, president of the DLPOA a P.O. Box 666, Black Hawk, CO 80422, Email: dorylakespoa@gmail.com; and DLPOA's water attorney Gilbert Marchand, Alperstein & Covell, P.C., 2299 Pearl St., Ste. 400-C, Boulder, CO 80302; Email: gym@alpersteincovell.com.

2023CW3078 HANDY DITCH COMPANY, 2010 County Road 10E, P.O. Box 569, Berthoud, CO 80513; Telephone: (970) 532-4613. Bradley C. Grasmick, David L. Strait, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, (970) 622-8181; brad@lcwaterlaw.com; dstrait@lcwaterlaw.com. **APPLICATION FOR CHANGE OF WATER RIGHTS TO INCLUDE ALTERNATE PLACE OF STORAGE IN LARIMER COUNTY.** 2. Name of Structures: Hertha Reservoir and Welch Reservoir. 3. Legal Descriptions: 3.1 Hertha Reservoir is located in parts of Sections 7 and 18, Township 4 North, Range 69 West, 6th P.M., Larimer County, Colorado and Section 13, Township 4 North, Range 70 West, 6th P.M., Larimer County, Colorado. See Exhibit A, attached hereto and incorporated herein. 3.2 Welch Reservoir is located in parts of Sections 3, 4, 9 and 10, Township 4 North, Range 69 West, 6th P.M., Larimer County, Colorado. See Exhibit A, attached hereto and incorporated herein. 4. Legal description of point of diversion: The decreed point of diversion for Hertha Reservoir is from Knaus Creek in the NE 1/4 of Section 13, Township 4 North, Range 69 West, 6th P.M., Larimer County, Colorado. See Exhibit A, attached hereto and incorporated herein. 5. Sources for Hertha Reservoir: Knaus Creek, Dry Creek, and their tributaries. 6. Previous Decrees: 6.1 Hertha Reservoir was decreed in Case No. 9079, Boulder County District Court, on April 1, 1931, and in Case No. 10077, Boulder County District Court, on November 14, 1939 with the following appropriation dates and amounts: November 9, 1909 for 593 acre-feet for the first fill ("First Fill Right"); May 18, 1925 for an enlargement of 1,543 acre-feet ("First Enlargement Right"); and June 15, 1923 for a 593 acre-foot refill ("Refill Right") (collectively, the "Hertha Reservoir Rights"). 6.2 Welch Reservoir was decreed in Case No. 9079, Boulder County District Court, on April 1, 1931, and in Case No. 10077, Boulder County District Court, on November 14, 1939 with the following appropriation dates and amounts: October 1, 1881, Welch Reservoir No. 1 for 1,901 acre-feet; November 25, 1888, Welch Reservoir No. 2 for 662 acre-feet; November 25, 1888, Welch Reservoir No. 5, for 26.5 acre-feet; April 17, 1902, Welch Reservoir Nos. 1, 2, and 5 (First Enlargement) for 1,263 acre-feet; February 1, 1904, Welch Reservoir Nos. 3 and 4 for 471 acre-feet; June 1, 1921, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Second Enlargement) for 631 acre-feet; and June 15, 1923, Welch Reservoir Nos. 1, 2, 3, 4, and 5 (Refill) for 4,955 acre-feet. Additionally, there is a pending application in Case No. 22CW3228, District Court, Water Division No. 1, for an enlargement of Welch Reservoir for an additional 5,472.76 acre-feet. 7. Proposed Change, Alternate Place of Storage: Applicant utilizes Hertha Reservoir and Welch Reservoir conjunctively within its system to deliver water to its shareholders. Hertha Reservoir is located upgradient from Welch Reservoir and water from Hertha Reservoir can be delivered to Welch Reservoir for subsequent delivery to Applicant's shareholders. Applicant has certain excess storage capacity and plans to develop additional excess storage capacity in Welch Reservoir over the presently decreed rights to Welch Reservoir. Storage of Hertha Reservoir water in Welch Reservoir will improve Applicant's ability to operate its system. By this Application, Applicant

desires to decree the ability to deliver water diverted under the Hertha Reservoir water rights to Welch Reservoir for storage and subsequent delivery to its shareholders. Accordingly, Applicant seeks approval of an alternate place of storage for the Hertha Reservoir Rights such that water delivered to Hertha Reservoir under the Hertha Reservoir Rights may continue to be stored in Hertha or may be delivered to Hertha Reservoir and subsequently delivered to Welch Reservoir for storage and use within the Handy Ditch System for the presently decreed uses. Applicant does not seek a change in point of diversion, type of use or place of use for the Hertha Reservoir Rights. Water stored in Hertha Reservoir will be released therefrom and delivered to Welch Reservoir for storage through the Handy Ditch system. Water diverted under the Hertha Reservoir Rights and stored in Hertha Reservoir or delivered to Welch Reservoir for storage will be accounted for and such amounts will count against the fill of Hertha Reservoir under the Hertha Reservoir Rights as necessary to comply with the “one-fill rule” for reservoirs. 8. Names and Addresses of Owners of Land on Which Structures are Located: Applicant owns the land upon which Hertha Reservoir and Welch Reservoir are located. This Application consists of four (4) pages and one (1) exhibit.

2023CW3079 APPLICATION FOR WATER STORAGE RIGHT AND PLAN FOR AUGMENTATION IN WELD COUNTY. 1. Applicant: Bryant and Kelsey Mundt, 652 Bighorn Court, Windsor, CO 80550, (970) 405-9736. Please address all correspondence to: Geoffrey M. Williamson, Esq., Megan Christensen, Esq., Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, Colorado 80302, (303) 402-1600. **FIRST CLAIM: WATER STORAGE RIGHT** 2. Name of structures: Mundt Reservoir (WDID 0303511, Dam ID: 030547) 3. Location: The reservoir is located in Section 10, Township 7 North, Range 67 West of the 6th P.M. 4. Location of point of diversion: At the location of the reservoir by intercepting groundwater, seepage, and surface water inflows from on-site precipitation. 5. Location of dam centerline: Portions of the NW and SW 1/4 of the NE 1/4 Section 10, Township 7 North, Range 67 West of the 6th P.M. 5.1. Vertical Height of Dam: 20.2 ft. 5.2. Length of Dam: 700 ft. See Exhibit 1. 6. Source: The Slough, tributary to the Cache la Poudre River, tributary to the South Platte River, seepage, and on-site precipitation. 7. Appropriation: 7.1. Date of initial appropriation: July 1, 2019. 7.2. How appropriation was initiated: Construction of dam and storage of water. 8. Amount Claimed: Up to 80.4 acre-feet, with the right to fill and refill. 9. Capacity: The total storage capacity will not exceed 80.4 acre-feet. 9.1. Active: Up to 80.4 acre-feet. 9.2. Dead: 4.3 acre-feet. 10. How reservoir is filled: Mundt Reservoir intercepts seepage from the Larimer County Canal (“LCC”) and surface inflows from precipitation that would otherwise accrue to the Cache la Poudre River. 11. Uses or proposed uses: Storage for subsequent piscatorial, wildlife habitat, recreation, irrigation, fire protection, and aesthetic purposes. 12. Surface area of high water line: 6.5 acres. 13. Total number of acres proposed to be irrigated: 40 acres. See **Exhibit 1**. 14. The landowner upon which these structures are located: Applicants. **SECOND CLAIM: PLAN FOR AUGMENTATION** 15. Names of structures to be augmented: Mundt Reservoir, as described above. 16. Statement of plan for augmentation: The plan for augmentation is designed to replace out-of-priority depletions caused by interception of precipitation and tributary groundwater inflows to the reservoir without requiring release of those inflows when the reservoir is not in priority, during times of a valid senior call. Because Mundt Reservoir intercepts tributary groundwater, out of priority depletions will consist of evaporative depletions from the surface of the pond and lagged depletions caused by storage of seepage from LCC when the subject water right is not in priority. 17. Depletions: Annual evaporation is approximately 16 acre-feet per year at a reservoir area of 5.84 acres and corresponding reservoir stage height of 14.1 feet. See **Table 1**. Precipitation input, based on a 20-year average is approximately 6.82 acre-feet per year and groundwater interception from canal seepage is estimated at 9.21 acre-feet per year.

Table 1: Reservoir Mass Balance

Mundt Reservoir - Water Balance¹

All values in AF	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Evaporation ²	0.00	-0.59	-0.92	-1.52	-2.04	-2.46	-2.55	-2.29	-1.70	-1.19	-0.67	0.00	-15.93
Precipitation ³	-0.18	-0.23	-0.61	-0.91	-1.35	-0.71	-0.69	-0.61	-0.67	-0.61	-0.32	-0.28	-7.17
Total Seepage In ⁴	0.00	0.00	0.00	0.00	-2.20	-1.99	-1.90	-1.68	-0.99	0.00	0.00	0.00	-8.76
Seepage Loss Out ⁵	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Unlagged Depletion ⁶	-0.18	-0.23	-0.61	-0.91	-3.55	-2.70	-2.59	-2.29	-1.66	-0.61	-0.32	-0.28	-15.93
Total Lagged Depletion ⁷	-1.33	-1.33	-1.33	-1.33	-1.33	-1.33	-1.33	-1.33	-1.33	-1.33	-1.33	-1.33	-15.93

Notes-

1. Water balance is based on a reservoir level and water surface area at a stage of 14.1 ft.
2. Assume constant evaporation year to year and ice coverage in Dec. and Jan.
3. Based on Fort Collins weather station monthly historical data (2000-2020) and reservoir area of 5.84 acres
4. Canal delivery is assumed to occur May 1 through Sep 15 with a seepage rate of 0.1 AF/day. Evaporation is replaced first by precipitation, then seepage.
5. Seepage loss out of reservoir is zero (Dam toe drains are dry)
6. Row (2) + Row (3)
7. T = 23,419 gpd/ft, Sy = 0.2, distance to boundary = 54,000 ft, distance to Poudre River = 54,000 ft; even return flow pattern; assume canal seepage at reservoir location began in 1882

18. Timing of Depletions: Given the distance and aquifer properties of the alluvium, the accrual of seepage and groundwater to the Poudre River occurs evenly throughout the year, with significant delay. The amount and timing of depletions owed to the Poudre River were calculated using AWAS and standard Glover assumptions. Transmissivity along a 54,000 ft. straight-line path from the centroid of Mundt Reservoir to the Poudre River was estimated to be approximately 23,419 gallons per day/foot and aquifer storage to be 20%. The mapped alluvium in the SPDSS model terminates near Mundt Reservoir, so the distance from the Poudre River to the aquifer boundary was assumed to be equivalent to the distance from Poudre River to Mundt Reservoir. Seepage from the location now occupied by Mundt Reservoir was assumed to begin in the year 1882 with the completed construction of the Larimer County Canal. The maximum possible depletion to the Poudre River is calculated as precipitation plus total seepage/groundwater in, as shown in **Table 1**. On average over the past 20 years from 2000 to 2020 free river conditions on the Poudre River existed for approximately 36% of the year on average at river mile 27. When Mundt Reservoir is storing water out of priority, depletions are owed to the Poudre River at or above the point of depletion on the Poudre River as shown on **Exhibit 2**. In order to be conservative and prevent injury to senior water rights, Applicants intend to replace the full depletion amount, even though, due to an extremely long lag pattern, out-of-priority storage in Mundt Reservoir will in reality take hundreds of years to deplete the Poudre River.

19. Water rights to be used for augmentation: Applicants will replace depletions caused by the Mundt Reservoir storage right sought herein with water to be provided under a lease with the Lake Canal Reservoir Company (LCRC) for up to 20 acre-feet of water per year for augmentation purposes for Mundt Reservoir. Replacement water will be delivered from LCRC at the Grey Lakes reservoir system to Box Elder Creek and then to the point of depletion on the Poudre River in the correct amount and at the correct time so as to fully replace out-of-priority depletions pursuant to the subject plan for augmentation. See **Table 2**. Releases will be coordinated with LCRC and the Division 1, District 3 Water Commissioner.

Table 2: Replacement Summary

Replacement Summary					
Month	Estimated Unlagged Depletion from Mundt Reservoir (AF) ¹	Estimated Steady-State Lagged Depletion from Mundt Reservoir (AF)	LCRC Augmentation Water Available at Poudre River (AF)	Net Balance-Unlagged (AF)	Net Balance-Lagged (AF)
Jul-23	-2.59	-1.33	1.33	-1.26	0
Aug-23	-2.29	-1.33	1.33	-0.96	0
Sep-23	-1.66	-1.33	1.33	-0.33	0
Oct-23	-0.61	-1.33	1.33	0.72	0
Nov-23	-0.32	-1.33	1.33	1.01	0
Dec-23	-0.28	-1.33	1.33	1.05	0
Jan-24	-0.18	-1.33	1.33	1.15	0
Feb-24	-0.23	-1.33	1.33	1.10	0
Mar-24	-0.61	-1.33	1.33	0.72	0
Apr-24	-0.91	-1.33	1.33	0.42	0
May-24	-3.55	-1.33	1.33	-2.22	0
Jun-24	-2.70	-1.33	1.33	-1.37	0
Total	-15.96	-15.96	15.96	0	0

20. Additional augmentation sources: Applicants may add additional or alternative sources of augmentation supply to the Mundt Reservoir augmentation plan if such water right is decreed or lawfully available for augmentation use or pursuant to an administrative approval. WHEREFORE, the Applicants pray this Court enter a decree: Granting the subject water rights as applied for herein; and Granting such other and further relief as the Court deems proper. (8 pages incl. 2 exhibits)

****AMENDED** 2022CW3185 THE CITY OF AURORA, COLORADO, acting by and through its Utility Enterprise**, 15151 E. Alameda Parkway, Suite 3600, Aurora, CO 80012-1555, 303.739.7370. Please direct all pleadings to: Austin Hamre, Alyson K. Scott, Teri L. Petitt, Hamre, Rodriguez, Ostrander & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, 303-779-0200; Stephen C. Cann, Ian J. Best, City of Aurora, City Attorney’s Office, 15151 E Alameda Pkwy, Aurora, CO 80012-1555, 303.517.6252. **AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS AND APPROPRIATIVE RIGHT OF EXCHANGE in PARK, JEFFERSON, DOUGLAS, ARAPAHOE, DENVER, ADAMS, AND WELD COUNTIES**. The original Application in this matter was filed on November 30, 2022. By this amendment, Applicant adds paragraph 2.2.5. and Exhibit E referenced therein, and deletes from paragraph 2.2.3. four structures that were not storage structures. 2. **Application for Change of Water Rights**. 2.1. **Decreed water rights for which change is sought**. 2.1.1. Name of Structure: Petrie Ditch (WDID # 2300902). 2.1.1.1. *Original Decree*: CA 341, Park County District Court, entered on October 18, 1889, priority number 118. 2.1.1.2. *Relevant Subsequent Decrees*: None. 2.1.1.3. *Decreed Point of Diversion* (see Exhibit A): 2.1.1.3.1. From CA 341 Decree: On Tarryall Creek whence the highest point of Mt. Silverheels bears W. 10°55’ N. and the highest point of Congress Mt. bears N. 32°20’ West, in Park County, Colorado. Handwritten on margin of the CA 341 Decree: NE 1/4 of Section

31, T8S, R75W of the 6th PM in Park County, Colorado. 2.1.1.3.2. From Colorado Division of Water Rights Website: NW 1/4 of SE 1/4 of Section 31, T8S, R75W of the 6th PM in Park County, Colorado. 2.1.1.4. *Source*: Tarryall Creek. 2.1.1.5. *Appropriation Date*: June 1, 1880. 2.1.1.6. *Rate of Diversion*: 27 c.f.s., absolute. 2.1.1.7. *Decreed Use*: Irrigation. 2.1.2. Name of Structure: Link Ditch (WDID # 2300904). 2.1.2.1. *Original Decree*: CA 341, Park County District Court, entered on October 18, 1889, priority number 200. 2.1.2.2. *Relevant Subsequent Decrees*: None. 2.1.2.3. *Decreed Point of Diversion*: (see Exhibit A) On Tarryall Creek in the SW 1/4 of Section, 32, T8S, R75W, of the 6th P.M., in Park County, Colorado. 2.1.2.4. *Source*: Tarryall Creek. 2.1.2.5. *Appropriation Date*: May 20, 1885. 2.1.2.6. *Rate of Diversion*: 19 c.f.s., absolute. 2.1.2.7. *Decreed Use*: Irrigation. 2.2. **Description of proposed changes**: The Applicant requests the following changes of use for the subject water rights: 2.2.1. Change to alternate types of use. In addition to use for agricultural irrigation on the historically irrigated lands, Applicant seeks to add the following uses: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes, such purposes include, but are not limited to, fire protection, irrigation, commercial, recreation, fish and wildlife propagation, on-site recharge, reservoir evaporation replacement, creation and maintenance of wetlands, maintenance of storage reserves, stock watering, reclamation, revegetation, dust suppression, water treatment and supply, wastewater treatment, storage for such uses, and use as a supply or substitute supply for augmentation, return flow replacement (by direct release or by recharge), replacement, exchanges decreed or to be decreed, and substitute supply plans. All uses include reuse and successive reuse to extinction and storage after initial and subsequent uses for the above purposes, or disposition of effluent for the above purposes. 2.2.2. Change of place of use. Use for irrigation purposes on the historically irrigated lands, which may continue for a time after the entry of this change Decree, and for replacement purposes at said lands. Additionally, Applicant seeks to change the place of use to Aurora's current and future service areas served by its municipal water supply and water reuse systems, including areas served by its connections with other systems, and by any current or future water supply contracts or obligations of Aurora. Currently, Aurora is located in Township 3 South, Ranges 64, 65, 66 and 67 West, 6th P.M. in Adams County; Township 4 South, Ranges 64, 65, 66 and 67 West and Township 5 South, Ranges 65, 66 and 67 West, 6th P.M. in Arapahoe County; and Township 6 South, Ranges 65 and 66 West, 6th P.M. in Douglas County. Aurora's service area has changed from time to time and will continue to do so. Aurora may also use the water to meet replacement or delivery obligations in Water Division 1. 2.2.3. Change from Direct Flow to Direct Flow or Storage. After diversion and prior to initial use by Aurora, water diverted pursuant to the subject water rights may be stored at any of the locations set forth below in paragraphs 2.2.3.1 to 2.2.3.21. Such water may be delivered to storage by means of the use of natural stream channels, component facilities of Aurora's South Platte diversion and conveyance system in which Aurora is the owner or in privity with the owner, component facilities of Aurora's Prairie Waters System, and/or any storage structures described below and shown on Exhibits B-1 and B-2, attached hereto. Reusable effluent resulting from the initial use for the changed uses of the historical consumptive use component of the water diverted pursuant to the subject water rights may be stored in any reservoir Aurora is authorized to use. 2.2.3.1. *On-Site Storage and Recharge Locations*. 2.2.3.1.1. Johns Ranch Pond(s). One or more storage sites to be generally located on the Johns Ranch in Sections 32 & 33, Township 8 South, and Sections 4, 5, 8 and 9, Township 9 South, Range 75 West of the 6th P.M., in Park County, Colorado. 2.2.3.1.2. Petrie Ditch. See paragraph 2.1.1, above. 2.2.3.2. *Spinney Mountain Reservoir (WDID #2304013)*. The Spinney Mountain Reservoir dam is located in the South 1/2 of Section 25, Township 12 South, Range 74 West of the 6th P.M., in Park County, Colorado, on the Middle Fork of the South Platte River. 2.2.3.3. *Strontia Springs Dam and Reservoir (WDID #803983)*. The Strontia Springs Dam is constructed on the South Platte River in Douglas County, Colorado, with the east-end of dam (right) abutment located at a point from whence the NW corner of Section 21, T7S, R69W, 6th P.M., bears North 52 degrees West a distance of 1,300 feet. The approximate (right) abutment latitude is 39°25'56" North and longitude is 105°07'31" West. Decreed in Water Division 1, Case No. 04CW218. 2.2.3.4. *Quincy Reservoir (WDID #203375)*. Quincy Reservoir is an off-channel reservoir located in the NE/4, E/2 of the NW/4, and N/2 of the SE/4 of Section 9, and the S/2 of the NW/4, N/2 of the SW/4 of Section 10, T5S, R66W, 6th P.M., in Arapahoe County, Colorado. The approximate (right) abutment is latitude 39°38'15"

north, and longitude 104°46'36" west, which point is also described as a point in the NE/4 of the NE/4 of Section 9, T5S, R66W, 6th P.M. that lies 370 feet from the north line and 1,145 feet from the east line of Section 9. Decreed in Water Division 1, Case No. 03CW415. 2.2.3.5. *Aurora Reservoir (WDID #203379)*. The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Sections 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., in Arapahoe County, Colorado. The east-end of the dam (right) abutment is located at a point from whence the northwest corner of Section 15, T5S, R65W, 6th P.M. bears north 45° west a distance of 2,970 feet, which point is also described as a point in the SE/4 of the NW/4 of Section 15, T5S, R65W, 6th P.M. that lies 2,110 feet from the north line and 2,105 feet from the west line of Section 15. The approximate (right) abutment is latitude 39°37'06" north, and longitude 104°39'11" west. Decreed in Water Division 1, Case No. 03CW415. 2.2.3.6. *Gravel Pit Reservoir A and Aquifer Recharge and Recovery Facility A ("ARR-A") (WDID #203043 and #203042)* located on all or portions of the following quarter-sections, all located in T1N, R67W, 6th P.M.; the S/2 of Section 13, and the N/2 of the NW/4 of Section 24, in Weld County, Colorado. Decreed in Water Division 1, Case No. 06CW104. 2.2.3.7. *Aurora-Everist (Fort Lupton) Reservoir Complex No. 1 (WDID #203087)*. This reservoir complex is a group of interconnected gravel pits that are located on a portion of the NE/4 of Section 25, T2N, R67W, 6th P.M., and portions of the NW/4 and portions of the SW/4 of the NE/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 02CW330. 2.2.3.8. *Aurora-Everist (Fort Lupton) Reservoir Complex No. 2 (WDID #203086)*. This reservoir complex is a group of interconnected gravel pits located on portions of the SE/4 and SE/4 of the SW/4 of Section 25, T2N, R67W, 6th P.M., and portions of the SW/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 13CW3080. 2.2.3.9. *Stillwater Ranch Reservoir ("Walker North")*. Walker North is located in the S/2 NE/4 of Section 36, T1N, R67W of the 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 97CW392. 2.2.3.10. *Robert W. Walker Reservoir ("Walker South")*. Walker South is located on portions of the SE/4 of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 97CW272. 2.2.3.11. *Kirby-Dersham Gravel Pit Reservoir*. The Kirby-Dersham Gravel Pit Reservoir is located on portions of the NW/4 of the SE/4, the SW/4 of the SE/4, and the NE/4 of the SE/4, of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. 2.2.3.12. *Challenger Gravel Pit Reservoir*. The Challenger Gravel Pit Reservoir is located on a portion of the E/2 of the NW/4 of Section 1, T1S, R67W, 6th P.M., in Adams County Colorado. 2.2.3.13. *Aurora Tucson South Storage Facility ("Tucson South") and Aquifer Recharge and Recovery Facility B ("ARR-B")*. These facilities will occupy all or portions of the N/2 of the SE/4, the SW/4 of the SE/4, and the SW/4, all in Section 1, T1S, R67W, 6th P.M., in Adams County, Colorado. Decreed in Water Division 1, Case No. 03CW414. 2.2.3.14. *Gilcrest Reservoir*. An off-channel reservoir to be constructed within part of Section 2, T3N, R67W and parts of Sections 23, 26, 34, and 35, T4N, R67W of the 6th P.M., in Weld County, Colorado. Decreed in Water Division 1, Case No. 16CW3058. 2.2.3.15. *Bennett Gravel Pit Reservoir*. An off-channel reservoir expected to be located within portions of the E1/2 of the NW1/4 and W1/2 of the NE/4 of Section 12 and portions of the SW1/4 SE1/4 of Section 1, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.2.3.16. *Everist St. Vrain Gravel Pit Reservoir*. An off-channel reservoir expected to be located within portions of W1/2 of Section 32, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.2.3.17. *Sorin Reservoir*. An off-channel reservoir expected to be located within portions of NE1/4 of Section 2, Township 4 North, Range 66 West of the 6th P.M., NW1/4 of the SW1/4 of Section 3, Township 4 North, Range 66 West of the 6th P.M., SE1/4 and E1/2 of the SW1/4 of Section 4, Township 4 North, Range 66 West of the 6th P.M., S1/2 of the SE1/4 of Section 34, Township 5 North, Range 66 West of the 6th P.M., and the SW1/4 and SE1/4 of Section 35, Township 5 North, Range 66 West of the 6th P.M., all in Weld County, Colorado. 2.2.4. Change in point of diversion. In addition to the originally decreed point of diversion for the Link Ditch (described above in paragraph 2.1.2.3.), the Applicant seeks to add the Petrie Ditch (described above in paragraph 2.1.1.3.) as an alternate point of diversion for the Link Ditch water right. 2.2.5. Replacement of Return Flows. Aurora may meet its return flow replacement obligations by releasing a portion of the water diverted and measured pursuant to the Link and Petrie Ditch priorities on a direct flow basis, after storage, and/or by recharge through on-site recharge pits. At times, Aurora may meet these obligations by releasing

water stored in Spinney Mountain Reservoir pursuant to the water rights listed in Exhibit E hereto. 2.3. **Historical use information.** The subject water rights were used for the irrigation of grass hay and pasture lands in support of cattle operations located generally in the Sections 32 & 33, Township 8 South, and Sections 4, 5, 8 and 9, Township 9 South, Range 75 West of the 6th P.M., in Park County, Colorado. 2.3.1. The water rights have been used to irrigate approximately 295 acres of land located within the Johns Ranch boundaries shown on Exhibit A. 2.3.2. Summaries of records of actual diversions of the Petrie Ditch and Link Ditch water rights are attached as Exhibit C. 3. **Application for Appropriative Right of Exchange.** 3.1. **Names and locations of point or structure defining exchange reach** (see Exhibit D). 3.1.1. **Exchange From Point:** Confluence of Tarryall Creek and the South Platte River (WDID #2301901). The Confluence of Tarryall Creek and the South Platte River is located in the Northeast quarter of the Northwest quarter of Section 16, Township 11 South, Range 71 West, 6th P.M., in Park County, Colorado. 3.1.2. **Exchange To Point:** Spinney Mountain Reservoir. See paragraph 2.2.3.6, above. 3.2. **Applicant requests the following appropriative right of exchange.** 3.2.1. From the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir using the points described above. 3.2.2. **Rate of Exchange.** 35.5 cfs, conditional. 3.2.3. **Initiation of Appropriation.** 3.2.3.1. The foregoing appropriations were initiated by: 1) decision by Aurora to appropriate the exchange; 2) the filing of this Application; and 3) field surveys and the posting of signs at the Exchange-From and Exchange-To Points. 3.2.4. **Date of Appropriation.** November 30, 2022. 3.2.4.1. *Date when water was placed to beneficial use:* Not applicable. 3.2.5. **Sources of Substitute Supply.** The water rights to be changed under this Application. 3.2.6. **Proposed Uses.** All uses for which the water given as substitute supply is decreed, and which can be made by Aurora, which will include the following: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes, such purposes include, but are not limited to, fire protection, irrigation, commercial, recreation, fish and wildlife propagation, on-site recharge, reservoir evaporation replacement, creation and maintenance of wetlands, maintenance of storage reserves, stock watering, reclamation, revegetation, dust suppression, water treatment and supply, wastewater treatment, storage for such uses, and use as a supply or substitute supply for augmentation, return flow replacement, replacement, exchanges decreed or to be decreed, and substitute supply plans. All uses include reuse and successive reuse to extinction and storage after initial and subsequent uses for the above purposes, or disposition of effluent for the above purposes. 3.2.7. **Place of Use.** The water right that is the subject of the appropriative right of exchange is intended for use in or for the benefit of Aurora's current and future service areas served by its municipal water supply and water reuse systems and any areas within the South Platte River Basin capable of being served by the Aurora municipal water supply system, including areas served by its connections with other systems, for any water supply contracts or obligations of Aurora. Currently, Aurora is located in Township 3 South, Ranges 64, 65, 66 and 67 West, 6th P.M. in Adams County; Township 4 South, Ranges 64, 65, 66 and 67 West and Township 5 South, Ranges 65, 66 and 67 West, 6th P.M. in Arapahoe County; and Township 6 South, Ranges 65 and 66 West, 6th P.M. in Douglas County. Aurora's service area has changed from time to time and will continue to do so. Aurora may also use the water to meet its replacement or delivery obligations in Water Division 1. 4. **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 or existing storage pool is or will be constructed or upon which water is or will be stored.** 4.1. Aurora is the owner of each of the storage structures identified in paragraph 2.2.3., except those identified below. On information and belief, additional owners of the lands on which storage structures are located or will be constructed are those set forth below. 4.2. **Strontia Springs Dam and Reservoir Complex.** The Strontia Springs Dam and Reservoir Complex is owned by the City and County of Denver, acting by and through its Board of Water Commissioners, 1600 West 12th Avenue, Denver, CO 80204-3412. Aurora has contract rights to use the complex. 4.3. **Walker North Reservoir.** Carl F. Eiberger, 303 S. Broadway Ste 200, Denver, CO 80209, and Holcim - WCR, Inc., 1687 Cole Blvd, Suite 300, Golden, CO 80401. 4.4. **Walker South Reservoir.** HIBE, LLC, 32706 Stagecoach Rd., Windsor, CO 80550. 4.5. **Tucson South and ARR-B site.** Holcim - WCR, Inc., 1687 Cole Blvd, Suite 300, Golden, CO 80401. 4.6. **Bennett Gravel Pit Reservoir.** Pioneer Land Company LLC, 4409 Coriolis Way, Frederick, CO 80504. 4.7. **Everist St. Vrain Gravel Pit**

Reservoir. L.G. Everist Inc., 7321 E. 88th Avenue, Suite 200, Henderson, CO 80640 and Owens Brothers Concrete, 32186 Castle Court #220, Suite 201, Evergreen, CO 80439. (11 pages, plus 26 pages of exhibits)

****AMENDED** 2023CW3002, (16CW3102; 04CW251; 97CW207; 89CW169) TOWN OF CASTLE ROCK,** Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000, mmarlowe@crgov.com. Serve all pleadings on: Madoline Wallace-Gross, Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. **AMENDED APPLICATION TO MAKE A CONDITIONAL WATER RIGHT ABSOLUTE IN DOUGLAS AND JEFFERSON COUNTIES.**

2. **Name of structure:** Chatfield Reservoir 3. **Describe the conditional water right including the following from the previous decrees:** 3.1. **Date of original decree, case no. and court:** Case No. 89CW169, District Court, Water Division No. 1, entered on July 25, 1991. 3.2. **Subsequent decrees awarding findings of diligence:** Case No. 97CW207, District Court, Water Division No. 1, entered on January 7, 1998; Case No. 04CW251, District Court, Water Division No. 1, entered on August 3, 2010, and Case No. 16CW3102, entered on January 20, 2017. 3.3. **Legal description of point of diversion:** The reservoir formed by the Chatfield Dam, an existing structure located in Sections 6 and 7, Township 6 South, Range 68 West, of the 6th P.M., and in Section 1, Township 6 South, Range 69 West of the 6th P.M. The right abutment of Chatfield Dam is located in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M., Douglas County, Colorado. The left abutment of the dam is located in Section 1, Township 6 South, Range 69 West of the 6th P.M. in Jefferson County, Colorado. The point of diversion is depicted on the map attached hereto as **EXHIBIT A.** 3.4. **Source of water:** South Platte River and its tributaries 3.5. **Appropriation date:** November 6, 1989 3.6. **Amount:** 2,000 acre-feet, conditional 3.7. **Uses:** All municipal purposes 3.8. **Amount claimed absolute and date water applied to beneficial use:** 2,000 acre-feet (the entire decreed amount) for all uses in ¶ 3.7. The conditional storage right was diverted and filled under free river conditions on the South Platte River on May 17th through 19th, 2023. This occurred during the pendency of Applicant’s application for a finding of reasonable diligence, which Applicant timely filed on January 20, 2023. See **EXHIBIT B.** 4. **Integrated Water Supply System:** Pursuant to C.R.S. § 37-92-301(4)(B), the conditional storage water right is part of a single integrated water system owned and developed by Applicant. Applicant’s integrated water supply system consists of augmentation plans, appropriative rights of exchange, conditional and absolute water rights and non-tributary groundwater rights. 5. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the relevant diligence period, from January 2017 to January 2023, Applicant has incurred more than \$86 million to conduct the following work specific to these conditional water rights, which are portions of Applicant’s integrated system, as that term is used in C.R.S. § 37-92-301(4)(b): 5.1. Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$4,136,850. 5.1.1. Associated legal and administrative costs totaled approximately \$5,965. 5.1.2. As of 2023, Applicant owns 719 acre-feet of capacity in Chatfield Reservoir, with plans to exercise the option to acquire additional capacity up to 2,000 acre-feet of conditional storage. 5.2. Completed the following work related to the Plum Creek Water Purification Facility: 5.2.1. Designed and constructed the Plum Creek Water Purification Facility with a treatment capacity of 4 MGD at a cost of approximately \$17,600,000. 5.2.2. Purchased and installed an additional Pall membrane equipment rack with a treatment capacity of 2 MGD at a cost of approximately \$1,006,000. 5.2.3. Conducted a Plum Creek Water Purification Facility Planning Study with Jar testing at a cost of approximately \$20,000. 5.2.4. Created a Basis of Design Report for the Plum Creek Water Purification Facility advanced treatment project (including biologically active carbon (BAC) filtration system) at a cost of approximately \$87,000. 5.2.5. Hired consultants for negotiating and implementing contracts related to the advanced treatment project at a cost of approximately \$25,000. 5.2.6. Completed pilot testing related to the advanced treatment project, including BAC filtration, as required by Colorado Department of Health and the Environment at a cost of approximately \$200,000. 5.2.7. Began design of the Plum Creek Water Purification Facility’s advanced treatment at a cost of approximately \$1,300,000.

5.2.8. Began construction of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$30,000,000. 5.2.9. Relocated generator from PS Miller Water Treatment Plant to Plum Creek Water Purification Facility at a cost of approximately \$120,000. 5.2.10. Conducted an aquifer storage and recovery pilot study associated with Plum Creek Water Purification Facility at a cost of approximately \$500,000. 5.3. Conducted studies, designed and constructed the expansion to Plum Creek Water Reclamation Authority's Wastewater Treatment Plant at a cost of approximately \$31,000,000. 5.4. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 5.5. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 16CW3138, 17CW3122, 17CW3176, 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW3206, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, and 22CW3111. 5.6. Filed applications in Case Nos. 17CW3044, 17CW3128, 17CW3161, 17CW3211, 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150 and 22CW3155. 6. **Owners of Land upon which Structures are Located**: U.S. Army Corps of Engineers, 9307 South Wadsworth Blvd. Littleton, CO 80128 7. **Claim for Relief**. Applicant seeks a finding that Applicant has made all of the Chatfield Reservoir conditional storage right fully absolute in the amount of 2,000 acre-feet. In the alternative, Applicant seeks a finding of reasonable diligence. The application is 5 pages, excluding the 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 **AUGUST 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.