

**DISTRICT COURT, WATER DIVISION 1, COLORADO
OCTOBER 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 **OCTOBER 2023** for each County affected. (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us)

2023CW18 PHYLLIS A. BURKGREN 1890 S. Marshall Circle, Lakewood, CO 80232. 303-985-8017. **RUTH LANG** 2337 S. Grey Street, Lakewood, CO 80227. 720-630-0772. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.** Date of original decree: 2-20-75 in case W-7519-73, WD1. Subsequent decrees: 3-20-80 in case W-7519-78, WD1; 8-30-84 in case 84CW9, WD1; 8-24-88 in case 88CW3, WD1; 2-15-95 in case 94CW115, WD1 and 10-17-17 in case 17CW16, WD1. Burkgren Well, permit 19739-F, NE1/4, SE1/4, S1, T7S, R72W of the 6th PM at a distance 1700 ft. from S and 800 ft. from E. Jim's Subdivision; Lot 15A, Block 4. Source: Groundwater. Appropriation date: 10-31-73. Amount: 15 gpm, Conditional. Depth: 400 Use: Commercial.

2023CW3124 LLOYD LAND, ALE LAND 5, LLC, ALE PARTNERSHIP & LAND 5 INVESTMENTS LLC, 12501 Riverdale Road, Brighton, Colorado 80601. Direct all correspondence to counsel for Applicants: Mirko L. Kruse, Kruse Law PLLC, 134 F Street, Suite 203, Salida, CO 81201; mkruse@kruselawpllc.com. **APPLICATION FOR UNDERGROUND WATER RIGHTS, AMENDMENT OF UNDERGROUND WATER RIGHTS DECREES, AND APPROVAL OF PLAN FOR AUGMENTATION IN WELD COUNTY.** **Claim for Underground Water Rights in the Lower Arapahoe and Laramie Fox Hills Aquifers.** 1. Subject Property: Approximately 80.9 acres located in the W 1/2 of the NW 1/4 of 28, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado, and as shown on the map on **Exhibit A** ("Subject Property"). 2. Well Permits: There is currently one well on the Subject Property under Well Permit No. 43409. 3. Source of Water Rights: The Lower Arapahoe Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Laramie-Fox Hills Aquifer is nontributary as defined in C.R.S. § 37-90-103(10.5). 4. Estimated Amounts: Applicants estimate the following annual average amounts may be available for withdrawal based on a 100-year withdrawal period: 7.51 af from the Lower-Arapahoe Aquifer and 16.81 af from the Laramie-Fox Hills Aquifer. Applicant will deduct from these amounts the amount necessary to allow for the exempt purposes of Well Permit No. 43409: 5. Proposed Uses: Use, reuse, and successive use for domestic, commercial, irrigation, industrial, stockwatering, fire protection, recreation, and augmentation purposes, including storage, both on and off the Subject Property. Applicants intend to withdraw this water from a well or well field that may be located anywhere within Applicants' larger commonly-owned parcel as shown on the map and legal description contained in **Exhibit B**. **Claim for Amendment to Decrees in Case Nos. 00CW138, 11CW97, 13CW14, and 13CW3020 Adjudicating Underground Water Rights in the Lower Arapahoe and Laramie Fox Hills Aquifers** 1. Decreed Water Rights for Which Amendment/Change is Sought: A. Name of Water Rights: Land Lower Arapahoe and Laramie-Fox Hills Groundwater as Decreed in Case No. 00CW138 and as changed in Case No. 13CW14. i. Date of original decree: February 8, 2001. ii. Date of change decree: December 13, 2013. iii. Legal description: Lower Arapahoe and Laramie-Fox Hills Groundwater underlying 235 acres, more or less, in the SE 1/4 and the E 1/2 of the SW 1/4 of Section 29, Township 2 North, Range 66 West, 6th P.M., Weld County, Colorado, as further described in the Decrees in Case Nos. 00CW138 and 13CW14. iv. Source of water: Not-nontributary groundwater in the Lower Arapahoe Aquifer and Nontributary groundwater in the Laramie-Fox Hills Aquifer. v. Amount: 20.8 average annual acre-feet in the Lower Arapahoe Aquifer and 46.2 average annual acre-feet in the Laramie-Fox Hills Aquifer. vi. Decreed use: Municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose, on or off the subject property. vii. Amount subject to amendment/change: 20.8 average annual acre-feet in the Lower Arapahoe Aquifer and 46.2 average annual

acre-feet in the Laramie-Fox Hills Aquifer. B. Name of Water Rights: Land Lower Arapahoe and Laramie-Fox Hills Groundwater as Decreed in Case No. 11CW97 and as changed in Case No. 13CW3020. i. Date of original decree: October 19, 2011. ii. Date of change decree: December 13, 2013. iii. Legal description: Lower Arapahoe and Laramie-Fox Hills Groundwater underlying 109 acres, more or less, in the NW ¼ of Section 29 and 89.25 acres, more or less, in the NW ¼ and the NW ¼ of the NE ¼ of Section 32, all in Township 2 North, Range 66 West, 6th P.M., Weld County, Colorado, as further described in the Decrees in Case Nos. 11CW97 and 13CW3020. iv. Source of water: Not-nontributary groundwater in the Lower Arapahoe Aquifer and Nontributary groundwater in the Laramie-Fox Hills Aquifer. v. Amount: 7.5 average annual acre-feet in the Lower Arapahoe Aquifer and 26.5 average annual acre-feet in the Laramie-Fox Hills Aquifer. vi. Decreed use: domestic, irrigation, stock watering, recreational, fish and wildlife, fire protection, and any other beneficial purpose, to be used on or off the subject property. vii. Amount subject to amendment/change: 7.5 average annual acre-feet in the Lower Arapahoe Aquifer and 26.5 average annual acre-feet in the Laramie-Fox Hills Aquifer. 2. Detailed description of proposed amendment/change: The groundwater rights decreed in Case Nos. 00CW138 and 11CW97 were changed in Case Nos. 13CW14 and 13CW3020, respectively, to allow well withdrawals to be made from a larger combined property formed from two adjacent properties commonly owned by Applicants. Now, Applicants seek a similar amendment/change to those decrees to allow well withdrawals from an expanded combined property that includes the adjacent Subject Property for which Applicants seek an adjudication of groundwater rights above. Therefore, Applicants seek to revise the property upon which a well or well field may be constructed and to revise the withdrawal limits for such wells to include the groundwater available from the expanded combined property as shown and described in **Exhibit B**. 3. Name and address of owner or reputed owners of land upon which any new diversion or storage structure is or will be constructed: Applicants. **Claim for Conditional Underground Water Rights in the Alluvial Aquifer** 1. Land Well No. 1. A. Location: NW ¼ of the NW ¼, Section 32, Township 2N, Range 66W, 6th P.M., Weld County, Colorado, as shown in **Exhibit B**. B. Associated Permit No. & WDID: Permit No. 13013; WDID 0205282. C. Source: Alluvial groundwater, tributary to the South Platte River. D. Date of appropriation: October 11, 2023. E. How appropriation was initiated: By the filing of this application and hiring a water attorney and water resources engineer to develop this water right. F. Date water applied to beneficial use: N/A G. Amount: 100 gpm, conditional, and a combined 200 acre-feet per year for irrigation uses together with Land Well No. 2. The amounts decreed herein may be claimed and adjudicated absolute if perfected during the pendency of this application pursuant to a Substitute Water Supply Plan approved by the Division Engineer. H. Uses: Irrigation, including greenbelt and landscape irrigation of trees, shrubs, and grass within the Northland PUD subdivision located in the Town of Fort Lupton and as shown on the map and legal description contained in **Exhibit B**. I. Depth: 50 feet. J. Augmentation plan: The irrigation uses of Land Well No. 1 will be augmented pursuant to the augmentation plan decreed herein. 2. Land Well No. 2 A. Location: SE ¼ of the NW ¼, Section 29, Township 2N, Range 66W, 6th P.M., Weld County, Colorado, as shown in **Exhibit B**. B. Associated Permit No. & WDID: Permit No. 6124R; WDID 0205523. C. Source: Alluvial groundwater, tributary to the South Platte River. D. Date of appropriation: October 11, 2023. E. How appropriation was initiated: By the filing of this application and hiring a water attorney and water resources engineer to develop this water right. F. Date water applied to beneficial use: N/A. G. Amount: 100 gpm, conditional, and a combined 200 acre-feet per year for irrigation uses together with Land Well No. 1. The amounts decreed herein may be claimed and adjudicated absolute if perfected during the pendency of this application pursuant to a Substitute Water Supply Plan approved by the Division Engineer. H. Uses: Irrigation, including greenbelt and landscape irrigation of trees, shrubs, and grass within the Northland PUD subdivision located in the Town of Fort Lupton and as shown on the map and legal description contained in **Exhibit B**. I. Depth: 50 feet. J. Augmentation plan: The irrigation uses of Land Well No. 2 will be augmented pursuant to the augmentation plan decreed herein. **Claim for Augmentation Plan** 1. Name of structures to be augmented: Land Well Nos. 1 & 2, as described above (“Subject Wells”). 2. Water rights to be used for augmentation: A. Direct discharge and recharge of nontributary Laramie-Fox Hills water decreed in Case No. 00CW138 as changed in Case No. 13CW14, Water Division 1, and as amended by this application. B. Direct discharge and recharge of nontributary Laramie-Fox Hills water decreed in Case No.

11CW97 and as changed in Case No. 13CW3020, Water Division 1, and as amended by this application. C. Direct discharge and recharge of nontributary Laramie-Fox Hills water underlying the Subject Property as described above. 2. Complete statement of plan for augmentation: A. Withdrawals. Total annual combined withdrawals from the Subject Wells will not exceed a maximum of 200 acre-feet per year or the combined average annual withdrawal limits of Applicants' Laramie-Fox Hills water decreed in Case Nos. 00CW138, 11CW97, 13CW14, 13CW3020 and in this case of 89.5 acre-feet. Uses of the Subject Wells will be limited to those specified above. B. Calculation of depletions. Diversions from the Subject Wells will be metered and recorded monthly. Depletions will be calculated monthly as 85% of total combined withdrawals. C. Location of depletions. Depletions will impact the South Platte River, at points of depletion shown on **Exhibit B**. D. Timing of depletions. The unit response factors and Glover parameters used to calculate monthly lagged depletions from the Subject Wells are shown on **Exhibit C**. E. Replacement of depletions. Out-of-priority stream depletions from withdrawals of the Subject Wells will be replaced by recharge accretions from the pumping of Applicants' water rights in the non-tributary Laramie-Fox Hills Aquifer. Applicants will apply for well permits and construct one or more wells in the Laramie-Fox Hills Aquifer pursuant to Applicants' decrees in Case Nos. 00CW138, 11CW97, 13CW14, 13CW3020 and/or the Laramie-Fox Hills Aquifer water to be decreed in this case. Applicants will measure and record withdrawals made from the Subject Wells on a monthly or more frequent basis and calculate total monthly depletions using a consumptive use rate of 85%. Applicants will then withdraw an equivalent amount of water from the Laramie-Fox Hills Aquifer, accounting and compensating for the evaporation loss experienced in the recharge pits, and discharge this water into one or more recharge pits constructed in the W 1/2 of the NW 1/4 of Section 28, Section 29, and/or Section 32, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. This recharge will accrete to the South Platte River in the same time and amount as Applicants' depletions from the Subject Wells and at a location above any calling water right. The unit response factors and Glover parameters used to calculate monthly lagged accretions from discharge into the recharge pits are shown on **Exhibit C**. 3. Change of water right: Applicants claim an amendment to the decrees in Case Nos. 00CW138, 11CW97, 13CW14, and 13CW3020 to provide a source of augmentation, as described above. 4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: Applicants and JJ Kane Associates Inc., 219 Inverness Center Dr., Birmingham, AL, 35242

2023CW3125 BAREFOOT, LLC ("Barefoot"), c/o Sandi Thomas, 6465 S. Greenwood Plaza Blvd. #700, Centennial, CO 80111, and **SAINT VRAIN LAKES METROPOLITAN DISTRICT NO. 1** ("SVLMD"), c/o Pinnacle Consulting Group, 550 W. Eisenhower Blvd., Loveland, CO 80564. Matthew A. Montgomery and Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, (303) 296-8100. Barefoot and SVLMD may be referred to herein, collectively as the "Applicants"). **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO SECTION 37-92-305(3.5), C.R.S. IN WELD COUNTY. 2. Decreed water right for which change is sought: A. Name of structure:** Hayseed Ditch. **B. Date of original and relevant subsequent decrees:** The Hayseed Ditch was originally decreed by the Boulder District Court on June 2, 1882 (Register of Actions No. 1620). The 4.0 c.f.s. of the Hayseed Ditch that is the subject of this application (the "Subject Water Rights") was subsequently changed in Case No. 86CW292 (Water Div. 1). **C. Legal description from the most recent decree that adjudicated the location: a. Siegrist Diversion No. 1.** To be located at a point on the north bank of the St. Vrain Creek approximately 40 feet north and 100 feet east of the Southwest corner of Section 35, Township 3 North, Range 68 West of the 6th P.M., Weld County, Colorado. **b. Siegrist Diversion No. 2.** To be located at a point on the north bank of St. Vrain Creek approximately 600 feet north of the south 1/4 corner of Section 35, Township 3 North, Range 68 West of the 6th P.M., Weld County, Colorado. **D. Decreed source of water:** St. Vrain Creek, tributary to the South Platte River. **E. Appropriation date:** January 1, 1860. **F. Total amount decreed to structure:** The Hayseed Ditch was originally decreed for 41.54 c.f.s. The Subject Water Rights, which amount to a three-fifths (3/5) interest in the Hayseed Ditch, were decreed for 4.0 c.f.s. in Case No. 86CW292 (Water Div. 1), with the remainder

abandoned to the stream. **G. Decreed use:** Irrigation. **H. Amount of water that applicant intends to change:** 4.0 c.f.s. associated with the Subject Water Rights. **3. Detailed description of proposed change in surface point of diversion:** **A. Complete statement of change, including a description of how the change meets the definition of a simple change in surface point of diversion:** In Case No. 86CW292 (Water Div. 1), the Subject Water Rights were changed to allow diversions at the Siegrist Diversion No. 1 and the Siegrist Diversion No. 2. SVLMD subsequently constructed a diversion structure (the “Bayshore Diversion”), which is located in between the Siegrist Diversion No. 1 and the Siegrist Diversion No. 2, generally in the SW1/4SW1/4 of Section 35, Township 3 North, Range 68 West of the 6th P.M., Weld County, Colorado. The purpose of this application is to change the point of diversion of the Subject Water Rights from the Siegrist Diversion No. 1 to the Bayshore Diversion. The Bayshore Diversion is located approximately 850 feet downstream of the Siegrist Diversion No. 1. There are no intervening surface diversion points, nor inflows that exist between Siegrist Diversion No.1 and the Bayshore Diversion. Accordingly, the Applicants’ proposed change in point of diversion will not change the legal or physical availability of water to the Subject Water Rights nor injuriously affect any vested water right or a decreed conditional water right. The point of diversion at the Siegrist Diversion No. 2 is not changed by this application. **B. Location of new surface point of diversion:** **a. PLSS.** The Bayshore Diversion is located on the north bank of St. Vrain Creek in the SW1/4SW1/4 of Section 35, Township 3 North, Range 68 West of the 6th P.M., approximately 872 feet east of the west section line of said Section 35, and approximately 278 feet north of the south section line of said Section 35. **b. UTM.** The UTM Coordinates for the center of the Bayshore Diversion structure are: UTM Zone 13N, at approximately 501,987E, 4,447,267N. A map showing the locations of the Siegrist Diversion No. 1, the Siegrist Diversion No. 2, and the Bayshore Diversion is attached to the Application as Exhibit A. **4. Name and address of owner or reputed owners of the land upon which any new diversion structure, or modification to any existing structure is or will be constructed:** SVLMD is the owner of the land where the Bayshore Diversion is located. **WHEREFORE,** Applicants respectfully requests that the Court enter a decree changing the Siegrist Diversion No. 1 to the Bayshore Diversion pursuant to Section 37-92-305(3.5), C.R.S., and granting all such other and further relief, whether in law or equity, as the Court may determine necessary or desirable. Number of pages of the Application: 4.

2023CW3126 WOODLANDS CROSSING LLC, Woodlands Crossing General Partnership, c/o Rubin Brown, 1900 16th Street, Suite 1700, Denver, CO 80202. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES IN THE LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND NON-TRIBUTARY SOURCES IN THE UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** **Subject Property:** 3 contiguous parcels totaling 5.078 acres generally located in the SW1/4 of the SW1/4 of Section 1, Township 8 South, Range 67 West of the 6th P.M., Douglas County, as shown on **Exhibit A** (“Subject Property”). **Lien Holder Certification:** Applicants are the sole owners of the Subject Property and have 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 Subject Property. Well permits will be applied for prior to construction of any wells. **Source of Water Rights:** The Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers are nontributary (“NT”) as defined in C.R.S. § 37-90-103(10.5). The Upper Dawson Aquifer is not-nontributary (“NNT”) as defined in C.R.S. § 37-90-103(10.7). **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)
Upper Dawson (NNT)	0.2
Lower Dawson (NT)	1.4
Denver (NT)	3.4

Arapahoe (NT)	2.3
Laramie-Fox Hills (NT)	1.2

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including but not limited to domestic, including in-house use, 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 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. 4 pages.

2023CW3127 (16CW3159, 10CW154, 02CW347) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF PINWOOD SPRINGS WATER DISTRICT, IN LARIMER COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 1. Name, Address, Telephone Number, and Email Address of Applicant: Pinewood Springs Water District (“Applicant”), c/o Gabriele Benson, 183 Cree Court, Lyons, Colorado 80540-8118, Telephone: (303) 823-5345, Email: pswdadmin@att.net Direct All Pleadings to: Bushong & Holleman PC, Attn: Fritz Holleman & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302, Email: fholleman@BH-Lawyers.com; cwoodard@BH-Lawyers.com 2. Names of Structures: 2.1. Maure Hollow Reservoir; 2.2. Crescent Lake/Powelson Reservoir; 2.3. Crow Lane Reservoir No. 1; 2.4. Crow Lane Reservoir No. 2; and 2.5. Pinewood Springs Reservoir. Maure Hollow Reservoir, Crescent Lake/Powelson Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, and Pinewood Springs Reservoir are collectively referred to herein as the “Structures.” 3. Descriptions of Conditional Water Rights: 3.1. Decrees: The water rights associated with the Structures were originally decreed by the District Court in and for Water Division No. 1, State of Colorado (the “Water Court”), in Case No. 02CW347 on June 29, 2004. Findings of reasonable diligence were entered or portions of the water rights were made absolute by the Water Court in Case Nos. 10CW154 on November 26, 2010 (the “10CW154 Decree”), and 16CW3159 on October 20, 2017, 3.2. Legal Descriptions of Locations of Structures: Locations of the Structures are depicted on the map attached as **Exhibit A**, 3.2.1. Maure Hollow Reservoir: Maure Hollow Reservoir will be located on Maure Hollow, a tributary of the Little Thompson River, in the NW1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 1200 feet East of the West line and 1100 feet South of the North line of said Section 28, 3.2.2. Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be located on an unnamed tributary of the Little Thompson River, in the SW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 350 feet East of the West line of the SW1/4 of the NE1/4 and 450 feet South of the North line of the SW1/4 of the NE1/4 of said Section 28, 3.2.3. Crow Lane Reservoir No. 1: Crow Lane Reservoir No. 1 will be located on an unnamed tributary of the Little Thompson River, in the SE1/4 of the SE1/4 of Section 29, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 50 feet North of the South line of said Section 29, 3.2.4. Crow Lane Reservoir No. 2: Crow Lane Reservoir No. 2 will be located on an unnamed tributary of the Little Thompson River, in the NE1/4 of the NE1/4 of Section 32, Township 4

North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 750 feet South of the North line of said Section 32, 3.2.5. Pinewood Springs Reservoir: Pinewood Springs Reservoir will be located on an unnamed tributary of the Little Thompson River, in the NW1/4 of the SW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The northwest abutment of the dam will be located at or near a point which bears North 33° 40' East a distance of 575 feet from the southwest corner of the N1/2 of the SW1/4 of said Section 28, 3.3. Names and Capacities of Ditch or Ditches used to Fill Reservoirs and Legal Descriptions of Each Point of Diversion: 3.3.1. Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, and Pinewood Springs Reservoir: Maure Hollow Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2 and Pinewood Springs Reservoir will be on-channel reservoirs and will store water from their respective drainage basins. In addition, water will be diverted from the Little Thompson River at a point located in the SE1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, whence the north quarter corner, Section 28 bears North 42° 46' 43" East, 1,943.68 feet, and will be conveyed through pipelines to the reservoirs. The maximum rate of diversion to storage from the Little Thompson River will be 1 cfs for each reservoir. This point of diversion is the same as the point of diversion for the Pinewood Springs Collection Gallery, decreed in Case No. 88CW236, District Court, Water Division No. 1, on February 23, 1990, 3.3.2. Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be an on-channel reservoir and will store water from its drainage basin. In addition, water will be diverted from the Little Thompson River at a point located in the NW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West, 6th P.M., Larimer County, approximately 700 feet East of the West line of the NW1/4 of the NE1/4 and 200 feet North of the South line of the NW1/4 of the NE1/4 of said Section 28, and will be conveyed through a pipeline to the reservoir. The maximum rate of diversion to storage will be 1 cfs., 3.4. Sources: 3.4.1. Maure Hollow Reservoir: Little Thompson River and Maure Hollow, a tributary to the Little Thompson River, 3.4.2. Crescent Lake/Powelson Reservoir: Little Thompson River and an unnamed tributary to the Little Thompson River, 3.4.3. Crow Lane Reservoir No. 1: Little Thompson River and an unnamed tributary to the Little Thompson River, 3.4.4. Crow Lane Reservoir No. 2: Little Thompson River and an unnamed tributary to the Little Thompson River, 3.4.5. Pinewood Springs Reservoir: Little Thompson River and an unnamed tributary to the Little Thompson River, 3.5. Dates of Appropriation: 3.5.1. Maure Hollow Reservoir: July 30, 2002, 3.5.2. Crescent Lake/Powelson Reservoir: September 27, 2000, 3.5.3. Crow Lane Reservoir No. 1: July 30, 2002, 3.5.4. Crow Lane Reservoir No. 2: July 30, 2002, 3.5.5. Pinewood Springs Reservoir: July 30, 2002, 3.6. Amounts: 3.6.1. Maure Hollow Reservoir: 45 acre-feet, CONDITIONAL, with the right to fill and refill continuously, 3.6.2. Crescent Lake/Powelson Reservoir: 18 acre-feet, CONDITIONAL, with the right to fill and refill continuously, 3.6.3. Crow Lane Reservoir No. 1: 36.37 acre-feet, ABSOLUTE, with the right to fill and refill continuously, and 14.63 acre-feet CONDITIONAL, with the right to fill and refill continuously, 3.6.4. Crow Lane Reservoir No. 2: 39 acre-feet, CONDITIONAL, with the right to fill and refill continuously, 3.6.5. Pinewood Springs Reservoir: 20 acre-feet, CONDITIONAL, with the right to fill and refill continuously, 3.7. Rates of Diversion in CFS for Filling the Reservoirs from the Little Thompson River Points of Diversion: 3.7.1. Maure Hollow Reservoir: 1 cfs for diversion to storage from the Little Thompson River, 3.7.2. Crescent Lake/Powelson Reservoir: 1 cfs for diversion to storage from the Little Thompson River, 3.7.3. Crow Lane Reservoir No. 1: 1 cfs for diversion to storage from the Little Thompson River, 3.7.4. Crow Lane Reservoir No. 2: 1 cfs for diversion to storage from the Little Thompson River, 3.7.5. Pinewood Springs Reservoir: 1 cfs for diversion to storage from the Little Thompson River, 3.8. Uses: Municipal use within the Pinewood Springs Subdivision including, but not limited to, domestic, recreational, fish and wildlife preservation and propagation, augmentation, replacement and exchange, with the right to use and reuse to extinction for one or a combination of the municipal uses described herein. 4. Request for Findings of Reasonable Diligence: Applicant requests findings that it has exercised reasonable diligence in the development of the full remaining conditional water rights associated with the Structures, as described in Paragraph 3 above, and that said conditional water rights continue in full force and effect. 5. Diligence Activities: Applicant provides water service to the Pinewood Springs Subdivision in rural Larimer County, Colorado. Applicant currently serves 300 residences but anticipates an additional 25

residences will continue to be added until Pinewood Springs Subdivision reaches full build-out. As stated in the 10CW154 Decree, the water rights decreed to the Structures are part of Applicant's integrated water system used to provide water service to its customers. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). During the diligence period, Applicant has undertaken the following specific activities that demonstrate it has exercised reasonable diligence in the development of the remaining conditional water rights associated with the Structures: 5.1. Applicant continues to utilize Crow Lane Reservoir No. 1, and it has stored water to its full capacity in 2023. Due to the possibility of algae growth, Applicant installed aerators and pumps to help circulate the water and added chemicals to inhibit algae growth. During the summer, Applicant regularly controls the weeds on the dam. The pumps to remove or add water to the reservoir are exercised occasionally to ensure they remain in property working condition. The cost of maintenance per year is approximately \$6,300 for a total of approximately \$37,800 spend during the six-year diligence period for weed upkeep, chemicals, electricity for the aeration system, labor, and other maintenance, 5.2. In 2023, Applicant began refurbishing its outdated storage tanks that are used as part of Applicant's integrated water system. A 100,000-gallon tank was refurbished for a total cost of over \$127,000. In 2022, another 100,000-gallon tank was refurbished at a total cost of over \$107,000. In 2023, a 20,000-gallon underground tank was cleaned and refurbished for over \$29,000. During the diligence period, this amounts to a total spent of more than \$256,000. Applicant intends to refurbish its remaining two storage tanks in the coming years, 5.3. Significant parts of Applicant's infrastructure and surroundings were damaged in the September 2013 floods. In September 2023, Applicant submitted additional grants requesting funds to conduct additional repairs on aging water lines and to replace aging equipment, 5.4. During the diligence period, three new water taps were added to the water system operated by Applicant. Additionally, construction is in progress on two new homes for which water taps have been or will be obtained, 5.5. In Water Court Case No. 18CW3173, decreed on November 13, 2019, Applicant made 0.5 cfs of the Pinewood Springs Water District Reservoir Exchange absolute. The Structures are exchange-to points for this exchange. 6. Land Ownership: 6.1.1. Maure Hollow Reservoir: United States Department of Interior, Bureau of Land Management, P.O. Box 25047, Denver, CO 80225-0047, 6.1.2. Crescent Lake/Powelson Reservoir: Pinewood Springs Property Owners Association, 1190 Kiowa Road, Lyons, CO 80540, 6.1.3. Crow Lane Reservoir No. 1: 6.1.3.1. Applicant; 6.1.3.2. Edward T. Buckingham IV and Erin M. Buckingham, 26626 E. Peakview Drive, Aurora, CO 80016-6108; and 6.1.3.3. Mary L. Caner, 12307 E. Highway 35, Lyons, CO 80540, 6.1.4. Crow Lane Reservoir No. 2: 6.1.4.1. Applicant; 6.1.4.2. Susan A. Painter, 12309 E. Highway 36, Lyons, CO 80540; 6.1.4.3. Omer Yousafzai, 6553 Ceader Street, Houston, TX 77074; and 6.1.4.4. Daniel M. and Holly M. Grotke, 15 Estes Park Estates Rive, Lyons, CO 80540, 6.1.5. Pinewood Springs Reservoir: Lawrence R. and Kathleen M. Kemmer, 532 Kiowa Road, Lyons, CO 80540-8207. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant's request for findings of reasonable diligence for the remaining conditional water rights decreed to the Structures as described in Paragraph 5 above and continuing said conditional water rights in full force and effect; and (2) granting such other and further relief as deemed appropriate.

(8 pages + Exhibit)

2023CW3128 JODI R. PAGE FAMILY TRUST, 5569 N. Lariat Drive, Castle Rock, CO 80108. Address all pleadings, documents and questions to David M. Shohet and Sedona E. Chavez, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212. **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER IN DOUGLAS COUNTY**. Applicant seeks to adjudicate the groundwater supply related to an exempt well and to maintain the exempt status of the well. Applicant further seeks to quantify all Denver Basin groundwater in each aquifer underlying the Applicant's Property as described below to vest such water rights in anticipation of future uses. Name of Exempt Well: Page Well No. 1. Legal Description of Well: Page Well No. 1 is located in the Northwest Quarter of the Southeast Quarter of Section 15, Township 7 South, Range 67 West of the 6th P.M., Douglas County, Colorado, approximately 2,130 feet from the south

section line, and 2,040 feet from the east section line. The location of the Well is generally shown on the attached **Exhibit A** map. The orange dot on the map shows the location of the well according to the CDSS. The map's green dot shows the well's location according to the Applicant. Source: Dawson Aquifer. Date of Initiation of Appropriation: July 31, 1979. How Appropriation was Initiated: Appropriation was initiated by the issuance of the Office of the State Engineer of an exempt domestic Well Permit no. 109088, which is attached as **Exhibit B**, together with an intent to appropriate the water from the well and apply the water to beneficial use. Date Water Applied to Beneficial Use: September 12, 1980. Amount Claimed: 12 g.p.m. absolute. Use: Domestic uses for one single family dwelling and the irrigation of 1/3 of an acre of home, gardens, and lawns. Land Ownership: The land upon which the Page Well No. 1 is located is owned by the Applicant. Remarks: The Well that is the subject of this Application is an exempt well issued pursuant to C.R.S. § 37-92-602(1)(b), and a decree for this exempt well is sought pursuant to C.R.S. § 37-92-602(4). Application for Denver Basin Groundwater Rights. Legal Description of Property: Applicant owns an approximately 2.6 acre property ("Applicant's Property"), located in the Northwest Quarter of the Southeast Quarter of Section 15, Township 7 South, Range 67 West of the 6th P.M., Douglas County, Colorado, known as 5569 N. Lariat Dr., Castle Rock, Colorado 80108, and more particularly described as Lot No. 20 of the Happy Canyon Filing No. 1 Subdivision. The Property is generally shown on the attached **Exhibit A** map. Water Source: Not-Nontributary. The groundwater to be withdrawn from the Dawson and Denver aquifers underlying the Applicant's Property is not-nontributary. Nontributary. The groundwater to be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Applicant's Property is nontributary. Estimated Rates of Withdrawal and Ground Water Available. Estimated Rates of Withdrawal. The pumping rates for any well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Groundwater Available. Applicant requests a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 100-year life of the aquifer as set forth in § 37-90-137(4)(b)(I), C.R.S., or longer based on Applicant's needs. Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

AQUIFER	Annual Avg. Withdrawal 100 Years (Acre Feet)
Dawson	0.9
Denver	1.3
Arapahoe	1.5
Laramie Fox	0.79

Decreed amounts may vary from the above table to conform with the State's Determination of Facts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Requested Uses. The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic, commercial (in-home), irrigation, stock water, wildlife, fire protection, replacement, and storage, augmentation, and exchange purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of § 37-90-137(9)(b), C.R.S., that no more than 98% of the amount withdrawn annually shall be consumed. The Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Well Fields. Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of groundwater

above the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underling the Applicant's Property. Owner of Land Upon Which Wells are to be Located. The Applicant owns the land upon which all wells will be located. (Application, 6 pages)

2023CW3129 MOUNTAIN PLAINS INVESTMENT CORPORATION, through counsel Evan D. Ela, Joseph W. Norris, and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, **APPLICATION FOR CHANGE OF WATER RIGHTS AND ADDITION OF REPLACEMENT WATER TO EXISTING PLAN FOR AUGMENTATION IN ARAPAHOE AND DOUGLAS COUNTIES**. 1. Name, Address and Telephone Number of Applicant. Mountain Plains Investment Corporation ("Mountain Plains"), 7931 S. Parker Road, Centennial, CO 80016. 2. Purpose of Application. By this Application, Mountain Plains seeks a decree of the Water Court granting the change of use of its ownership interests in the Cleona and Pioneer ditch water rights located on Cherry Creek. The Application also intends to authorize use of the changed interests as augmentation sources available for use in the Plan for Augmentation decreed in Case No. 01CW284 to the Upper Cherry Creek Water Association ("UCCWA"), of which Arapahoe County Water and Wastewater Authority ("ACWWA") is a member and pursuant to the decree entered to ACWWA in Case No. 96CW1144. Applicant, Mountain Plains, is developing property that has recently been included within the ACWWA service area and will be served by ACWWA. Mountain Plains and ACWWA have entered into a contract whereby ACWWA will purchase the changed Cleona Ditch and Pioneer Ditch water rights after adjudication of the change is complete. **CLAIM FOR CHANGE OF WATER RIGHTS** 3. Name of Water Right(s) and Structure(s) to be Changed. Mountain Plains claims a change of water rights for its ownership interests in the Cleona and Pioneer ditch water rights, as further described below (referred to collectively hereafter as the "Subject Water Rights"). a. Cleona Ditch. (1) Previous Decrees: Water rights for the Cleona Ditch were decreed in the general adjudication In the Matter of the Priority of Water Rights in District No. 8 of Colorado, issued by the District Court, Douglas County, on December 10, 1883. In addition to the original Cleona Ditch water rights, the December 10, 1883 general adjudication also confirmed the Cleona Ditch Enlargement for 1.5 cfs with a priority date of October 30, 1878. The State Engineer tabulation of water rights describes the Cleona Ditch Enlargement as abandoned, but does not provide a decretal citation confirming abandonment. This Application involves only the original Cleona Ditch appropriation described below, and not the Cleona Ditch Enlargement. (2) Legal Description. The decreed legal description and location of the headgate for the Cleona Ditch on Cherry Creek is in the NE 1/4 of the SE 1/4 of Section 32, Township 5 South, Range 66 West of the 6th P.M., Douglas County, Colorado. (3) Decreed Source. Cherry Creek. (4) Date of Appropriation. June 30, 1875. (5) Decreed Amount. 2.0 cfs. (6) Decreed Uses. Irrigation. (7) Amount Applicant Intends to Change. Mountain Plains seeks to change its full ownership in the right to use of the 2.0 cfs diversion of the Cleona Ditch water right one full day out of every seven, otherwise equivalent to a 1/7 interest or approximately 14.29% interest in the Cleona Ditch water right. b. Pioneer Ditch. (1) Previous Decrees. Water rights for the Pioneer Ditch were decreed in the general adjudication In the Matter of the Priority of Water Rights in District No. 8 of Colorado, issued by the District Court, Douglas County, on December 10, 1883, as further described below. One-half of the Pioneer Ditch water right (3.5 cfs) was previously abandoned by the decree entered on January 30, 1990 in Case No. 84CW681(B), District Court, Water Division 1, State of Colorado. (2) Legal Description. The decreed legal description and location of the headgate for the Pioneer Ditch on Cherry Creek is in the SE 1/4 of the NW 1/4 of Section 4, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado. (3) Decreed Source. Cherry Creek. (4) Date of Appropriation. Priority 95, Original Construction: March 9, 1876, Priority 109, First Enlargement: June 30, 1879. (5) Decreed Amount. 3.5 cfs, after 3.5 cfs was abandoned in 84CW681(B). Priority 95, Original Construction: 2.915 cfs, Priority 109, First Enlargement: 0.585 cfs. (6) Decreed Uses. Irrigation and domestic use. (7) Amount Applicant Intends to Change. Mountain Plains seeks to change its ownership in one-half or 50% of the Pioneer Ditch water right,

which equates to all (3.5 cfs) of the remaining interest in the Pioneer Ditch not previously abandoned. 4. Historical Use. Water yield from the Subject Water Rights has historically irrigated lands currently owned by Mountain Plains as shown on Attachments A and B hereto. 5. Statement of Change. Mountain Plains seeks a change of the Subject Water Rights described above to quantify the historical consumptive use for augmentation and as a source of replacement and substitute supply. The changed historical consumptive use will be available for use by ACWWA in the Plan for Augmentation decreed to ACWWA in Case No. 96CW1144 (the “ACWWA Decree”) and to UCCWA in Case No. 01CW284 (the “UCCWA Decree”) by direct use or after storage for the above-described purposes at any of the locations described in the ACWWA Decree and UCCWA Decree, attached hereto as Attachments C and D respectively. The changed historical consumptive use portion of the Subject Water Rights will be fully consumable to the extent all historical irrigation return flow obligations have been satisfied. CLAIM FOR ADDITION OF REPLACEMENT WATER TO EXISTING PLAN FOR AUGMENTATION 6. Addition of Replacement Sources to ACWWA Decreed Plans for Augmentation. Upon approval of the claim for change of the Subject Water Rights in this Application, the historical consumptive use portion of the Subject Water Rights will be decreed and lawfully available for augmentation use and as a source of replacement and substitute supply. a. UCCWA Decree. ACWWA is a member of UCCWA, a Colorado unincorporated nonprofit association, which was established by the Establishing Contract dated December 17, 2001. This Court entered the UCCWA Decree on December 4, 2007, allowing Members’ pooled sources of water from treated reusable effluent, lawn irrigation return flows, land application return flows, nontributary and not nontributary groundwater sources, consumptive use water from changed senior irrigation rights, releases from storage, and other sources to be used to replace out-of-priority depletions to Cherry Creek caused by the pumping of Members’ wells, direct flow surface diversions, or diversions to storage by the Members. Pursuant to Paragraph 53 of the UCCWA Decree, the Changed Water Rights may be incorporated in the UCCWA Decree in accordance with the terms and conditions of said paragraph 53. b. ACWWA Decree. Pursuant to Paragraph 26.K. of the ACWWA Decree, additional water acquired by ACWWA that is lawfully available for augmentation use and as a source of replacement and substitute supply may be added to the plan for augmentation (the “Plan”) established by the ACWWA Decree. The changed Subject Water Rights will be available as a replacement and substitute supply for the Plan at the historic location of the headgates of the Subject Water Rights, which are both located within the depletion reach established by the ACWWA Decree. The Plan will continue to be operated pursuant to the terms and conditions established in the ACWWA Decree and this Application does not seek to change, alter, or amend any portion of the ACWWA Decree other than to add the Subject Water Rights as an additional replacement source for the Plan. The Court may impose such additional terms and conditions as necessary to prevent injury to vested water rights and decreed conditional water rights applicable to the use of the Subject Water Rights as an augmentation and replacement source in the Plan. WHEREFORE, the Applicant respectfully requests this Court enter a decree granting this application approving the changes of water rights as described herein, approving the addition of such changed water rights as replacement water sources for the Plan authorized by the UCCWA Decree and ACWWA Decree, and granting such other relief as the Court deems proper. (6 pages)

2023CW3130 (17CW3055) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507, IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF: ST. MARY’S GLACIER WATER AND SANITATION DISTRICT, IN CLEAR CREEK COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY. 1. Name, Address, Telephone Number, and Email Address of Applicant: St. Mary’s Glacier Water and Sanitation District (the “Applicant”), c/o Colin B. Mielke, Esq., Seter & Vander Wall, P.C., 7400 E. Orchard Road, Suite 3300, Greenwood Village, CO 80111, (303) 770-2700, cmielke@svwpc.com Direct All Pleadings to: Bushong & Holleman PC, Attn: Fritz Holleman & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302, fholleman@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Names of Structures: 2.1. St. Mary’s Well No. 3 (a/k/a St. Mary’s Well No. 5)¹ (fn: Colorado Decision Support System identifies this well as St. Mary’s Well 5.) – Permit No.

23293-F; and 2.2. St. Mary's Well No. 4 – Permit No. 053328-F (expired). Collectively, St. Mary's Well No. 3 and St. Mary's Well No. 4 will be referred to herein as the "Structures." The Structures were originally decreed along with water rights for St. Mary's Well Nos. 1, 2, and 5. The water rights for St. Mary's Well Nos. 1 and 2 (Permit Nos. 13050-F and 12482-F, respectively) were originally decreed as absolute. The water right for St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3) – Permit No. 056389-F was subsequently made fully absolute in Case No. 17CW3055, described in Paragraph 3.2 below.

3. Descriptions of Conditional Water Rights: 3.1. Original Decree: The water rights decreed to the Structures were originally decreed by the District Court in and for Water Division No. 1 (the "Water Court") in Case No. W-7825-74 on April 8, 1975, 3.2. Subsequent Decrees: Subsequent decrees were entered by the Water Court making portions of the St. Mary's Well No. 3 water right absolute or finding reasonable diligence on the remaining conditional water rights associated with the Structures in Case Nos. W-7825-79 on December 2, 1981, 83CW69 on October 1, 1984, 87CW53 on December 9, 1988, 94CW235 on October 25, 1995, 01CW195 on December 9, 2002, 08CW288 on March 8, 2011, and 17CW3055 on October 4, 2017, 3.3. Decreed Locations: 3.3.1. St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) – Permit No. 23293-F: In the NW1/4SE1/4 of Section 35, Township 2 South, Range 74 West of the 6th P.M., Clear Creek County, at a point 1,700 feet north and 2,500 feet west of the SE corner, Section 35. See **Exhibit A.**, 3.3.2. St. Mary's Well No. 4 – Permit No. 053328-F (expired): In the SE1/4SW1/4 of Section 35, Township 2 South, Range 74 West of the 6th P.M., Clear Creek County, at a point 130 feet north and 2,250 feet east of the SW corner, Section 35. See **Exhibit A.**, 3.4. Source: Groundwater tributary to Clear Creek, 3.5. Appropriation Date: December 20, 1974, 3.6. Amounts: 3.6.1. St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) – Permit No. 23293-F: 0.145 cfs (66 gpm), absolute, and 0.075 cfs (34 gpm), conditional, 3.6.2. St. Mary's Well No. 4 – Permit No. 053328-F (expired): 0.22 cfs (100 gpm), conditional, 3.7. Uses: Domestic, commercial, industrial, municipal, and non-consuming recreational together with St. Mary's Well No. 1-13050-F, St. Mary's Well No. 2-12482-F, and St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3) – Permit No. 056389-F, 3.8. Depths: 3.8.1. St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) – Permit No. 23293-F: approximately 90 feet deep, 3.8.2. St. Mary's Well No. 4 – Permit No. 053328-F (expired): has not been constructed.

4. Request to Make Absolute: During the diligence period, Applicant pumped St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) – Permit No. 23293-F at a maximum rate of 85 gpm and placed such water to beneficial use. This pumping rate exceeds the amount previously made absolute for such well by 19 gpm. Therefore, Applicant requests that the water right associated with St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) – Permit No. 23292-F be made absolute for 85 gpm total. An affidavit regarding Applicant's pumping records to support such request is attached as **Exhibit B.**

5. Request for Findings of Reasonable Diligence: For all water rights not made absolute as requested in Paragraph 4 above, Applicant requests findings that it has exercised reasonable diligence in the development of the remaining conditional water rights associated with the Structures, as described in Paragraph 3 above, for all conditional amounts and uses and continuing such conditional water rights in full force and effect.

6. Diligence Activities: Applicant is a quasi-municipal water and sanitation district organized pursuant to statute to provide water and sewer services to its inhabitants. Development of its system is keyed to its service plan report, which provides for development of the water rights used to serve its district over a period of years. The water rights associated with the Structures are part of an overall comprehensive plan for development by Applicant. During the diligence period, Applicant has performed the following activities that demonstrate reasonable diligence: 6.1. Applicant added twenty-one new taps to its water system to connect additional homes. As additional homes are constructed within Applicant's service area, additional pumping capacity will be utilized in accordance with Applicant's development plan, 6.2. Applicant expended approximately \$3.8 million for operation and maintenance repair of its water and wastewater system, including the wastewater treatment plant, water and sewer main lines, and appurtenances. These costs also include necessary tasks for regular operation of the water system, such as: storage building rentals for equipment; chemicals, testing, and water sampling; machinery rentals and repairs; engagement of a certified Operator in Responsible Charge; and employment of a utility technician, 6.3. Applicant undertook work to implement its Phase 2 Water System Project at a total expenditure of approximately \$4.1 million, including engineering costs. This Project involves a major rehabilitation and upgrade of Applicant's public water system,

including removing, rehabilitating, and constructing improvements to St. Mary's Well No. 1, St. Mary's Well No. 5 (a/k/a St. Mary's Well No. 3), and St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5). The Phase 2 Water System Project also included construction of a new booster pump station, water storage tank improvements, the installation of 1,234 linear feet of water transmission and distribution mains, and the installation of new pressure relief vaults, 6.4. Applicant expended approximately \$1 million in capital expenditures, which included costs to repair certain areas of Applicant's water system to reduce leaks, increase flows, and increase water service reliability, 6.5. Applicant is in the process of studying and engineering a major overhaul to its sanitary sewer system and wastewater treatment plant, which will better facilitate the collection and treatment of water utilized by Applicant's customers. 7. Land Ownership: 7.1. St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) – Permit No. 23293-F: Applicant, 7.2. St. Mary's Well No. 4 – Permit No. 053328-F (expired): Hans P. and Patricia K. Hultgren, 25568 Genesee Trail Road, Golden, CO 80401. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting Applicant's request to make an additional 19 gpm absolute for the water right associated with St. Mary's Well No. 3 (a/k/a St. Mary's Well No. 5) – Permit No. 23293-F as described in Paragraph 4 above; (2) granting Applicant's request for findings of reasonable diligence for the remaining conditional water rights associated with the Structures as described in Paragraph 5 above and continuing such conditional water rights in full force and effect; and (3) granting such other and further relief as deemed appropriate. (6 pages + Exhibits)

2023CW3131 DISTRICT COURT, WATER DIVISION 1, COLORADO 901 9th Avenue, Greeley, CO, 80632, 970-475-2507, **CONCERNING THE APPLICATION FOR WATER RIGHTS OF TSM FARM LLC AND NORTH STERLING IRRIGATION DISTRICT IN LOGAN AND MORGAN COUNTIES, APPLICATION FOR A FINDING OF DILIGENCE AND TO MAKE UNDERGROUND WATER RIGHTS ABSOLUTE IN LOGAN AND MORGAN COUNTIES.** 1. Names, mailing addresses, e-mail addresses and telephone numbers of applicants: TSM Farm LLC, c/o Terry Miller, 25490 WCR 58, Greeley, Colorado 80631, terry@mmexcav.com, 970-539-2302, North Sterling Irrigation District, c/o James T. Yahn, Manager, P.O. Box 103, Sterling, Colorado 80751, jim@northsterling.org, 970-522-2025. 2. Purpose of application: Applicant, TSM Farm LLC, is the current owner of Ramey Well 5-9614-F, which is an existing well decreed for irrigation use and which is included in the plan for augmentation decreed to co-applicant, North Sterling Irrigation District ("North Sterling"), in Case No. 96CW1034 on July 21, 2006. The Ramey Well 5-9614-F was decreed a conditional underground water right in Case No. 17CW3059 on October 5, 2017, for commercial and stock watering uses. The 17CW3059 decree was issued to North Sterling and Ganaderos, LLC. TSM Farm is the successor in interest to Ganaderos, LLC, with respect to the Ramey Well 5-9614-F. By this application, Applicants seeks a finding of reasonable diligence and to make the conditional underground water right for the Ramey Well 5-9614-F absolute, in part, for all decreed purposes. 3. Name of Structure: Ramey Well 5-9614-F; Well Permit No. 9614-F; WDID No. 64-06114. 4. Description of Conditional Water Rights: A. Original Decree: Entered in Case No. 17CW3059 on October 5, 2017, by the District Court, Water Division 1. B. Subsequent Decrees: Not applicable. C. Legal description of point of diversion: Ramey Well 5-9614-F is located at a point 20 feet South and 2820 feet East of the Northwest Corner of Section 11, Township 9 North, Range 52 West of the 6th P.M., Logan County, Colorado. *See Exhibit A.* D. Source: Groundwater tributary to the South Platte River. E. Depth of well: 40 feet. F. Date of appropriation: January 1, 2016. G. Amount: 1.110 cfs (500 gpm). In Case No. 17CW3059, 0.155 cfs (70 gpm) was decreed absolute and 0.955 cfs (430 gpm) was decreed as conditional. H. Use: Commercial and stock watering uses in a feedlot located in the West Half of Section 12 and the East Half of Section 11, Township 9 North, Range 52 West of the 6th P.M., Logan County, Colorado. 5. Claim to make absolute in whole or in part: Applicant TSM Farm LLC has pumped the subject well at a rate of 0.561 cfs (252 gpm) and used the water so pumped for the decreed purpose of commercial and stock watering. The amount pumped and used exceeds the amount previously decreed absolute by such well by 0.406 cfs (182 gpm). Therefore, the Applicant requests that the water right associated with Ramey Well 5-9614-F be made absolute for 0.561 cfs (252 gpm) total, leaving 0.549 cfs (248 gpm) conditional. 6. Request for findings of reasonable diligence: For the amount

of the water rights not made absolute as requested in paragraph 5 above, Applicants request a finding of reasonable diligence in the development of the remaining conditional portion of the water rights associated with the Ramey Well 5-9614-F, for all conditional amounts and uses, and continuing such conditional water rights in full force and effect. 7. Provide a detailed outline of what has been done for completion of the appropriation and application of the water to a beneficial use as conditionally decreed, including expenditures: TSM Farm LLC has been making improvements to the watering system serving the feedlot, as well as expanding the feedlot to its full capacity. They have spent over \$200,000 installing a new variable frequency drive pump, pressure tank, pipeline and associated state of the art communication and control system. TSM Farm LLC has also been operating the system for the feedlot continuously since the installation of this new system in October of 2019. 8. Names and addresses of owners or reputed owners of the land upon which any new diversion structure or storage structure, or modification to an existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Not applicable. WHEREFORE, Applicants request the Court to enter a decree (1) granting Applicants' request to make an additional 0.406 cfs (182 gpm) absolute for the water right associated with Ramey Well 5-9614-F, for a total of 0.561 cfs (252 gpm), as described in Paragraph 5 above; (2) granting Applicants' request for findings of reasonable diligence for the remaining 0.549 cfs (248 gpm) as described in Paragraph 6 above and continuing such conditional water rights in full force and effect; and (3) granting such other and further relief as appropriate.
(4 Pages + Exhibit)

2023CW3132 ROGERS MTN. RANCH, LP, c/o David Y. Rogers, North Big Springs, Ste. 213-215406, Midland, TX 79701. (Please send all pleadings and correspondence to David M. Shohet and Paul J. Raymond of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estate Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). **APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY.** Name of Structures: High Chaparral Spring No. 3, Sims Creek Pond No. 6, High Chaparral Pond No. 1, High Chaparral Pond No. 2, High Chaparral Pond No. 3, High Chaparral Pond No. 6, High Chaparral Pond No. 7, High Meadows Pond No. 2, High Chaparral Pond No. 5. Describe Conditional Water Right (As To Each Structure), Including The Following Information From the Previous Decree: Original Decree: Case No. 96CW1038, District Court, Water Division No. 1, decreed on December 4, 2002. List All Subsequent Decrees Awarding Findings of Diligence: Case No. 08CW300, District Court, Water Division No. 1, decreed on March 24, 2011. Case No. 17CW3056, District Court, Water Division No. 1, decreed on October 17, 2017. Legal Descriptions: High Chaparral Spring No. 3. located in the SW1/4 NW1/4 of Section 30, Township 13 South, Range 72 West, 6th P.M., being 2200 feet from the north line and 800 feet from the west line of said Section 30. Sims Creek Pond No. 6. The dam for this reservoir is located in the SW1/4 NE1/4 of Section 30, Township 13 South, Range 72 West, 6th P.M., being 2500 feet from the north line and 2250 feet from the east line of said Section 30. High Chaparral Pond No. 1. The dam for this reservoir is located in the NW1/4 NE1/4 of Section 36, Township 13 South, Range 73 West, 6th P.M., being 600 feet from the north line and 2480 feet from the east line of said Section 36. High Chaparral Pond No. 2. The dam for this reservoir is located in the SW1/4 SW1/4 of Section 30, Township 13 South, Range 72 West, 6th P.M., being 1150 feet from the south line and 1090 feet from the west line of said Section 30. High Chaparral Pond No. 3. The dam for this reservoir is located in the SW1/4 SW1/4 of Section 30, Township 13 South, Range 72 West, 6th P.M., being 840 feet from the south line and 1150 feet from the west line of said Section 30. High Chaparral Pond No. 5. The dam for this reservoir is located in the NE1/4 SW1/4 of Section 36, Township 13 South, Range 73 West, 6th P.M., being 1950 feet from the south line and 1950 feet from the west line of said Section 36. High Chaparral Pond No. 6. The dam for this reservoir is located in the NW1/4 NW1/4 of Section 30, Township 13 South, Range 72 West, 6th P.M., being 1120 feet from the north line and 1120 feet from the west line of said Section 30. High Chaparral Pond No. 7. The dam for this reservoir is located in the NW1/4 NW1/4 of Section 30, Township 13 South, Range 72 West, 6th P.M., being 1000 feet from the north line and 1210 feet from the west line of said Section 30. High Meadows Pond No. 2. The dam for this reservoir is located in the SW1/4 SE1/4 of Section 36, Township 13 South, Range 73 West, 6th

P.M., being 210 feet from the south line and 1850 feet from the east line of said Section 36. Sources: High Chaparral Spring No. 3. A spring tributary to an unnamed drainage, tributary to the South Platte River. Sims Creek Pond No. 6. Surface flows of Simms Creek tributary to the South Platte River. High Chaparral Pond No. 1. High Chaparral Spring No. 2, High Chaparral Spring No. 1 decreed in Water Division 1, Case No. 96CW128, and the flows of an unnamed drainage tributary to the South Platte River. High Chaparral Pond No. 2. An unnamed drainage tributary to Simms Creek, tributary to South Platte River, and storage water from Simms Creek Pond No. 7 and No. 8. High Chaparral Pond No. 3. An unnamed drainage tributary to Simms Creek, tributary to South Platte River and storage water from Simms Creek Pond No. 7 and No. 8. High Chaparral Pond No. 5. High Chaparral Spring No. 2 and the flows in an unnamed drainage, tributary to the South Platte River. High Chaparral Pond No. 6. High Chaparral Spring No. 3 and the flows of an unnamed drainage, tributary to the South Platte River. High Chaparral Pond No. 7. High Chaparral Spring No. 3 and the flows of an unnamed drainage, tributary to the South Platte River. High Meadows Pond No. 2. High Meadows Spring No. 1, No. 2 and No. 3, and High Meadows Forebay and Pipeline and also an unnamed drainage, tributary to Simms Creek, tributary to the South Platte River. High Meadows Spring No. 1, No. 2, and No. 3 and High Meadows Forebay and Pipeline are decreed in Water Division 1, Case No. 96CW129, and are further described therein. Amounts: High Chaparral Spring No. 3. 3.4 gpm conditional. Sims Creek Pond No. 6. 1.0 acre feet conditional. High Chaparral Pond No. 1. 0.4 acre feet conditional. High Chaparral Pond No. 2. 0.5 acre feet conditional. High Chaparral Pond No. 3. 2.6 acre feet conditional. High Chaparral Pond No. 5. 0.2 acre feet conditional. 0.1 acre foot of this water right was made absolute in Case No. 08CW300. High Chaparral Pond No. 6. 0.5 acre feet conditional. High Chaparral Pond No. 7. 0.4 acre feet conditional. High Meadows Pond No. 2. 1.2 acre feet conditional. Appropriation Dates: High Chaparral Spring No. 3. July 26, 1996. Sims Creek Pond No. 6. July 26, 1996. High Chaparral Pond No. 1. July 26, 1996. High Chaparral Pond No. 2. July 26, 1996. High Chaparral Pond No. 3. July 26, 1996. High Chaparral Pond No. 5. July 26, 1996. High Chaparral Pond No. 6. July 26, 1996. High Chaparral Pond No. 7. July 26, 1996. High Meadows Pond No. 2. May 12, 1996. Uses: The use for all structures is riparian habitat, wildlife and fish propagation, wetlands enhancement, erosion control, livestock watering, and storage for those purposes. Detailed Outline Of What Has Been Done Toward Completion Or For Completion Of The Appropriation And Application Of Water To A Beneficial Use As Conditionally Decreed, Including Expenditures, During The Previous Diligence Period: In Case No. 96CW1038, Raymond & Carolyn Rugloski (the “Rugloskis”) obtained a conditional decree for two surface water rights and eighteen water storage rights along with a plan for the augmentation for a portion of those rights as well as six surface water rights adjudicated in Case No. 96CW129 and one surface water right adjudicated in Case No. 96CW128. With the filing of the three applications, the Rugloskis intended to develop an overall wildlife habitat plan for their property, including the development of wetlands, as well as ponds to maintain fish, wildlife, and livestock watering and the attendant riparian habitat enhancement resulting from the impoundment of the water for such storage purposes. One of the springs and 10 of the storage water rights decreed in Case 96CW1038 were made absolute in Case No. 08CW300. The Court found that the Rugloskis had been diligent towards perfecting the remaining conditional spring and eight water storage rights. In Case No. 17CW3056, the Court again found the Applicant’s predecessor to be diligent and granted another period of continued diligence. This Application seeks a finding of continued diligence of the remaining conditional water rights originally decreed in Case No. 96CW1038 and not made absolute in Case Nos. 08CW300 or 17CW3056, as well as a finding of absolute for High Chaparral Spring No. 3 in the amount of 3.4 gpm. The Applicant, Rogers Mtn Ranch, LP (“Rogers”), has performed maintenance and infrastructure work to the ponds and flow structures associated with these rights, including rebuilding dams and creating new spillways for the ponds. Rogers has also performed site preparation, cleaned and maintained the flow pathways, treated water for noxious weeds, stocked the ponds with fish, performed road work on the property, and allowed water to flow in its natural course to the ultimate beneficial uses adjudicated for the overall wildlife habitat plan. Rogers has expended over \$32,500.00 during this diligence period relating to constructing and maintaining its water rights subject to their wildlife development plan. Additionally, Rogers has installed a spring box with a 30” culvert approximately five feet deep at the decreed location of High Chaparral Spring No. 3, and has connected the spring box via a

pipeline to a water trough. Water from the water trough is returned to the creek via an overflow pipeline from the trough. Rogers is actively diverting and putting to beneficial use the water from High Chaparral Spring No. 3 in the amount of 3.4 gpm for stockwatering purposes. Rogers has also actively been marketing the land and associated water rights, including the water rights associated with this case, for the last 16 months. Based on the expenditures relating to the development of the overall wildlife habitat plan, the maintenance of ponds, the development of springs, and the active marketing of the water rights, Rogers can establish that it has been reasonably diligent in pacing the conditional water rights to beneficial use and that it can and will complete the development of the adjudicated conditional water rights and place them to beneficial use within a reasonable period. Claim to Make Absolute: In light of the installation and diversion of water from High Chaparral Spring No. 3 to beneficial, Rogers seeks to make absolute the conditional water right associated with the High Chaparral Spring No. 3 for 3.4 gpm. Water was placed to beneficial use on October 22, 2023, for riparian habitat, wildlife, and fish propagation, wetlands enhancement, erosion control, livestock watering, and storage for those purposes. Applicants are the land owners upon which all water rights are located and the place of use for said water rights. Application – 7 Pages.

2023CW3133 LOGAN WELL USERS, INC., P.O. Box 1172, Sterling, Colorado, 80751, Lawrence Custer Grasmick Jones & Donovan, LLP Attorneys for Applicant, Logan Well Users, Inc. Ryan M. Donovan, #44435 APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE, FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN LOGAN, MORGAN, AND WASHINGTON COUNTIES. 2.

Previous Decrees: Case No. 07CW300, Water Division No. 1, decree entered April 15, 2011 (“Original Decree”); Case No. 17CW3062, Water Division No. 1, decree entered October 26, 2017 (“First Diligence Decree”). 3. Groundwater Rights: The following conditional groundwater rights were adjudicated in the Original Decree and continued or made partially or fully absolute in the First Diligence Decree as described below: 3.1. Name of Structure. Ramey Well-Permit No. 68167-f (LWU ID 423) (WDID 6406860). 3.1.1. Owner. Tyson and Alexandra Sheldon, 11874 Rd 370 Sterling, Colorado 80751. 3.1.2. Location. In the NE1/4 NE1/4 of Section 4, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado. 3.1.3. Appropriation Date. December 11, 2007. 3.1.4. Amount. 15 g.p.m., conditional. 3.1.5. Source. Groundwater tributary to the South Platte River. 3.1.6. Use. Irrigation of 1 acre located in the NE1/4 NE1/4 of Section 4, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado. 3.1.7. Remarks. 6.4 g.p.m. of the 15 g.p.m. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.2. Name of Structure. Fritzler Well-Permit No. 74959-F (LWU ID 424) (WDID 6406861). 3.2.1. Owner. Douglas Fritzler, 18234 Rd 24 Sterling, Colorado 80751. 3.2.2. Location. In the SW1/4 SE1/4 of Section 4, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.2.3. Appropriation Date. December 11, 2007. 3.2.4. Amount. 900 g.p.m., conditional. 3.2.5. Source. Groundwater tributary to the South Platte River. 3.2.6. Use. Irrigation of 160 acres located in the SE¼ of Section 4, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.2.7. Remarks. 293.5 g.p.m. of the 900 g.p.m. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.3. Name of Structure. McAtee Riverside Pit-Permit No. 66811-F (LWU ID 429) (WDID 6403005). 3.3.1. Owner. McAtee Construction Company, P.O. Box 178, Ogallala, Nebraska 69153. 3.3.2. Location. In the SE1/4 of Section 28 and the NE1/4 of Section 33, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. 3.3.3. Appropriation Date. December 22, 2008. 3.3.4. Amount. 120 acre-feet, conditional. 3.3.5. Source. Groundwater tributary to the South Platte River. 3.3.6. Use. Gravel pit evaporation and water removed during mining. 3.3.7. Remarks. 102.5 acre-feet of the 120 acre-feet decreed volume was previously made absolute in the First Diligence Decree. 3.4. Name of Structure. Lingreen Well-Permit No. 80631-F (LWU ID 430) (WDID 6406702). 3.4.1. Owner. Robert Lingreen, 17401 County Road 14, Atwood, Colorado 80722. 3.4.2. Previous Decree. Logan Well Users, Inc. 03CW195 at ¶30.13, February 21, 2006. 3.4.3. Location. In the NW1/4 SE1/4 of Section 36, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado, 2040 feet from the South section line and 1630 feet from the East section line. 3.4.4. Appropriation Date. December 20, 2007. 3.4.5. Amount. 1500 g.p.m., conditional. 3.4.6. Source. Groundwater tributary to the South Platte River. 3.4.7. Use. Irrigation of 200 acres located in

Section 36, Township 7 North, Range 53 West, Logan County, Colorado. This water right is in addition to the water right decreed to this structure in Case No. 03CW195. 3.5. Name of Structure. Northeastern Junior College Well No. 1 (LWU ID 434) (WDID 6406899). 3.5.1. Owner. High Pointe Land Company LLC, 17408 Highway 14, Sterling, Colorado 80751. 3.5.2. Location. In the SW1/4 NW1/4 of Section 36, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 232 feet from the North section line and 350 feet from the west section line, of said Section 36. 3.5.3. Appropriation Date. April 30, 2009. 3.5.4. Amount. 0.20 c.f.s., conditional. 3.5.5. Source. Groundwater tributary to the South Platte River. 3.5.6. Use. Municipal. 3.6. Decreed Name of Structure. Karg Well No. 7 P-15964 (LWU ID 435) (WDID 6405734). 3.6.1. Owner. Rhodes Enterprises LLC, P.O. Box 113 Merino, Colorado 80741. 3.6.2. Previous Decree. Case No. W-1559, Water Division No. 1, September 11, 1975. 3.6.3. Location. In the SW1/4 NE1/4 of Section 33, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 2658 feet from the North section line and 1620 feet from the East section line of said Section 33. 3.6.4. Appropriation Date. September 25, 2009. 3.6.5. Amount. 1.9 c.f.s., conditional. 3.6.6. Source. Groundwater tributary to the South Platte River. 3.6.7. Use. Commercial, feedlot, irrigation, and stock watering. This water right is in addition to the water right decreed to this structure in Case No. W-1559. 3.7. Name of Structure. Logan County Industrial Site Well No. 1 (LWU ID 436) (WDID 6406868). 3.7.1. Owner. Todd Gorman, 1100 1st Ave, Bradenton, Florida 34205. 3.7.2. Location. In the NW1/4 NW1/4 of Section 35, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado at a point 263 feet from the North section and 808 feet from the West section Line, of said Section 35. 3.7.3. Appropriation Date. August 19, 2009. 3.7.4. Amount. 0.267 c.f.s., conditional. 3.7.5. Source. Groundwater tributary to the South Platte River. 3.7.6. Use. Irrigation of 30 acres located in the NW1/4 SE1/4 of Section 25, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. 3.8. Name of Structure. Logan County Industrial Site Well No. 2 (LWU ID 437) (WDID 6406869). 3.8.1. Owner. Todd Gorman, 1100 1st Ave, Bradenton, Florida 34205. 3.8.2. Location. In the NE1/4 NW1/4 of Section 35, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado at a point 513 feet from the North section line and 1328 feet from the West section Line, of said Section 35. 3.8.3. Appropriation Date. August 19, 2009. 3.8.4. Amount. 0.267 c.f.s., conditional. 3.8.5. Source. Groundwater tributary to the South Platte River. 3.8.6. Use. Irrigation of 30 acres located in the NW1/4 SE1/4 of Section 25, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado. 3.9. Name of Structure. Logan County Industrial Site Well No. 3 (LWU ID 438) (WDID 6406870). 3.9.1. Owner. Todd Gorman, 1100 1st Ave, Bradenton, Florida 34205. 3.9.2. Location. In the NE1/4 NW1/4 of Section 35, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado at a point 205 feet from the North section line and 1960 feet from the West section Line, of said Section 35. 3.9.3. Appropriation Date. August 19, 2009. 3.9.4. Amount. 0.267 c.f.s., conditional. 3.9.5. Source. Groundwater tributary to the South Platte River. 3.9.6. Use. Industrial. 3.9.7. Remarks. The amount decreed in Case No. 07CW300 as 0.0267 c.f.s., conditional, was a clerical error and was corrected in Case No. 17CW3062 to 0.267 c.f.s., conditional. 3.10. Name of Structure. Logan County Industrial Site Well No. 4 (LWU ID 439) (WDID 6406871). 3.10.1. Owner. Todd Gorman, 1100 1st Ave, Bradenton, Florida 34205. 3.10.2. Location. In the NW1/4 NW1/4 of Section 35, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado at a point 693 feet from North section line and 779 feet from East section line, of said Section 35. 3.10.3. Appropriation Date. August 19, 2009. 3.10.4. Amount. 0.14 c.f.s., conditional. 3.10.5. Source. Groundwater tributary to the South Platte River. 3.10.6. Use. Industrial. 3.11. Name of Structure. Smart Brothers Well-Permit No. 75236-F (LWU ID 441) (WDID 6406900). 3.11.1. Owner. TVBAR, LLC, 3525 County Road 31, Atwood, Colorado 80722. 3.11.2. Location. In the SE1/4 NW1/4 of Section 22, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 2592 feet from North section line and 2368 feet from West section line, of said Section 22. 3.11.3. Appropriation Date. September 14, 2009. 3.11.4. Amount. 4.45 c.f.s., conditional. 3.11.5. Source. Groundwater tributary to the South Platte River. 3.11.6. Use. Livestock watering, feedlot, and irrigation of 200 acres located in Section 22, Township 6 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.11.7. Remarks. 1.20 c.f.s. of the 4.45 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.12. Name of Structure. Rosie's LLC Well No. 6-Permit No. 75037-F (LWU ID 447) (WDID 6406902). 3.12.1. Owner. The Galinn Fund LLC, 399 Knollwood Road

Suite 318, White Plains, New York 10603. 3.12.2. Location. In the SE1/4 NE1/4 of Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 2074 feet from the North section line and 50 feet from the East section line, said Section 23. 3.12.3. Appropriation Date. February 2, 2010. 3.12.4. Amount. 1.78 c.f.s, conditional. 3.12.5. Source. Groundwater tributary to the South Platte River. 3.12.6. Use. Irrigation of 160 acres located in Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.12.7. Remarks. 1.78 c.f.s. of the decreed diversion rate was previously made absolute in the First Diligence Decree. This water right has been made fully absolute. 3.13. Name of Structure. Rosie's LLC Well No. 8-Permit No. 75038-F (LWU ID 448) (WDID 6406903). 3.13.1. Owner. The Galinn Fund LLC, 399 Knollwood Road Suite 318, White Plains, New York 10603. 3.13.2. Location. In the NE1/4 SE1/4 of Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 2071 feet from the South section line and 183 feet from the East section line, said Section 23. 3.13.3. Appropriation Date. February 2, 2010. 3.13.4. Amount. 1.78 c.f.s., conditional. 3.13.5. Source. Groundwater tributary to the South Platte River. 3.13.6. Use. Irrigation of 160 acres located in Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.13.7. Remarks. 1.76 c.f.s. of the 1.78 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.14. Name of Structure. Rosie's LLC Well No. 11-Permit No. 75039-F (LWU ID 449) (WDID 6406904). 3.14.1. Owner. The Galinn Fund LLC, 399 Knollwood Road Suite 318, White Plains, New York 10603. 3.14.2. Location. In the SE1/4 NE1/4 of Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 1956 feet from the North section line and 481 feet from the East section line, said Section 23. 3.14.3. Appropriation Date. February 2, 2010. 3.14.4. Amount. 1.67 c.f.s., conditional. 3.14.5. Source. Groundwater tributary to the South Platte River. 3.14.6. Use. Irrigation of 160 acres located in Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.14.7. Remarks. 1.67 c.f.s. of the decreed diversion rate was previously made absolute in the First Diligence Decree. This water right has been made fully absolute. 3.15. Name of Structure. Rosie's LLC Well No. 12-Permit No. 75040-F (LWU ID 450) (WDID 6406905). 3.15.1. Owner. The Galinn Fund LLC, 399 Knollwood Road Suite 318, White Plains, New York 10603. 3.15.2. Location. In the SE1/4 SE1/4 of Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 985 feet from the South section line and 103 feet from the East section line, said Section 23. 3.15.3. Appropriation Date. February 2, 2010. 3.15.4. Amount. 1.67 c.f.s., conditional. 3.15.5. Source. Groundwater tributary to the South Platte River. 3.15.6. Use. Irrigation of 160 acres located in Section 23, Township 8 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.15.7. Remarks. 0.93 c.f.s. of the 1.67 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.16. Name of Structure. Janice Lebsock Well-Permit No. 75041-F (LWU ID 451) (WDID 6406906). 3.16.1. Owner. Janice M. Lebsock Irrevocable Income Only Trust, 710 S 7th Avenue, Sterling, Colorado 80751. 3.16.2. Location. In the SE1/4 SE1/4 of Section 16, Township 7 North, Range 54 West of the 6th P.M., Logan County, Colorado at a point 896 feet from the South section line and 1012 feet from the East section line, said Section 16. 3.16.3. Appropriation Date. February 2, 2010. 3.16.4. Amount. 3.34 c.f.s., conditional. 3.16.5. Source. Groundwater tributary to the South Platte River. 3.16.6. Use. Irrigation of 381 acres located in Section 16, Township 7 North, Range 54 West of the 6th P.M., Logan County, Colorado. 3.16.7. Remarks: 2.94 c.f.s. of the 3.34 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.17. Name of Structure. Guenzi Farms, Inc. Well No. 1-Permit No. 75028-F (LWU ID 452) (WDID 6406907). 3.17.1 Owner. Kenneth J. Guenzi Trust, 11079 County Road 250, Sterling, Colorado 80751. 3.17.2. Location. In the NE1/4 NW1/4 of Section 19, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 50 feet from the North section line and 1750 feet from the West section line, said Section 19. 3.17.3. Appropriation Date. February 2, 2010. 3.17.4. Amount. 2.23 c.f.s., conditional. 3.17.5. Source. Groundwater tributary to the South Platte River. 3.17.6. Use. Irrigation of 120 acres located in the SW 1/4 of Section 19, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.17.7. Remarks. 1.42 c.f.s. of the 2.23 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.18. Name of Structure. Guenzi Farms, Inc. Well No. 2-Permit No. 75029-F (LWU ID 453) (WDID 6406908). 3.18.1. Owner. John and Laura Guenzi, 11079 County Road 250, Sterling, Colorado 80751. 3.18.2. Location. In the SW1/4 SW1/4 of Section 20, Township 7 North, Range 53 West

of the 6th P.M., Logan County, Colorado at a point 150 feet from the South section line and 785 feet from the West section line, said Section 20. 3.18.3. Appropriation Date. February 2, 2010. 3.18.4. Amount. 2.23 c.f.s., conditional. 3.18.5. Source. Groundwater tributary to the South Platte River. 3.18.6. Use. Irrigation of 160 acres located in the SE1/4 of Section 19 and 220 acres located in the W1/2 of Section 20, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.18.7. Remarks. 2.13 c.f.s. of the 2.23 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.19. Name of Structure. Guenzi Farms, Inc. Well No. 3-Permit No. 75030-F (LWU ID 454) (WDID 6406909). 3.19.1. Owner. John and Laura Guenzi, 11079 County Road 250, Sterling, Colorado 80751. 3.19.2. Location. In the SE1/4 SW1/4 of Section 20, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 210 feet from the South section line and 1600 feet from the West section line, said Section 20. 3.19.3. Appropriation Date. February 2, 2010. 3.19.4. Amount. 2.23 c.f.s., conditional. 3.19.5. Source. Groundwater tributary to the South Platte River. 3.19.6. Use. Irrigation of 220 acres located in the W1/2 of Section 20, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.19.7. Remarks. 2.23 c.f.s of the decreed diversion rate was previously made absolute in the First Diligence Decree. This water right has been made fully absolute. 3.20. Name of Structure. Alan Harryman Well-Permit No. 75031-F (LWU ID 455) (WDID 6406910). 3.20.1. Owner. Alan Harryman 7111 CR 7 Merino, Colorado 80741. 3.20.2. Location. In the SW1/4 SW1/4 of Section 29, Township 7 North, Range 54 West of the 6th P.M., Logan County, Colorado at a point 50 feet from the South section line and 326 feet from the West section line, said Section 29. 3.20.3. Appropriation Date. March 11, 2010. 3.20.4. Amount. 2.67 c.f.s., conditional. 3.20.5. Source. Groundwater tributary to the South Platte River. 3.20.6. Use. Irrigation of 160 acres located in the SW1/4 of Section 29, Township 7 North, Range 54 West of the 6th P.M., Logan County, Colorado. 3.20.7. Remarks: 1.91 c.f.s. of the 2.67 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.21. Name of Structure. Mark Kross Well-Permit No. 75907-F (LWU ID 456) (WDID 6406911). 3.21.1. Owner. Merino Farms Wetlands LLC, 6933 Sedgwick Srive, Fort Collins, Colorado 80525. 3.21.2. Location. In the NW1/4 SE1/4 of Section 26, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado at a point 1286 feet from the South section line and 1385 feet from the East section line, said Section 26. 3.21.3. Appropriation Date. February 2, 2010. 3.21.4. Amount. 2.00 c.f.s., conditional. 3.21.5 Source. Groundwater tributary to the South Platte River. 3.21.6. Use. Irrigation of 62 acres located in the SE1/4 of Section 26, Township 6 North, Range 54 West of the 6th P.M., Logan County, Colorado. 3.21.7. Remarks. 1.21 c.f.s. of the 2.00 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree. 3.22. Name of Structure. Perry Pomeroy III Well 9463-FR-Permit No. 75960-F (LWU ID 457) (WDID 6406064). 3.22.1. Owner. Perry Pomeroy III 13514 CR 16.5, Merino, Colorado 80741. 3.22.2. Location. In the NE1/4 SW1/4 of Section 29, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado at a point 2276 feet from the South section line and 1696 feet from the West section line, said Section 29. 3.22.3. Appropriation Date. March 11, 2010. 3.22.4. Amount. 1.34 c.f.s., conditional. 3.22.5. Source. Groundwater tributary to the South Platte River. 3.22.6. Use. Irrigation of 160 acres located in the S1/2 SW1/4 of Section 29 and N1/2 NW1/4 of Section 32, Township 7 North, Range 53 West of the 6th P.M., Logan County, Colorado. 3.22.7. Remarks. 0.97 c.f.s. of the 1.34 c.f.s. decreed diversion rate was previously made absolute in the First Diligence Decree 4. Recharge Water Rights. The following conditional recharge water rights were adjudicated in the Original Decree. 4.1. Name of Structure. Dune Ridge State Wildlife Area Recharge Project (DRRP). 4.1.1. Diversion. Dune Ridge SWA Well No. 1 (LWU ID R-17) (a/k/a LWU ID 228), (WDID 645848). 4.1.1.1. Owner. State of Colorado Division of Parks and Wildlife 28167 County Road T, Brush CO 80723. 4.1.1.2. Location. In the SE1/4 SW1/4 Section 19, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 15 feet from the South section line and 1420 feet from the West section line, said Section 19. 4.1.1.3. Appropriation Date. December 22, 2008. 4.1.1.4. Amount. 2000 g.p.m., conditional. 4.1.1.5. Source. Groundwater tributary to the South Platte River. 4.1.1.6. Use. Recharge for use in Logan's plan for augmentation decreed Case No. 03CW195 for augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection, wildlife and also for wildlife habitat, wildlife water and any other beneficial uses consistent with the intended purposes of creating additional habitat for wildlife and waterfowl at the DRRP. 4.1.2. Diversion. Dune Ridge SWA Well No. 2 (LWU ID

R-18) (WDID 6406872). 4.1.2.1. Owner. State of Colorado Division of Parks and Wildlife 28167 County Road T, Brush CO 80723. 4.1.2.2. Location. In the NW¼ SW¼ Section 19, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 2474 feet from the South section line and 805 feet from the West section line, said Section 19. 4.1.2.3. Appropriation Date. December 22, 2008. 4.1.2.4. Amount. 2500 g.p.m., conditional. 4.1.2.5. Source. Groundwater tributary to the South Platte River. 4.1.2.6. Use. Recharge for use in Logan’s plan for augmentation decreed Case No. 03CW195 for augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection, wildlife and also for wildlife habitat, wildlife water and any other beneficial uses consistent with the intended purposes of creating additional habitat for wildlife and waterfowl at the DRRP. 4.2. Name of Structure. SIC B1 Well 19533-F (LWU ID R-16) (WDID 645558). (a/k/a LWU ID 418 when used for irrigation and LWU ID A-51 when used for augmentation). 4.2.1. Previous Decree. 03CW195 at ¶30.31, February 21, 2006. 4.2.2. Owner. Sterling Irrigation Company, P.O. Box 1825, Sterling, CO 80751. 4.2.3. Location. In the SE¼ SE¼ Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County, Colorado, at a point 1000 feet from the South section line and 1000 feet from the East section line, said Section 7. 4.2.4. Appropriation Date. September 25, 2009. 4.2.5. Amount. 2240 g.p.m., conditional. 4.2.6. Source. Groundwater tributary to the South Platte River. 4.2.7. Use. Recharge for augmentation use in Logan’s plan for augmentation decreed Case No. 03CW195 of water rights used for irrigation, municipal, commercial, livestock and fire protection. 5. Outline of What Has Been Done Toward Completion. 5.1. The Diligence period for the conditional rights that are the subject of this Application is October 26, 2017 to October 31, 2023. 5.2. During the diligence period, Logan made annual projections and conducted annual accounting pursuant to the terms of the decree entered in Case No. 03CW195, which decree approved a plan for augmentation for Logan’s Member Wells, referred to as the “Logan Augmentation Plan.” During the diligence period, Logan operated the Logan Augmentation Plan, including delivering water to recharge ponds and ensuring replacement of out-of-priority depletions as required by the terms of the 03CW195 Decree. 5.3. During the diligence period, Logan filed statements of opposition in the following cases: Dixie Water, 18CW3237 and BennT Creek Regional Water Authority and SP Regional Water Company, LLC, 20CW3215. 5.4. During the diligence period Logan has expended funds to install well telemetry, for certification of well meters, for reading of well meters, maintenance of recharge ponds, filed water court applications and obtained decrees in Case Nos. 17CW3045, 18CW3005, 18CW3227, 20CW3030, as well as filed applications still pending in Case Nos. 20CW3166, 23CW3098, 23CW3116 and expended funds related to water rights accounting, engineering and legal services, which total more than \$375,000.00. 6. Claims To Make Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-304. Logan’s consultant Spronk Water Engineers, Inc. reviewed the State Engineer Diversion Records and Applicant’s records to determine the diversions made pursuant the conditional water rights described above. Applicant seeks a decree approving the amounts of each water right as absolute, as described in this ¶ 6. The conditional water rights amounts set out in ¶¶ 3 and 4 above not made absolute in this matter should remain conditional. The water rights set out in this Application are part of an integrated system, generally referred to as the Logan Augmentation Plan. Applicant’s water rights and recharge projects and each of the water rights and structures which will provide augmentation, substitution, replacement, and exchange supplies under the decree entered in this matter and Logan’s other decrees collectively comprise an integrated system of water rights and structures under C.R.S. § 37 92 301(4)(b). Work performed and effort or costs expended by Applicant on any water rights or structures which are part of its integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 6.1. Rosie’s LLC Well No. 12 - Permit No. 75040-F (LWU ID 450). 1.21 c.f.s. was diverted on July 19, 2019. 0.93 c.f.s. was made absolute in the First Diligence Decree, an additional 0.28 c.f.s. for a total of 1.21 c.f.s. should be made absolute. 6.2. Guenzi Farms, Inc. Well No. 2 - Permit No. 75029-F (LWU ID 453). 2.40 c.f.s. was diverted on September 2, 2021. 2.13 c.f.s. was made absolute in the First Diligence Decree, an additional 0.10 c.f.s. for a total of 2.23 c.f.s. should be made absolute, making the full water right absolute. 6.3. Mark Kross Well - Permit No. 75907-F (LWU ID 456). 1.32 c.f.s. was diverted on May 21, 2020. 1.21 c.f.s. was made absolute in the First Diligence Decree, an additional 0.11 c.f.s. for a total of 1.32 c.f.s. should be made

absolute. 6.4. Perry Pomeroy III Well 9463-FR - Permit No. 75960-F (LWU ID 457). 1.33 c.f.s. was diverted on July 8, 2019. 0.97 c.f.s. was made absolute in the First Diligence Decree, an additional 0.36 c.f.s. for a total of 1.33 c.f.s. should be made absolute. 7. Names and addresses of owners of the Structures. The names and addresses of the owners of the structures are set out above. 8. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant has satisfied the statutory standard of steady application of effort to complete the appropriations described above in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the conditional water rights, that a portion of the water rights should be made absolute as described herein, and that the remaining conditional portion of the water rights, or the full amount of the water rights as the case may be, should continue. This document consists of 16 pages.

2023CW3134 THE LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT WATER ACTIVITY ENTERPRISE, 100 Broadway Plaza, Suite 12, Sterling, Colorado 80751. Lawrence Custer Grasmick Jones & Donovan, LLP, Ryan M. Donovan, #44435, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534 **APPLICATION FOR NEW GROUNDWATER RIGHT AND TO ADD WELLS TO APPLICANT'S PLAN FOR AUGMENTATION DECREED IN 02CW320, IN SEDGWICK COUNTY**. 2. Summary of Application. Applicant operates a plan for augmentation decreed in Case No. 02CW320, Water Division No. 1, April 11, 2007 ("02CW320 Decree" or "Lower Plan"). This Application includes two claims by Lower. The first is a claim for a new groundwater right on behalf of well owners who have authorized Lower to claim such right in this Application on their behalf. The second is to add the new groundwater right to the Lower Plan pursuant to paragraph 23.3 of the 02CW320 Decree. **APPLICATION FOR GROUNDWATER RIGHT** 3. Name of Structure: White Well No. 2-05214, Second Right. 3.1. Name and Address of Well Owner: Shirley K. Gerk and Bruce Gerk, PO Box 5, Julesburg, CO, 80737. 3.2. Location of Well: SE 1/4 of NW 1/4 of Section 30, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado, at approximately the following UTM Coordinates (NAD 83 Zone 13) Easting 727345, Northing 4541389. 3.3. Source: Groundwater tributary to the South Platte River. 3.4. Appropriation Date: March 31, 2008. 3.5. Amount Claimed: 600 g.p.m., absolute. 3.6. Use: Irrigation of 80 acres in the NW 1/4 of Section 30, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado. 3.7. Aquifer Parameters: W = 15714 ft; X = 12556 ft; T = 132,000 gpd/ft; lagged to the South Platte River. 3.8. Remarks: A prior decree was entered in Case No. W-5023 by the Water Court, Water Division 1, on January 6, 1975, which decree (the "W-5023 Decree") approved a water right for White Well No. 2-05214 for irrigation of 50 acres in the NW 1/4 of Section 30, Township 12 North, Range 44 West of the 6th P.M., Sedgwick County, Colorado. Since March 31, 2008, Applicant has irrigated a total of 130 acres in the NW 1/4 of Section 30, Township 12 North, Range 44 West. All out of priority depletions associated with diversions by the White Well No. 2-05214, including the right decreed in the W-5023 Decree and the Second Right claimed in this Application, have been replaced pursuant to the Lower Plan and will continue to be replaced. Nothing in this Application is intended to amend the terms of the W-5023 Decree. **APPLICATION TO ADD WATER RIGHT TO AUGMENTATION PLAN** 4. Addition of the White Well No. 2-05214, Second Right to the Lower Plan 4.1. The 02CW320 Decree at ¶ 21.6 allows for the addition of new water rights to the Lower Plan by filing an application with the Water Court. 4.2. Applicant seeks approval from the Court to add the White Well No. 2-05214, Second Right to the Lower Plan. 4.3. The consumptive use factors for the White Well No. 2-05214, Second Right will be those set forth in ¶ 25.6.3 of the 02CW320 Decree. Out of priority depletions from use of the White Well No. 2-05214, Second Right that have occurred prior to and after the date such right is added to the Lower Plan will be replaced by Applicant pursuant to the decree entered in this case and the 02CW320 Decree. 4.4. The water rights to be used for augmentation will be all water rights approved for augmentation in the Lower Plan, and any other source legally available which can be provided as needed to replace out of priority depletions from the White Well No. 2-05214, Second Right. 5. Names and Addresses of Owners of Land on Which Structures are Located. 5.1. White Well No. 2-05214, Second Right. See Paragraph 3.1. This application consists of 4 pages.

2023CW3135 Applicant: **SHELTON LAND & CATTLE, LTD, C/O SHELTON LAND & CATTLE, LTD**, 23043 WCR 42, LaSalle, CO 80645. Serve all pleadings on: Matthew Machado and Casey J. Weaver, Lyons Gaddis, P.C., 950 Spruce St., Louisville, CO 80027, (303)776-9900 mmachado@lyonsgaddis.com, cweaver@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY.**

2. Overview. Weixelman Well No. 1:and Arens Well No. 1 (“Subject Wells”) were originally decreed in Case Nos. W-6177 and W-3303, respectively, for irrigation purposes. On October 17, 2017, the District Court, Water Div. No. 1, Weld County (the “Court”) entered a decree in Case No. 17CW3065 for new conditional water rights for each of the Subject Wells for industrial, commercial stock watering, and dust suppression uses (“17CW3065 Uses”), while retaining the right to irrigate the historically irrigated land. All uses of Subject Wells are augmented pursuant to allotment contracts with the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District (“Allotment Contracts”), and the irrigation uses are separately metered from the 17CW3065 Uses for each well. Because Applicant diverted the full amounts from each well and applied that water to beneficial use, Applicant has perfected both rights and is entitled to make those rights absolute.

3. Description of Subject Wells.

3.1. Name of structure: Weixelman Well No. 1: 3.1.1.1. Legal description of point of diversion: Southwest 1/4 of the Northeast 1/4 of Section 26, Township 4 North, Range 65 West of the 6th P.M., in Weld County, at a point 2,650 feet North and 2,650 feet East of the Southwest Corner of said Section 26. A map showing the location of the structure is provided as **EXHIBIT A**. 3.1.2. Source: Groundwater tributary to the South Platte River. 3.1.3. Appropriation: 3.1.3.1. Date: April 26, 2017. 3.1.3.2. Amount: 2.22 c.f.s., 175 acre-feet, conditional. 3.1.4. Uses: Industrial, commercial stock watering, and dust suppression (i.e. the 17CW3065 Uses). 3.1.5. Well Permit No. for 17CW3065 Uses: 88059-F

3.2. Name of structure: Arens Well No. 1. 3.2.1. Legal description of point of diversion: Southwest 1/4 of the Northeast 1/4 of Section 23, Township 4 North, Range 65 West of the 6th P.M. in Weld County, at a point 2,610 feet from the North section line and 1,645 feet from the East section line. 3.2.2. Source: Groundwater tributary to the South Platte River. 3.2.3. Appropriation: 3.2.3.1. Date: April 26, 2017. 3.2.3.2. Amount: 2.67 c.f.s., 175 acre-feet, conditional. 3.2.4. Uses: Industrial, commercial stock watering, and dust suppression (i.e. the 17CW3065 Uses). 3.2.5. Well Permit No. for 17CW3065 Uses: 88058-F

4. Detailed outline of the work that Applicant has taken toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The conditional uses decreed in Case No. 2017CW3065 are part of Applicant’s integrated water supply system pursuant to section 37-92-301(4)(b), C.R.S. for its commercial feedlot, dairy and other operations. During the subject diligence period, the work Applicant conducted includes the following activities related to completion of the conditional groundwater rights: 4.1. Applicant obtained in 2023 the Allotment Contracts for the 17CW3065 Uses, and hired undersigned counsel to assist with that process. 4.2. Applicant obtained new well permits in 2023 from the Colorado State Engineer for the operation of the Subject Well for the 17CW3065 Uses, and hired undersigned counsel to assist with that process (Well Permit No. 88059-F for the Weixelman Well No. 1, and Well Permit No. 88059-F for the Arens Well No. 1). 4.3. Applicant hired Valley Irrigation of Greeley, Custom Production of Kersey and Quality Well and Pump to repair and upgrade the wells for the 17CW3065 Uses. The cost of such work on the Weixelman Well No. 1 was \$57,240.08 and the cost for the work on the Arens Well No. 1 was \$60,404.50. The invoices are attached as **EXHIBIT B**. 4.4. Applicant paid for electric service to operate the wells. The October invoice from Poudre Valley REA for the Weixelman Well No. 1 was \$551.26 and the cost for the Arens Well No. 1 was \$1,721.09 (these costs include electric service for other motors served by the meters). The invoices are attached as **EXHIBIT C**. 4.5. In 2023, Applicant installed new meters to measure, and pipelines from the Subject Wells to deliver, water pumped from the Subject Wells for the 17CW3065 Uses. 4.6. Applicant pumped the Subject Wells for the 17CW3065 Uses in the months of April-October, 2023 and kept records of the amounts pumped (see **EXHIBITS D and E**).

5. Claim to make absolute in whole or in part:

5.1. Structure: Weixelman Well No. 1. 5.1.1. Date water applied to a beneficial use: April 2023 through October 2023. 5.1.1.1. Amount: 2.22 c.f.s. and 175 acre-feet per year. 5.1.1.2. Uses: All uses enumerated in paragraph 3.1.4, above. 5.1.2. Supporting evidence: The pumping records attached as Exhibit D and the signed verification, below. 5.1.3. Place of use: Applicant’s property. 5.2. Structure: Arens Well No. 1. 5.2.1.

Date water applied to a beneficial use: April 2023 through October 2023. 5.2.1.1. Amount: 2.67 c.f.s. and 175 acre-feet per year. 5.2.1.2. Uses: All uses enumerated in paragraph 3.2.4, above. 5.2.2. Supporting evidence: The pumping records attached as Exhibit E and the signed verification, below. 5.2.3. Place of use: Applicant's property. 6. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant owns the wells and the land upon which the wells are located.

2023CW3136 COLUMBINE COUNTRY CLUB, 17 Fairway Lane, Littleton, CO 80123. Matthew S Poznanovic, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, AND IN THE ALTERNATIVE FOR FINDING OF REASONABLE DILIGENCE, IN ARAPAHOE COUNTY.** Prior Decree Information: Originally decreed in Case No. W-8740-77 on November 9, 1983. Decrees finding reasonable diligence for the conditional water rights entered in Case No. 87CW173 on November 4, 1988, Case No. 94CW224 on September 18, 1996, Case No. 02CW203 on September 10, 2004, Case No. 10CW237 on February 7, 2011, and Case No. 17CW3030 on October 17, 2017. Description of Structure and Conditional Water Rights: Name of Structure: Dutch Creek Lake. Source of Water: Dutch Creek. Date of Appropriation: June 24, 1959. Amount: Amount decreed in Case No. W-8740-77: 1.5 acre-feet with right to refill (conditional). In Case No. 94CW224, 1.5 acre-feet of the Dutch Creek Lake water right was decreed absolute for recreational and aesthetic uses. In Case No. 17CW3030, 0.003 acre-feet of the Dutch Creek Lake water right was decreed absolute for landscaping and irrigation uses. Location of Structure: The center of the dam is located on the golf course at Columbine Country Club at a point which is N. 10.5 degrees W., 1500 feet of the Southeast corner of Section 19, T. 5 S., R. 68 W. of the 6th P.M., Arapahoe County. Uses: Recreational, landscaping, aesthetic, and irrigation. **CLAIM TO MAKE ABSOLUTE** The decree in Case No. 94CW224 confirmed 1.5 acre-feet of the Dutch Creek Lake water right had been made absolute for recreational and aesthetic purposes. On April 5, 2017, Dutch Creek Lake was drained, filled by in priority diversion and storage in the amount of 1.5 acre-feet and then refilled by in priority diversion and storage. Applicant seeks to make the remaining 1.497 acre-feet of the Dutch Creek Lake conditional water right absolute for the remaining conditional uses of landscaping and irrigation, and to make the conditional right of refill absolute for recreational, landscaping, aesthetic and irrigation uses, pursuant to C.R.S. § 37-92-301(4)(e), which provides a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure. In the alternative and if these amounts are not made absolute, Applicant requests that a diligence finding also be made to continue these amounts pursuant to the activities described below. **CLAIM FOR FINDING OF REASONABLE DILIGENCE.** This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, C.R.S. § 37-92-302. During this diligence period, in continuing the development of the conditional water rights, Applicant has been engaged in the legal defense and protection of said 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: On a monthly basis, Applicant maintains Dutch Creek Lake through a scheduled program to remove debris, trash, and trees. Applicant coordinates with the Town of Columbine Valley to protect the shoreline of Dutch Creek Lake from noxious weeds, plants and animals. Daily diversion records for the subject water rights are prepared, maintained, and provided to the Office of the Division Engineer. Applicant has incurred additional expenses for consulting and engineering work at a cost of approximately \$57,700. Applicant has incurred additional expenses for legal work at a cost of approximately \$9,200. During the diligence period, legal counsel for Applicant has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicant whether Statements of Opposition need to be filed to protect the water rights. 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. Names and addresses of owners of land upon which structures for the water rights are located: Applicant is the owner of Dutch Creek Lake.

WHEREFORE, Applicant requests that this Court enter a decree finding that Applicant has made the remaining 1.497 acre-feet of the Dutch Creek Lake conditional water right absolute for the remaining conditional uses of landscaping and irrigation, and has made the conditional right of refill for Dutch Creek Lake absolute for recreational, landscaping, aesthetic, and irrigation uses, or, in the alternative, has exercised reasonable diligence in the development of the remaining 1.497 acre-feet of the Dutch Creek Lake conditional water right for landscaping and irrigation uses, and for the conditional right of refill for Dutch Creek Lake for recreational, landscaping, aesthetic, and irrigation uses, continuing any remaining conditional water rights, and for such other and further relief as this Court deems just and proper in the premises. 4 pages.

2023CW3137 (14CW3176) CITY OF FORT COLLINS (“Fort Collins”), **NATURAL AREAS DEPARTMENT**, c/o Julia Feder and Justin Fredrickson, 1745 Hoffman Mill Road (80524), P.O. Box 580, Fort Collins, CO 80522, Telephone: (970) 416-2815, jfeder@fcgov.com; jfredrickson@fcgov.com. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Telephone Number: (303) 443-6151; E-mail: sbc@vrlaw.com; bnk@vrlaw.com; and Eric R. Potyondy, Esq., Fort Collins City Attorney’s Office, 300 LaPorte Avenue, Fort Collins, CO 80521; Telephone Number: (970) 416-2126; E-mail: epotyondy@fcgov.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS PARTIALLY ABSOLUTE IN LARIMER COUNTY.** Fort Collins is a Colorado municipal corporation with home-rule authority. It owns and operates a municipal water supply system to provide potable water supplies to customers located within its municipal water service area, and also a wastewater treatment system to collect and treat wastewater resulting from water use by customers located within its municipal wastewater service area. Fort Collins also owns lands that require non-potable water supplies for uses pertaining to Fort Collins' activities on these lands. 2. Prior Decree. The ground water rights (collectively the “Pond Rights”) and the appropriative rights of substitution and exchange (collectively the “Exchange Rights”) described in this application (collectively the “14CW3176 Water Rights”) were originally decreed by the District Court, Water Division 1, on October 3, 2017, in Case No. 2014CW3176. The decree entered in that case is referred to in this application as the “14CW3176 Decree.” This is the first application for findings of reasonable diligence or to make absolute for the 14CW3176 Water Rights. 3. Names of Structures. The following structures are tied to the 14CW3176 Water Rights. a. For the Pond Rights. The Pond Rights described in Paragraph 4.a, below, are decreed to the following structures: Homestead Pond (aka “Woodward Pond”); Big Pond (aka “Prospect North Pond”); Milne Ponds (aka “Milne Pits”); Artist Point Pond (aka “Wren Pits”); Pelican Pond; Running Deer Pond (aka “Resource Recovery Farm”); Topminnow Pond (aka “Shields Pit”); and Port of Entry Pit (collectively the “Fort Collins Ponds”). The Fort Collins Ponds are all unlined former gravel mining pits. b. For the Exchange Rights. The Exchange Rights described in Paragraph 4.b, below, are decreed to the following structures: Fossil Creek Reservoir Inlet Ditch (“FCRID”) and its headgate; Box Elder Ditch and its headgate; Rigden Reservoir; Fossil Creek Reservoir. 4. Description of Conditional Water Rights. a. Pond Rights. The 14CW3176 Decree adjudicated ground water rights for the Fort Collins Ponds. The annual amount of water decreed for each ground water right includes the following components: “Open Water Volume” (the volume associated with the open space in each pond up to its high water level); and “Annual Evaporation Replacement” (the annual volume of water that will flow into the pond from the surrounding alluvium to replace evaporation loss from the maximum surface area of the pond). Certain of the ponds are also associated with the water level management operations described in the 14CW3176 Decree, and also have a decreed “Water Level Management Operations” component (the volume of water that will flow into the pond from the surrounding alluvium during Fort Collins’ water level management operations). The general location of each of the Fort Collins Ponds is shown in **Exhibit 1** to the application. i. Homestead Pond. (1) Legal Description: located in the SE1/4 SE1/4 of Sec. 12, Township 7 North, Range 69 West, 6th P.M., Larimer County. (2) Open Pond Space: 11.25 acre-feet (“AF”). (3) Maximum Surface Area: 3.05 acres. (4) Total Annual Volume: 19.72 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 11.25

AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 8.47 AF, CONDITIONAL. ii. Big Pond. (1) Legal Description: located in the S1/2 of Sec. 17, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Open Pond Space: 71.45 AF. (3) Maximum Surface Area: 38.18 acres. (4) Total Annual Volume: 430.45 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 71.45 AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 112.41 AF, CONDITIONAL. (c) Water Level Management Operations: 246.59 AF, CONDITIONAL, for all decreed uses. iii. Milne Ponds. (1) Legal Description: located in the S1/2 SE1/4 of Sec. 17, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Open Pond Space: 61.56 AF. (3) Maximum Surface Area: 12.87 acres. (4) Total Annual Volume: 107.96 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 61.56 AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 46.40 AF, CONDITIONAL. iv. Artist Point Pond. (1) Legal Description: located in the E1/2 NE1/4 of Sec. 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Open Pond Space: 38.68 AF. (3) Maximum Surface Area: 24.27 acres. (4) Total Annual Volume: 602.99 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 38.68 AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 87.50 AF, CONDITIONAL. (c) Water Level Management Operations: 476.81 AF, CONDITIONAL, for all decreed uses. v. Pelican Pond. (1) Legal Description: located in the SE1/4 NE1/4 of Sec. 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Open Pond Space: 58.76 AF. (3) Maximum Surface Area: 13.45 acres. (4) Total Annual Volume: 508.44 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 58.76 AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 37.67 AF, CONDITIONAL. (c) Water Level Management Operations: 412.01 AF, CONDITIONAL, for all decreed uses. vi. Running Deer Pond. (1) Legal Description: located in the W1/2 SE1/4, the E1/2 SW1/4, and the SW1/4 NE1/4 of Sec. 21, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Open Pond Space: 20.93 AF. (3) Maximum Surface Area: 20.87 acres. (4) Total Annual Volume: 147.99 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 20.93 AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 75.24 AF, CONDITIONAL. (c) Water Level Management Operations: 51.82 AF, CONDITIONAL, for all decreed uses. vii. Topminnow Pond. (1) Legal Description: located in the NE1/4 NW1/4 of Sec. 33, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Open Pond Space: 101.93 AF. (3) Maximum Surface Area: 21.5 acres. (4) Total Annual Volume: 656.25 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 101.93 AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 77.51 AF,

CONDITIONAL. (c) Water Level Management Operations: 476.81 AF, CONDITIONAL, for all decreed uses. viii. Port of Entry Pit. (1) Legal Description: located in the E1/2 of Sec. 28 and the W1/2 of Sec. 27, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Open Pond Space: 18.43 AF. (3) Maximum Surface Area: 9.75 acres. (4) Total Annual Volume: 89.20 AF/year, with the right to continuous inflows into the pond up to this amount to maintain water levels up to the high water level for the pond. (a) Open Water Volume: 18.43 AF, which amount was decreed as absolute in the 14CW3176 Decree for the following uses: recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas. (b) Annual Evaporation Replacement: 35.15 AF, CONDITIONAL. (c) Water Level Management Operations: 35.62 AF, CONDITIONAL, for all decreed uses. ix. Appropriation Date for the Pond Rights. The appropriation date for each of the Pond Rights is December 31, 2014. x. Source of Water for the Pond Rights. The source of water for each of the Pond Rights is ground water tributary to the Cache La Poudre River. xi. Decreed Uses for the Pond Rights. The decreed uses for the Pond Rights are identified and described with specificity in the 14CW3176 Decree. The following is a summary of those uses; this summary is not intended to alter the 14CW3176 Decree or its description of the decreed uses. In general, Fort Collins will use the Pond Rights as follows: (1) Ground water that flows into the Fort Collins Ponds will be used while within the Open Pond Space (as defined in the 14CW3176 Decree) up to the high water level for each pond for recreation, fishing, maintenance of wildlife and wildlife habitat, including piscatorial use, preservation of wetland areas and plant species, and maintenance of ponds as natural areas; and following release from the Fort Collins Ponds pursuant to water level management operations for augmentation, replacement, substitution, and exchange purposes, either directly, or following storage in Rigden Reservoir or Fossil Creek Reservoir and subsequent release, including use in the plan for augmentation decreed in the 14CW3176 Decree, replacement of return flows from the Ditch Water Rights as described in the 14CW3176 Decree, and as a source of substitute supply for the appropriative rights of exchange adjudicated in the 14CW3176 Decree and described below. Fort Collins has the right pursuant to the 14CW3176 Decree to use the Pond Rights while water is within the open water areas for the ponds for the purposes described in paragraph 19.1 of the 14CW3176 Decree, and following release from the ponds may fully consume the released water for augmentation, replacement, substitution, and exchange purposes as described in paragraph 19.1 in accordance with the terms of the 14CW3176 Decree. The decreed uses for the Pond Rights include the right to continuous ground water inflows into the Fort Collins Ponds in the amounts described in the 14CW3176 Decree and this application to replace evaporation losses or pursuant to water level management operations, in accordance with the priorities for the structures. The uses will occur at and around the location of the ponds, in the Cache La Poudre River, in Rigden Reservoir and Fossil Creek Reservoir pursuant to the rights of exchange adjudicated in the 14CW3176 Decree and described below, and in the Cache La Poudre River as part of the plan for augmentation and replacement of return flow obligations described in the 14CW3176 Decree. (2) Subject to the additional requirements set forth in the 14CW3176 Decree, Fort Collins may also use, reuse, successively use, fully consume, and dispose of to extinction the Pond Rights both within and outside of Fort Collins' existing and future service area, either directly following release from the Fort Collins Ponds, or following storage in Rigden Reservoir or Fossil Creek Reservoir and subsequent release, for augmentation and replacement use in other plans for augmentation, to replace other return flow obligations, and for substitution and exchange purposes in other appropriative rights of exchange. b. Exchange Rights. i. Points of Release of Substitute Supply (exchange-from points, shown on the map attached as Exhibit 2 to the application). (1) Confluence of the Cache La Poudre River and the delivery outlet for Artist Point Pond and Pelican Pond, located in the SE1/4 NE1/4 of Sec. 20, T7N, R68W, 6th P.M., Larimer County. This includes water level management releases from Big Pond, Artist Point Pond, and Pelican Pond. (2) Confluence of the Cache La Poudre River and the river delivery outlet for Running Deer Pond, located in the NW1/4 NE1/4 of Sec. 28, T7N, R68W, 6th P.M., Larimer County. (3) Confluence of the Cache La Poudre River and the river delivery outlet for the Port of Entry Pit, located in the NW1/4 SW1/4 of Sec. 27, T7N, R68W, 6th P.M., Larimer County. ii. Points of Diversion (exchange-to points, shown on Exhibit 2 to the application). (1) FCRID headgate located on the Cache La Poudre River in the NE1/4 NE1/4 SE1/4 of Sec. 20, T7N, R68W, 6th P.M., Larimer County. (2)

Box Elder Ditch headgate, located on the south bank of the Cache La Poudre River in the SW1/4 SE1/4 NE1/4 of Sec. 20, T7N, R68W, 6th P.M., Larimer County. iii. Exchange Reach. The upstream terminus of the river reach for the Exchange Rights is the Box Elder Ditch headgate. The downstream terminus of the river reach for the Exchange Rights is the confluence of the Cache La Poudre River and the river delivery outlet for the Port of Entry Pit. iv. Sources of Substitute Supply. Water from Big Pond, Artist Point Pond, Pelican Pond, Running Deer Pond, and Port of Entry Pit under the Pond Rights as described in Paragraph 4.a, above, released to the Cache La Poudre River via the river delivery outlets described in Paragraph 4.b.i above. v. Date of Appropriation. July 30, 2015. vi. Exchange Rate. A maximum rate of exchange from each exchange-from point to each exchange-to point of 6 cubic feet per second (“cfs”), or a maximum cumulative rate of exchange of 18 cfs if multiple exchanges operate concurrently, CONDITIONAL; limited to 1,101.67 acre-feet per year from any combination of the exchange-from points and exchange-to points. vii. Decreed Uses. The decreed uses for the Exchange Rights are identified and described with specificity in the 14CW3176 Decree. The following is a summary of those uses; this summary is not intended to alter the 14CW2176 Decree or its description of the decreed uses. In general: (1) Water diverted at the exchange-to points identified in Paragraph 4.b.ii above pursuant to the Exchange Rights will be used by Fort Collins following storage in Rigden Reservoir or Fossil Creek Reservoir and subsequent release for augmentation, replacement, substitution, and exchange purposes, including in the plan for augmentation described in the 14CW3176 Decree and to replace Fort Collins’ return flow obligations for the Ditch Water Rights described in the 14CW3176 Decree. Because the source of substitute supply for the Exchange Rights is fully consumable water released from the Fort Collins Ponds, Fort Collins has the right to use, reuse, successively use, and dispose of the water diverted pursuant to the Exchange Rights to extinction for these purposes in accordance with the terms of the 14CW3176 Decree. (2) Subject to the additional requirements set forth in the 14CW3176 Decree, water diverted at the exchange-to points identified in Paragraph 4.b.ii above pursuant to the Exchange Rights may also be used, reused, successively used, fully consumed, and disposed of to extinction by Fort Collins both within and outside of Fort Collins’ existing and future service area following storage in Rigden Reservoir or Fossil Creek Reservoir and subsequent release, for augmentation and replacement use in other plans for augmentation, to replace other return flow obligations, and for substitution and exchange purposes in other appropriate rights of exchange. viii. Places of Storage. After diversion at the exchange-to points described in Paragraph 4.b.ii above, the water diverted pursuant to the Exchange Rights will be delivered to the following structures for storage and subsequent release for the uses described above in Paragraph 4.b.vii: (1) Fossil Creek Reservoir, located in portions of Secs. 9, 10, 15, 16, and 17, T6N, R68W, 6th P.M., Larimer County. Deliveries to Fossil Creek Reservoir will be made through diversions at the FCRID headgate, described in Paragraph 4.b.ii(1) above, or by release back to the FCRID after delivery to and storage in Rigden Reservoir. (2) Rigden Reservoir, located in the SW1/4 SW1/4 of Sec. 27 and the SE1/4 of Sec. 28, T7N, R68W, 6th P.M., Larimer County. Deliveries to Rigden Reservoir will be made through diversions at the FCRID headgate and the Box Elder Ditch headgate as described in Paragraph 4.b.ii above. 5. Amounts Claimed as Absolute. a. Fort Collins has operated the plan for augmentation described in the 14CW3176 Decree since entry of that decree on October 3, 2017. Pursuant to the Pond Rights and the plan for augmentation operations, Fort Collins diverted ground water into the Fort Collins Ponds to replace evaporation losses using the Annual Evaporation Replacement component of the Pond Rights and replaced the lagged stream impacts from those diversions when they were out-of-priority. In this manner, Fort Collins diverted and placed the Annual Evaporation Replacement component of each of the Pond Rights to the decreed beneficial use pursuant to procedures prescribed by law, and has thus made the Annual Evaporation Replacement component for each of the Pond Rights absolute in full pursuant to C.R.S. §§ 37-92-103(3)(a), 37-92-103(9), and 37-92-305(9)(a) in the following amounts: i. Homestead Pond. 8.47 AF ii. Big Pond. 112.41 AF iii. Milne Ponds. 46.40 AF iv. Artist Point Pond. 87.50 AF v. Pelican Pond. 37.67 AF vi. Running Deer Pond. 75.24 AF vii. Topminnow Pond. 77.51 AF viii. Port of Entry Pit. 35.15 AF b. The Water Level Management Operations components of the Pond Rights remain conditional in the amounts and for the uses described in Paragraph 4.a and its relevant subparagraphs. The exchange rates and the uses associated with the Exchange Rights also remain conditional as described above in Paragraph 4.b and its relevant subparagraphs. c. Fort Collins reserves the

right to claim absolute any amount of water diverted pursuant to the remaining conditional portions of the Pond Rights and the Exchange Rights prior to the Court entering a decree in this case, without the need for publishing an amendment to this application. 6. Activities undertaken by Fort Collins toward completion of the appropriations and application of water to beneficial use during the diligence period, including expenditures. a. Fort Collins is a municipal entity that operates a complex and interrelated system for water delivery to its constituents and other entities, and related wastewater treatment and water reuse. The majority of its system and operations are integrated. During the subject diligence period running from January 1, 2015, through the date of filing the application in this case, Fort Collins engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 6, concerning or related to the development and use of the Pond Rights, the Fort Collins Ponds, and the Exchange Rights, and operation of its integrated municipal water system. The activities and costs identified in this application are not all inclusive, and Fort Collins reserves the right to provide evidence of other work done and costs incurred during the diligence period during the proceedings for this application. b. With respect to the development, diversion, and beneficial use of the Pond Rights and the Exchange Rights, Fort Collins has engaged in the following activities and incurred the following associated costs. i. The Fort Collins Ponds are existing structures. Fort Collins operated and maintained these structures during the relevant diligence period and has diverted and used groundwater under the Pond Rights for the decreed *in situ* uses in the ponds, including diversions to replace evaporation losses and operation of the plan for augmentation to replace lagged stream depletions from the evaporation losses. Fort Collins spent over \$100,000 on consultants during the diligence period for these activities. ii. Fort Collins invested staff time and incurred costs to operate and maintain water level monitoring equipment in the Fort Collins Ponds. iii. Fort Collins invested staff time and incurred costs to discuss and further plan for water level management operations at the Fort Collins Ponds as described in the 14CW3176 Decree. iv. As discussed further at Paragraph 6.c.ii, Fort Collins completed the construction of Rigden Reservoir and needed accounting forms for operation of this reservoir. As described in Paragraph 4.b.viii, Rigden Reservoir is a location of storage for water diverted pursuant to the Exchange Rights. c. Additional Diligence Activities. During the relevant diligence period Fort Collins also engaged in the following activities and incurred the described costs for work on other aspects of its integrated water supply system, including but not limited to the following: i. Fort Collins actively worked on the Halligan Water Supply Project (“Halligan Project”), which, when approved, will result in the enlargement of Halligan Reservoir and additional capacity for use of other Fort Collins water rights. (1) Fort Collins worked to obtain the necessary federal, state, and local permits and authorizations for the Halligan Project. The Army Corps of Engineers released a draft Environmental Impact Statement (“EIS”) and a Conceptual Mitigation Plan for the Halligan Project on November 22, 2019. The final EIS is expected to be released in 2023. (2) In May 2020, Fort Collins and Colorado Parks and Wildlife (“CPW”) began the process of developing a state Fish and Wildlife Mitigation and Enhancement Plan (“FWMEP”), which must be approved by the state prior to the commencement of construction under the Halligan Project. The FWMEP was presented to and approved by CPW and the Colorado Water Conservation Board on June 23, 2023, and July 19, 2023, respectively, and is now the official state position on the mitigation actions required of Fort Collins for the Halligan Project. (3) Fort Collins began preparing and has continued work on its request to the Colorado Department of Public Health and Environment (“CDPHE”) for Clean Water Act Section 401 Water Quality Certification for the Halligan Project. The 401 Certification request is expected to be presented to CDPHE in late 2024. (4) Fort Collins hired a design engineer and construction contractor for the Halligan Project and conducted a 30% design. (5) Fort Collins conducted fieldwork at the proposed dam enlargement site, including surveying and geotechnical evaluation. (6) Fort Collins worked to acquire the real property rights needed for the design, construction, and operation of the enlarged Halligan Reservoir. (7) Fort Collins partnered with the United States Geological Survey and CPW to install a new stream gage upstream of Halligan Reservoir on the North Fork of the Cache la Poudre River. Stream flow data collected at the gage will inform the design of the Halligan Project and future operations of the enlarged Halligan Reservoir. (8) Fort Collins spent significant time and resources on planning activities to integrate the enlarged Halligan Reservoir operations into its overall water supply system. (9) Fort Collins spent approximately \$17 million dollars on the Halligan Project and the

enlargement of Halligan Reservoir during the diligence period, including but not limited to significant design and permitting costs. ii. Fort Collins engaged in and completed the following activities, with associated costs, for the construction and use of Rigden Reservoir. (1) Fort Collins spent over \$11.5 million dollars on land acquisition, design, and construction of Rigden Reservoir. (2) Fort Collins negotiated for and completed a carriage agreement with North Poudre Irrigation Company on March 3, 2015, for the delivery of water to Rigden Reservoir via the FCRID. The upfront payment for this carriage agreement was \$460,000. The FCRID is an exchange-to point and delivery structure for water diverted pursuant to the Exchange Rights. (3) Fort Collins completed a Memorandum of Understanding among various city departments, dated June 17, 2015, and amended July 13, 2017, regarding operations and responsibilities associated with Rigden Reservoir, and a separate Memorandum of Understanding, dated July 24, 2017, regarding capacity in Rigden Reservoir. (4) Fort Collins spent approximately \$339,000.00 on operations and maintenance of Rigden Reservoir. (5) Fort Collins has dedicated significant staff time and related resources to the operation and maintenance of Rigden Reservoir, including the development of accounting for this reservoir that tracks the diversion and storage of water diverted by the water storage right decreed in Case No. 14CW3158 and other water sources that are decreed for storage in this reservoir, including but not limited to water diverted pursuant to the Exchange Rights. iii. Fort Collins has been involved in discussions with the City of Greeley concerning Milton Seaman Reservoir, its previously proposed enlargement, and Fort Collins' use of Milton Seaman Reservoir. iv. Fort Collins has been involved in discussions with the Cache La Poudre Water Users Association ("Association") and the City of Greeley concerning, among other things, the use of water attributable to the Association's ownership interest in the water rights decreed in Case No. 80CW355 ("1/8th Grey Mountain Right") in Fort Collins' municipal water supply system. With the permission of the Association, Fort Collins also spent time during the subject diligence period modeling use of the 1/8th Grey Mountain Right in various permitting and approval scenarios for the Halligan Project. v. Fort Collins spent approximately \$2.1 million dollars to design and construct a pre-sedimentation basin at the head of the Pleasant Valley Pipeline. The pre-sedimentation basin was a needed improvement to allow for quality control of water diverted from the Cache La Poudre River. vi. Fort Collins participated in proceedings before the Colorado Water Quality Control Commission with respect to effluent discharged from Fort Collins' wastewater treatment facilities. vii. During the diligence period Fort Collins filed and/or worked on water court applications as the Applicant in the following Water Division 1 cases: 11CW265, 13CW3185, 14CW3158, 15CW3053, 16CW3169, 19CW3225, 21CW3131, 22CW3055, and 23CW3034. viii. Fort Collins participated in various water court cases and proceedings before the State Engineer's Office as an opposer to monitor the impact of the rights claimed in those cases and to protect its water rights, including the Rigden Storage Right and Rigden Exchange Rights, from injury, including the following cases: 08CW277, 13CW3015, 13CW3071, 13CW3141, 13CW3159, 13CW3166, 13CW3186, 14CW3008, 14CW3144, 15CW3095, 15CW3157, 15CW3162, 15CW3163, 15CW3167, 15CW3169, 15CW3172, 16SE04, 16CW3073, 16CW3093, 16CW3170, 16CW3172, 16CW3173, 16CW3174, 16CW3194, 16CW3195, 16CW3196, 17CW3046, 17CW3057, 17CW3160, 17CW3094, 17CW3160, 17CW3194, 17CW3198, 17CW3199, 17CW3203, 18CW3064, 18CW3076, 18CW3216, 19CW3007, 19CW3019, 19CW3059, 19CW3165, 19CW3169, 19CW3200, 19CW3239, 20CW30, 20CW3000, 20CW3009, 20CW3041, 20CW3054, 20CW3113, 20CW3157, 20CW3174, 20CW3208, 21CW3035, 21CW3093, 21CW3104, 21CW3143, 21CW3168, 21CW3179, 21CW3199, 21CW3204, 21CW3229, 21CW3231, 22CW3042, 22CW3102, 23CW100, and 23CW3204. ix. Fort Collins spent over \$791,000.00 on outside legal fees during the diligence period to support the City's own water rights applications or to protect its existing water rights from injury, including the Pond Rights and the Exchange Rights, by opposing the water rights applications of others. This applicant and opposition work also included expenses for use of outside water resources engineering consultants and staff time. 7. Continuing Need and Intent for the Pond Rights and the Exchange Rights. Fort Collins' Natural Areas operations that involve the Pond Rights, the Fort Collins Ponds, the Exchange Rights, and the plan for augmentation and water level management operations described in the 14CW3176 Decree, vary from year-to-year and also seasonally and continue to be developed and implemented. Fort Collins has a continuing need for all of the water and exchange potential decreed under the Pond Rights and the Exchange Rights

and has a continuing plan and intent to develop and put to beneficial use all of the Pond Rights and the Exchange Rights up to their maximum decreed rates and volumes. 8. Names and addresses of 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. The list below includes Fort Collins' current understanding of the owners of land upon which the structures identified in this application are located, and also the owners of the primary water rights that are diverted at, or stored in, the identified structures. a. Box Elder Ditch. The point of diversion for the Box Elder Ditch is on land owned by Applicant, Fort Collins, P.O. Box 580, Fort Collins, CO 80522. The address for the Box Elder Ditch Company, the owner of the ditch, is 207 Windflower Way, Severance, CO 80550. b. Fossil Creek Reservoir Inlet Ditch. The point of diversion for the FCRID is on land owned by (i) North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80549, (ii) Fort Collins, and (iii) the Colorado State University System, the Board of Governors, Campus Delivery 6009, Fort Collins, CO 80523-6009. c. Fossil Creek Reservoir. Fossil Creek Reservoir is located on land owned by North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80547. d. Rigden Reservoir, Homestead Pond, Big Pond, Milne Ponds, Artist Point Pond, Pelican Pond, Running Deer Pond, Topminnow Pond, Port of Entry Pit. These structures are located on land owned by Applicant, Fort Collins. WHEREFORE, Fort Collins seeks entry of a decree: (1) confirming the absolute claims for the Pond Rights as described in Paragraph 5; (2) finding that Fort Collins has proceeded with reasonable diligence in the development of the remaining conditional portions of the Pond Rights and the Exchange Rights; and (3) continuing the remaining conditional portions of the Pond Rights and the Exchange Rights in full force and effect for another diligence period. (23 pgs., 2 exhibits)

2023CW3138 TOWN OF EATON, c/o Wesley LaVanchy, Interim Town Administrator, 223 1st Street, Eaton, CO 80615, Phone: (970) 454-3388. Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Phone: (303) 296-8100. **APPLICATION FOR ABSOLUTE WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION IN WELD COUNTY. 2. Introduction.** Applicant, the Town of Eaton ("Applicant" or "Eaton") owns and operates two wells, Eaton Well No. 2A, Permit No. 42584-F, ("Well No. 2A") and Eaton Well No. 2B, Permit No. 42585-F, ("Well No. 2B"). A map showing the approximate locations of Well No. 2A and Well No. 2B is attached as **Exhibit A**. Well No. 2A and Well No. 2B have historically operated as alternate points of diversion for Eaton Well No. 2, Permit No. 9685-F, decreed in Case No. CA-11217 ("Well No. 2"). Well No. 2 is decreed to withdraw water designated as not tributary; however, in the permits for Well No. 2A and Well No. 2B, the State Engineer concluded that water withdrawn from Well No. 2A and Well No. 2B is hydrologically connected to Eaton Draw, which is tributary to the Cache La Poudre River, which is tributary to the South Platte River. Accordingly, the State Engineer directed Eaton to file a change of water rights for Well No. 2A and Well No. 2B and to obtain a plan for augmentation to augment out-of-priority depletions caused by pumping Well No. 2A and Well No. 2B. Towards this end, Eaton filed an application with the Division 1 Water Court in Case No. 93CW29, however no decree was ultimately entered in that case. Eaton is filing this application to claim new absolute water rights (with a 2023 priority) for Well No. 2A and Well No. 2B and to decree a plan for augmentation to augment out-of-priority depletions caused by pumping Well No. 2A and 2B. On August 21, 2023, Eaton entered into an Augmentation Water Lease Agreement with the City of Greeley to provide up to 15 acre-feet of water annually as a source of replacement water to augment the out-of-priority depletions caused by pumping Well No. 2A and Well No. 2B. A copy of this lease is attached as **Exhibit B**. Eaton also intends to acquire and/or lease additional water supplies in the future as necessary for use as a source of replacement water to augment the out-of-priority depletions caused by pumping Well No. 2A and Well No 2B, which Eaton will also include in the plan for augmentation pursuant to procedures authorized by Section 37-92-305(8)(c), C.R.S. Upon entry of a final unappealable decree, Eaton will abandon the water rights decreed to Well No. 2 in Case No. CA-11217. **3. Claims for absolute water rights. a. Eaton Well No. 2A. i. Location (PLSS).** Well No. 2A is located in the SW 1/4, SW 1/4 of Section 31, Township 7 North, Range 65 West of the 6th P.M., in Weld County, Colorado, at a point 314 feet from the South section line and 97 feet from the West section line. **ii.**

Location (UTM). Zone 13N, 524098 E., 4486127 N. **iii. Permit**. Permit No. 42584-F. **iv. Source**. Eaton Draw, tributary to the Cache La Poudre River, tributary to the South Platte River. **v. Amount**. 100 g.p.m. **vi. Use**. Irrigation. Well No. 2A is used to irrigate approximately 1.2 acres at the old Eaton Elementary School property. **vii. Date of appropriation**. October 27, 1993. Pursuant to the postponement doctrine, Well No. 2A will be administered by the Division Engineer as junior to water rights submitted for adjudication in years prior to 2023 and to water rights adjudicated in 2023 if such water rights are decreed with an appropriation date senior to the appropriation date of Well No. 2A. **viii. How appropriation was initiated**. By placing water to beneficial use. **ix. Date water applied to beneficial use**. October 27, 1993. **b. Eaton Well No. 2B. i. Location (PLSS)**. Well No. 2B is located in the SE ¼, SW ¼ of Section 36, Township 7 North, Range 66 West of the 6th P.M., in Weld County, Colorado, at a point 440 feet from the South section line and 2378 feet from the West section line. **ii. Location (UTM)**. Zone 13N, 523100.4 E, 4486140.1 N. **iii. Permit**. Permit No. 42585-F. **iv. Source**. Eaton Draw, tributary to the Cache La Poudre River, tributary to the South Platte River. **v. Amount**. 100 g.p.m. **vi. Use**. Irrigation. Well No. 2B is used to irrigate approximately 2.6 acres at Eaton’s Centennial Park. **vii. Date of Appropriation**. October 28, 1993. Pursuant to the postponement doctrine, Well No. 2B will be administered by the Division Engineer as junior to water rights submitted for adjudication in years prior to 2023 and to water rights adjudicated in 2023 if such water rights are decreed with an appropriation date senior to the appropriation date of Well No. 2B. **viii. How appropriation was initiated**. By placing water to beneficial use. **ix. Date water applied to beneficial use**. October 28, 1993. **4. Claim for Plan for Augmentation**. Through this plan for augmentation, Eaton will provide sources of replacement water to replace the out-of-priority depletions caused by pumping Well No. 2A and Well No. 2B. **a. Structures to be augmented. i.** Well No. 2A (described above); and **ii.** Well No. 2B (described above). The approximate locations of Well No. 2A and Well No. 2B, including the areas to be irrigated, are shown in Exhibit A. **b. Point of Depletions**. Well No. 2A and Well No. 2B deplete Eaton Draw at the following location: **i. PLSS**. Section 31, Township 7 North, Range 65 West of the 6th P.M., in Weld County, Colorado, at a point 124.8 feet north of the south section line and 1625.2 feet west of the east section line. **ii. UTM**. Zone 13N. 525181.6 E, 4486047.2 N. **c. Sources of water to be used for augmentation. i.** Water leased from the City of Greeley pursuant to the Augmentation Water Lease attached as Exhibit B, including any extension or renewal thereof. **ii.** Eaton intends to acquire and/or lease additional water supplies in the future as necessary for use as a source of replacement water to augment the out-of-priority depletions caused by pumping Well No. 2A and Well No. 2B, which Eaton will add to the plan for augmentation pursuant to procedures authorized by Section 37-92-305(8)(c), C.R.S. **d. Complete statement of plan for augmentation**. As described above, Well No. 2A and Well No. 2B deplete Eaton Draw, which is tributary to the Cache La Poudre River, which is tributary to the South Platte River. When a call senior to the priorities for Well No. 2A and/or Well No. 2B is being administered downstream of Well No. 2A and/or Well No. 2B, Eaton will replace out-of-priority depletions associated with Well No. 2A and/or Well No. 2B in time, place, and amount as necessary to prevent injury to other water rights using the sources of replacement water listed in paragraph 4.b, above. Pumping from Well No. 2A and 2B will be measured by continuous recording devices. Eaton will determine the amount, timing, and location of all out-of-priority depletions caused by pumping Well No. 2A and Well No. 2B, including lagged depletions. The maximum estimated amounts of annual depletions attributable to pumping Well No. 2A and 2B are 2.89 and 5.99 acre-feet of water, respectively. **5. Names and addresses of owners of land on which structures are located**. Eaton School District No. RE-2, 200 Park Ave., Eaton, Colorado 80615, is the owner of the land where Well No. 2A is located. Eaton is the owner of the land where Well No. 2B is located. **WHEREFORE**, Eaton respectfully requests that the Water Court grant the absolute water rights and plan for augmentation described herein.

2023CW3139 (14CW3011) CITY OF ENGLEWOOD, Pieter Van Ry, Director of Utilities, 1000 Englewood Parkway, Englewood, CO 80110-0110, (303) 762-2636. Direct all pleadings and correspondence to: Peter D. Nichols, Geoffrey M. Williamson, Patrick M. Haines, Megan Christensen, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, CO 80302, (303) 402-1600. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE**

IN PART IN ARAPAHOE COUNTY. 2. Summary of Application: Englewood is a municipal corporation of the State of Colorado. Englewood owns and operates municipal water and sewer utility systems for the benefit of its citizens, and for the provision of water and sewer service contracts. This application seeks a finding of reasonable diligence for Englewood’s conditional underground water right for Pershin Spring, originally decreed in Case No. 14CW3011 on October 23, 2017, and to make an additional 0.1 cfs of the conditional water right absolute. 3. Description of Conditional Surface Water Right: A. Name of Structure: Pershin Spring. Permit No. 78134-F. B. Original Decree: Originally decreed on October 23, 2017, in Case No. 14CW3011, Water Division 1. C. Legal Description: 1. Location information in UTM format: Easting: 498196, Northing: 4387069, Zone 13 North. 2. Legal Description using Public Land Survey System: Pershin Spring is located within Centennial Lake, which is located in the SW 1/4 of the NE 1/4 of Section 8, Township 5 South, Range 68 West, of the 6th P.M. 2,031 feet from the North section line and 1,351 feet from the East section line, as shown in **Exhibit A**. D. Source: 1. Source of water: Groundwater tributary to the South Platte River. 2. Depth of well: Not applicable, Pershin Spring is a spring that feeds Centennial Lake with groundwater. Pershin Spring is treated as a well for the purposes of this water right. E Date of Appropriation: July 26, 1963. F. Amount: 1. Rate: 1.0 cfs total (0.57 cfs ABSOLUTE; 0.43 cfs remaining CONDITIONAL). 2. Maximum Annual Volume: 51.5 acre-feet. G. Use: Irrigation. Water from Pershin Spring historically irrigated 4.7 acres within Centennial Park, which surrounds Centennial Lake. Englewood intends to irrigate up to 15 acres within Centennial Park with Pershin Spring groundwater. The irrigated acreage is located in the S 1/2 of the NE 1/4 of Section 8, Township 5 South, Range 68 West, of the 6th P.M. This water will only be used within Centennial Park. 4. Request for Finding of Reasonable Diligence: Englewood has undertaken activities since the Court’s entry of the decree in Case No. 14CW3011 to beneficially use the subject water right and to complete the appropriation of the full amount of the subject water right, including but not limited to the following specific work: A. Englewood spent \$330.00 for variable frequency device (“VFD”) troubleshooting and repair at Pershin Spring, and \$4,500.00 for a new VFD. B. Englewood spent \$2,802.50 on flow testing and meter certification at Pershin Spring. C. Englewood spent \$1,050.90 on filter repair at Pershin Spring. D. Englewood staff expended time and resources for operation of the related augmentation plan decreed in Case No. 14CW3011 and preparing and submitting the related accounting. E. In addition, the subject water right and related augmentation plan are part of the overall water system that Englewood operates to provide itself and its customers with water for decreed purposes, and diligence on any part of that system will be considered diligence as to the subject water right. The existence of this water right is a necessary component of Englewood’s water supply system, and relies on other components of such system for operation of the augmentation plan. Accordingly, the following listed items represent systemwide projects and work that have been completed during the diligence period for the subject water right. This list is not intended to be exclusive: 1. Englewood spent over \$1.5 million on various water diversion, measurement, and distribution system improvements. This includes improvements to various ditches, wells, pumps, pipes, flumes, and gulches; removals and replacements of filter media at Englewood’s water treatment plant in the amount of approximately \$779,482.00; and dredging of Englewood’s water treatment plant facilities in the amount of approximately \$657,387.00. 2. Englewood spent approximately \$179,623.00 in connection with improvements to McLellan Reservoir and associated facilities, including the pump station. 3. Englewood spent approximately \$615,773.00 on design and pre-construction services for piping portions of City Ditch. 4. Englewood spent approximately \$144,243.00 to remove or maintain trees that interfered with Englewood’s water system. 5. Englewood spent \$3,375.00 to install security fencing around the McBroom Ditch Headgate. 6. Englewood engaged water resource engineers and outside water attorneys to protect and enhance Englewood’s water rights, and participated in numerous Water Court cases to protect the quantity and quality of the subject water right and Englewood’s other water rights from injury by other parties. Englewood also filed diligence applications on other conditional decrees that are part of its integrated system. 5. Request to Make Absolute in Part: A. Water right, date and amount: Pershin Spring was diverted in the amount of 0.67 cfs on July 30, 2019, which is 0.1 cfs more than the amount currently decreed as absolute. See **Exhibit B**. Englewood now seeks to make this water right absolute for a total amount of 0.67 cfs, with 0.33 cfs remaining conditional. B. Use: All decreed uses. C. Description of place

of use: within Centennial Park, as decreed in Case No. 14CW3011. 6. Owners of Land Upon Which Structures are Located: Englewood is the owner of the land affected by this application. WHEREFORE, Englewood respectfully requests that this Court enter a decree granting Englewood’s request to make the Pershin Spring water right absolute in the amount of 0.67 cfs for all decreed purposes, and finding that Englewood has exercised reasonable diligence toward completion of the remainder of the appropriation for the decreed uses and continuing the conditional water right described herein in full force and effect for another six years, and granting such other relief as the Court deems just and proper. Number of pages of Application: 8 including 2 exhibits

2023CW3140 FLUGUS FUND, LLC, 39848 Swift Creek Circle, Elizabeth, CO 80107. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY SOURCES IN THE LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS, AND NOT-NONTRIBUTARY SOURCES IN THE UPPER DAWSON AQUIFER, IN ELBERT COUNTY.** Subject Property: 2 parcels totaling 307.24 acres generally located in the W1/2 of the NW1/4 of Section 17, and the NE1/4, the NE1/4 of the SW1/4, and the NW1/4 of the SW1/4 of Section 18, all in Township 7 South, Range 64 West of the 6th P.M., Elbert County, as shown on **Exhibit A** (“Subject Property”). Parcel 1, which is approximately 227.24 acres, is the portion of the Subject Property in Section 18, and Parcel 2, which is approximately 80 acres, is the portion of the Subject Property in Section 17. Lien Holder Certification: Applicant is the sole owner of the Subject Property and therefore no notice was required under C.R.S. § 37-92-302(2)(b). Well Permits: There are currently 4 wells on the Subject Property, as follows, Permit No. 179643 (Upper Dawson), 179651 (Upper Dawson), 59252-F (Lower Dawson), and 136282-A (Lower Dawson). All existing wells will continue to operate under their current permits. Additional well permits will be applied for prior to construction of any wells. Source of Water Rights: The Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers are nontributary (“NT”) as defined in C.R.S. § 37-90-103(10.5). The Upper Dawson Aquifer is not-nontributary (“NNT”) as defined in C.R.S. § 37-90-103(10.7). Estimated Amounts: Applicants estimate that the following amounts may be available for withdrawal underlying Parcel 1:

Aquifer	Annual Amount (100 Years) (acre-feet)	Annual Amount (300 Years) (acre-feet)	Total Amount (acre-feet)
Upper Dawson (NNT)*	53.17	17.72	5,317
Lower Dawson (NT)**	18.36	6.12	1,836
Denver (NT)	78.19	26.03	7,819
Arapahoe (NT)	125.82	41.94	12,582
Laramie-Fox Hills (NT)	57.95	19.32	5,795

*The total amount of Upper Dawson Aquifer groundwater underlying Parcel 1 is estimated to be 6,117 acre-feet. The total volume is reduced by 400 acre-feet for Well Permit No. 179643 and 400 acre-feet for Well Permit No. 179651. **The total amount of Lower Dawson Aquifer groundwater underlying Parcel 1 is estimated to be 2,036 acre-feet. The total volume is reduced by 200 acre-feet for Well Permit No. 136282-A. The groundwater in the Lower Dawson, Denver, Arapahoe, and Laramie Fox Hills aquifers underlying Parcel 2 were previously decreed in Case No. 88CW119, District Court, Water Division 1 on June 8, 1998, as amended. Therefore, Applicant is only requesting adjudication of the Upper Dawson aquifer underlying Parcel 2. Applicant estimates the following amount may be available for withdrawal underlying Parcel 2:

Aquifer	Annual Amount (100 Years) (acre-feet)	Annual Amount (300 Years) (acre-feet)	Total Amount (acre-feet)
Upper Dawson (NNT)	18.33	6.11	1,833

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including but not limited to domestic, including in-house use, 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 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 6 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. 4 pages.

2023CW3141 1. Applicant: **CITY OF THORNTON**, Colorado (“Thornton”), Infrastructure Department, Division of Water Resources, 12450 North Washington Street, Thornton, Colorado 80241, Telephone: 720-977-6600, Kara N. Godbehere, Esq., City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229, (303)538-7210. **VERIFIED APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE IN ADAMS COUNTY.** 2. Name of Structures: West Gravel Lakes Nos. 1, 2, and 3 (collectively the “West Gravel Lakes”). 3. Description of conditional water rights: 3.1. Original Decree (“Decree”): September 28, 1989, Case No. 81CW448, District Court, Water Division 1. 3.2. Subsequent decrees awarding findings of diligence: Since the Decree for the West Gravel Lakes water right was entered September 28, 1989, timely applications for findings of reasonable diligence have been filed in accordance with Colorado law. Final decrees have been entered granting each such application, finding that Thornton has exercised reasonable diligence in the development of the conditional water right for the West Gravel Lakes in case numbers 17CW3073 (October 27, 2017), 10CW277 (May 26, 2011), 95CW204 (August 20, 1996) and 02CW178 (November 4, 2004). In addition, the Decrees in 95CW204 and 02CW178 made absolute portions of the originally decreed conditional water right as described below. 3.3. Location of Reservoirs: 3.3.1. From the Decree: The West Gravel Lakes are off-channel gravel pit reservoirs located west of the South Platte River within the West 1/2 of Section 30, Township 2 South, Range 67 West of the 6th P.M., the East 1/2 of Section 25, Township 2 South, Range 68 West of the 6th P.M., and the NE1/4 of Section 36, Township 2 South, Range 68 West of the 6th P.M. As required by the decree in Case No. 81CW448, the West Gravel Lakes are located within the parcels of land described in Exhibit A to that Decree. 3.3.2. Location of reservoirs per Water Court form requirements: 3.3.2.1 West Gravel Lake No. 1: The center point of the reservoir is located in the NW1/4 SE1/4 of Section 25, Township 2 South, Range 68 West of the 6th P.M., at a point 1,460 feet West of the East line and 1,875 feet North of the South line of said Section in Adams County, State of Colorado. See Map attached hereto as Exhibit A. 3.3.2.2. West Gravel Lake No. 2: The center point of the reservoir is located in the NE1/4 SE1/4 of Section 25, Township 2 South, Range 68 West of the 6th P.M., at a point 160 feet West of the East line and 2,330 feet North of the South line of said Section in Adams County, State of Colorado. See Map attached hereto as Exhibit A. 3.3.2.3. West Gravel Lake No. 3: The center point of the reservoir is located in the SW1/4 SE1/4 of Section 25, Township 2 South, Range 68 West of the 6th P.M., at a point 1,740 feet West of the East line and 180 feet North of the South line of said Section in Adams County, State of Colorado. See Map attached hereto as Exhibit A. 3.4. Location of Points of Diversion: 3.4.1. Common Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch-Clear Creek. The common headgate of the Lower Clear Creek and Colorado Agricultural ditches is located on the North bank of Clear Creek in the SW1/4 SE1/4 of Section 4, Township 3 South, Range 68 West of the 6th P.M., at a point approximately 1400 feet West and 1200

feet North of the SE corner of said Section in Adams County, State of Colorado. *See Map attached hereto as Exhibit A.* 3.4.2. Hoffman Gulch Diversion Structure. Thornton will construct a new diversion facility to be located in the SE1/4 NE1/4 of Section 25, Township 2 South Range 68 West of the 6th P.M., at a point 40 feet West of the East line and 1,350 feet South of the North line of said Section in Adams County, State of Colorado. *See Map attached hereto as Exhibit A.* 3.5. Source: (1) Clear Creek and (2) Hoffman Gulch, tributaries of the South Platte River. 3.6. Appropriation Date: December 17, 1981. 3.7. Amount Decreed: 3600 a.f. conditional at a maximum rate of 300 c.f.s. from each point of diversion. Prior Decrees have made portions of the originally decreed conditional water right absolute. Accordingly, the amounts absolute and those remaining conditional are as follows: 3.7.1. West Gravel Lakes: 2,825 a.f. ABSOLUTE, 775 a.f. CONDITIONAL 3.7.2 Points of Diversion: 3.7.2.1. Common Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch-Clear Creek: 45 c.f.s. ABSOLUTE, 255 c.f.s. CONDITIONAL 3.7.2.2. Hoffman Gulch Diversion Structure: 300 c.f.s. CONDITIONAL 3.8. Uses: domestic, municipal, piscatorial, wildlife, industrial, commercial, agricultural, agricultural irrigation, irrigation of lawns and gardens, irrigation of parks, golf courses, and other recreational facilities, fire protection, and recreation. Thornton may also use the water diverted and stored in the West Gravel Lakes pursuant to the Decree for exchange, augmentation or replacement if authorized by separate decree of the Court. 3.9. Remarks: The West Gravel Lakes are interconnected and operated as an integrated unit as part of Thornton's integrated water system and the outlet for the West Gravel Lakes is Pump Station B (a/k/a West Raw Water Pump Station), which is directly connected to Thornton's Wes Brown (f/k/a Columbine) Water Treatment Plant. Pump Station B is located on the northern shore of Lake No. 2 within the SE1/4 NE1/4 of Section 25, Township 2 South, Range 68 West of the 6th P.M. The West Gravel Lakes also have an outlet *via* Pump Station B to Hoffman Gulch and to the Lower Clear Creek Ditch. The West Gravel Lakes are also interconnected to Thornton's East Gravel Lakes (a/k/a Tani Lakes) *via* a pipeline under the South Platte River. 4. **Provide a detailed outline of what has been done toward completion, including expenditures**: From October 4, 2017 through October 31, 2023, Thornton performed the following work and incurred the following costs, all or in part, concerning the remaining conditional portion of its West Gravel Lakes water right ("Subject Water Right"), including work and expenditures on specific structures integral to the diversion and use of the Subject Water Right and in the further development of Thornton's integrated water supply systems within with the Subject Water Right has been and will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional activities and costs in support of this application: 4.1. Thornton Integrated System Activities: During the diligence period, Thornton has continued in the development and improvement of its Clear Creek and South Platte River water supply system including many of the structures used in the exercise of the Subject Water Right, and the eventual treatment and use of the water yielded by such right. The West Gravel Lakes are one component of the integrated water supply system that Thornton operates to provide itself and its customers with water for municipal purposes. The West Gravel Lakes are operated in conjunction with, and are integrated with other structures owned by Thornton, including the East Gravel Lakes. Water can be stored in the West Gravel Lakes and can be moved through the integrated system prior to treatment at the Wes Brown Water Treatment Plant. Costs incurred by Thornton totaled approximately \$31,708,778, and include the following: 4.1.1. Ditch Company Assessments: Thornton paid assessments of approximately \$564,428 for its share ownership in the Lower Clear Creek Ditch Company (LCC) and Colorado Agricultural Ditch Company (COAg). 4.1.2. LCC and COAg Carriage Agreement: Under a carriage agreement with the LCC and COAg, Thornton paid approximately \$115,500 for its share of operating expenses to allow Thornton to use the excess ditch capacity to run water for storage in West Gravel Lakes and treatment in the Wes Brown Treatment Plant. 4.1.3. Water Quality Monitoring: During the relevant diligence period, Thornton spent approximately \$972,240 on water quality monitoring and sampling of its Clear Creek raw water collection system including West Gravel Lakes. 4.1.4. Lower Clear Creek Ditch Structure: In 2023, Thornton spent approximately \$14,000 towards the design and engineering of a new LCC diversion structure. 4.1.5. Wes Brown Water Treatment Plant (WBWTP) Projects: The Subject Water Right can be treated at WBWTP prior to being distributed to Thornton customers. During the relevant diligence period, the following

projects and associated costs occurred at the WBWTP: 4.1.5.1 Thornton spent approximately \$4,384,000 for the replacement of membrane modules. 4.1.5.2. Thornton spent approximately \$10,536,000 to improve operations at WBTWP, including replacing air compressors and conducting programmable logic controller upgrades, reviewing existing plant processes and operations, and implementing potential process modifications or additions to increase operational effectiveness. 4.1.5.3. Thornton spent approximately \$178,150 to improve the safety and security of the WBWTP and associated infrastructure including the installation of video surveillance cameras and fire alarms. 4.1.5.4. Thornton spent approximately \$2,211,460 on the engineering, maintenance, repair, installation and optimization of the clarifier and sludge disposal system. 4.1.6. Treated Water Systems Improvements: Thornton has regular programs in place to maintain treatment technologies and treatment facilities for its integrated water system, and has continually improved, maintained, and extended its treated water distribution system to provide water service to its customers. During the diligence period, Thornton spent approximately \$8,568,000 to replace water distribution system facilities that are malfunctioning or nearing the end of their useful life due to deterioration and/or corrosion. Examples of such projects include installation of distribution tank mixers, replacement of sludge lines, and repair/replacement of pressure reduction valves and air release valves. 4.1.7. Gravel Lakes Planning and Facility Construction and Maintenance: Thornton spent approximately \$3,030,000 on the upgrade of pump stations, the design and construction of rip rap to protect eroded slopes on the city's raw water storage reservoirs, construction of outlet gates, and general engineering such as reservoir inspections, dam inspections, and design reviews. 4.1.8. Water Court: Thornton has actively participated in water court proceedings to protect the Subject Water Right decreed in Case No. 81CW448. Legal and engineering costs incurred relating to the protection of Thornton's Clear Creek and South Platte River water rights portfolio, including the Subject Water Right during the diligence period were approximately \$1,135,000. 5. If claim to make absolute. Not applicable. 6. Names and addresses of owners or reputed owners of land on which structures for the water rights are or will be located: 6.1. West Gravel Lakes: Applicant. 6.2. Common Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch-Clear Creek: Lower Clear Creek Ditch Company, PO Box 701, Eastlake, CO 80614 and Colorado Agricultural Ditch Company, PO Box 1072, Eastlake, CO 80614. 6.3. Hoffman Gulch Diversion Structure: Applicant. **WHEREFORE**, Thornton respectfully requests that this Court enter an order: 1) finding the facts as set forth above; 2) finding that Thornton has exercised reasonable diligence in the development of the remaining conditional water right for the West Gravel Lakes water right; 3) continuing such right in full force and effect for a period of six years after entry of the Court's decree herein; and 4) for such other and further relief as this Court deems just and proper. (9 pages and exhibit A)

2023CW3142 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY ("ACWWA"), c/o Steve Witter, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830; **EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT ("ECCV")**, c/o Dave Kaunisto, General Manager, 6201 South Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800. **APPLICATION FOR FINDING REASONABLE DILIGENCE AND TO MAKE AMOUNT ABSOLUTE AND TO CORRECT DRY-UP MAP IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, 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 and ECCV). 2. Original Decree. The original decree was entered by the Water Court, Water Division 1, on December 31, 2017, in Case No 13CW3026 ("3026 Decree"). 3. Description of the Subject Water Rights. 3.1. ACWWA's Independent Appropriation of Return Flows Associated with ACWWA's New Cache la Poudre Irrigation Company ("NCLPIC") Shares (hereinafter, "ACWWA NCLPIC Return Flow Appropriation"). 3.1.1. Name of Structure. Greeley Canal No. 2. The decreed point of diversion for Greeley Canal No. 2 is located on the northern bank of the Cache la Poudre River, in the NE1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.1.2. ACWWA's NCLPIC Shares. ACWWA owns 96 shares out of a total 2,499.60 (approximately 3.84%) outstanding shares for NCLPIC. 3.1.3. Appropriation of Return Flows. When the

calling right, including exchanges, at or downstream of the historical return flow locations for ACWWA's NCLPIC Shares is junior to October 31, 2014, or there is no call at or downstream of the historical return flow locations for ACWWA's NCLPIC Shares, ACWWA has the right to use, reuse, successively use, and use to extinction, for all of the purposes and at all locations described in paragraph 3.1.7, below, the historical return flow portion of its irrigation season delivery of ACWWA's NCLPIC Shares and the winter return flow portion of its prior irrigation season deliveries of ACWWA's NCLPIC Shares that accrue to the Cache la Poudre River during the above described river conditions. 3.1.4. Date of Appropriation. October 31, 2014. 3.1.5. Source. Cache la Poudre River. 3.1.6. Amount Claimed. Up to 698.33 acre feet per year, conditional. 3.1.7. Claimed Uses. For the uses as described below: 3.1.7.1. Use in ACWWA's Plans for Augmentation. ACWWA will use the ACWWA NCLPIC Return Flow Appropriation as a source of replacement water in the ACWWA Augmentation Plan decreed in Case No. 10CW306 to replace depletions resulting from pumping water from the ACWWA/ECCV Well Field for delivery to ACWWA's present and future service areas. ACWWA will also use the ACWWA NCLPIC Return Flow Appropriation as a source of replacement water pursuant to the ACWWA 70 Ranch Augmentation Plan decreed in Case No. 10CW306. 3.1.7.2. Use in ACWWA's Recharge Projects. ACWWA will use the ACWWA NCLPIC Return Flow Appropriation for recharge by delivering the water to ACWWA's recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the ACWWA Beebe Draw Recharge Project and the ACWWA 70 Ranch Recharge Project decreed in Case No. 10CW306. ACWWA may also use ACWWA's NCLPIC Shares as a source of supply in any future recharge project pursuant to a subsequent decree for such recharge project. 3.1.7.3. Use in ACWWA's Exchange. ACWWA will use the ACWWA NCLPIC Return Flow Appropriation, either directly or following storage, as a source of substitute supply for the appropriative right of exchange decreed in Case No. 09CW283, pursuant to the terms and conditions of that decree. ACWWA may also use ACWWA's NCLPIC Shares as a source of supply in any future exchange pursuant to a subsequent decree for such exchange. 3.1.7.4. Places of Storage. If the ACWWA NCLPIC Return Flow Appropriation is not used directly for augmentation or replacement of historical return flow obligations then ACWWA may re-divert such water into storage by direct delivery or exchange to the surface storage facilities for subsequent use. 3.1.7.4.1. United Reservoir No. 3. United Reservoir No. 3 is an off-channel reservoir located in the E1/2 of Section 26, and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.1.7.4.2. Barr Lake. Barr Lake is 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. 3.1.7.4.3. Gilcrest Reservoir (now known as "Milliken Reservoir"). Gilcrest Reservoir is an 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. 3.1.7.4.4. 70 Ranch Reservoir. 70 Ranch Reservoir is an off-channel reservoir located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M. and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.7.4.5. Serfer Pit. Serfer Pit is an off-channel lined gravel pit reservoir on the north side of the Cache la Poudre River, 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. 3.1.7.4.6. Cornish Plains Reservoir. Cornish Plains Reservoir is an off-channel reservoir located within portions of the NW1/4 of the SE1/4, the SW1/4 of the SE1/4, and the SE1/4 of the SE1/4 of Section 5; the E1/2 of the NW1/4, the entire NE1/4, and the N1/2 and the SE1/4 of the SE1/4 of Section 8; and the SW1/4 of the NW1/4 and the W1/2 of the SW1/4 of Section 9, all in Township 6 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.7.5. Rights of Reuse and Successive Use. The use of the ACWWA NCLPIC Return Flow Appropriation for the purposes described above, to replace depletions from ACWWA's pumping of water from the Beebe Draw alluvial aquifer through the ACWWA/ECCV Well Field for municipal uses in ACWWA's present and future service areas, as described in the decrees entered in Case Nos. 09CW283 and 10CW306, results in an equivalent volume of water delivered from the ACWWA/ECCV Well Field to ACWWA's present and future service areas under the terms of the decree entered in Case No. 10CW306 being fully consumable, and available for use, reuse, and successive use by ACWWA. 3.1.7.6. Use in ECCV's Augmentation Plans and Recharge Projects. ACWWA may lease and/or trade water attributable to the ACWWA NCLPIC Return Flow Appropriation

to ECCV for use in ECCV's augmentation plans and recharge projects decreed in Case Nos. 02CW403 and 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, pursuant to the terms and conditions of the above-referenced decrees. 3.1.7.7. Return Flow Obligations. ACWWA may use the ACWWA NCLPIC Return Flow Appropriation to satisfy its daily return flow obligations. 3.2. ACWWA's Independent Appropriation of Return Flows Associated with ACWWA's Cache la Poudre Reservoir Company ("CLPRC") Shares. 3.2.1. Name of Structure. Cache la Poudre Reservoir (commonly known as Timnath Reservoir). The decreed location for the Cache la Poudre Reservoir is Sections 23, 24, 25, and 26, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.2.2. ACWWA's CLPRC Shares. ACWWA owns 20 shares out of a total 3,000 outstanding shares for CLPRC (approximately 0.67%). 3.2.3. Appropriation of Return Flows. When the calling right, including exchanges, at or downstream of the historical return flow locations for ACWWA's CLPRC Shares is junior to October 31, 2014, or there is no call at or downstream of the historical return flow locations for ACWWA's CLPRC Shares, ACWWA has the right to use, reuse, successively use, and use to extinction, for all of the purposes and at all locations described in paragraph 3.1.7, above, the historical return flow portion of its irrigation season delivery of ACWWA's CLPRC Shares and the winter return flow portion of its prior irrigation season deliveries of ACWWA's CLPRC Shares that accrue to the Cache la Poudre River during the above described river conditions. 3.2.4. Date of Appropriation. October 31, 2014. 3.2.5. Source. Cache la Poudre River. 3.2.6. Amount Claimed. Up to 29.10 acre-feet per year, conditional. 3.2.7. Claimed Uses. For the same uses as described in paragraph 3.1.7, above. 3.3. ECCV's Independent Appropriation of Return Flows Associated with ECCV's NCLPIC Shares (hereinafter, "ECCV NCLPIC Return Flow Appropriation"). 3.3.1. Name of Structure. Greeley Canal No. 2 as described in paragraph 3.1.1, above. 3.3.2. ECCV's NCLPIC Shares. ECCV owns 16 shares out of a total 2,499.60 outstanding shares for the NCLPIC (approximately 0.64%). 3.3.3. Appropriation of Return Flows. When the calling right, including exchanges, at or downstream of the historical return flow locations for ECCV's NCLPIC Shares is junior to October 31, 2014, or there is no call at or downstream of the historical return flow locations for ECCV's NCLPIC Shares, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes and at all locations described in 3.3.7, below, the historical return flow portion of its irrigation season delivery of ECCV's NCLPIC Shares and the winter return flow portion of its prior irrigation season deliveries of ECCV's NCLPIC Shares that accrue to the South Platte River during the above described river conditions. 3.3.4. Date of Appropriation. October 31, 2014. 3.3.5. Source. Cache la Poudre River. 3.3.6. Amount Claimed. Up to 94.29 acre-feet per year, conditional. 3.3.7. Claimed Uses. For the uses described below: 3.3.7.1. Use in ECCV's Plans for Augmentation. ECCV will use the ECCV NCLPIC Return Flow Appropriation as a source of replacement water in the ECCV Augmentation Plan decreed in Case Nos. 02CW403, 02CW404/03CW442, and 10CW306 to replace depletions from pumping water from the ACWWA/ECCV Well Field for delivery to ECCV's present and future service areas. ECCV will use ECCV's NCLPIC Shares as a source of replacement water pursuant to the ECCV 70 Ranch Augmentation Plan decreed in Case Nos. 02CW404/03CW442. 3.3.7.2. Use in ECCV's Recharge Projects. ECCV will use the ECCV NCLPIC Return Flow Appropriation for recharge by delivering the water to ECCV's recharge facilities located in the Beebe Draw and on 70 Ranch pursuant to the terms and conditions of the ECCV Beebe Draw Recharge Project and the ECCV 70 Ranch Recharge Project decreed in Case Nos. 02CW403, 02CW404/03CW442, and 10CW306. 3.3.7.3. Use in ECCV's Exchange. ECCV will use the ECCV NCLPIC Return Flow Appropriation, either directly or following storage, as a source of substitute supply for the appropriative rights of exchange decreed in Case Nos. 02CW404/03CW442 and 11CW285. ECCV may also use ECCV's NCLPIC Shares as a source of supply in any future exchange pursuant to a subsequent decree for such exchange. 3.3.7.4. Places of Storage. If the ECCV NCLPIC Return Flow Appropriation is not used directly for augmentation or replacement of historical return flow obligations, ECCV may re-divert such water into storage by direct delivery or exchange to the surface storage facilities described below. 3.3.7.4.1. United Reservoir No. 3. United Reservoir No. 3 is an off-channel reservoir located in the E1/2 of Section 26, and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.3.7.4.2. Barr Lake. Barr Lake is 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. 3.3.7.4.3. Gilcrest Reservoir (now known as “Milliken Reservoir”). Gilcrest Reservoir is an 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. 3.3.7.4.4. 70 Ranch Reservoir. 70 Ranch Reservoir is an off-channel reservoir located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M. and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.3.7.4.5. Serfer Pit. Serfer Pit is an off-channel lined gravel pit reservoir on the north side of the Cache la Poudre River, 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. 3.3.7.4.6. Cornish Plains Reservoir. Cornish Plains Reservoir is an off-channel reservoir located within portions of the NW1/4 of the SE1/4, the SW1/4 of the SE1/4, and the SE1/4 of the SE1/4 of Section 5; the E1/2 of the NW1/4, the entire NE1/4, and the N1/2 and the SE1/4 of the SE1/4 of Section 8; and the SW1/4 of the NW1/4 and the W1/2 of the SW1/4 of Section 9, all in Township 6 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.3.7.5. Rights of Reuse and Successive Use. The use of the ECCV NCLPIC Return Flow Appropriation for the purposes described above, to replace depletions from ECCV’s pumping of water from the Beebe Draw alluvial aquifer through the ACWWA/ECCV Well Field for municipal uses in ECCV’s present and future service area, as described in the decrees entered in Case Nos. 02CW403, 02CW404/03CW442, 10CW306, and 11CW285, results in an equivalent volume of water delivered from the ACWWA/ECCV Well Field to ECCV’s present and future service areas under the terms of the decrees entered in Case Nos. 02CW403, 02CW404/03CW442, and 10CW306, being fully consumable, and available for use, reuse, and successive use by ECCV. 3.3.7.6. Use in ACWWA Augmentation Plans and Recharge Projects. ECCV may lease and/or trade water attributable to the ECCV NCLPIC Return Flow Appropriation to ACWWA for use in ACWWA’s augmentation plans and recharge projects decreed in Case No. 10CW306. 3.3.7.7. Return Flow Obligations. ECCV may use water attributable to the ECCV NCLPIC Return Flow Appropriation to satisfy its daily return flow obligations. 3.4. ECCV’s Independent Appropriation of Return Flows Associated with ECCV’s CLPRC Shares. 3.4.1. Name of Structure. Cache la Poudre Reservoir. The decreed location is as described in paragraph 3.2.1, above. 3.4.2. ECCV’s CLPRC Shares. ECCV owns 16 shares out of a total 3,000 outstanding shares for the CLPRC (approximately 0.53%). 3.4.3. Appropriation of Return Flows. When the calling right, including exchanges, at or downstream of the historical return flow locations for ECCV’s CLPRC Shares is junior to October 31, 2014, or there is no call at or downstream of the historical return flow locations for ECCV’s CLPRC Shares, ECCV seeks the right to use, reuse, successively use, and use to extinction, for all of the purposes and at all locations described in paragraph 3.3.7, above, the historical return flow portion of its irrigation season delivery of ECCV’s CLPRC Shares and the winter return flow portion of its prior irrigation season deliveries of ECCV’s CLPRC Shares that accrue to the South Platte River during the above described river conditions. 3.4.4. Date of Appropriation. October 31, 2014. 3.4.5. Source. Cache la Poudre River. 3.4.6. Amount Claimed. Up to 22.19 acre-feet per year, conditional. 3.4.7. Claimed Uses. For the same uses as described in paragraph 3.3.7, above. 4. Detailed outline of work done for the completion of the conditional appropriation for reasonable diligence. 4.1. ACWWA. 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: 4.1.1. 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. 4.1.2. 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. 4.1.3. 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: 4.1.3.1. Case No. 11CW151, application filed August 31, 2011; decree entered November 26, 2018. 4.1.3.2. Case No. 13CW3026, application filed April 26, 2013; decree entered October 31, 2017. 4.1.3.3. Case No. 16CW3195, application filed December 29, 2016; decree entered October 21, 2021. 4.1.3.4. Case No. 16CW3200, application filed December 29, 2016; decree entered March 28, 2021. 4.1.3.5. Case No. 19CW3074, application filed April 27, 2019; decree entered September 27, 2021. 4.1.3.6. Case No. 19CW3084, application filed May 15, 2019; decree entered May 10, 2021. 4.1.3.7. Case No. 20CW3117, application filed August 21, 2020; case currently pending. 4.1.3.8. Case No. 20CW3142, application filed September 30, 2020; case currently pending. 4.1.3.9. Case No. 20CW3146, application filed September 30, 2020; decree entered October 11, 2022. 4.1.3.10. Case No. 20CW3160, application filed October 30, 2020; decree entered November 23, 2022. 4.1.3.11. Case No. 20CW3188, application filed November 30, 2020; decree entered December 8, 2022. 4.1.3.12. Case No. 21CW3094, application filed June 29, 2021; decree entered March 21, 2023. 4.1.3.13. Case No. 21CW3234, application filed December 30, 2021; decree entered October 10, 2023. 4.1.3.14. Case No. 22CW3010, application filed January 31, 2022; decree entered June 23, 2022. 4.1.3.15. Case No. 22CW3039, application filed March 31, 2022; decree entered September 26, 2023. 4.1.3.16. Case No. 22CW3208, application filed December 27, 2022; case currently pending. 4.1.3.17. Case No. 23CW3012, application filed January 31, 2023; case currently pending. 4.1.3.18. Case No. 23CW3074, application filed June 30, 2023; case currently pending. 4.1.4. 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. 4.1.5. 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. 4.1.6. 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. 4.1.7. 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. 4.1.8. ACWWA continues to rely upon and develop the conditional water right described herein and has no intent to abandon it. 4.2. ECCV. 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: 4.2.1. 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. 4.2.2. 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. 4.2.3. 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: 4.2.3.1. Case No. 11CW151, application filed August 31, 2011; decree entered November 26, 2018. 4.2.3.2. Case No. 13CW3026, application filed April 26, 2013; decree entered October 31, 2017. 4.2.3.3. Case No. 16CW3196, application filed December 29, 2016; decree entered October 20, 2021. 4.2.3.4. Case No. 16CW3200, application filed December 29, 2016; decree entered March 28, 2021. 4.2.3.5. Case No. 19CW3075, application filed April 27, 2019; decree entered September 27, 2021. 4.2.3.6. Case No. 19CW3084, application filed May 15, 2019; decree entered May 10, 2021. 4.2.3.7. Case No. 20CW3096, application filed July 13, 2020; decree entered April 20, 2023. 4.2.3.8. Case No. 20CW3117, application filed August 21, 2020; case currently pending. 4.2.3.9. Case No. 20CW3147, application filed September 30, 2020; decree entered December 11, 2022. 4.2.3.10. Case No. 20CW3161, application filed October 30, 2020; decree entered November 23, 2022. 4.2.3.11. Case No. 21CW3094, application filed June 29, 2021; decree entered March 21, 2023. 4.2.3.12. Case No. 22CW3205, application filed December 21, 2022; decree entered August 2, 2023. 4.2.3.13. Case No. 22CW3209, application filed December 27, 2022; case currently pending. 4.2.3.14. Case No. 23CW3075, application filed June 30, 2023; case currently pending. 4.2.4. 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 the expansion of the RO Plant and the North and South Booster Pump Stations (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. 4.2.5. 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. 4.2.6. 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. 4.2.7. Opposition of Detrimental Legislation. ECCV has been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges. 4.2.8. ECCV continues to rely upon and develop the conditional water rights described herein and has no intent to abandon it. 5. Claim to Correct Dry-Up Map. Exhibit 6 to the final decree in Case No. 13CW3026 includes a map identifying the lands to be dried up pursuant to the terms of the decree. Applicants later realized that the dry-up map for the Orr-Swift Farm was not updated to reflect a change in the historical consumptive use analysis that removed historical use on certain lands from the final analysis. The effect of this error was to identify lands that needed to be dried up despite the fact that this land was not claimed to be irrigated as part of the historical consumptive use analysis. To

correct this error, Applicants seek to update the dry-up map for the Orr-Swift farm to eliminate the land in question. **Exhibit A** attached hereto shows the new dry-up map reflecting the final HCU analysis in Case No. 13CW3026. 6. Names and addresses of owners of the land on which the structures are or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. Greeley Canal No. 2 and the Cache la Poudre Reservoir are owned by the New Cache la Poudre Irrigation Company and the Cache la Poudre Reservoir Company, whose address is 33040 Railroad Avenue, Lucerne, Colorado 80646. WHEREFORE, Applicants respectfully request that this Court enter an order (1) finding that reasonable diligence has been exercised in the development of conditional water rights described herein and that they be continued as conditional; and (2) approving the update of the dry-up map for the Orr Swift Farm. (15 pages, 1 exhibit)

2023CW3143 (14CW3158) CITY OF FORT COLLINS (“Fort Collins”), c/o Jason Graham, Director of Water Utilities, and Jen Dial, Water Resources Manager, P.O. Box 580, Fort Collins, Colorado 80522; E-mail: jgraham@fcgov.com; jdial@fcgov.com; Telephone Number: (970) 416-2100; (970) 966-5489. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Telephone Number: (303) 443-6151; E-mail: sbc@vrlaw.com; bnk@vrlaw.com; and Eric R. Potyondy, Esq., Fort Collins City Attorney’s Office, 300 LaPorte Avenue, Fort Collins, Colorado 80521; Telephone Number: (970) 416-2126; E-mail: epotyondy@fcgov.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE PORTION OF WATER RIGHT ABSOLUTE IN LARIMER COUNTY.** Fort Collins is a Colorado municipal corporation with home-rule authority. It owns and operates a municipal water supply system to provide potable water supplies to customers located within its municipal water service area, and also a wastewater treatment system to collect and treat wastewater resulting from water use by customers located within its municipal wastewater service area. Fort Collins also owns lands that require non-potable water supplies for uses pertaining to Fort Collins’ activities on these lands. 2. Prior Decree. The water storage right and the appropriative rights of substitution and exchange described in this application (collectively the “14CW3158 Water Rights”) were originally decreed by the District Court, Water Division 1, on October 27, 2017, in Case No. 2014CW3158 (“14CW3158 Decree”). As described in the 14CW3158 Decree and in Paragraph 4, below, portions of the water storage right were decreed as absolute in Case No. 2014CW3158. This application seeks to make an additional portion of the water storage right absolute and is the first application for findings of reasonable diligence for the remaining conditional portions of the 14CW3158 Water Rights. 3. Names of Structures. The following structures are involved in the 14CW3158 Water Rights as described in the 14CW3158 Decree and in this application: a. Rigden Reservoir Water Storage Right (“Rigden Storage Right”). Fossil Creek Reservoir Inlet Ditch; Box Elder Ditch; Rigden Reservoir; Rigden Inflow-Outflow Spillway; and the Rigden Diversion Pump Station. b. Appropriative Rights of Substitution and Exchange (“Rigden Exchange Rights”). Foothills Outfall Channel; outlet for Fossil Creek Reservoir; North Poudre Supply Canal (a/k/a Munroe Canal); City of Fort Collins Pipeline; Halligan Reservoir. 4. Description of Water Rights. a. Rigden Storage Right. i. Legal Description: Rigden Reservoir is an off-channel lined structure located in the SW1/4 of the SW1/4 of Section 27 and the SE1/4 of Section 28, Township 7 North, Range 68 West, 6th P.M., Larimer County. ii. Source: Cache la Poudre River. iii. Legal Description of Points of Diversion to Fill the Reservoir: (1) Headgate of the Fossil Creek Reservoir Inlet Ditch (“FCRID”), located approximately 85 feet West and 2600 feet North of the Southeast corner of Section 20 in the NE1/4 of the NE1/4 of the SE1/4 of this section, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Headgate of the Box Elder Ditch, originally described in the decree entered in Civil Action No. 320 as being located on the south side of the Cache la Poudre River in the SE1/4 of Section 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. The actual location of the headgate is on the south bank of the Cache la Poudre River in the SW1/4 of the SE1/4 of the NE1/4 of Section 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. (3) Rigden Inflow-Outflow Spillway, located in the SW1/4 of the SW1/4 of Section 27, Township 7 North, Range 68 West, 6th P.M., Larimer County. (4) Rigden Diversion Pump Station, located in the SW1/4 of the SW1/4 of Section 27, Township 7 North, Range 68 West, 6th P.M., Larimer County. Rigden

Reservoir and the above-described diversion points from the Cache la Poudre River are shown on the map attached as **Exhibit A** to the application. iv. Rates of Diversion to Fill Rigden Reservoir: (1) FCRID: 45 cfs, absolute, as decreed in the 14CW3158 Decree. (2) Box Elder Ditch: 16 cfs, 11.29 cfs of which was decreed as absolute in the 14CW3158 Decree, with 4.71 cfs remaining CONDITIONAL. (3) Rigden Inflow-Outflow Spillway: 300 cfs, CONDITIONAL. (4) Rigden Diversion Pump Station: 5 cfs, CONDITIONAL. v. Amount: 1,900 acre-feet in any water year (“Fill Right”) plus the right to one refill of 1,900 acre-feet in the same water year (“Refill Right”). (1) Fill Right: 1,900 acre-feet, absolute, as decreed in the 14CW3158 Decree. (2) Refill Right: 1,900 acre-feet, CONDITIONAL. vi. Date of Appropriation: March 24, 2014. vii. Uses: The decreed uses for the Rigden Storage Right are identified and described with specificity in the 14CW3158 Decree. The following is a summary of those uses; this summary is not intended to alter the 14CW3158 Decree or its description of the decreed uses. In general, Fort Collins will use the Rigden Storage Right within Fort Collins’ service area as it now exists or may from time to time be expanded, either directly after storage and subsequent release, or by exchange, for all municipal uses, including, but not limited to, domestic, industrial, commercial, hydroelectric power generation, irrigation (including, without limitation, agricultural irrigation), storage, stock watering, recreation, fish and wildlife propagation and maintenance, and environmental mitigation and restoration, including any use for municipal purposes pursuant to or in connection with the exchange operations approved in the 14CW3158 Decree and described below. Such use shall include any use of the Rigden Storage Right for the described uses both within and around Rigden Reservoir during storage and after release from this structure. Fort Collins may also use the Rigden Storage Right both within and outside of its existing and future service area for augmentation, replacement, and as a substitute supply in other exchanges; for service to water users located within and outside of Fort Collins’ current and future service area with whom Fort Collins has contracts or other agreements to deliver water from its water system; pursuant to contract exchanges, leases, or water trades made by mutual agreement with other water users, for the beneficial uses described above; and for any other uses described in the contracts, contract exchanges, leases, or mutual agreements. Fort Collins may use, reuse, successively use, and dispose of the water diverted under the Rigden Storage Right to extinction, subject to the requirements of the 14CW3158 Decree. Fort Collins’ use of the Rigden Storage Right, whether within or outside of Fort Collins’ existing and future service area, shall only take place within the current boundaries of Larimer County and within the portions of Weld County lying west of the confluence of the South Platte River and Lone Tree Creek in the SE1/4 of Section 6, Township 5 North, Range 64 West, 6th P.M. In order to reuse, successively use, and dispose of to extinction the water diverted pursuant to the Rigden Storage Right, Fort Collins will maintain dominion and control over the sewered return flows resulting from its use of the Rigden Storage Right using the accounting methodology and terms and conditions set forth in the 14CW3158 Decree. b. Rigden Exchange Rights. i. Points of Release of Substitute Supply (exchange-from points, shown on the map attached as **Exhibit B** to the application): (1) Confluence of the Cache la Poudre River and the Foothills Outfall Channel, located in the NW1/4 of the NW1/4 of Section 34, Township 7 North, Range 68 West, 6th P.M., Larimer County. (2) Confluence of the Cache la Poudre River and the outlet for Fossil Creek Reservoir, located in the NE1/4 of the SW1/4 of Section 11, Township 6 North, Range 68 West, 6th P.M., Larimer County. ii. Points of Diversion (exchange-to points, also shown on **Exhibit B**): (1) Intake of the North Poudre Supply Canal (a/k/a Munroe Canal), located on the east bank of the Cache la Poudre River in the SW1/4 of the NE1/4 of Section 5, Township 8 North, Range 70 West, 6th P.M., Larimer County, at a point whence the southeast corner of said Section 5 bears south 37°27’30” East approximately 3647.5 feet. Water diverted at the North Poudre Supply Canal intake will be carried in the North Poudre Supply Canal and the Pleasant Valley Pipeline, which begins on the south bank of the North Poudre Supply Canal in the SW1/4 of the SE1/4 of Section 3, Township 8 North, Range 70 West, 6th P.M., Larimer County, at a point approximately 1950 feet west and 320 feet north of the SE corner of Section 3, Township 8 North, Range 70 West, 6th P.M., Larimer County, and extends generally southward to the Fort Collins Water Treatment Facility. (2) City of Fort Collins Pipeline, located on the south bank of the Cache la Poudre River in the SE1/4 of Section 32, Township 9 North, Range 70 West, 6th P.M., Larimer County, being more particularly described as follows: Considering the East line of said SE1/4 as bearing N 7°49’9” E, and with all bearings contained therein relative thereto; commencing

at the SE corner of said Section 32: thence N 4°32'46" E, approximately 1335.13 feet to the center of said pipeline intake. (3) Halligan Reservoir, as it may be enlarged, located in portions of Sections 29, 32, 33, and 34, Township 11 North, Range 71 West, 6th P.M., Larimer County. iii. Sources of Substitute Supply: Water in storage and released from Rigden Reservoir that is attributable to the water rights described below. (1) Rigden Storage Right, described in Paragraph 4.a, above. (2) Fort Collins' undivided fifty percent (50%) interest in the water right for the John G. Coy Ditch, which was originally decreed by the Larimer County District Court on April 11, 1882, in Civil Action No. 320 having priority of appropriation No. 13 in Water District No. 3, Water Division 1 of the State of Colorado, and was changed in the decree entered in Case No. 14CW3176, Water Division No. 1, by decree dated October 3, 2017 ("14CW3176 Decree"). (3) Fort Collins' five (5) shares in the capital stock of the Box Elder Ditch Company. The water rights for the Box Elder Ditch were originally decreed by the Larimer County District Court on April 11, 1882, in Civil Action No. 320, having Priority No. 15, by construction of the Box Elder Ditch; Priority No. 23 by first enlargement and extension of the Box Elder Ditch; and Priority No. 30 by second enlargement of the Box Elder Ditch, and the water rights represented by Fort Collins' five (5) shares were changed in the 14CW3176 Decree. (4) Shares in the Arthur Irrigation Company, Larimer County Canal No. 2 Irrigating Company, New Mercer Ditch Company, and Warren Lake Reservoir Company that have been changed to include consumptive use and augmentation use in Case No. 1992CW129, Water Division No. 1, by decree dated October 2, 1996, and Case No. 2005CW323, Water Division No. 1, by decree dated April 23, 2014. (5) The Michigan Ditch Supplement System. Water rights for the Michigan Ditch Supplement System were decreed to Fort Collins in Case No. 1988CW206, Water Court for Water Division 6, on October 6, 1989. Subsequent diligence decrees related to this water right have also been entered by the Water Court for Water Division 6 in Case Nos. 1995CW127, 2002CW96, and 2009CW61. (6) Joe Wright Reservoir. Joe Wright Reservoir is owned by Fort Collins, and it has several decrees. The water rights available for use as augmentation sources come from: the refill right, which is Priority No. 136-Q, with an appropriation date of December 31, 1921, decreed by the Larimer County District Court in Civil Action No. 11217 on September 10, 1953; the enlargement right that was awarded an appropriation date of February 18, 1971, by decree of the Water Court for Water Division 1 dated June 6, 1972. These two water rights were changed to include fully consumptive use by decree in Case No. W-9322-78, Water Court for Water Division 1, on April 24, 1979. (7) Colorado-Big Thompson ("CBT") Water. Fort Collins is located within the boundaries of the Northern Colorado Water Conservancy District. Fort Collins owns 18,855 Units of CBT water, which is transmountain water. (8) Windy Gap Project Water. Windy Gap water is currently provided to Fort Collins each year by the Platte River Power Authority under terms and conditions of a detailed reuse agreement. Windy Gap water is transmountain water that is decreed as fully consumable. The reuse agreement has been previously approved by this Court in Case No. W-9322-78, by decree dated April 24, 1979. iv. Date of Appropriation: December 23, 2014. v. Exchange Rate: 15 cfs, CONDITIONAL, as a cumulative maximum rate of exchange from each exchange-from point to each exchange-to point. No single exchange shall be operated at a rate greater than 15 cfs, and when operated simultaneously, the cumulative rate of exchange for all exchanges shall not exceed 15 cfs. vi. Uses: Water diverted pursuant to the Rigden Exchange Rights may be used in accordance with paragraph 9.7 of the 14CW3158 Decree. 5. Amounts Claimed as Absolute. a. Rigden Storage Right, Box Elder Ditch Point of Diversion. i. As described above at Paragraph 4.a.iv.(2), 11.29 cfs out of the 16 cfs diversion rate for the Box Elder Ditch point of diversion was decreed as absolute in the 14CW3158 Decree, with 4.71 cfs remaining CONDITIONAL. ii. On May 18, 2023, Fort Collins diverted water at the Box Elder Ditch headgate at the rate of 13.71 cfs for delivery into Rigden Reservoir. This diversion is shown in **Exhibit C** attached to the application. iii. By this application Fort Collins claims an additional 2.42 cfs absolute at the Box Elder Ditch point of diversion, for a total absolute amount of 13.71 cfs (2.29 cfs remains CONDITIONAL). b. Fort Collins reserves the right to claim absolute any amount of water diverted and stored in Rigden Reservoir under the Rigden Storage Right or diverted pursuant to the Rigden Exchange Rights prior to the Court entering a decree in this case, without the need for publishing an amendment to this application. 6. Activities undertaken by Fort Collins during the diligence period toward completion of the appropriations and application of water to beneficial use, including expenditures. a. Fort Collins is a municipal entity that operates a complex and interrelated system

for water delivery to its constituents and other entities, and related wastewater treatment and water reuse. The majority of its system and operations are integrated. During the subject diligence period running from December 24, 2014, through the date of filing the application in this case, Fort Collins engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 6, concerning or related to the development and use of the 14CW3158 Water Rights, and operation of its integrated municipal water system. The activities and costs identified in this application are not all inclusive, and Fort Collins reserves the right to provide evidence of other work done and costs incurred during the diligence period during the proceedings for this application.

b. Construction of Rigden Reservoir: Fort Collins completed construction of Rigden Reservoir. Fort Collins spent approximately \$1.6 million constructing Rigden Reservoir during the diligence period.

c. Carriage Agreement: Fort Collins negotiated for and completed a carriage agreement with North Poudre Irrigation Company on March 3, 2015, for the delivery of water to Rigden Reservoir via the Fossil Creek Reservoir Inlet Ditch. The upfront payment for this carriage agreement was \$460,000.

d. Diversion, Storage, and Accounting. Fort Collins diverted water under the Rigden Storage Right. Fort Collins also diverted, stored, and accounted for water attributable to other water rights in Rigden Reservoir. Fort Collins received the Division Engineer's approval of accounting forms for Rigden Reservoir pursuant to Paragraph 29.4 of the 14CW3158 Decree. Fort Collins completed daily accounting for Rigden Reservoir and submitted the same to the Division Engineer pursuant to Paragraph 29.5 of the 14CW3158 Decree.

e. Operation and Maintenance of the Rigden Reservoir Facilities: Since December of 2014, Fort Collins has spent approximately \$339,000 on expenses for the operation and maintenance of Rigden Reservoir. Fort Collins has also dedicated significant staff time and related resources to operation and maintenance of Rigden Reservoir.

f. Internal Memoranda of Understanding. Fort Collins completed a Memorandum of Understanding among various departments, dated June 17, 2015, and amended July 13, 2017, regarding operations and responsibilities associated with Rigden Reservoir, and a separate Memorandum of Understanding, dated July 24, 2017, regarding capacity in Rigden Reservoir.

g. Planning. Fort Collins has also dedicated significant staff time and related resources to use of Rigden Reservoir and the 14CW3158 Water Rights.

h. Additional Diligence Activities. During the relevant diligence period Fort Collins also engaged in the following activities and incurred the described costs for work on other aspects of its integrated water supply system, including but not limited to the following:

i. Fort Collins has actively worked on the Halligan Water Supply Project ("Halligan Project"), which, when approved, will result in the enlargement of Halligan Reservoir and additional capacity for use of the Rigden Exchange Rights.

- (1) Fort Collins has worked to obtain the necessary federal, state, and local permits and authorizations for the Halligan Project. The Army Corps of Engineers released a draft Environmental Impact Statement ("EIS") and a Conceptual Mitigation Plan for the Halligan Project on November 22, 2019. The final EIS is expected to be released in 2023.
- (2) In May 2020, Fort Collins and Colorado Parks and Wildlife ("CPW") began the process of developing a state Fish and Wildlife Mitigation and Enhancement Plan ("FWMEP"), which must be approved by the state prior to the commencement of construction under the Halligan Project. The FWMEP was presented to and approved by CPW and the Colorado Water Conservation Board on June 23, 2023, and July 19, 2023, respectively, and is now the official state position on the mitigation actions required of Fort Collins for the Halligan Project.
- (3) Fort Collins began preparing and has continued work on its request to the Colorado Department of Public Health and Environment ("CDPHE") for Clean Water Act Section 401 Water Quality Certification for the Halligan Project. The 401 Certification request is expected to be presented to CDPHE in late 2024.
- (4) Fort Collins hired a design engineer and construction contractor for the Halligan Project and conducted a 30% design.
- (5) Fort Collins conducted fieldwork at the proposed dam enlargement site, including surveying and geotechnical evaluation.
- (6) Fort Collins has worked to acquire the real property rights needed for the design, construction, and operation of the enlarged Halligan Reservoir.
- (7) Fort Collins partnered with the United States Geological Survey and CPW to install a new stream gage upstream of Halligan Reservoir on the North Fork of the Cache la Poudre River. Stream flow data collected at the gage will inform the design of the Halligan Project and future operations of the enlarged Halligan Reservoir.
- (8) Fort Collins spent significant time and resources on planning activities to integrate the enlarged Halligan Reservoir operations into its overall water supply system.
- (9) Fort Collins has spent approximately \$17 million dollars on the

Halligan Project and the enlargement of Halligan Reservoir during the diligence period, including but not limited to significant design and permitting costs. ii. During the diligence period Fort Collins filed and/or worked on water court applications as the Applicant in the following Water Division 1 cases: 11CW265, 13CW3185, 14CW3158, 15CW3053, 16CW3169, 19CW3225, 21CW3131, 22CW3055, and 23CW3034. iii. Fort Collins participated in various water court cases and proceedings before the State Engineer's Office as an opposer to monitor the impact of the rights claimed in those cases and to protect its water rights, including the 14CW3158 Water Rights, from injury, including the following cases: 08CW277, 13CW3015, 13CW3071, 13CW3141, 13CW3159, 13CW3166, 13CW3186, 14CW3008, 14CW3144, 15CW3095, 15CW3157, 15CW3162, 15CW3163, 15CW3167, 15CW3169, 15CW3172, 16SE04, 16CW3073, 16CW3093, 16CW3170, 16CW3172, 16CW3173, 16CW3174, 16CW3194, 16CW3195, 16CW3196, 17CW3046, 17CW3057, 17CW3160, 17CW3094, 17CW3160, 17CW3194, 17CW3198, 17CW3199, 17CW3203, 18CW3064, 18CW3076, 18CW3216, 19CW3007, 19CW3019, 19CW3059, 19CW3165, 19CW3169, 19CW3200, 19CW3239, 20CW30, 20CW3000, 20CW3009, 20CW3041, 20CW3054, 20CW3113, 20CW3157, 20CW3174, 20CW3208, 21CW3035, 21CW3093, 21CW3104, 21CW3143, 21CW3168, 21CW3179, 21CW3199, 21CW3204, 21CW3229, 21CW3231, 22CW3042, 22CW3102, 23CW100, and 23CW3204. iv. Fort Collins spent over \$791,000.00 on outside legal fees during the diligence period to support the City's own water rights applications or to protect its existing water rights from injury, including the 14CW3158 Water Rights, by opposing the water rights applications of others. This applicant and opposition work also included expenses for use of outside water resources engineering consultants and staff time. 7. Continuing Need and Intent for the 14CW3158 Water Rights. Fort Collins' water supply system is managed based on both existing and future demands. As Fort Collins continues to grow and water demands increase, there will be an increasing need to divert more water pursuant to the 14CW3158 Water Rights. Fort Collins has a continuing need for all of the water and exchange potential decreed to the 14CW3158 Water Rights and has a continuing plan and intent to develop and put to beneficial use the 14CW3158 Water Rights up to their maximum decreed flow rates and storage volumes. 8. Names and addresses of 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. The list below includes Fort Collins' current understanding of the owners of land upon which the structures identified in this application are located, and also the owners of the primary water rights that are diverted at, or stored in, the identified structures. a. FCRID point of diversion. i. North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80549. ii. Fort Collins, P.O. Box 580, Fort Collins, CO 80522. iii. The Colorado State University System, the Board of Governors, Campus Delivery 6009, Fort Collins, CO 80523-6009. b. Box Elder Ditch point of diversion. The point of diversion for the Box Elder Ditch is on land owned by Fort Collins. The address for the Box Elder Ditch Company is 207 Windflower Way, Severance, CO 80550. c. Rigden Diversion Pump Station and Rigden Inflow-Outflow Spillway. The points of diversion for the Rigden Diversion Pump Station and Rigden Inflow-Outflow Spillway are on land owned by Fort Collins. d. Halligan Reservoir, as enlarged as addressed in Case No. 2013CW3185. i. Fort Collins. ii. State of Colorado, Division of Parks and Wildlife, 6060 Broadway Avenue, Denver, CO 80216. iii. United States of America, Bureau of Land Management, 1313 Sherman Street, Denver, CO 80203. iv. Landowners Association for Phantom Canyon Ranches, 1738 Bonny Dr., Loveland, CO 80538. v. The Revocable Trust of Gary C. and Mary J. Packard, 865 Three Corner Gate Rd., Livermore, CO 80536. vi. Free Enterprises, Inc., c/o Lee Stark, 1803 Garfield Ave., Loveland, CO 80538. vii. Geo A. Henderson Co., Inc., a Colorado Corporation, and Chris Vandemoer, P.O. Box 668, Sterling, CO 80751-0668. viii. Meadow Creek Cabin Association LLC, c/o Sandy Beardmore, 2212 Kiowa Ct., Fort Collins, CO 80525. e. North Poudre Supply Canal (a/k/a Munroe Canal) point of diversion. i. Northern Colorado Water Conservancy District, 220 Water Avenue, Berthoud, CO 80513. ii. North Poudre Irrigation Company, 3729 Cleveland Avenue, Wellington, CO 80549. f. Fort Collins Pipeline. The point of diversion for the Fort Collins Pipeline is on land owned by Fort Collins. g. Rigden Reservoir. Rigden Reservoir is located on land owned by Fort Collins. WHEREFORE, Fort Collins seeks entry of a decree: (1) finding that an additional portion of the Rigden Storage Right, Box Elder Ditch point of diversion, has been made absolute in the amount of 2.42 cfs for a total absolute amount at this point of diversion of 13.71 cfs (leaving

2.29 cfs conditional); (2) finding that Fort Collins has proceeded with reasonable diligence in the development of the remaining conditional portions of the Rigden Storage Right and Rigden Exchange Rights; and (3) continuing the remaining conditional portions of the Rigden Storage Right and Rigden Exchange Rights in full force and effect for another diligence period. (18 pgs., 3 exhibits)

2023CW3144 SPRUCE MOUNTAIN PROPERTIES, INC., 14771 Spruce Mountain Road, Larkspur, CO 80118. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER, IN DOUGLAS COUNTY.** Subject Property: A parcel totaling approximately 2.5 acres generally located in the NE1/4, SE1/4, Section 29, Township 10 South, Range 67 West of the 6th P.M., Lots 17, Spruce Mountain Estates, also known as 1086 Yarnell Dr, Larkspur, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicant is the sole owner of the Subject Property and there are no mortgage or lien holders, therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing Dawson Aquifer household-use only well on the Subject Property under Well Permit Number 214045. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant desires to leave no groundwater unadjudicated. Applicant estimates the following amounts may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)	Total Amount (acre-feet)
Dawson (NNT)	2	200
Denver (NT)	1.7	170
Arapahoe (NT)	1.9	190
Laramie-Fox Hills (NT)	0.7	70

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. 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 both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 2 acre-feet per year of not-nontributary Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Dawson Aquifer groundwater will be used in one well to provide in-house use in up two (2) single-family dwellings or their equivalent (0.6 acre-feet per year), irrigation of up to 25,000 square-feet of home lawn, gardens, trees, and pasture (1.25 acre-foot per year), livestock watering of up to 12 large domestic animals (0.15 acre-feet per year), fire protection, and storage anywhere on the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return

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

2023CW3145 SPRUCE MOUNTAIN PROPERTIES, INC., 14771 Spruce Mountain Road, Larkspur, CO 80118. James J. Petrock, Eric K. Trout, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER, IN DOUGLAS COUNTY.** Subject Property: A parcel totaling approximately 261.10 acres generally located in the NE1/4 of the SE1/4 of Section 32, and the NW1/4 of Section 33, all in Township 10 South, Range 67 West of the 6th P.M., also known as 15536 S Perry Park Road, Larkspur, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicant is the sole owner of the Subject Property and there are no mortgage or lien holders, therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing exempt Dawson Aquifer domestic use well on the Subject Property under Well Permit Number 307054. This well will continue operating under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicant estimates the following amounts may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)	Total Amount (acre-feet)
Dawson (NNT)*	240.44	24,044
Denver (NT)	185.40	18,540
Arapahoe (NT)	207.15	20,715
Laramie-Fox Hills (NT)	72.22	7,222

*The total estimated volume in the not-nontributary Dawson Aquifer is 24,444 acre-feet, 244.44 acre-feet per year. The adjudicated volume is reduced by 400 acre-feet, 4 acre-feet per year, for existing Well Permit No. 307054. Applicant desires to leave no additional groundwater unadjudicated. Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. 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 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. 4 pages.

2023CW3146 SCOTT AVE LAND HOLDINGS LLC, 210 University Blvd., Ste. 460, Denver, Colorado 80206. Michael A. Kopp and Lucas O’Brien, Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, telephone: (303) 861-1963, mkopp@troutlaw.com, 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 DOUGLAS COUNTY.** Legal Description: Applicant is the owner of a parcel of approximately 35 acres generally located in the S1/2 of Section 10, Township 7 South, Range 66 West of the 6th P.M. and also known as 6793 Scott Avenue, Parker, CO 80134 (the “Subject Property”). The legal description of the parcel is more particularly described on Exhibit A hereto, and the location of the parcel is shown on Exhibit B hereto. Applicant is the sole owner of the Subject Property and therefore no notice is required pursuant to C.R.S. § 37-92-302(2). Well Permits: There is currently one Upper Dawson aquifer well on the Subject Property with Permit No. 214575. There is also one well in the shallow alluvium of Cherry Creek with Permit No. 20705-R. Both wells will be plugged and abandoned. 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 Applicant 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. Pre-213 Wells: There are two Lower Dawson aquifer pre-213 wells with cylinders of appropriation that overlap the Subject Property. The first is Well Permit No. 16008-F and the second is Well Permit No. 27296. The acreage value used in the annual volume calculation for the Lower Dawson aquifer should therefore be reduced by 25.7 acres to account for the cylinders of appropriation from these two wells. Source of Water Rights: The Denver, Laramie-Fox Hills, Arapahoe, and the Lower Dawson aquifers underlying the Subject Property are nontributary as defined in C.R.S. § 37-90-103(10.5), and the Upper Dawson aquifer underlying the Subject Property is not-nontributary as defined in C.R.S. § 37-90-103(10.7). Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all the legally available groundwater lying below the Subject Property, through any additional wells which may be completed in the future, as Applicant’s well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules 2 C.C.R. 402-7. Estimated Amounts: Applicant estimates that the amounts listed in the following table may be available for annual withdrawal based on a 100-year withdrawal period. The amount listed for the Lower Dawson aquifer has been reduced to account for the cylinders of appropriation from two Lower Dawson pre-213 wells that overlap the Subject Property.

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	3.54
Lower Dawson (NT)	2.54
Denver (NT)	14.43
Arapahoe (NT)	18.41
Laramie-Fox Hills (NT)	11.07

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, and augmentation purposes, either directly or after storage. 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: Applicant claims 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. 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 that this Court approve the above-described 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. (8 pages)

2023CW3147 PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Dr., Parker, Co 80134 (Please address all correspondence and inquiries to Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PARTLY ABSOLUTE IN DOUGLAS COUNTY.**

2. Name of Structures: The conditional water right which is the subject of this Application is the conditional right of substitution and exchange granted in paragraph 20 of the decree entered by this Court on July 30, 1992 in Case 83CW348(A). a. The structures involved as “exchange to” structures are the Applicant’s alluvial wells, which were identified in said decree as KOA, KOA2, CC-1, CC-2, CC-4, CC-5, CC-6 and Executive Builders. In addition, the decree in Case 01CW60 entered by this Court on June 30, 2006, added Wells CC-7 through CC-18 as described therein as alternate points of diversion for the said designated alluvial wells, which additional wells are also “exchange to” points. Please note that Parker has other rights to withdraw water from the KOA, KOA-2 and Executive Builders wells which are not the subject of this application. b. The “exchange from” structures are the structures identified in paragraph 3 of said decree in 83CW348(A), a copy of which paragraph is attached hereto as Exhibit A and incorporated by this reference, all points in Applicant’s water distribution system from which water from said sources is released for outdoor uses and eventual return to the stream system, and the points of discharge of Applicant’s wastewater treatment plants. 3. Describe conditional water right giving the following from the Referee’s Ruling and Judgment and Decree. a. Date of Original Decree: July 30, 1992. Case 83CW348(A), Water Division No. 1. In addition, the Decree in 01CW60 mentioned above was entered June 30, 2006. The First Supplemental Decree in 83CW348(A) was entered March 7, 2007. The diligence decree in Case 05CW247 entered March 8, 2010 made 3 cfs of the original 15 cfs exchange right absolute. The Order in 83CW348(A) allowing lawn irrigation return flow (LIRF) credits to be taken from non-alluvial areas was entered June 14, 2010. b. List all subsequent decrees awarding findings of diligence (all in this Court): 98CW308 entered Sep. 21, 1999, 05CW247 entered March 8, 2010 and 16CW3037 entered October 27, 2017. c. Location of structures: The “exchange to” structures are described at paragraph 2A of the said decree in 83CW348(A), a copy of which paragraph is attached hereto as Exhibit B and incorporated herein by this reference. These structures are all located in Township 6 South, Range 66 West of the 6th P.M. in Douglas County. The “exchange from” structures which are wells are described in paragraph 3 of said decree, which paragraph is attached hereto as Exhibit A and is incorporated by this reference. The “exchange from” structure which is the discharge point from Applicant’s wastewater treatment plants is located at in the SW/4NW/4 Sec. 22, T.6S, R.66W of the 6th P.M. in Douglas County. The water from said wastewater treatment plants reaches Cherry Creek in the SE/4 NE/4 Sec. 21, same range and township. The “exchange from” structures which are points of delivery to customers of water which Applicant is entitled to re-use are located throughout Applicant’s service area generally but not entirely located in Township 6 South, Range 66 West of the 6th P.M. in Douglas County. d. Source: groundwater from the Denver Basin aquifers and any other re-useable water. e. Date of Appropriation: April 29, 1991; Amount: 15 cfs, conditional, of which 3 cfs made absolute in Case 05CW247. f. Use: for all municipal purposes, including domestic, industrial, commercial, irrigation, stock water, recreation, firefighting and all other beneficial uses. 4. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. During the diligence period, Parker has among other things taken the following steps toward completion of the appropriation. a. Capital Improvements. During the diligence period the following capital improvements were made to Parker’s water system for a total of over \$137 million: Ridgeway 42" water main, Canyons 36" water main, water treatment plant, Well Equipment Storage Building 2018 – ongoing \$1.5 million and various other building improvements, Canyons Well Facility, Ridgeway Well Facility and

numerous water main, fire hydrant and other infrastructure. The following specific capital improvements were made to Rueter-Hess Reservoir itself: perimeter fence with actuated gate, aeration system design and water quality monitoring device, resurface dam crest, and Rueter-Hess Filtration Annex April 2021 and ongoing spent to date \$11.2 million. All of these improvements increased Parker’s ability to utilize the subject water rights. b. Water Court Proceedings. Parker has filed and is prosecuting Case 22CW3166 in this Court Parker to increase the usefulness of Rueter-Hess Reservoir with local plans for augmentation and exchange. Parker has also participated as an Opposer in various water court applications of others as necessary to protect the subject water rights. c. Wells CC-7, CC-9, CC-15 and CC-17 have been completed and equipped, are in operation and have been used in the subject exchange. d. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. 5. Integrated System. Parker owns and operates a single, unified and integrated municipal water supply system that contains numerous components. Those components include, but are not limited to the structures and the water rights that are the subject of this application. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. 6. Claim to make absolute in part: a. Amounts to be Made Absolute. 2.94 c.f.s. of the decreed 15 c.f.s. subject exchange were exchanged on July 22, 2017 and should be made absolute. On that date, this amount was exchanged to Wells CC-7, CC-9, C15 and CC-17 to replace out of priority depletions. The exchange from point was the confluence of Sulphur Gulch with Cherry Creek, and the upstream termini of the exchange were the points on Cherry Creek closest to said wells. b. Parker requests that the subject exchange be made absolute to the extent of 2.94 c.f.s. and that the remaining 12.06 c.f.s. be continued as conditional. c. Supporting evidence showing that Parker diverted water in-priority and applied such water to beneficial uses: complete accounting information is available from Parker’s water resource engineers, Lytle Water Solutions, LLC. d. The water was applied to beneficial use in Parker’s service area. 7. Names and addresses of 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: Parker Water and Sanitation District owns all of such land.

2023CW3148 PARKER WATER AND SANITATION DISTRICT, 18100 E. Woodman Dr., Parker, Co 80134 (Please address all correspondence and inquiries to Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PARTLY ABSOLUTE IN DOUGLAS COUNTY.** 2.

Name of Structures: The conditional water rights which are the subject of this Application, are the following wells: KOA, KOA-2, CC-1, CC-2, CC-4, CC-5, CC-6 and Executive Builders, and Wells CC-7 through CC-18. Please note that Parker has other rights to withdraw water from the KOA, KOA-2 and Executive Builders wells which are not the subject of this application. 3. **Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree**: a. Date of Original Decree: July 30, 1992. Case 83CW346, Water Division No. 1. In addition, the decree in Case 01CW60 entered by this Court on June 30, 2006, added Wells CC-7 through CC-18 as described therein as alternate points of diversion for the alluvial wells adjudicated in case 83CW346, to which additional wells the conditional water rights confirmed in case 83CW346 are fully applicable. b. List all subsequent decrees awarding findings of diligence (all in this Court): 98CW309 entered September 20, 1999, 05CW246 entered March 8, 2010, and 16CW3042 entered October 27, 2017. c. Location of structures: The above referenced wells are all located in Township 6 South, Range 66 West of the 6th P.M. in Douglas County, at the following locations:

<u>Name</u>	<u>Section</u>	<u>1/41/4</u>	<u>ft from</u>	<u>line</u>	<u>ft from</u>	<u>line</u>
KOA	27	NENW	1950	W	500	N
CC-1	21	NESE	1100	E	2600	S
CC-2	16	SESE	1250	E	1000	S
CC-4	27	SESW	2000	W	300	S
CC-5	27	SWNE	2100	E	2500	N

CC-6	16	SWNE	1500	E	1500	N
Exec Bldrs #1	34	NENW	1800	W	1300	N
KOA-2	27	NENW	2315	W	860	N
CC-7	21	SENE	113	E	1709	N
CC-8	21	NESE	215	E	2159	S
CC-9	16	NWSE	1551	E	2620	S
CC-10	16	NWSE	1895	E	1600	S
CC-11	27	NESW	1501	W	1748	S
CC-12	34	NENW	1600	W	500	N
CC-13	27	SWNW	1327	W	2000	N
CC-14	27	SENE	2300	W	1750	N
CC-15	16	SWNE	1145	E	1600	N
CC-16	16	NWNE	1200	E	650	N
CC-17	16	SESE	690	E	500	S
CC-18	16	SESE	300	E	1300	S

d. Source: groundwater tributary to Cherry Creek. e. Date of Appropriation: December 20, 1983 for KOA, CC-1, CC-2 and CC-4, and April 28, 1989 for CC-5, CC-6, Executive Builders and KOA-2. Pursuant to the said decree in Case 01CW60, wells CC-7 through CC-18 are alternate points of diversion for said wells KOA through CC-4. (Note that this case only applies to the water rights adjudicated in Case 83CW346. It does not apply to the more senior rights of the KOA and Executive Builders wells decreed in previous adjudications.) f. Amount: 2000 gpm (4.44 cfs) per well, conditional. g. Use: all municipal purposes, including domestic, irrigation, commercial, industrial, recreation, firefighting, stock water, street washing and all other beneficial uses. h. Depth (if well): depth not stated in original decree. 4. Provide a detailed outline of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures. During the diligence period, Parker has among other things taken the following steps toward completion of the appropriation. a. Capital Improvements. During the diligence period the following capital improvements were made to Parker’s water system for a total of over \$137 million: Ridgeway 42" water main, Canyons 36" water main, water treatment plant, Well Equipment Storage Building 2018 – ongoing \$1.5 million and various other building improvements, Canyons Well Facility, Ridgeway Well Facility and numerous water main, fire hydrant and other infrastructure. The following specific capital improvements were made to Rueter-Hess Reservoir itself: perimeter fence with actuated gate, aeration system design and water quality monitoring device, resurface dam crest, and Rueter-Hess Filtration Annex April 2021 and ongoing spent to date \$11.2 million. All of these improvements increased Parker’s ability to utilize the subject water rights. b. Water Court Proceedings. Parker has filed and is prosecuting Case 22CW3166 in this Court Parker to increase the usefulness of Rueter-Hess Reservoir with local plans for augmentation and exchange. Parker has also participated as an Opposer in various water court applications of others as necessary to protect the subject water rights. c. Wells cc-9, 13, 15 and 17 have been completed and equipped and are in operation. d. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. 5. Integrated System. Parker owns and operates a single, unified and integrated municipal water supply system that contains numerous components. Those components include, but are not limited to the structures and the water rights that are the subject of this application. Parker has in all respects diligently worked toward completing the appropriations and placing the subject conditional water rights to beneficial use. 6. Claim to make absolute in part: a. Amounts to be Made Absolute. Dates and amounts of water produced pursuant to the said decree in Case 83CW348(A):

Well Name	Usage (ac-ft/day)	Date	Water Year	Usage (average daily c.f.s.)
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CC-7	5.71	03/21/2022	2022	2.88
CC-9	6.87	05/22/2019	2019	3.46
CC-13	1.42	06/16/2021	2021	0.72
CC-15	4.90	05/22/2019	2019	2.47
CC-17	4.31	01/05/2022	2022	2.17

Total to be made absolute: 11.70 c.f.s.

Parker has produced the amounts shown in the right column of the above table, totaling 11.70 c.f.s. Since the wells from which the water has been produced were decreed in Case 01CW60 as alternate points of diversion for the originally decreed wells, each of which were decreed for 4.44 c.f.s., Parker requests that the December 20 1983 water rights for the KOA and CC-1 wells be made fully absolute, and that 2.82 c.f.s. of the December 20, 1983 water right of the CC-2 well be made absolute, for the above total of 11.70 c.f.s. of the said December 20, 1983 water right being made absolute. Parker requests that the remaining 1.62 c.f.s. attributable to the CC-2 well along with the conditional water rights attributable to the remaining wells adjudicated in said Case 83CW346 be continued as conditional. b. Amounts to be continued as conditional. The four wells in Case 83CW346(A) that were decreed with a December 2, 1983 appropriation dates at 4.44 c.f.s. each total 17.76 c.f.s, so 6.06 of that priority should continue as conditional. All 17.7 c.f.s. of the four wells that were decreed with an April 28, 1989 appropriation date in case 83CW346(A) should also continue as conditional. c. The State Engineer in the exercise of his administrative authority has issued Written Instruction 2020-01 that water produced by a conditional water right pursuant to a plan for augmentation makes the water right absolute. The reasoning, as well as the supporting opinion of the Attorney General's Office, is fully explained in said Written Instruction which is attached as Exhibit A and is incorporated by this reference. d. Supporting evidence showing that Parker diverted water in-priority and applied such water to beneficial uses: complete accounting information is available from Parker's water resource engineers, Lytle Water Solutions, LLC. d. The water was applied to beneficial use in Parker's service area. 7. Names and addresses of 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: Parker Water and Sanitation District owns all of such land.

****AMENDED** 2019CW3253 PARKER WATER AND SANITATION DISTRICT ("Parker"), 18100 E. Woodman Drive, Parker, CO 80134, (Attorney: Robert F. T. Krassa, #7947, Krassa & Miller, LLC, 2300 Canyon Blvd., Suite 2, Boulder, CO 80302, 303-442-2156) and LOWER SOUTH PLATTE WATER CONSERVANCY DISTRICT ("LSPWCD"), 100 Broadway Plaza, Suite 12; Sterling, CO 80751 (Attorney: Julianne M. Woldridge, #17772, MacDougall & Woldridge, P.C., 70 Morning Sun Drive, Suite A, P.O. Box 7273, Woodland Park, CO 80863, 719-520-9288). SECOND AMENDED APPLICATION FOR WATER STORAGE RIGHTS, APPROPRIATIVE RIGHT OF EXCHANGE AND CHANGE OF WATER RIGHTS IN MORGAN, LOGAN AND WASHINGTON COUNTIES.** The Second Amendment of the Application in this case adds the alternative diversion and storage locations for the Prewitt Forebay Storage Right which Applicants are renaming the "PVWP Forebay Storage Right", and as additional upper termini for the exchange claimed in the original Application. The alternates are fully described in the revised Second Claim - PVWP Forebay Storage Right herein. These alternate points of diversion, storage, and exchange termini are for the same purpose of delivering water to direct use and to storage in Fremont Butte Reservoir as was the original Prewitt diversion and forebay which remains as Alternate A in this Second Amended Application. These new alternate points of diversion, storage, and exchange termini do not increase the amounts claimed for the storage rights or exchange claimed in the

original Application. The substance of this amendment are the alternative structures set out in the revised Second Claim - PVWP Forebay Storage Right, which is published in full in this Resume. The other revisions which this amendment makes to the original and first amended applications are to integrate these alternate structures into the project in a manner similar to the use of the Prewitt Inlet Canal and the Prewitt Forebay Storage Right within Prewitt Reservoir as described in the original and first amended applications.

SECOND CLAIM - PVWP FOREBAY STORAGE RIGHT 17. The PVWP Forebay Storage Right shall include alternate water storage reservoirs and associated alternate diversion locations. Applicants may construct and use any of these, or components of more than one, but the alternate locations of diversions and storage reservoirs shall share one water storage right to be known collectively as the PVWP Forebay Storage Right described as follows: a. Date of Appropriation: November 5, 2019. Applicants have agreed to accept a date of appropriation of December 30, 2019 for purposes of priority administration. b. Source: South Platte River. c. How appropriation was initiated: A meeting of managers of Applicants at which engineering information was received from Applicants' water resources engineers identifying availability of water and feasibility of project, confirmed and ratified by subsequent actions including actions by the Applicants' respective Boards of Directors expressing their intent to appropriate water for direct diversion, exchange and storage, subsequently confirmed by posting notices at the sites of the claimed diversions and storage sites and by the filing of the original application in this case on December 30, 2019. d. Date water applied to beneficial use: not applicable (conditional). e. Amount claimed: 6,500 acre-feet, conditional for all alternate points of storage combined. Applicants claim the right to fill and refill, both for direct storage and subsequent release, and to serve as a forebay for conveyance to and from storage in Fremont Butte Reservoir for subsequent release, all for the beneficial uses stated herein. See Exhibit K for potential pipeline routes. f. Rate of diversion from South Platte River: 1,000 c.f.s. for all alternate points of diversion of the PVWP Forebay Storage Right combined. g. Proposed Uses: Water stored pursuant to the PVWP Forebay Storage Right will be released for transport via suitable stream channels, reservoirs, outlet canals, pumps and pipelines for all purposes of both Applicants including municipal, irrigation and supplemental irrigation, domestic, stock watering, recreational, piscatorial, fish and wildlife, fire protection, street washing, hydroelectric power production, and exchange, replacement, and augmentation including without limitation augmentation by use of recharge ponds, at any location where it is physically available within the boundaries of LSPWCD as such may change from time to time and without the boundaries of LSPWCD pursuant to agreement, and within the service area of Parker as such may be changed from time to time and for contract out-of-district service by Parker. **CLAIM 2A – PVWP FOREBAY STORAGE RIGHT - ALTERNATE SITE A** 18. Name of reservoir: Prewitt Reservoir (EXISTING). 19. Legal description of location of reservoir: storage space within the existing Prewitt Reservoir which is located in all or parts of Sections 1, 2, 10, 11, 12, 13, 14 and 15 in T.5N., R.54W. of the 6th P.M. and in parts of Sections 5, 6 and 7 in T.5N., R.53W. of the 6th P.M., in Washington County, and in part of Section 31, T.6N., R.53W. of the 6th P.M. and part of Section 36, T.6N., R.54W. of the 6th P.M. in Logan County, all as generally shown on Exhibit D attached hereto. The center of the outlet works in the dam of Prewitt reservoir is located at: SE1/4NE1/4 Section 2, T.5N., R.54W. of the 6th P.M. in Washington County, Colorado. 20. If filled from ditch: a. Name, capacity and point of diversion of ditch used to fill reservoir: Prewitt Reservoir is an off-stream reservoir fed by the Prewitt Inlet Canal that diverts water from the South Platte River at the location described below. The present capacity of said canal is believed to be 695 c.f.s., but the canal may be capable of carrying 1,000 c.f.s. which is the diversion rate claimed and which is the flow rate which may be used to fill the water storage right claimed herein. b. Prewitt Inlet Canal intake is in the SE1/4SW1/4 Section 24, T.5N., R.55W. of the 6th P.M. in Morgan County, at a point approximately 1470 feet from the west line and 520 feet north of the south line of said Section 24, as generally shown on D attached hereto. 21. Dimensions and capacity of reservoir. According to records of the State Engineer, Prewitt Reservoir is restricted to gage height 26.5 feet above the outlet, at which height the capacity is 28,600 acre-feet and the surface area is 2321 acres. 22. Total capacity of reservoir: The total capacity of Prewitt Reservoir is 32,300 acre feet. Storage is presently restricted. The amount of the 6500 acre foot storage right claimed herein may be at any location within Prewitt Reservoir. **CLAIM 2B - PVWP FOREBAY STORAGE RIGHT - ALTERNATE SITE B** 23. Name of reservoir: PVWP Alternate Site B Reservoir. 24. Legal

description of location of reservoir: located southwest of and separate from the existing Prewitt Reservoir, in parts of Sections 22 and 27, T.5N., R.54W. of the 6th P.M. in Washington County, all as generally shown on Exhibit K attached hereto. 25. If filled from ditch: Name, capacity and point of diversion of ditch used to fill reservoir: a. Prewitt Diversion Dam and the Prewitt Inlet Canal that diverts water from the South Platte River at the location, and of the capacity, all as described in foregoing paragraph 20, with a new branch from that canal to the said PVWP Alternate Site B Forebay Storage Reservoir. b. PVWP 3 Diversion, 1,000 c.f.s. capacity, located on the southeast bank of the South Platte River in Section 25, T.5N, R.55W of the 6th P.M. in Morgan County. c. PVWP 4 Diversion - an additional diversion for all of the alternate storage locations that may be located anywhere in the reach of the South Platte River between the North Sterling Canal diversion structure in the South East quarter of Sec. 32, T.5N., R.55W and the Prewitt Inlet Canal diversion structure in the South West quarter, Sec. 25, T. 5N., R.55W in Morgan County (the "Stream Reach Diversion"). This is consistent with Closed Basin Landowners Assoc. v. Rio Grande Water Cons. Distr., 734 P.2d 627 (Colo. 1987). 26. Dimensions and capacity of reservoir: Capacity when full 6500 acre feet, surface area when full 566 acres. **CLAIM 2C - PVWP FOREBAY STORAGE RIGHT - ALTERNATE SITE C** 27. Name of reservoir: PVWP Alternate Site C Reservoir. 28. Legal description of location of reservoir: located in Section 24, T.5N., R.55W. of the 6th P.M. in Morgan County, all as generally shown on Exhibit K attached hereto. 29. If filled from ditch: Name, capacity and point of diversion of ditch used to fill reservoir: a. Prewitt Inlet Canal described in foregoing paragraph 20.b; OR b. PVWP 3 Diversion described in foregoing paragraph 25.b; OR c. PVWP 4 Diversion - the stream reach diversion described in foregoing paragraph 25.c 30. Dimensions and capacity of reservoir: Capacity when full 6500 acre feet, surface area when full 124 acres. **CLAIM 2D - PVWP FOREBAY STORAGE RIGHT - ALTERNATE SITE D** 31. Name of reservoir: PVWP Alternate Site D Reservoir. 32. Legal description of location of reservoir: located in parts of Section 6, T.5N., R.54W. of the 6th P.M. and in Sections 31 and 32, T.5N, R.54 W of the 6th P.M. in Washington County, all as generally shown on Exhibit K attached hereto. 33. If filled from ditch: Name, capacity and point of diversion of ditch used to fill reservoir: a. PVWP 1 Diversion, 1,000 c.f.s. capacity, located on the southeast bank of the South Platte River in Section 4, T.4N, R.55W of the 6th P.M. in Morgan County; OR b. PVWP 2 Diversion, 1,000 c.f.s. capacity, located on the southeast bank of the South Platte River in Section 33, T.5N, R.55W of the 6th P.M. in Morgan County; OR c. PVWP 4 Diversion - the stream reach diversion described in foregoing paragraph 25.c. 34. Dimensions and capacity of reservoir: Capacity when full 6500 acre feet, surface area when full 460 acres. **CLAIM 2E - PVWP FOREBAY STORAGE RIGHT - ALTERNATE SITE E** 35. Name of reservoir: PVWP Alternate Site E Reservoir. 36. Legal description of location of reservoir: located in parts of Section 4, T.4N, R.55W of the 6th P.M. and in Section 33, T. 5N, R.55W of the 6th P.M. in Washington County, all as generally shown on Exhibit K attached hereto. 37. If filled from ditch: Name, capacity and point of diversion of ditch used to fill reservoir: a. PVWP 1 Diversion described in foregoing paragraph 33.a; OR b. PVWP 2 Diversion described in foregoing paragraph 33.b; OR c. PVWP 4 Diversion - the stream reach diversion described in foregoing paragraph 25.c. 38. Dimensions and capacity of reservoir: Capacity when full 6500 acre feet, surface area when full 143 acres. This Resume is consistent with Section 5 of the Revised Division 1 Water Court Policies dated September 8, 2023, which provides in relevant part that the resume notice of an amended application shall include the amended portion of the application.

****AMENDED** 2023CW3012 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY** ("ACWWA"), c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830. **FIRST AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE, PLAN FOR AUGMENTATION, AND APPROPRIATION OF RETURN FLOWS IN WELD COUNTY.** Please send all pleadings and correspondence to: Brian M. Nazareus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazareus Stack & Wombacher LLC, 5299 DTC Blvd, Suite 610, Greenwood Village, Colorado 80111 (Attorneys for ACWWA). 2. Summary of Amended Application. In its original application filed on January 31, 2023, ACWWA seeks to change the use of 24 shares out of

a total of 800 outstanding shares in Farmers Independent Ditch Company (“FIDCO”) historically used on the Mack WCR 43, LLC property (“ACWWA’s Mack Shares”); approve an augmentation plan to replace the historical return flows associated with the Mack Shares; and appropriate return flows associated with the Mack Shares when there is no senior call. In this amended application filed on September 29, 2023, ACWWA also seeks appropriative rights of exchange to be able to exchange the Mack Shares within its integrated system. **CLAIM FOR CHANGE OF WATER RIGHTS** 3. Decreed Water Rights for Which Change is Sought. 3.1. Name of Structure. Farmers Independent Ditch. 3.2. Previous Decree. Case No. 6009, Arapahoe County District Court, decreed April 28, 1883. 3.3. Decreed Point of Diversion: The headgate location for the Farmers Independent Ditch is on the east bank of the South Platte River in the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.4. Source. South Platte River. 3.5. Amounts and Appropriation Dates.

Appropriation Date	Total Amount Decreed to All FIDCO Shares (cfs)	Pro Rata Amount for ACWWA’s 24 Shares (cfs)
November 20, 1865	61.6	1.848
November 20, 1876	85.4	2.562

4. Historical Use. ACWWA’s Mack Shares were historically used to irrigate crops on the Mack Farm, as depicted on the map attached as **Exhibit 1**. The Mack Farm is located in the SE1/4 of Section 20, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5. Proposed Change of ACWWA’s Mack Shares. 5.1. Change in Type of Use. In addition to the already decreed irrigation use, ACWWA seeks to use water attributable to ACWWA’s Mack Shares for the uses described below, which may occur directly, following storage or recharge, and/or by exchange. 5.1.1. Use in ACWWA’s Plans for Augmentation, including Substitution. ACWWA will use water attributable to ACWWA Mack Shares as a source of replacement water including use by substitution in the plans for augmentation decreed in Case Nos. 10CW306, 13CW3026, 19CW3074, 19CW3084, pending Case Nos. 20CW3117 and 20CW3142, the plan for augmentation requested in this case, and in any future plan for augmentation. 5.1.2. Source for ACWWA’s Recharge Projects. ACWWA will deliver water attributable to ACWWA’s Mack Shares to recharge facilities for subsequent beneficial use. These facilities include those located in the Beebe Draw and on 70 Ranch as decreed in Case Nos. 10CW306, 16CW3195, and 21CW3234, and any future recharge project or facility to which ACWWA is legally entitled to recharge water. Recharge accretions generated by water attributable to ACWWA’s Mack Shares can be subsequently stored, exchanged, or further placed into recharge if not needed for an immediate beneficial use. 5.1.3. Source for ACWWA’s Exchanges. ACWWA will re-divert water attributable to ACWWA’s Mack Shares, either directly or following recharge or storage and subsequent release, for use in the exchanges claimed in paragraph 10, below. ACWWA may also use water attributable to ACWWA’s Mack Shares in any future exchange. 5.1.4. Places of Storage. ACWWA may store water attributable to ACWWA’s Mack Shares by direct delivery or after exchange and/or recharge in any storage facility in which ACWWA is legally permitted to store water, including: 5.1.4.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 5.1.4.2. 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. 5.1.4.3. 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. 5.1.4.4. 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. Barr Lake is an enlargement of the original Oasis Reservoir. 5.1.4.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 5.1.4.6. 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. 5.1.4.7. 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. 5.1.4.8. Holton Reservoir, an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, the SW1/4 of the SE1/4, and the NW1/4 of the SW1/4 of Section 6, and the SW1/4 of the NW1/4, 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., and the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 of Section 1, and the SE1/4 of the NE1/4 of Section 12, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado. 5.1.4.9. Any existing or future storage facility in which ACWWA is legally permitted to store water. 5.1.5. Replacement of Return Flow Obligations. ACWWA will use water attributable to ACWWA's Mack Shares, either directly, following storage or recharge, or by exchange, to replace return flow obligations associated with ACWWA's Mack Shares and the water rights changed in Case Nos. 10CW313, 11CW151, 12CW73, 13CW3026, 16CW3195, 16CW3200, and 19CW3084, and to satisfy return flow obligations for other water rights, currently pending changes of water rights, or water rights changed in the future if such change decree lists ACWWA's Mack Shares as a replacement source. 5.1.6. All Municipal Uses. ACWWA will use the water attributable to ACWWA's Mack Shares for all municipal uses via augmentation and exchange, including after recharge. ACWWA's municipal uses include, but are not limited to, domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within ACWWA's present and future service area, at such locations as to allow ACWWA to pump water at the ACWWA/East Cherry Creek Valley Water and Sanitation District ("ECCV") Well Field or provide direct deliveries for municipal use within ACWWA's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. 5.1.7. Right of Reuse, Successive Use, and Disposition. ACWWA claims the right to use, reuse, successively use and dispose of, by sale, lease, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted, and/or impounded pursuant to the decree entered in this case. As such, the water attributable to ACWWA's Mack Shares will be fully consumable water. 5.1.8. Use in ECCV's Augmentation Plans and Delivery to ECCV Recharge Projects. ACWWA may lease and/or trade water attributable to ACWWA's Mack Shares to ECCV for use as a source of augmentation and replacement water in ECCV's augmentation plans, either directly or following delivery to storage or to recharge projects, including those decreed in Case Nos. 02CW403 and 02CW404/03CW442, as amended by the decree entered in Case No. 10CW306, and Case Nos. 13CW3026, 19CW3075, and 19CW3084, and in pending Case Nos. 20CW3117 and 20CW3142. 5.2. Change in Place of Use. ACWWA will use the water attributable to ACWWA's Mack Shares on lands within ACWWA's present and future service area, at such locations as to allow ACWWA to pump water at the ACWWA/ECCV Well Field or provide direct deliveries for municipal use within ACWWA's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. A map of ACWWA's current service area is attached as **Exhibit 2**. 6. Delivery of the Subject Water Rights. The water attributable to ACWWA's Mack Shares will continue to be diverted at the Farmers Independent Ditch headgate. ACWWA may deliver all or a portion of the water attributable to ACWWA's Mack Shares at the following locations: 6.1. Upper Augmentation Station (a/k/a Camp Augmentation Station), located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.2. Middle Augmentation Station (a/k/a Mack Farm Headgate and Lateral), to be located in the NE1/4 of the NE1/4 of Section 29, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.3. Lower Augmentation Station (a/k/a Tail Augmentation Station), located in the SE1/4 of the NE1/4 of Section 1, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.4. Drouhard Recharge Site, located in the SW1/4 of Section 30, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 6.5. Future Delivery Point, to be located in the N1/2 of Section 13 and S1/2 of Section 12, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, subject to obtaining agreements with FIDCO and the underlying landowner(s). 6.6. Future Recharge Site, to be located in the SE1/4 of Section 20, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, subject to obtaining agreements with FIDCO and the underlying landowner(s). 7. Return Flow Obligations.

ACWWA shall maintain historical return flows on a daily basis whenever the downstream calling water right on the South Platte River is senior to January 31, 2023. ACWWA shall meet its return flow obligations for ACWWA's Mack Shares with any of the sources described in the attached **Exhibit 3**, either directly, by substitution, by exchange, or following storage or recharge or any combination thereof. ACWWA may also deliver water from other fully-consumable sources, either directly, by substitution, by exchange, or following storage or recharge or any combination thereof, owned or controlled by ECCV or any other sources so long as the sources are decreed for augmentation purposes by the Water Court or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to C.R.S. §§ 37-92-308 or 309, or successor statutes, or are otherwise lawfully available for such use. To the extent that fully consumable water derived from water rights other than ACWWA's Mack Shares is used to meet replacement obligations, an equivalent amount of water diverted pursuant to ACWWA's Mack Shares and attributable to historical return flow will become fully consumable.

8. Integrated System. Use of ACWWA's Mack Shares as described herein comprise a component of an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Applicant on any water rights or structures which are part of their integrated water systems shall be considered in finding that reasonable diligence has been shown in the development of the conditional water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b).

9. Bylaw Approval. ACWWA has completed FIDCO's legally applicable requirements and procedures regarding approval of this application for change of water rights.

CLAIM FOR APPROPRIATIVE RIGHTS OF EXCHANGE

10. Description of Conditional Appropriative Rights of Exchange. The purpose of these conditional exchanges is to incorporate the Mack Shares into ACWWA's operations. The approximate locations of the exchange-from and exchange-to points and related structures are shown on **Exhibit 4**.

10.1. Exchange-From Points.

10.1.1. SPR Reach 2 Exchange-From Points.

10.1.1.1. Downstream End Point of SPR Reach 2 – Lower Latham Ditch Headgate. SPR Reach 2 was decreed at paragraph 19.1.5 of the 10CW306 Decree as an administrative reach of the South Platte River for the augmentation plans approved in the 02CW403 and 02CW404/03CW442 Decrees, as amended by the 10CW306 Decree. SPR Reach 2 is located from the Western Mutual Ditch headgate in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, to the Lower Latham Ditch headgate located in the NW1/4 of the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. For purposes of the appropriative rights of exchange decreed herein, the exchange-from point for the SPR Reach 2 is a point at the downstream end of SPR Reach 2, located immediately upstream of the Lower Latham Ditch headgate.

10.1.1.2. Farmers Independent Ditch Pipeline. The Farmers Independent Ditch Pipeline will deliver water from the tail end of the Farmers Independent Ditch to the South Platte River upstream of the Lower Latham Ditch.

10.1.1.3. Haren Recharge Accretions and Release. The point at which water that is recharged or discharged at the Haren Recharge Site accretes to the South Platte River is located in the SW1/4 of Section 8, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado.

10.1.1.4. Mack Recharge Accretions and Release. The point at which water that is recharged or discharged at the Mack Recharge Facility will accrete to the South Platte River is located downstream of Milliken Reservoir, in the SE1/4 of Section 18, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado.

10.1.1.5. Drouhard Recharge Accretions and Release. The point at which water that is recharged or discharged at the Drouhard Recharge Site accretes to the South Platte River is located in the NE1/4 of the SE1/4 of Section 24, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado.

10.1.1.6. Confluence of St. Vrain Creek and the South Platte River. Located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. From this point, water will be exchanged up St. Vrain Creek to the St. Vrain Pipeline Diversion, described below.

10.1.2. SPR Reach 1 Exchange-From Points.

10.1.2.1. Downstream End Point of SPR Reach 1 – Western Mutual Headgate. SPR Reach 1 was decreed at paragraph 19.1.4 of the 306 Decree as an administrative reach of the South Platte River for ACWWA's augmentation plans approved in the 306 Decree. SPR Reach 1 is located above the Western Mutual Ditch headgate. For purposes of the appropriative rights of exchange decreed herein, the exchange-from point for the SPR Reach 1 is a point at the downstream end of the SPR Reach 1, located immediately upstream of the Western Mutual Ditch headgate, in the SE1/4 of the SW1/4

of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 10.1.2.2. FIDCO CR 34 and CR 25 Augmentation Station. The FIDCO CR 34 and CR 25 Augmentation Station is a proposed augmentation station that will deliver water to the South Platte River approximately 1,700 feet upstream of the Western Mutual Ditch headgate, in the N1/2 of Section 13 and S1/2 of Section 12, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 10.1.2.3. FIDCO Upper Augmentation Station. Located in the SE1/4 of the NE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 10.1.2.4. St. Vrain Pipeline (a/k/a “United Diversion Facility No. 5”). The point of discharge from the St. Vrain Pipeline to the South Platte River will be located in one of the following locations: (1) at a point upstream of the Highway 66 bridge as it crosses the South Platte River, which will deliver water to the South Platte River, in the SW1/4 of the SW1/4 of Section 19, Township 3 North, Range 66 West of the 6th P.M., Weld County, Colorado; (2) at a point upstream of the Highway 66 bridge as it crosses the South Platte River, which will deliver water to the South Platte River, in the SE1/4 of the SE1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, or the SE1/2 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; (3) at a point near the SW1/4 of the SE1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (4) at a point near the SE1/4 of Section 25, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 10.2. Exchange-To Points. 10.2.1. SPR Reach 2 Exchange-To Points. 10.2.1.1. Milliken Reservoir Diversions. Water will be diverted from the South Platte River into Milliken Reservoir at the diversion facilities described below, and each of the exchange-to points shall be considered separate exchange rights for the purposes of making these exchanges absolute in whole or in part. 10.2.1.1.1. North Diversion. A second point of diversion may be located on the South Platte River, downstream of the confluence with St. Vrain Creek, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “North Diversion”). A diversion facility at the second point of diversion will be constructed and used only by ACWWA, pursuant to an agreement with the owner, United Milliken Reservoir Enterprise, L.L.C. 10.2.1.1.2. Milliken Pump(s). A pump is currently installed near the North Diversion, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump was formerly located and operated in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 1), and United may place a pump at that location in the future. A pump may also be installed near the confluence of the South Platte River and the St. Vrain Creek in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 2). The Milliken Pump(s) divert(s) surface water only to storage in Milliken Reservoir, via sealed pipelines. 10.2.1.1.3. South Diversion. A point of diversion for Milliken Reservoir may be located adjacent to the Jay Thomas Ditch Diversion Dam, on the East bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado (referred to as the “South Diversion”). A diversion facility at the Jay Thomas Ditch Diversion Dam will be constructed and used only by ACWWA, pursuant to an agreement with the owner, PSCo. 10.2.1.2. Western Mutual Ditch Headgate. The point of diversion for the Western Mutual Ditch headgate is located on the South Platte River, in the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. ACWWA will deliver water to the Haren Recharge Site and the Drouhard Recharge Site via the Western Mutual Ditch. Water will also be delivered to Milliken Reservoir through an interconnect between the Western Mutual Ditch and Milliken Reservoir. 10.2.1.3. St. Vrain Pipeline Diversion (United Diversion Facility No. 5). The St. Vrain Pipeline is a proposed pipeline that will divert water from the St. Vrain River upstream of the confluence with the South Platte River at one of two locations: (1) at a point near 500 feet west and 200 feet north of the SE corner of Section 20, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado; or (2) at a point near the NW1/4 of Section 10, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 10.2.2. SPR Reach 1 Exchange-To Points. 10.2.2.1. Holton Lake No. 1 Pump. A temporary bi-directional pump currently delivers water into and releases water from the northwest corner of Holton Lake No. 1. The pump is located on the East bank of the South Platte River, in the SW1/4 of the SW1/4 of Section 6, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 10.2.2.2. Holton Reservoir North Diversion. The Holton Reservoir north

diversion and release structure will serve as a bi-directional inlet and outlet structure for Holton Lake No. 2, which will divert from the South Platte River upstream of the Platteville Ditch, in the SW1/4 of Section 6, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 10.2.2.3. Holton Reservoir South Diversion. The Holton Reservoir south diversion and release structure will serve as a bi-directional inlet and outlet structure for Holton Lake No. 3, which will divert from the South Platte River upstream of the Platteville Ditch, in the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 10.2.2.4. Binder Pipeline. Binder Pipeline will divert water from the East bank of the South Platte River, in the NW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Substitute supplies exchanged and conveyed through Binder Pipeline will be delivered to the Brighton Lateral Recharge Site, recharge facilities proximate to Binder Pipeline, or Binder Reservoir. 10.2.2.5. United Diversion Facility No. 3. United Diversion Facility No. 3 is located on the East bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located 1,636 feet east of the West section line and 1,531 feet north of the South section line of said Section 26. Substitute supplies exchanged and diverted at United Diversion Facility No. 3 will be delivered to United Reservoir No. 3. Water stored in United Reservoir No. 3 can be delivered to Barr Lake through the Beebe Pipeline pursuant to the 10CW306 Decree. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir. Water can also be delivered from United No. 3 Reservoir through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 10.2.2.6. Burlington Canal Headgate. The Burlington Canal headgate is located on the East bank of the South Platte River, in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. Substitute supplies exchanged and diverted at the Burlington Canal headgate will be delivered to Barr Lake. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Draw. From Barr Lake, the water can also be delivered through a drainage seep to and through Brighton Lateral to Binder Reservoir. ACWWA may also deliver water to recharge facilities in the Beebe Draw pursuant to the terms and conditions of the ACWWA Beebe Draw Recharge Project approved in the 10CW306 Decree. Water can also be delivered from the Burlington Canal through the Beebe Pipeline to and through the Brighton Lateral to Binder Reservoir. 10.3. Rates on the Appropriative Rights of Exchange. 10.3.1. Exchange Matrix. The maximum exchange rates in cubic feet per second for the conditional appropriative rights of exchange are set forth in the Exchange Matrix attached as **Exhibit 5**. 10.4. Date of Appropriation. September 29, 2023. 10.4.1. How Appropriation Was Initiated. The appropriation date is based upon the date of the amended application. 10.4.2. Date Water First Applied to Beneficial Use. Not applicable. 10.5. Uses. Water attributable to the Mack Shares exchanged to the Exchange-To Points described above and discharged to the South Platte River may be used for the same purposes described in paragraph 5, above, and may be exchanged multiple times as necessary to place the water to its decreed uses. 10.6. Sources of Substitute Supply. ACWWA's Mack Shares and the return flow portion available pursuant to the appropriation of return flows of the Mack Shares changed in this case. **CLAIM TO APPROPRIATE RETURN FLOWS** 11. ACWWA's Independent Claim to Appropriate Return Flows Associated with ACWWA's Mack Shares. 11.1. When the calling right downstream of the point the return flows historically accrued to the South Platte River is junior to January 31, 2023, or there is no call from downstream of the point the return flows historically accrued to the South Platte River, ACWWA seeks the right to use, retain, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 5, above, the historical return flow portion of its irrigation season delivery of the Subject Water Rights and the winter return flow portion of its prior irrigation season deliveries of the Subject Water Rights. 11.2. Points of Diversion. The return flows associated with ACWWA's Mack Shares will be measured and delivered at the South Platte River using the Lower Augmentation Station and, to the extent the water is not needed immediately to replace historical return flows from ACWWA's Mack Shares, will be diverted at the 70 Ranch Reservoir or exchanged pursuant to the exchanges claimed in paragraph 10, above. 11.3. Source. South Platte River. 11.4. Date of Appropriation. January 31, 2023. 11.5. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 11.6. Date Water First Applied to Beneficial Use. Not Applicable. 11.7. Amount Claimed. Any and all amounts of

return flows determined to be attributable to ACWWA's Mack Shares, conditional. 11.8. Claimed Uses. For the same uses as described in paragraph 5, above. **CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION** 12. ACWWA's Plan for Augmentation. 12.1. Purpose of the Plan for Augmentation. Through this augmentation plan, ACWWA will provide adequate sources of replacement water to maintain the historical return flow obligations associated with ACWWA's Mack Shares. 12.2. Location of Return Flows. The location where return flows associated with ACWWA's Mack Shares historically accrued is shown in **Exhibit 1**. 12.3. Replacement Sources. ACWWA will use water derived from the sources described in paragraph 7, above, to replace the historical return flow obligations associated with ACWWA's Mack Shares in time, location, and amount in order to prevent injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 12.4. Future Acquired Sources. ACWWA intends to acquire and/or lease additional water supplies in the future for use as a source of replacement in the plan for augmentation described in the application. Those supplies may be acquired and/or leased to replace or supplement water from the sources identified in paragraph 7, above. ACWWA will add future acquired sources to the plan for augmentation claimed in this application pursuant to C.R.S. § 37-92-305(8)(c). 12.5. If the return flows associated with ACWWA's Mack Shares are replaced by sources other than ACWWA's Mack Shares, an equivalent amount of water diverted pursuant to the FIDCO Shares will be available to be placed to the beneficial uses described in paragraph 5, above. 13. Names and Addresses of the Owners of the Structures and Diversion Facilities Listed Above. 13.1. Farmers Independent Ditch is owned by FIDCO, whose address is 3005 W. 29th Street, Suite G1, Greeley, Colorado 80631. 13.2. Weld Adams Water Development Authority ("WAWDA"), whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, holds an easement for 70 Ranch Reservoir and its diversion and outlet facilities. The land underlying the easement is owned by 70 Ranch, LLC, whose address is the same. 13.3. Milliken Reservoir is owned by United Milliken Reservoir Enterprise, LLC, whose address is 8301 East Prentice Ave, Suite 100, Greenwood Village, Colorado 80111, and Scout Investments, LLC, whose address is the same. 13.4. United Reservoir No. 3 is owned by United, whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. United Reservoir No. 3 is on land owned by Bromley District Water Providers, LLC, whose address is the same. United holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3. The diversion structure is owned by United. 13.5. Barr Lake and the canals which will be used to deliver water to Barr Lake are owned by Farmers Reservoir and Irrigation Company ("FRICO"), whose address is 80 South 27th Avenue, Brighton, Colorado 80601. 13.6. Milton Lake is owned by FRICO, whose address is 80 South 27th Avenue, Brighton, Colorado 80601. 13.7. Serfer Pit is owned by United, whose address is 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 13.8. Binder Reservoir is owned jointly by Ronald E. vonLembke, 73 Falcon Hills Drive, Highlands Ranch, CO 80126 and Andrew Damiano, 15 Cherry Vale Drive, Englewood, Colorado 80113. 13.9. Holton Lake is owned by CAW Equities, LLC, whose address is 8301 East Prentice Ave, Suite 100 Greenwood Village, CO 80111. WHEREFORE, ACWWA requests that the Court enter a decree granting the change of water rights, appropriative rights of exchange, appropriation of return flows, and plan for augmentation, and for such other relief which it deems proper. (15 pages, 5 exhibits)

****AMENDED** 2023CW3067 SUNDANCE RANCH PROPERTY OWNERS ASSOCIATION, c/o Michael Turner, 5975 Hodgen Road, Colorado Springs, CO 80908.** (Please forward all pleadings and correspondence to Chris D. Cummins, W. James Tilton, and Paul J. Raymond of Monson, Cummins, Shoheit & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921. (719) 471-1212). **FIRST AMENDED APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, EL PASO COUNTY**. The Applicant seeks to amend the application filed on June 27, 2023 for approval of a plan for augmentation, in order to add additional lots and adjust augmentation supplies accordingly. Specifically, Applicant wishes to amend the number of lots of Parcels F, H, I, and J, from a total of forty-six (46) lots to fifty-six (56) lots, bringing the total number of lots contemplated for the entire plan of augmentation from seventy-one (71) lots, to eighty-one (81) lots. The total water consumption remains unchanged. This First Amended Application replaces the original application in its entirety. Opposers

have consented to the amendment requested. Sundance Ranch Property Owners Association (hereafter “Sundance POA”) seeks to augment up to 81 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 81 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. 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 one (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

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.

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 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 56 lots, collectively, resulting in fifty-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 fifty-six (56) 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) through (iii). 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 described 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 81 residential wells to be located on up to 81 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 described 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”). Replacement water to replace post-pumping depletions will be provided to Sundance POA by Cherokee pursuant to the Agreement attached as **Exhibit A**, 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/or 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	Fifty-Six +/- 2.5 acre lots	0.356 AF for each lot (19.964 AF total)	60 AF (100-yr) = 20 AF (300-yr)
TOTALS:	<i>81 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 eighty-one (81) lots, not including remainder parcels/lots utilizing exempt wells, with a corresponding maximum of eighty-one (81) 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 81 wells this amounts to 14.58 acre feet annually, more than 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 for 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 replacement of such post-pumping depletions by Sundance POA. 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. **9 Pages**

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 **DECEMBER 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.