

**DISTRICT COURT, WATER DIVISION 1, COLORADO**  
**APRIL 2024 WATER RESUME PUBLICATION**

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**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 **APRIL 2024** for each County affected. (This publication can be viewed in its entirety on the state court website at: [www.courts.state.co.us](http://www.courts.state.co.us))

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**2024CW4 MARK BOSSMAN, 9425 Eagle Cliff Rd., Conifer, CO 80433. 303-718-3598. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.**

Date of original decree: 04-26-05 in case 04CW161, WD1. Subsequent decrees: 11-17-11 in case 11CW38, WD1 and 04-27-18 in 17CW44. Structures: 11 Wells on approximately 43 acres, located in portions of the SW1/4, NE1/4 and the NE1/4, W1/2, SE1/4 of S12, T6S, R71W of the 6th PM. 9425 Eagle Cliff Rd., Conifer. Source: Groundwater for 11 wells and Mountain Mutual for augmentation water. Appropriation date: 06-30-04. Amount: consumptive use 0.806 ac. ft. Use: Mixed residential and commercial.

**2024CW3045 CITY OF GREENWOOD VILLAGE (Greenwood Village) c/o Tonya Haas Davidson, City Attorney, 6060 S. Quebec Street, Greenwood Village, Colorado 80111, (303) 486-5742. Please send a copy of all court filings and all communications to: Alan E. Curtis, Nicoli R. Bowley, Bryan T. Stacy, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Avenue, Suite 302, Westminster, Colorado 80234, (303) 595-9441. APPLICATION FOR STORAGE WATER RIGHTS AND APPROVAL OF A PLAN FOR AUGMENTATION IN ARAPAHOE COUNTY. 2. Background.**

The Marjorie Perry Nature Preserve (MPNP) is located in the N1/2 of Section 18, Township 5 South, Range 67 West of the 6th P.M., in Arapahoe County, Colorado. The Marjorie Perry Nature Preserve Ponds (collectively, the MPNP Ponds) are existing ponds located on Greenwood Gulch in Arapahoe County, Colorado. Greenwood Gulch flows northwest through the southern-most pond (MPNP Pond 1), then through the middle pond (MPNP Pond 2), and finally through the northern-most pond (MPNP Pond 3). a. Ownership of Land Underlying MPNP Ponds. Greenwood Village owns the land underlying the MPNP Ponds except for two portions of MPNP Pond 3, which are owned by the D.L. Crown Farm Trust, and the Woestemeyer 2009 Gift Trust (collectively, the Trusts). See FIGURE 1. The MPNP Ponds remain full and spill year-round. An August 16, 1978 aerial photograph indicates the MPNP Ponds were present in their current configuration before Greenwood Village acquired the MPNP on June 1, 1990. See FIGURE 2. Greenwood Village seeks to maintain the historical operation of the MPNP Ponds for aesthetic, piscatorial, and wildlife habitat purposes.

b. Colorado Water Conservation Board Instream Flow Right. The Colorado Water Conservation Board holds an instream flow water right on Little Dry Creek decreed in Case No. 93CW100, Water Division 1, for 2.20 cubic-feet-per-second with a July 22, 1993 appropriation date (CWCB ISF Right). The CWCB ISF Right between the confluence of Greenwood Gulch and South Clarkson Street is subject to historical operation of the MPNP Ponds.

3. Summary of Application. Greenwood Village seeks: (a) approval of absolute storage water rights for aesthetic, piscatorial, and wildlife habitat uses for the MPNP Ponds (collectively, MPNP Storage Rights); and (b) approval of an augmentation plan to replace evaporative depletions and out-of-priority diversions from the MPNP Ponds (Augmentation Plan). Despite partial ownership of MPNP Pond 3 by the Trusts, Greenwood Village will augment all the depletions from the MPNP Ponds identified below under the Augmentation Plan. 4. MPNP Storage Rights Claim. a. MPNP Pond 1. i. Outlet Location. In the SE1/4 of the NW1/4 of Section 18, Township 5 South, Range 67 West of the 6th PM, Arapahoe County, Colorado, at a point 1,506.1 feet South of the North Section line and 1,393.5 feet East of the West Section line (UTM X: 505478; UTM Y: 4385576). ii. Maximum Surface Area. 1.95 acres. iii. Maximum Storage Volume. 4.81 acre-feet. iv. Source. Greenwood Gulch. v. Appropriation Date. August 16, 1978, based on aerial photography. vi. Amount. 4.81 acre-feet, absolute, with the right to continuously fill and refill. vii. Uses. Aesthetic, piscatorial, and wildlife habitat. b. MPNP Pond 2. i. Outlet Location.

In the NW1/4 of the NW1/4 of Section 18, Township 5 South, Range 67 West of the 6th PM,

Arapahoe County, Colorado, at a point 1,094.9 feet South of the North Section line and 1,074.3 feet East of the West Section line (UTM X: 505382; UTM Y: 4385701). ii. Maximum Surface Area. 2.28 acres. iii. Maximum Storage Volume. 4.90 acre-feet. iv. Source. Same as MPNP Pond 1. v. Appropriation Date. Same as MPNP Pond 1. vi. Amount. 4.90 acre-feet, absolute, with the right to continuously fill and refill. vii. Uses. Same as MPNP Pond 1. c. MPNP Pond 3. i. Outlet Location. In the NW1/4 of the NW1/4 of Section 18, Township 5 South, Range 67 West of the 6th PM, Arapahoe County, Colorado, at a point 615.1 feet South of the North Section line and 451.0 feet East of the West Section line (UTM X: 505194; UTM Y: 4385847). ii. Maximum Surface Area. 2.48 acres. iii. Maximum Storage Volume. 4.68 acre-feet. iv. Source. Same as MPNP Pond 1. v. Appropriation Date. Same as MPNP Pond 1. vi. Amount. 4.68 acre-feet, absolute, with the right to continuously fill and refill. vii. Uses. Same as MPNP Pond 1. 5. Augmentation Plan. a. Structures Covered by Augmentation Plan. The MPNP Ponds described in Part 4 above. b. Depletions From MPNP Ponds. The MPNP Ponds are on-channel reservoirs located on Greenwood Gulch which can cause out-of-priority depletions affecting other water rights on Greenwood Gulch through: (i) evaporative losses from the exposed surface of the MPNP Ponds (MPNP Pond Evaporative Depletions); and/or (ii) out-of-priority storage if one or more of the MPNP Ponds stops spilling to Greenwood Gulch (MPNP Pond Out-of-Priority Storage Depletions). i. MPNP Pond Evaporative Depletions. Annual evaporative depletions from MPNP Pond 1 and MPNP Pond 2 are estimated to average 6.08 and 7.11 acre-feet per year, respectively. Pursuant to a stipulation between the Colorado Division of Water Resources (DWR) and the Trusts in Case No. 21CW3025, Water Division 1 (21CW3025 Stipulation), net evaporation for MPNP Pond 3 is 4.44 acre-feet per year. Total MPNP Pond Evaporative Depletions are estimated to be 17.63 acre-feet per year. c. Replacement Sources. The Augmentation Plan will use the following sources to replace MPNP Pond Evaporative Depletions and MPNP Pond Out-of-Priority Storage Depletions: i. Nontributary Arapahoe Aquifer Ground Water. Greenwood Village owns 87.082 acre-feet per year of the 92.1 acre-feet per year of nontributary Arapahoe aquifer ground water underlying most of the MPNP and adjacent lands to be withdrawn by the KA-1 Well adjudicated by the June 28, 1985 Decree in Case No. 84CW395, Water Division 1 (84CW395 Arapahoe Supply). (1). Decreed Uses. Municipal, domestic, industrial, commercial, irrigation, recreation, and fire protection purposes. The water will be produced for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. (2). Well Location. The 84CW395 Arapahoe Supply will be provided via the KA-1 Well which will be located adjacent to MPNP Pond 1 in the SE1/4 of the NW1/4 of Section 18, Township 5 South, Range 67 West of the 6th PM, Arapahoe County, Colorado, at a point 1,391.2 feet South of the North Section line and 1,776.0 feet East of the West Section line (UTM X: 505595; UTM Y: 4385611). (3). Delivery Location. The 84CW395 Arapahoe Supply pumped from the KA-1 Well will be delivered to Pond 1 at or near a point in the SE1/4 of the NW1/4 of Section 18, Township 5 South, Range 67 West of the 6th PM, Arapahoe County, Colorado, at a point 1,453.5 feet South of the North Section line and 1,718.4 feet East of the West Section line, (UTM X: 505578; UTM Y: 4385592). No transit loss will be assessed on deliveries of the 84CW95 Arapahoe Supply because water will be delivered by closed pipeline directly to MPNP Pond 1. ii. Additional Replacement Sources. Water from additional and alternative sources may be used in the Augmentation Plan if such sources are decreed or lawfully available for such use or are part of a: (1) substitute water supply plan approved by the State Engineer under C.R.S. § 37-92-308; or (2) an interruptible supply agreement approved under C.R.S. § 37-92-309 or other applicable and/or successor statutes. d. Augmentation Plan Operations. i. MPNP Pond Depletions and Deliveries of Replacement Water. MPNP Pond Evaporative Depletions and MPNP Pond Out-of-Priority Storage Depletions will be determined and replaced by the Replacement Sources as necessary to prevent injury to vested water rights. ii. Accounting. Greenwood Village will account for all MPNP Pond Evaporative Depletions and MPNP Pond Out-of-Priority Storage Depletions and deliveries of the Replacement Sources as necessary to confirm the Augmentation Plan prevents injury to vested water rights. iii. Trusts' Richardson Water Right Operations Not Included In Application. The Trusts own a portion of the direct-flow C.G. Richardson Reservoirs Nos. 5, 6, 9, 10 and 11 and C.G. Richardson Ditches Nos. 2, 3, 4, 5, 8, 9, 10, 11 and 12 irrigation water rights decreed in Case No. CA807 (the Richardson Right). (1). 21CW3025 Richardson Right

Stipulation. As described in the 21CW3025 Stipulation, DWR and Trusts agree: (i) the Richardson Right was not decreed with a separate storage water right or priority; and (ii) the Richardson Right was historically diverted from MPNP Pond 3. (2). Separate Greenwood Village and Trusts Operations. Greenwood Village's MPNP Storage Rights and Augmentation Plan will operate independently of the Richardson Right and the Trusts will be responsible for operation of and accounting for the Richardson Right. 6. Name and address of owners of land on which structures are or will be located. Greenwood Village owns the land upon which MPNP Pond 1, MPNP Pond 2, and 45.2% of MPNP Pond 3 are located. The Trusts own the remainder of the land upon which MPNP Pond 3 is located. The Trusts' full names and addresses are: (a) Woestemeyer 2009 Gift Trust, 4500 East Belleview, Greenwood Village, CO 80121; and (b) D.L. Crown Farm Trust, 5300 South Colorado Boulevard, Greenwood Village, CO 80121. (9 pages)

**2024CW3046 CONCERNING THE APPLICATION FOR WATER RIGHTS OF ROGER KLEWENO.** c/o Attorneys for Roger Kleweno and Roger Brenner, Alan E. Curtis, Nicoli R. Bowley, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, [alanc@cjzwaterlaw.com](mailto:alanc@cjzwaterlaw.com), [nicolib@cjzwaterlaw.com](mailto:nicolib@cjzwaterlaw.com). **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.5) IN THE SOUTH FORK OF THE REPUBLICAN RIVER, IN YUMA COUNTY, COLORADO.** I. **NAMES, MAILING AND EMAIL ADDRESSES, AND TELEPHONE NUMBERS OF CO-APPLICANTS.** Roger Kleweno, 34987 Road 45, Burlington, Colorado 80807, (719) 346-8161, [cofed@plainstel.com](mailto:cofed@plainstel.com). Roger Brenner, 6946 County Road T, Kirk, Colorado 80824, (970) 362-4204, [argwmd@yahoo.com](mailto:argwmd@yahoo.com). II. **INTRODUCTION.** Roger Kleweno is the owner and claimant of an undivided one-third interest in and to the Ireland Ditch water right (Ireland Ditch Water Right) and an undivided one-sixth interest in and to the Enlargement and Extension of the Boden Ditch water right (Boden Ditch Extended and Enlarged Water Right), which are further described in section 3, below (collectively, the Subject Water Rights). Roger Kleweno and Roger Brenner (collectively, Co-Applicants) have an agreement allowing Roger Brenner to access and use the Subject Water Rights. Co-Applicants seek to change the decreed point of diversion for the Subject Water Rights to permit the use of an alternate point of diversion. The change in point of diversion sought in this application is not combined with any other type of change of water right, and there is no intervening surface diversion point or inflow between the new point of diversion and the original point of diversion. III. **DECREED WATER RIGHTS FOR WHICH SIMPLE CHANGE IN POINT OF DIVERSION IS SOUGHT.** A. **Ireland Ditch Water Right.** 1. Name of relevant diversion structure. The Ireland Ditch. 2. Information from original and all relevant subsequent decrees. a. The December 28, 1893 Decree in Case No. 18162, Arapahoe County District Court, confirmed the Ireland Ditch Water Right for diversion of 3 cubic-feet-per-second (c.f.s.), with an appropriation date of November 1, 1885. b. The May 21, 1957 Decree in Case No. 4388, Kit Carson County District Court (4388 Decree), changed the point of diversion for the Ireland Ditch Water Right to the headgate and point of diversion of the Boden Ditch. c. The April 30, 1979 Decree in Case No. W-0045, District Court, Water Division No. 1 (W-0045 Decree), reduced the diversion rate for the Ireland Ditch Water Right to 1.5 c.f.s. 3. Legal description of structure as described in most recent decree that adjudicated the location. a. As described the 4388 Decree, the Ireland Ditch Water Right is diverted from the Boden Ditch headgate, which is located in Section 30, Township 5 South, Range 44 West, 6th P.M. in Yuma County (Boden Ditch Headgate). 4. Decreed source of water. South Fork of the Republican River. 5. Appropriation date. November 1, 1885. 6. Decreed use. Irrigation. 7. Amounts decreed to structure. 1.50 c.f.s. absolute. 8. Amount of water that applicant intends to change. 0.50 c.f.s. absolute. B. **Boden Ditch Extended and Enlarged Water Right.** 1. Name of relevant diversion structure. The Boden Ditch. 2. Date of original and all relevant subsequent decrees. a. The September 8, 1938 Decree in Case No. 2985, Kit Carson County District Court, confirmed the Boden Ditch Extended and Enlarged Water Right for diversion of 9.0 c.f.s under decreed Priority No. 47, with an appropriation date of May 15, 1926. b. The W-0045 Decree reduced the diversion rate for the Boden Ditch Extended and Enlarged Water Right to 6.0 c.f.s. 3. Legal description of structure as described in most recent decree that adjudicated the location. a. The Boden Ditch diverts from the Boden Ditch Headgate. 4. Decreed source of water. South Fork of the Republican River. 5. Appropriation date. January 16, 1907. 6. Decreed use.

Irrigation. 7. Amounts decreed to structure. 6.00 c.f.s. absolute. 8. Amount of water Applicants intend to change. 1.00 c.f.s. absolute. IV. **DETAILED DESCRIPTION OF PROPOSED SIMPLE CHANGE IN SURFACE POINT OF DIVERSION**. A. **Summary of proposed change**. Applicants propose to change the point of diversion for the Subject Water Rights from the Boden Ditch headgate to the headgate of the New Ireland Ditch, which is located as described below and depicted on **EXHIBIT A** (New Ireland Ditch Headgate). 1. Public Lands Survey System location. A point on the north bank of the South Fork of the Republican River in the SE1/4 of the SE1/4 of Section 20, Township 5 South, Range 44 West of the 6th P.M. in Yuma County, Colorado. 2. UTM Coordinates. Zone 13N, Easting 730508.1, Northing 4386939.9. V. **NAME(S) AND ADDRESS(S) OF OWNER(S) OR REPUTED OWNER(S) OF THE LAND UPON WHICH ANY NEW DIVERSION STRUCTURE, OR MODIFICATION TO ANY EXISTING DIVERSION STRUCTURE IS OR WILL BE CONSTRUCTED**. A. **Owners of land where New Ireland Ditch Headgate is located**. George and Dianne Homm, 36574 U.S. Highway 385, Burlington, Colorado 80807. B. **Parties with additional interests in Subject Water Rights**. Applicants will also provide notice to the parties listed below that may own different interests in the Subject Water Rights. 1. The Estate of Alvera Kleweno, 632 Elwood St., Sterling, Colorado 80751. 2. Republican River Water Conservation District, 410 Main St., Suite 8, Wray, Colorado 80758. (6 pages, 1 Exhibit)

**2024CW3047 SCHATTINGER LAND, LLC**, c/o Walt Schattinger, 11575 E. Folsom Point Lane, Franktown, Colorado, 80116, Telephone: (720) 641-3840 and **SCHATTINGER RANCH**, 1150 S. Vivian Street, Lakewood, Colorado, 80228, Telephone: (303) 985-4132 (collectively the "Applicants"). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CERTAIN AMOUNTS ABSOLUTE IN PARK COUNTY**. Please send all pleadings and correspondence to Brian M. Nazarenus, #16984, Sheela S. Stack, #32768, William D. Wombacher, #42354, and Stacy L. Brownhill, #48641, Nazarenus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. 2. Original Decree. April 2, 2018, Case No. 16CW3050, District Court in and for Water Division 1, Colorado. 3. Legal Description of Surface Water Right for which diligence is claimed. 3.1. Name of Water Right. Schattinger Ranch Water Right. 3.1.1. Legal Descriptions of the Points of Diversion. 3.1.1.1. Schattinger Ranch Diversion Point 1. Located in the NE1/4 of Section 10, Township 8 South, Range 76 West, 6th P.M., Park County, Colorado. UTM coordinates for this diversion structure are Zone 13, 425382.73 East, 4358972.05 North; the WDID is 2301176. 3.1.1.2. Schattinger Ranch Diversion Point 2. Located in the SE1/4 of Section 3, Township 8 South, Range 76 West, 6th P.M., Park County, Colorado. UTM coordinates for this diversion structure are Zone 13, 425489.02 East, 4359151.28 North; the WDID is 2301177. 3.1.1.3. Schattinger Ranch Diversion Point 3. Located in the SW1/4 of Section 3, Township 8 South, Range 76 West, 6th P.M., Park County, Colorado. UTM coordinates for this diversion structure are Zone 13, 424412.62 East, 4359540.03 North; the WDID is 2301178. 3.1.1.4. Schattinger Ranch Diversion Point 4. Located in the NE1/4 of Section 10, Township 8 South, Range 76 West, 6th P.M., Park County, Colorado. UTM coordinates for this diversion structure are Zone 13, 425361.00 East, 4358676.00 North; the WDID is 2301179. A map showing the above listed diversion points is attached as **Exhibit 1**. 3.1.2. Source(s). Volz Gulch (a/k/a Quaken Asp Gulch), Cincinnati Ditch, Mountain Creek, and Antelope Gulch, all of which are tributary to Michigan Creek and from there the South Platte River. 3.1.3. Places of Use. Schattinger Ranch, a portion of which is now known as "Tract B" is located in the S1/2 of the SE1/4, S1/2 of the SW1/4 of Section 3, part of the N1/2 of Section 10, and part of the W1/2 of the NW1/4 of Section 11, all in Township 8 South, Range 78 West, 6th P.M., Park County, Colorado. Tract B is approximately 486 acres. Another portion of Schattinger Ranch, now known as "Tract C," is located in the S1/2 of Section 10, part of the N1/2 of Section 10, part of the W1/2 of the NW1/4 of Section 11, and the W1/2 of the NW1/4 of Section 15, all in Township 8 South, Range 76 West, 6th P.M., Park County, Colorado. Tract C is approximately 492 acres. A map of Schattinger Ranch is attached as **Exhibit 2**. 3.1.4. Decreed Uses. Irrigation and domestic animal and livestock watering. 3.1.5. Decreed Volume. A total of 977.5 acre-feet annually, cumulative for Schattinger Ranch Diversion Points 1 through 4. By the decree entered in Case No. 16CW3050, Applicants made absolute 285.8 acre-feet of 977.5 acre-feet per year cumulative from Schattinger Ranch Diversion Points 1 to 4, and continued as conditional 691.7 acre-feet of 977.5 acre-feet

per year cumulative from Schattinger Ranch Diversion Points 1 to 4. 3.1.6. Decreed Flow Rate. 3.0 cubic feet per second (“cfs”) at each diversion point, not to exceed 12.0 cfs cumulative for Schattinger Ranch Diversion Points 1 to 4. By the decree entered in Case No. 16CW3050, Applicants made absolute 3.0 cfs from Schattinger Ranch Diversion Points 1 to 3 and 2.5 cfs from Schattinger Ranch Diversion Point 4 and continued as conditional 0.5 cfs from Schattinger Ranch Diversion Point 4. 3.1.7. Appropriation Date. May 14, 2015. 3.2. Name of Water Right. Baker Place Water Right. 3.2.1. Legal Description of the Point of Diversion. Baker Place Diversion Point 5, located in the NW1/4 of Section 4, Township 8 South, Range 75 West, 6th P.M., Park County, Colorado. UTM coordinates for this diversion Structure are Zone 13, 432429 East, 4360064 North. 3.2.2. Source of the Water. Jefferson Creek tributary to the South Platte River. 3.2.3. Place of Use. Baker Place, located in the SW1/4 of the NW1/4, the E1/2 of the NW1/4, the NE1/4 of the SW1/4, the W1/2 of the W1/2 of the NE1/4, and the W1/2 of the NW1/4 of the SE1/4, of Section 4, all in Township 8 South, Range 75 West, 6th P.M., Park County, Colorado. Baker Place is approximately 204 acres. A map of Baker Place is attached as **Exhibit 3**. 3.2.4. Decreed Uses. Irrigation and domestic animal and livestock watering. 3.2.5. Decreed Volume. 522.5 acre-feet, conditional. 3.2.6. Decreed Flow Rate. 3.0 cubic feet per second, conditional. 3.2.7. Appropriation Date. April 6, 2016. 4. **Claim for Finding of Reasonable Diligence**. Pursuant to section 37-92-301(4)(b) of the Colorado Revised Statutes, 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 this diligence period, Applicants have completed the following work toward or for completion of the appropriation and application of the conditional water rights to beneficial use as decreed: 4.1. Culvert Maintenance. During the diligence period, Applicants repaired and maintained the steel culvert. 4.2. Flume Maintenance. During the diligence period, Applicants repaired and maintained the diversion flumes. The cost of equipment and labor to repair and maintain the culvert and flumes was approximately \$10,000.00. 4.3. Protection of Water Rights. Applicants regularly monitor the filings of other water users to protect their interests in the conditional water rights. 4.4. Applicants continue to rely upon and develop the conditional water right described herein and have no intent to abandon those water rights. 4.5. The above description of activities is intended to be indicative of Applicants’ diligence, but not all-inclusive. The Applicants reserve the right to identify additional activities demonstrating diligence in the development of the remaining conditional portions of the subject water right. 5. **Claim to Make Amounts Absolute**. 5.1. During this diligence period, Applicants have made 383.3 acre-feet absolute and continued as conditional 308.4 acre-feet, cumulative for Schattinger Ranch Diversion Points 1 to 4, as shown by the records from the District 23 Water Commissioner attached as **Exhibit 4**: 5.1.1. Schattinger Ranch Diversion Point 1. 71.8 acre-feet (based on diversions from May 25, 2019 to July 9, 2019). 5.1.2. Schattinger Ranch Diversion Point 2. 111.7 acre-feet (based on diversions from May 25, 2019 to July 11, 2019). 5.1.3. Schattinger Ranch Diversion Point 3. 125.9 acre-feet (based on diversions from May 22, 2019 to July 10, 2019 and May 20, 2023 to June 18, 2023). 5.1.4. Schattinger Ranch Diversion Point 4. 145.5 acre-feet and a flow rate of 0.5 cfs (based on diversions from May 21, 2019 to July 10, 2023 and May 12, 2023 to May 16, 2023). 5.2. Baker Place Diversion Point 5. 274.91 acre-feet and a flow rate of 1.5 cfs (based on diversions from June 20, 2019 to July 13, 2019 and May 21, 2023 to June 28, 2023). 6. Name and address of owner of land on which structures are located: Applicant Schattinger Land, LLC. WHEREFORE, Applicants respectfully request that this Court enter an order finding that 383.3 acre-feet cumulative for Schattinger Ranch Diversion Points 1 to 4, a flow rate of 0.5 cfs for Schattinger Ranch Diversion Point 4, and 274.9 acre-feet at a rate of 1.5 cfs for Baker Place Diversion Point 5 have been made absolute and reasonable diligence has been exercised in the development of the remaining 308.4 acre-feet for Schattinger Ranch Diversion Points 1 through 4 and 416.8 acre-feet for Baker Place Diversion Point 5 and such rights be continued as conditional. (6 pages, 4 exhibits)

**2024CW3048 CITY OF WOODLAND PARK, CO**, 220 W. South Ave., P.O. Box 9007, Woodland Park, CO 80866. Julianne M. Woldridge, MacDougall & Woldridge, P.C., P.O. Box 7273, Woodland Park, CO 80863. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE, TELLER COUNTY**. 2.

Structure name: Trout Creek Well Field Enlargement, consisting of the enlargement of four wells called Trout Creek Well Field Well Nos. 1, 2, 3, and 4 ("Enlargement Water Right"). Decrees: Case No. 98CW449, Oct. 31, 2011, and Case No. 17CW3157, April 27, 2018, Water Div. No. 1. Legal description: within the SW1/4 of the NE1/4 of Section 11, T.12S., R.69 W., 6th P.M., Teller County, CO, the following distances east from section lines of said Sec. 11: Trout Creek Well No 1: 2,582 feet from the North section line and 1,958 feet from the East section line; Trout Creek Well No 2: 2,670 feet from the South section line and 1,751 feet from the East section line; Trout Creek Well No 3: 2,670 feet from the South section line and 1,644 feet from the East section line; and Trout Creek Well No 4: 2,630 feet from the North section line and 1,426 feet from the East section line. Source: Groundwater tributary to Trout Creek, tributary to the South Platte River. Appropriation Date: August 20, 1988. Uses: Municipal, irrigation, domestic, commercial, and industrial uses in the City of Woodland Park municipal water service area. Amounts: The Enlargement Water Right was a conditional water right of 0.75 c.f.s. for all four wells combined, adjudicated in Case No. 98CW449. This Enlargement Water Right was over and above the 0.25 c.f.s. water right decreed to these structures in Case No. 96CW69. 0.17 c.f.s. of the 0.75 c.f.s. Enlargement Water Right was made absolute in Case No. 17CW3157, resulting in 0.58 c.f.s. of the Enlargement Water Right remaining as conditional. Additional information: Applicant seeks findings that it has been reasonably diligent toward or for completion of the remaining 0.58 c.f.s. conditional portion of the Enlargement Water Right and application of the water to beneficial uses as decreed. Since May 1, 2018 to date, Applicant has maintained all four well structures. Three of the wells have been maintained and operated on a regular basis as active diversion structures. The fourth well has been maintained as a monitoring well. Summaries of diversions are attached to the application on file with the Water Clerk. The water diverted has been placed to beneficial use in Applicant's municipal water system service area described in the application and generally shown on the map attached to the application on file with the Water Clerk. Out-of-priority diversions from these structures have been augmented pursuant to the augmentation plan decreed in Case No. 02CW254. Applicant has diverted and used this water right and these structures as part of its unified water system, which is designed to meet current and future demands demonstrated in master and comprehensive plans adopted by Applicant from 1994 to 2021. Activities related to the unified system are evidence of diligent efforts on behalf of this individual water right. Applicant has kept records of diversions from these wells, including diversions of the Enlargement Water Right, and has submitted regular monthly records of diversions and augmentation to the Division of Water Resources. Applicant has expended funds for standard operation of the wells, including for electricity and operation, and on legal fees as part of expenditures for its unified water system. Name and address of owner of land upon which any new diversion structure or modification to any existing diversion structure is or will be constructed: Not applicable. 5 pages

**2024CW3049 BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WELD** ("Weld County"), 1150 O St., Greeley, CO 80632. Lawrence Custer Grasmick Jones & Donovan, LLP Attorneys for Applicant: Board of County Commissioners of Weld County. Ryan M. Donovan, #44435 Jacklyn P. Gunn, #59386 5245 Ronald Reagan Blvd., Suite 1 Johnstown, CO 80534 (970) 622-8181. [ryan@lcwaterlaw.com](mailto:ryan@lcwaterlaw.com); [jacklyn@lcwaterlaw.com](mailto:jacklyn@lcwaterlaw.com) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR CONDITIONAL WATER RIGHT IN WELD COUNTY**. 2. Name of structure: Weld County Dust Control Well #1 ("Well #1"). 3. Description of water right: Underground Water Right. 3.1. Well: The well is Weld County Dust Control Well #1 ("Well #1"), Well Permit #50426-F. 3.2. Original Decree: Case No. 04CW359, Decree entered on October 31, 2011. 3.3. Past Diligence: Case No. 17CW3156, Decree entered on April 18, 2018. 3.4. Legal Description: Well #1 is located in the NE 1/4 of the SW 1/4, Section 31, Township 6 North, Range 65 West of the 6th P.M. in Weld County, Colorado, at a point 2632 feet from the South section line and 1485 feet from the West Section Line. 3.5. Source and Depth: The source of water for Well #1 is groundwater from the alluvium hydraulically connected to the Cache la Poudre River, a tributary of the South Platte River. The depth of the well is 65 feet. 3.6. Appropriation Date: June 4, 1998. 3.7. Amount of Water Claimed: 2.23 cfs and 29.2 acre-feet annually were decreed absolute in Case No. 04CW359. Weld County requests that the remaining conditional 10.8

acre-feet annually be continued as conditional. 3.8. Uses: Weld County will continue to use water from Well #1 in gravel mining operations including operating air emissions control devices; controlling fugitive particulate emissions; washing and processing sand, gravel, and aggregate; washing equipment; accounting for evaporative losses of water from mined materials stockpiled at the site or removed from the site; irrigating and reclaiming mine sites and maintaining wetlands. Weld County will also continue to use water from Well #1 for other public purposes including construction and maintenance of roads, control of fugitive particulate emissions from public roads and other public sites, irrigation of landscaping, reclamation of construction sites for public facilities, and fire suppression and emergency response. 4. Detailed outline of what has been done toward completion of the appropriation during the diligence period: 4.1. Well #1 is an integral facility in Weld County's overall water portfolio and integrated water rights and Weld County anticipates a growing demand for Well #1 due to the growth presently being experienced in Weld County and the corresponding increase in capital improvement projects being undertaken by the Weld County Public Works Department. 4.2. In addition, Weld County is presently located within the maintenance area for PM10 particulate matter. As traffic levels on Weld County's 2,500 miles of gravel roads increase and regulatory requirements for PM10 levels become more stringent Weld County's use of Well #1 is expected to increase in order to maintain those roads and provide necessary air emissions, dust suppression, and particulate controls. 4.3. Weld County has expended funds on maintenance activities for Well #1 including, a new oil line and fitting, dripper line and fitting, and testing for the normal operation of Well #1. 4.4. Weld County has spent approximately \$2,800 on electrical services from Excel Energy for Well #1. 4.5. Weld County has spent approximately \$137,000 on legal fees involving its integrated system of water rights. Weld County filed statements of opposition in the following Water Court cases: 16CW3195; 16CW3196; 16CW3053; and 18CW3021. Weld County filed Water Court applications in the following cases: 18CW3214 and 20CW3050. 4.6. Weld County has spent approximately \$50,000 on engineering with White Sands Water Engineers, Inc. since 2019 for Weld County's integrated system of water rights. 5. Name and address of owner of land on which well is located: Weld County is the owner of Well #1 which is located on land that is owned by the Central Colorado Water Conservancy District. Weld County's associated easements for Well # 1 are of record. Wherefore, Weld County requests this Court to find that it has proceeded with diligence to complete its appropriation, continuing the conditional water rights for another diligence period, and such other and further relief as this Court deems just. This document consists of 4 pages.

**2024CW3050** (Case Nos. 17CW3127, 10CW143, 00CW186, and Consolidated Case Nos. 86CW340, 89CW214, 89CW215) **THE CITY OF AURORA, COLORADO**, a municipal corporation of the Counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE IN ADAMS, DENVER, ARAPAHOE, JEFFERSON, DOUGLAS, AND PARK COUNTIES, COLORADO** Attorneys for the City of Aurora, by and through its Utility Enterprise, please send all correspondence to: Stephen C. Cann, #24498 Ian J. Best, #46020 15151 E. Alameda Parkway, Suite 5300 Aurora, CO 80012-1555 (303) 739-7030 scann@auroragov.org; ibest@auroragov.org. This Application seeks a finding of reasonable diligence on rights of exchange originally decreed in Consolidated Case Nos. 86CW340, 89CW214 and 89CW215 decreed September 29, 1994 (hereinafter collectively referred to as the "Original Decree"). The court has made a finding of reasonable diligence for the exchanges decreed in the Original Decree in Case Nos. 17CW3127, 10CW143 and 00CW2000. The water used as replacement sources under these exchanges is reusable water from the Applicant's integrated water supply system that includes waters originating in the South Platte, Arkansas, and Colorado River basins. This replacement water is either delivered directly to the South Platte River for exchange from the confluence of Tarryall Creek upstream to Spinney Mountain Reservoir, or delivered through Aurora's municipal wastewater system to the Metro District Outfall on the South Platte River or the Sand Creek Treatment Plant Outfall on Sand Creek for exchange upstream to Strontia Springs Reservoir and from that reservoir to Spinney Mountain Reservoir. See Exhibit A, attached hereto. **1. NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF APPLICANT:** The City of Aurora, Colorado, A municipal corporation of the Counties of Adams, Arapahoe and Douglas, acting by and

through its Utility Enterprise (“Aurora”) 15151 East Alameda Parkway, Suite 5300 Aurora, Colorado 80012-1555 Telephone: 303-739-7370 E-Mail: [CityAttorneyNotice@auroragov.org](mailto:CityAttorneyNotice@auroragov.org)

**2. NAME OF STRUCTURES:** Case No. 86CW340 Metro Wastewater Reclamation District Outfall of the Robert W. Hite Treatment Facility, f.k.a. The Metropolitan Denver Sewage Disposal District No. 1 Outfall (“Metro District Outfall”): Southeast Quarter of the Southwest Quarter of Section 1, Township 3 South, Range 68 West, 6th P.M. The approximate latitude of said point is 39° 48’ 47” North and the approximate longitude is 104° 57’ 05” West. In Adams County. Sand Creek Wastewater Treatment Plant Outfall. Northwest Quarter of the Southeast Quarter of Section 26, Township 3 South, Range 67 West, 6th P.M. The approximate latitude at this point is 39° 45’ 43” North and the approximate longitude is 104° 51’ 20” West. In Adams County. Strontia Springs Diversion Dam and Reservoir Complex. In Douglas County, across the channel on the South Platte River, the Dam is located in the Northwest quarter of the Northwest quarter of Section 21, Township 7 South, Range 69 West of the 6th P.M. Case Nos. 89CW214 and 89CW215 Strontia Springs Diversion Dam and Reservoir Complex. In Douglas County, across the channel of the South Platte River, the dam is located in the Northwest quarter of the Northwest quarter of Section 21, Township 7 South, Range 69 West, 6th P.M. Spinney Mountain Reservoir. Located in Park County across the channel of the South Platte River, the left abutment of the dam is located at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West, 6th P.M., bears South 23° 26’ West, a distance of 8,314.3 feet. The Dam is generally located in Sections 25 and 36, Township 12 South, Range 74 West. The left abutment is in the Northwest quarter of the Southeast quarter of Section 25. The right abutment is located in the Southwest quarter of the northwest quarter of Section 36. The Confluence of Tarryall Creek and the South Platte River. Located in the Northeast quarter of the Northwest quarter of Section 16, Township 11 South, Range 71 West, 6th P.M., in Park County, Colorado.

**3.DESCRPTION OF CONDITIONAL WATER RIGHTS:** Date of Original Decree: October 31, 1994, Consolidated Case Nos. 86CW340, 89CW214 and 89CW215, District Court Water Division 1, Colorado. Date of Subsequent Diligence Decrees: May 18, 2004, Case No. 00CW186, District Court, Water Division No. 1, Colorado; August 23, 2011, Case No. 10CW143, District Court, Water Division No. 1, Colorado; Case No. 17CW3127, District Court, Water Division No. 1, Colorado. Legal Descriptions: See Paragraph 2, above. Sources of Exchange Water: Sources of Reusable Water for Exchange in Case No. 86CW340 Homestake System: Water imported into the South Platte River Basin from the Colorado River system through the Homestake Tunnel and Otero Pipeline, including those water rights that are the subject of District Court, Eagle County, Case No. 1193, Original Decree entered July 23, 1958, Amended and Supplemental Decree entered June 8, 1962. Water imported into the South Platte River Basin from the Arkansas River system through the Otero Pipeline, including those water rights which are the subject of Case Nos. W-4799 and 82CW182, Water Division 2, June 29, 1984; also including those water rights which are the subject of the decree in Case No. 83CW18, Water Division 2, November 3, 1986, and Case No. 87CW63 dated March 22, 1994; also those water rights which are the subject of consolidated Case Nos. 84CW62, 84CW63 and 84CW64, Water Division 2, dated October 21, 1985. Water rights which are tributary to the South Platte River and which have been changed from their original irrigation use to municipal consumptive use and reuse in the following cases: Augustine Ranch, CA Nos. 3684 and 3705, District Court, Park County, Colorado; Janitell Ranch, Case No. W-7936-75, Water Division 1; McDowell Ranch, Case No. W-8345-76, Water Division 1; Badger Basin Ranch, Case No. W-9234-78, Water Division 1; Trout Creek Ranch, Case No. W-9242-78(A), Water Division 1; Platte-Ansley Ranch, Case No. W-9242-78(B), Water Division 1; Coil Ranch, Case No. W-9448-78, Water Division 1; McNulty Ranch, Case No. 79CW274, Water Division 1; Walker Ranch, Case No. 79CW351, Water Division 1; Black Mountain Ranch, Case No. 84CW010, Water Division 1. These water rights are currently delivered to the Strontia Springs Dam and Reservoir Complex by direct flow, and from Spinney Mountain Reservoir by storage releases. Sources of Reusable Water for Exchange in Case Nos. 89CW214 and 89CW215 Water originating in the Colorado River system which is diverted into the Arkansas River system and transported via the Otero Pipeline system to the South Platte River Basin: Homestake System: District Court, Eagle County, Case No. 1193, Original Decree entered July 23, 1958, Amended and Supplemental Decree entered June 8, 1962. Twin Lakes System: District Court, Water Division 5, Case No. W-1901, Decree entered May 12, 1976, and Case No. 95CW321, Decree

entered April 20, 2001. Busk-Ivanhoe System: District Court, Garfield County, Case No. 2621, Decree entered January 9, 1928, Case No. 3082, Decree entered August 25, 1936, Case No. 4033, Decree entered October 24, 1952, District Court, Water Division 2, and Case No. 09CW142, on remand, District Court, Water Division 2. These waters are conveyed to the Arkansas River Basin by various means and are available for diversion and transfer to the South Platte River Basin through the Otero Pipeline at either Twin Lakes Reservoir or the Otero Pump Station. Aurora's outlet works of the Otero Pipeline System discharges into a short channel leading to Spinney Mountain Reservoir, referenced above. Water arising in the Arkansas River Basin and imported into the South Platte River Basin through the Otero Pipeline: Burroughs Ranch: District Court, Water Division 2, Case Nos. W-4799 and 82CW182, Decree entered June 29, 1984. Rocky Ford Ditch: District Court, Water Division 2, Colorado, Case No. 83CW18, Decree entered November 3, 1986. Colorado Canal Companies: District Court, Water Division 2, Colorado, Case Nos. 84CW62, 84CW63, and 84CW64, Decree entered October 21, 1985. Buffalo Park Ranch: District Court, Water Division 2, Colorado, Case No. 89CW42, Decree entered March 27, 1992. Water rights which are tributary to the South Platte River, and which were changed from their original irrigation use to municipal fully consumptive uses in the following cases: Augustine Ranch: District Court, Park County, Civil Action Nos. 3684 and 3705, Decree entered November 22, 1968. Huron Ranch: District Court, Water Division 1, Case No. W-7595-74, Decree entered August 26, 1983. Cheek (High Creek) Ranch: District Court, Water Division 1, Case No. W-7931-75, Decree entered June 21, 1979. Janitell Ranch: District Court, Water Division 1, Case No. W-7936-75, March 6, 1991. Badger Basin Ranch: District Court, Water Division 1, Case No. W-9234-78, Decree entered August 26, 1983. Trout Creek Ranch: District Court, Water Division 1, Case No. W-9242- 78(A), Decree entered March 20, 1985, and modified by Order dated September 11, 1989. Platte-Ansley Ranch: District Court, Water Division 1, Case No. W-9242- 78(B), Decree entered March 20, 1983. Coil Ranch: District Court, Water Division 1, Case No. W-9448-78, Decree entered August 26, 1983. McNulty Ranch: District Court, Water Division 1, Case No. 79CW274, Decree entered December 1, 1986. Walker Ranch: District Court, Water Division 1, Case No. 79CW351, Decree entered August 26, 1983. Black Mountain Ranch: District Court, Water Division 1, Case No. 84CW010, Decree entered March 20, 1991. Collard Ranch: District Court, Water Division 1, Case No. 88CW228, Decree entered September 19, 1991. These water rights are currently delivered to the Strontia Springs Diversion Dam and Reservoir Complex by direct flow, and from Spinney Mountain Reservoir by storage releases. Exchange Reaches, Amounts and Appropriation Dates: Case No. 86CW340 Exchange Reaches and Amount: From the Sand Creek Wastewater Treatment Plant Outfall on Sand Creek, downstream on said Creek to Sand Creek's confluence with the South Platte River, then upstream along said River to the Strontia Springs Reservoir, from the sources listed in Paragraph 3.4.1., above, at a rate of flow of up to 25 c.f.s. Exchange Reaches and Amount: From the Metropolitan Wastewater Reclamation District Outfall on the South Platte River then upstream on said River to the Strontia Springs Diversion Dam and Reservoir Complex, from the sources listed in Paragraph 3.4.1., above, at a rate of flow of up to 100 c.f.s. Appropriation Date: December 22, 1986. Case No. 89CW214: Exchange Reaches and Amount: From Strontia Springs Dam and Reservoir Complex to Spinney Mountain Reservoir described in Paragraphs 2.2.1. and 2.2.2., above, from the sources listed in Paragraph 3.4.2., above, at a rate of flow up to 450 c.f.s. This right has been decreed absolute for its entire amount of 450 cfs. Diligence is not required for this absolute right. Appropriation Date: December 18, 1989. Case No. 89CW215: Exchange Reaches and Amount: From the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir described in Paragraphs 2.2.2. and 2.2.3., above, from the sources listed in Paragraph 3.4.2., above, at a rate of flow up to 150 c.f.s. Appropriation Date: December 18, 1989. **Uses:** Municipal consumptive use and reuse. **4. CLAIM FOR A FINDING OF REASONABLE DILIGENCE** Amounts Previously Decreed Absolute and Remaining Conditional: The following table shows the amounts previously made absolute, pursuant to the decrees entered in Water Division 1, Case Nos. 86CW340, 89CW214, 89CW215, 00CW186 and 10CW143, and the amounts remaining conditionally decreed:

Exchange Reach	Original Decreed Amounts A (Absolute) C (Conditional)	Case No. 00CW186 Amount Made Absolute	Case No. 10CW143 Amount Made Absolute	Total Amount Decreed Absolute	Amount Remaining Conditional for which Reasonable Diligence is Claimed Herein
<b>Case No. 86CW340</b>					
Sand Creek Wastewater Treatment Plant to Strontia Springs Reservoir	25.0 cfs C	0	6.5 cfs A	6.5 cfs A	18.5 cfs C
Metro WW Reclamation Dist Outfall to Strontia Springs Reservoir	25.0 cfs A 75.0 cfs C 100.0 cfs	5.0 cfs A	5.5 cfs A	35.5 cfs A	64.5 cfs C
<b>Case No. 89CW214</b>					
Strontia Springs Reservoir to Spinney Mountain Reservoir	25.0 cfs A 425.0 cfs C 450.0 cfs	175.0 cfs A	250.0 cfs A	450.0 cfs A	0
<b>Case No. 89CW215</b>					
Tarryall Creek/South Platte River Confluence to Spinney Mountain Reservoir	35.24 cfs A 114.76 cfs C 150.00 cfs	12.42 cfs A	15.81 cfs A	63.47 cfs A	86.53 cfs C

**5. DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED.** Pursuant to the Original Decree, these exchanges are part of a unified extensive system for the collection, treatment and distribution of water operated by Aurora. For the purposes of showing diligence as to completion of the appropriative rights of exchange decreed in the Original Decree, diligence as to any part of the Aurora water rights system used to operate or benefits from these exchanges shall be diligence as to the completion of the exchanges. Project Specific Efforts: During the diligence period of August 2017 through March 2024, Aurora has done at least the following work toward completion of the appropriation and application of the water rights decreed in the Original Decree (expenditure numbers are rounded to the nearest \$1,000). Metro Wastewater Reclamation District Charges: Aurora expended at least \$169,542,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for release of this water into the South Platte River Basin as a replacement source under exchanges herein. Sand Creek Water Reuse Plant Improvements: Aurora operates this 5-million-gallon per day facility that provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for the exchanges herein. Improvements of this facility completed during this diligence period cost of \$8,081,000. Aurora also expended an additional \$7,048,000 in operating costs for the Sand Creek plant. These improvements are necessary for use of this water as a substitute supply under the exchanges herein. Quantification and Determination of Lawn Irrigation Return Flows: Aurora obtained a decree in Case No. 02-CW-341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02-CW-341),

generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. During this diligence period, Aurora has expended over \$464,000 in engineering costs requantifying the LIRFs adjudicated in Case No. 02-CW-341 available for exchange. Spinney Mountain Reservoir: Aurora expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. Systemwide Efforts: During the diligence period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights (expenditure numbers are rounded to the nearest \$1,000). South Platte River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the South Platte River Basin which are necessary for continuation of its reusable supplies from the South Platte River Basin. Griswold Water Treatment Plant Renovations. This facility treats a portion of the raw water that is a replacement source herein before it is delivered to Aurora's customers. More than \$51,814,000 was spent by Aurora during this diligence period for improvements to this facility. This includes expenditures directly by Aurora for renovation of the facility. Wemlinger Water Treatment Plant Improvements. During this diligence period, Aurora spent more than \$37,473,000 for improvements to the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water that is a replacement source herein before it is delivered to Aurora's customers. Rampart Reservoir Improvement. More than \$12,318,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system, including improvements to the 54" raw water transmission pipeline between Rampart Reservoir and storage and water treatment facilities within the city. Rampart Reservoir is used to store the water that has been exchanged from the Arkansas and Colorado River Basins and transported to the South Platte River before it is transported through the parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines. Improvements to Extend or Improve Water Service in and to Aurora: More than \$105,950,000 was spent by Aurora during this diligence period for extension and upgrade of its water transmission and distribution system necessary to deliver the water that is the subject of the exchange herein to Aurora's customers. Prairie Waters Project: The Prairie Waters Project is a large comprehensive water recapture, supply, storage and treatment project which in part recovers reusable return flows from Aurora's water sources from the South Platte River. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. Reuse water recovered by this project is one of the sources at Aurora's water treatment plants for replacement under the exchanges at issue here. During the diligence period, Aurora obtained a decree in Case No. 13CW3088, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW414 (decreed April 22, 2014), Aurora obtained a decree in Case No. 14CW3065, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW415 (decreed March 2, 2015), and Aurora filed an application in Case No. 15CW3064 seeking to make absolute portions of the rights decreed conditionally in Case No. 06CW104, WD-1, and seeking a finding of reasonable diligence on the remainder. Aurora has expended at least \$10,700,000 on several elements of the Prairie Waters Project during this diligence period. Automated Meter Reading System: Aurora spent more than \$10,241,000 during this diligence period for upgrades to its automated utility reading system. South Platte Exchange: On September 22, 2013, Aurora obtained a decree in Case No. 08CW253, Water Division 1, granting a finding of reasonable diligence and making absolute portions of conditional exchange rights. These water rights allow Aurora to exchange certain reusable water from the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir. Binney Water Purification Facility: This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the city. Over \$3,477,000 was spent by Aurora during the diligence period for improvements to this facility. Arkansas River Basin: Aurora made the following diligent efforts with regard to maintaining and enlarging its water supply system components in the Arkansas River Basin which are necessary for continuation and transport of its reusable supplies from the Arkansas River Basin. Payment for purchase and lease of Rocky Ford Ditch shares. Aurora spent more

than \$381,000 during this diligence period for repayment of bonds, including principal and interest, that were issued or refunded for purchase of original Rocky Ford Ditch shares changed in Case No. 83-CW-18, that are a reusable source for the exchanges herein. Revegetation: Aurora has expended at least \$1,570,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83-CW-18. Aurora also expended an additional \$1,413,000 for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99-CW-169(A). Payments to Otero County: Aurora and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001, under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are a reusable source for the exchanges herein. During this diligence period, Aurora made payments in excess of \$273,000. Pueblo Reservoir Storage: During the diligence period, Aurora paid the Bureau of Reclamation more than \$4,316,000 for use of Pueblo Reservoir in the storage and exchange of Arkansas River Basin water upstream for transport and use by Aurora in the South Platte Basin. Intergovernmental Agreement with SECWCD. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District (“SECWCD”), replacing an agreement between the parties dated December 7, 2001. Aurora’s use of Fryingspan-Arkansas facilities for certain water rights is discussed under this IGA. During the diligence period, Aurora made payments of more than \$1,113,000 to SECWCD under this IGA. Agreements for Use of the Holbrook Reservoir System Facilities: On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. Aurora completed structural modifications to the Holbrook system facilities and filed a Substitute Water Supply Plan necessary to implement the program. An Amended Agreement was entered into on April 21, 2016. Further, Aurora initiated a study to examine enlargement of the Holbrook Reservoir to further facilitate operations. During this diligence period, Aurora made payments of approximately \$419,000 to Holbrook under this agreement. Intergovernmental Agreement with LAVWCD: Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District (“LAVWCD”), Aurora paid approximately \$500,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. Recovery of Yield (“ROY”): On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement (“IGA”) between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo’s RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. This case lays the foundation for those exchanges. Aurora expended significant sums on these efforts during the diligence period. The ROY partners have acquired land to prospectively be used as a reservoir site at a cost of \$780,000 to Aurora. Colorado River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the Colorado River Basin that are necessary for continuation of its reusable supplies from the Colorado River Basin. Aurora has continued to pursue development of a joint project or projects as contemplated in a 1998 Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company and the Colorado River Water Conservation District. On June 21, 2004, the City of Aurora entered into an additional Water Exchange Agreement with the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Eagle River Water and Sanitation District, the Upper Eagle Regional Water Authority, and Vail Associates, Inc. to supplement a 1998 Water Exchange Agreement. This agreement affects operations of the Homestake water rights and deliveries of reusable water to Aurora for use in the exchanges herein. On January 5, 2010, the City of Aurora entered into a

Consolidated Water Exchange Agreement to supplement, merge and consolidate the 1998 and 2004 agreements. Aurora seeks to further maximize the operations of the Homestake water rights with these projects. A diligence application was filed by the parties to the agreements in regard to the subject exchange rights in 2023. Homestake Project: During this diligence period, work was done on the Homestake Arkansas River Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Additionally, Homestake Reservoir underwent resurfacing and improvement. Once water is transported over the Continental Divide through the Otero Pump Station and Homestake Pipeline, it is then transported to Spinney Mountain Reservoir in the South Platte Basin. During this diligence period, Aurora prosecuted Case No. 2023CW3031, 2020CW3024 and 23CW3087 in Water Division 5 through the Homestake Partners, comprising the City of Aurora and the City of Colorado Springs Utility. These water court matters seek a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case No. 98-CW-270, which comprise part of the Homestake Project. On March 31, 2017, Aurora and the City of Colorado Springs jointly filed Case No. 17CW3064 seeking diligence on the Homestake Project exchanges originally decreed in Case No. 95CW272(A), Water Division 5. During this diligence period a decree was entered by the court on June 10, 2018. During this diligence period, Aurora executed a Recovery Agreement (3-27-20) with the United States and Wildlife Service regarding the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program). The purpose of the Recovery Agreement is to formalize Aurora's participation in the Recovery Program, provide certainty that Aurora's Colorado River depletions can occur consistent with the Endangered Species Act, and provide that Aurora will take reasonable actions to support implementation for the Recovery Elements specified in the 1999 Programmatic Biological Opinion. During the previous diligence period, the Upper Colorado River Endangered Fish Recovery Program, Recovery Implementation Program and Recovery Action Plan Participation Agreement (11-01-13) was executed with Northern Colorado Water Conservancy District, and a Ruedi Insurance Water Cost Participation Agreement (11-01-13) with the City and County of Denver. Through implementation of these agreements, the east slope water users' commitment for 5412.5 acre-feet of water annually to the Recovery Program is being met. Aurora has and continues to provide its annual prorata share of operation and maintenance costs associated with these agreements. In addition, Aurora participates and annually contributes to the Colorado Water Congress Colorado River Project for collaboration and support of the Recovery Program by the water users in Colorado, Utah, and Wyoming.

**Non-Basin Specific:** Protection Efforts: During this diligence period, Aurora spent more than \$5,000,000 on legal services for participation in Water Divisions 1, 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system and prosecution of changes of water rights to integrate acquired water rights into Aurora's municipal water rights portfolio. Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment.

**6. CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE FOR WHICH DILIGENCE IS CLAIMED:** Applicant respectfully requests a finding of reasonable diligence for those parts of the originally decreed conditional rights described above in paragraph 4 that have not previously been made absolute.

**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 OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED.** City of Aurora, 15151 E. Alameda Parkway, Suite 5300, Aurora, CO 80015-1555. City and County of Denver, a municipal

corporation of the State of Colorado, acting by and through its Board of Water Commissioners (“Denver Water”), 1600 W. 12th Avenue, Denver, CO 80204- 3412. WHEREFORE, Applicant respectfully requests that the Court find diligence in the development of those portions of the appropriative rights not made absolute and continue the conditional decree for said structures and remaining conditional amounts for the statutory period and provide any other relief it finds just and appropriate in these circumstances. Number of pages of application: 15 pages.

**2024CW3051 NORWOOD GARDEN LLC**, P.O. Box 4116, Boulder, Colorado 80306-4116, (303) 447-3888 through its attorney, Clark G. Edwards, Hutchinson Black and Cook, LLC, 921 Walnut Street, Suite 200, Boulder, CO 80302, (303) 442-6514. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY.** **2. Name of structure:** Curtis North Well No. 98108 **3. Description of Conditional Water Right.** A. Original decree: Case No.: W9203-78 entered 1981 by the District Court in and for Water Division No. 1. B. Subsequent decrees: 1983CW190, 1987CW146, 1995CW63, 2001CW196, 2010CW131, 2017CW3064 C. Legal description: Curtis North Well No. 98108 is located in the SE1/4SE1/4 Section 18, Township 1 North, Range 70 West of the 6th P.M., Boulder County, at a point approximately 160 feet north of the South line and approximately 815 feet west of the East line of said Section 18. The property is located at 2350 Norwood Avenue, Boulder, Colorado 80304. D. Source: groundwater tributary to Boulder Creek. E. Appropriation date: July 1, 1955 F. Amount: 0.044cfs G. Uses: Domestic in a single family dwelling, and irrigation of one acre of laws and gardens. ABSOLUTE, Domestic in an additional single family dwelling, **CONDITION 4. Description of actions taken toward completion of appropriation:** Since the Court’s entry of the decree in Case No. 2017CW3064 on April 13, 2018, Applicant has continued work necessary to construct a second dwelling on the property. Specifically, Applicant has engaged in discussions and negotiations with the City of Boulder regarding zoning requirements, consulted with engineers regarding construction of and improvements to second dwelling on property, paid for annexation fees and surveys, constructed improvements to the additional dwelling, and has obtained financing for construction of project. Applicant has expended \$135,636 toward construction of a second dwelling on the property and connection of such dwelling to the Curtis North Well No. 98108. (**4 pages**)

**2024CW3052 TOWN OF CASTLE ROCK**, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000, [mmarlowe@crgov.com](mailto:mmarlowe@crgov.com). Serve all pleadings on: Madoline Wallace-Gross, Anthony Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, [mwg@lyonsgaddis.com](mailto:mwg@lyonsgaddis.com); [abasile@lyonsgaddis.com](mailto:abasile@lyonsgaddis.com); **APPLICATION FINDING OF REASONABLE DILIGENCE IN JEFFERSON AND DOUGLAS COUNTIES.** **2. Names and descriptions of structures (See EXHIBIT A for locations and structures and exchange reach).** **2.1. Heckendorf Well No. 1 (CR 78).** (This well was originally called CR 14.) **2.1.1. Location:** SE1/4 NE1/4, Section 22, T8S, R67W, 6th PM, 1,750 feet from the North section line and 800 feet from the East section line. **2.1.2. Source:** Alluvium of East Plum Creek, a tributary of the South Platte River. **2.1.3. Appropriation date:** April 12, 1984. **2.1.4. Total decreed amount:** 250 g.p.m. **2.1.5. Absolute amount:** 120 g.p.m., pursuant to Case No. 17CW3161. **2.1.6. Remaining Conditional amount:** 130 g.p.m., pursuant to Case No. 17CW3161. **2.1.7. Claim to make absolute:** Not applicable. **2.1.8. Use:** All municipal and augmentation uses. **2.1.9. Depth:** 70 feet. **2.2. Heckendorf Well No. 2 (CR 79).** (This well was originally called CR 15.) **2.2.1. Location:** SE1/4 NE1/4, Section 22, T8S, R67W, 6th PM, 2,300 feet from the North section line and 800 feet from the East section line. **2.2.2. Source:** Alluvium of East Plum Creek, a tributary of the South Platte River. **2.2.3. Appropriation date:** April 12, 1984. **2.2.4. Total decreed amount:** 250 g.p.m. **2.2.5. Absolute amount:** 62 g.p.m., pursuant to Case No. 17CW3161. **2.2.6. Remaining Conditional amount:** 188 g.p.m., pursuant to Case No. 17CW3161. **2.2.7. Claim to make absolute:** Not applicable. **2.2.8. Use:** All municipal and augmentation uses. **2.2.9. Depth:** 70 feet. **2.3. Heckendorf Well No. 3 (CR 80).** (This well was originally called CR 16.) **2.3.1. Location:** NE1/4 SE1/4, Section 22, T8S, R67W, 6th PM, 2,300 feet from the South section line and 800 feet from the East section line. **2.3.2. Source:** Alluvium of East Plum Creek, a tributary of the South Platte River. **2.3.3. Appropriation date:** April 12, 1984 **2.3.4. Total decreed**

amount: 250 g.p.m. 2.3.5. Absolute amount: 186 g.p.m., pursuant to Case No. 17CW3161. 2.3.6. Remaining Conditional amount: 64 g.p.m., pursuant to Case No. 17CW3161. 2.3.7. Claim to make absolute: Not applicable. 2.3.8. Use: All municipal and augmentation uses. 2.3.9. Depth: 70 feet. 2.4. Appropriative Right of Exchange. 2.4.1. Location: That segment of East Plum Creek from a point in the SW1/4 NW1/4, Section 22, T8S, R67W, 6th PM, where the Castle Rock Wastewater Treatment Plant discharges into East Plum Creek (downstream terminus) to the following upstream termini: 2.4.1.1. a point in the NE1/4 SE1/4, Section 22, T8S, R67W, 6th P.M., approximately 2250 feet from the South Section Line and 800 feet from the East section line [as originally decreed in 84CW656 as the point of diversion for the Douglas Lane Pipeline and Applicant's furthest upstream point of diversion on East Plum Creek]. 2.4.1.2. a point in the NE1/4 SE1/4, Section 22, T8S, R67W, 6th PM, 2300 feet from the South section line and 800 feet from the East section line [the location of Heckendorf Well No. 3, the farthest upstream structure following the abandonment of the exchange only to the Douglas Lane Pipeline in 09CW167. The exchange to Heckendorf Well No. 3 was explicitly decreed to continue.]. 2.4.1.3. a point in the NE1/4 NE 1/4 Section 22, T8S, R67W, 6th PM approximately 400 feet from the north section line and 700 feet from the east section line [as described in 17CW3161]. 2.4.2. Source: East Plum Creek, tributary to the South Platte River. 2.4.3. Appropriation date: April 12, 1984. 2.4.4. Total decreed amount: 5.7 c.f.s. 2.4.5. Total absolute amount: 0.75 c.f.s. 2.4.6. Total remaining conditional amount: 4.95 c.f.s. 2.4.7. Claim to make absolute: Not applicable. **3. Previous decrees:** The District Court, Water Division No. 1 has entered the following decrees related to these water rights: Case No. 17CW3161, entered on April 13, 2018; Case No. 09CW167, entered on October 5, 2011; Case No. 02CW026, entered on November 24, 2003; Case No. 94CW289, entered on February 13, 1996; and Case No. 84CW656, entered on October 15, 1987. **4. Integrated System:** The water rights that are the subject of this decree are part of an integrated water supply system for the Town of Castle Rock, pursuant to § 37-92-301(4)(b), C.R.S. **5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the subject diligence period, Applicant spent more than \$256,500,000 on various aspects of its integrated water system. Specifically, among other things, Applicant: 5.1 Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$3,621,000. 5.1.1. Associated legal and administrative costs totaled approximately \$6,000. As of 2023, Applicant owns 719 acre-feet of capacity in Chatfield Reservoir, with plans to exercise the option to 5.1.2. acquire additional capacity up to 2,000 acre-feet of conditional storage. 5.2. Completed the following work related to the Plum Creek Water Purification Facility: 5.2.1. Completed design of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$2,322,000. 5.2.2 Finished construction of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$30,860,000. 5.2.3. Began design on an expansion of the Plum Creek Water Purification Facility from 6 mgd to 12 mgd at a cost of approximately \$1,695,000. 5.3. Completed the following work related to Plum Creek Diversion, Castle Rock Reservoir No. 1 (also known as Sedalia Reservoir) and Castle Rock Reservoir No. 2. 5.3.1. The Town spent approximately \$935,000 designing improvements to Castle Rock Reservoirs No. 1 and No. 2. 5.3.2. The Town began the construction of Castle Rock Reservoir No. 2 and an expansion of Castle Rock Reservoir No. 1 at a cost of approximately \$5,760,000. 5.4. The Town operated the water rights in-priority described above. 5.5. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 5.6. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW3206, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, 22CW3111, 23CW3121, 23CW3124, 23CW3129, and 23CW3180. 5.7. Filed applications in Case Nos. 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150, 22CW3155, 23CW3002, 23CW3061, and 24CW3037. **6. Owner of land upon which the structures are located:** 6.1. Well No. CR-78 (Heckendorf No. 1): Michael and Irene Vander Meulen, PO Box 1077, Castle Rock, CO 80104. 6.2. Well No. CR-79 (Heckendorf No. 2): Sheldon Boone Testamentary Family Trust,

PO Box 656, Castle Rock, CO 80104. 6.3. Well No. CR-80 (Heckendorf No. 3): Applicant. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has maintained diligence on the remaining portion of the conditional water rights described herein. (Number of pages in application: 7, excluding exhibits.)

**2024CW3053; Previous Case Nos. 17CW3146, 10CW283, 87CW338, 97CW191, 04CW83 – DENVER SOUTHEAST SUBURBAN WATER & SANITATION DISTRICT d/b/a THE PINERY WATER & WASTEWATER DISTRICT c/o Heather W. Beasley, District Manager, 5242 Old Schoolhouse Road, Parker, CO 80134, (303) 841-2797.** (Please send all pleadings and correspondence to: Scott A. Clark, Esq. Peter D. Jaacks, Esq. Burns, Figa & Will, P.C., 6400 South Fiddlers Green Circle, Greenwood Village, CO 80111, (303) 796-2626. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY, COLORADO.** 2. Purpose of Application. The Application requests a finding of reasonable diligence in applying to beneficial use, and to continue as conditional, the water rights described in paragraphs 3 and 4 below for their decreed conditional uses for the amounts as described below. 3. Description of conditional underground water rights. 3.1. Name and legal description of structures. 3.1.1. Ray Boegel Irrigation Excavated Sump Enlargement. Located at a point in the S1/2 NW1/4 of Section 15, Township 7 South, Range 66 West of the 6th P.M., whence the W1/4 corner of said Section 15 bears South 74°20' West a distance of 1,394 feet. 3.1.2. Szymanski Irrigation Well Enlargement. Located at a point in the N1/2 NW1/4 of Section 15 whence the N1/4 corner of said Section 15 bears North 33°17' East a distance of 1,058 feet. 3.1.3. The structures referenced in paragraphs 3.1.1 and 3.1.2 are collectively referred to as the “Well Enlargements.” The conditional water rights to be withdrawn from the Well Enlargements are referred to as the “Enlargement Rights.” A map showing the approximate locations of the structures is attached as **Exhibit 1**, filed with the Application. 3.2. Original and subsequent decrees. The conditional underground water rights that are the subject of this Application were originally decreed on June 27, 1991 in Case No. 87CW338, by the District Court, Water Division 1 (the “87CW338 Decree”). Subsequent decrees confirming findings of reasonable diligence were entered by the Water Court in Case Nos. 97CW191, 04CW83, 10CW283, and 17CW3146 on March 23, 1998, December 1, 2004, October 3, 2011, and April 27, 2018 respectively. 3.3. Source. The source for each of the Enlargement Rights is the alluvium of Cherry Creek, tributary to the South Platte River. 3.4. Appropriation date. June 8, 1987. 3.5. Amount. 3.0 c.f.s., conditional, for each of the Enlargement Rights. 3.6. Decreed uses. Municipal use, which includes all municipal uses, such as but not by way of limitation, domestic, commercial, manufacturing, industrial, agricultural, watering of parks and lawns and gardens, fire protection, recreation, fish and wildlife propagation, sewage augmentation and exchange. 3.7. Location of structures. Each of the Enlargement Rights involves a supplemental appropriation of water from the location of an existing well structure, as such structure may be enlarged or replaced pursuant to an approved well permit. The existing structures and decreed water rights associated with the location of each of the Well Enlargements are as follows: 3.7.1. The Ray Boegel Irrigation Excavated Sump. Registration No. 2790-F adjudicated May 18, 1972 in Civil Action No. 3635 in the Douglas County District Court, decreed 2.07 c.f.s. with a priority date of May 27, 1954, for agriculture and domestic including fire protection uses, with the point of diversion being a point in the S1/2 NW1/4 of Section 15, Township 7 South, Range 66 West of the 6th P.M., whence the W1/4 corner of said Section 15 bears South 74°20' West a distance of 1,394 feet. 3.7.2. The Szymanski Irrigation Well. Registration No. 2789-F adjudicated May 18, 1972 in Civil Action No. 3635 in the Douglas County District Court, decreed 4.46 c.f.s. with a priority date of March 9, 1956, for agriculture and domestic including fire protection uses, with the point of diversion being at a point in the N1/2 NW1/4 of Section 15, Township 7 South, Range 66 West of the 6th P.M., whence the N1/4 corner of said Section 15 bears North 33°17' East a distance of 1,058 feet. 3.8. Pursuant to the Case No. 87CW338 Decree, the District may divert all or a portion of the Enlargement Rights at any of the District’s wells (the “District’s Wells”) listed in this paragraph, each of which is decreed as an alternate point of diversion for the Enlargement Rights. 3.8.1. The Lester H. Smith and Virgie M. Smith Irrigation Well. Registration No. 19483, with the point of diversion being a point in the SE1/4 SW1/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M., whence the Southeast corner of said Section 3 bears South 89°40' East a distance of 2,972 feet. 3.8.2.

The Elbert Leroy Scott Irrigation Well No. 2. Registration No. 19514-RF, with the point of diversion being a point in the SW1/4 NE1/4 of Section 10, Township 7 South, Range 66 West of the 6th P.M., whence the Northeast corner of said Section 10 bears North 65°36' East a distance of 3,123 feet. 3.8.3. The Vestal Well. Registration No. 20675, with the point of diversion being a point in the SW1/4 NE1/4 of Section 10, Township 7 South, Range 66 West of the 6th P.M., whence the Northeast corner of said Section 10 bears North 48°24' East a distance of 3,411 feet. 3.8.4. The Vestal's Wellshire Hills, Inc. Irrigation Well. Registration No. 21029-RF, with the point of diversion being a point on the east bank of Cherry Creek and the south bank of Bayou Gulch in the NE1/4 NW1/4 of Section 22, Township 7 South, Range 66 West of the 6th P.M., whence the Northwest corner of said Section 22 bears North 76°53' West a distance of 2,382 feet. 3.8.5. The Cherry Creek Ranches Irrigation Well. Registration No. 15916-RF, with the point of diversion being a point in the SW1/4 SW1/4 of Section 15, Township 7 South, Range 66 West of the 6th P.M. 3.8.6. The Millard Well. Registration No. 20705-RF, with the point of diversion being a point in the NE1/4 SW1/4 of Section 10, Township 7 South, Range 66 West of the 6th P.M. which point is 2,655 feet south of the north section line and 2,855 feet west of the east section line. 3.8.7. The Lester H. Smith and Virgie M. Smith Irrigation Replacement Well. Registration No. 19483-RF, with the point of diversion being a point in the NW1/4 SE1/4 of Section 10, Township 7 South, Range 66 West of the 6th P.M., which point is 2,497 feet north and 2,420 feet west of the southeast corner of Section 10. 3.8.8. The Martin L. Bechtold Irrigation Well No. 2. Registration No. 18707, with the point of diversion being on the east bank of Cherry Creek and the north bank of Bayou Gulch in the SE1/4 SW1/4 of Section 15, Township 7 South, Range 66 West of the 6th P.M., whence the SW corner of said Section 15 bears South 85°10' West a distance of 2,335 feet. 4. Description of conditional right of exchange. 4.1. Right of exchange. The conditional right of exchange that is the subject of this Application (the "Right of Exchange") involves the right to exchange nontributary return flows and historic consumptive use credits upstream on Cherry Creek to: (i) the location of the District's Wells described in paragraph 3.8, above; and (ii) the Ray Boegel Irrigation Excavated Sump and Szymanski Irrigation Well described in paragraph 3.7, above. 4.2. Original, subsequent and related decrees. The Right of Exchange was originally decreed by the 87CW338 Decree. Subsequent decrees awarding findings of reasonable diligence were entered by the Water Court in Case Nos. 97CW191, 04CW83, 10CW283, and 17CW3146. The nontributary return flow credits that are the subject of the Right of Exchange were decreed by the Water Court on December 28, 1988 in Case No. 82CW418. The historic consumptive use credits that are the subject of the Right of Exchange are attributable to the Ray Boegel Irrigation Excavated Sump and were decreed by the Water Court on June 27, 1991 in Case No. 87CW337. Pursuant to the decrees entered in those cases, the return flow credits and historic consumptive use credits may be used and successively reused to extinction. 4.3. Affected stream reach. The extent of the natural stream system which is affected by the Right of Exchange is Cherry Creek from a point where Cherry Creek intersects the north section line of Section 10, Township 7 South, Range 66 West of the 6th P.M., and upstream therefrom to Vestal's Wellshire Hills, Inc. Irrigation Well, located in the NE1/4 NW1/4 of Section 22, Township 7 South, Range 66 West of the 6th P.M., whence the Northwest corner of said Section 22 bears North 76°53' West a distance of 2,382 feet. 4.4. Appropriation date. June 8, 1987. 4.5. Appropriation date. June 8, 1987. 4.6. Fully-consumable water. The District may reuse and successively use the entirety of its nontributary return flow credits and the historic consumptive use credits attributable to the Ray Boegel Irrigation Excavated Sump until such waters are entirely consumed. 5. Detailed outline of diligence activities. The conditional water rights that are the subject of this case ("Conditional Rights") are part of a plan for augmentation decreed in Case No. 87CW338 to supply water for irrigation and for residential and commercial development (the "Development") on approximately 258 acres in the N1/2 of Section 15, Township 7 South, Range 66 West of the 6th P.M., in Douglas County (the "Property"). At the time the decree in Case No. 10CW283 was entered, BZH Land Company, LLC owned both the Property and the Conditional Rights. In 2015, the Conditional Rights were conveyed to Choke Cherry Investors, LLC ("Choke Cherry"). Choke Cherry and the District entered into a Developer Service Agreement dated August 17, 2016 ("DSA") to govern the terms by which the District would provide water service to the Development. Pursuant to the terms of the DSA, Choke Cherry conveyed the Conditional Rights to the District on September 1, 2016. The Conditional Rights will become part of the District's integrated water

system that will be used to serve the Development and the District's other customers. 5.1. Development of the property. During the diligence period, Choke Cherry worked toward development of the Property. The Choke Cherry Development is now the Stone Creek neighborhood. The Stone Creek neighborhood is now fully built out and consists of 331 residential units. Water meters were installed in late 2019 and the District began providing water service from its integrated system to the neighborhood at that time. The development of the Stone Creek neighborhood was the result of multiple years of negotiations between District staff, legal counsel, and Choke Cherry about what wells, water rights, and associated easements will be required to serve the Property; and the infrastructure necessary to connect Choke Cherry's water supply to the District's existing infrastructure. The District continues to develop the Conditional Rights for use in its integrated system. 5.2. Work on the District's water supply system. The District operates an integrated water supply for municipal, residential, commercial, and other beneficial uses within its service area and constitutes an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). *See* Decree in Case No. 17CW3146 ("17CW3146 Decree") ¶8.3. The District may continue to integrate additional water rights and structures into its water supply system. For purposes of demonstrating reasonable diligence involving the water rights described in this Decree, work performed and effort and costs expended on any of the water rights or structures that are part of the District's integrated water supply system shall be considered in determining diligence. During the diligence period, the District has spent over \$28 million improving and maintaining its water supply system. These improvements to the District's existing water supply facility constitute diligence on not only the District's water supply system, but the Conditional Rights. 5.2.1. WISE. On March 13, 2013, the District entered into the South Metro WISE ("Water, Infrastructure, and Supply Efficiency") Authority Formation and Organizational Intergovernmental Agreement. This Agreement commits the District to participate in the WISE Partnership through the South Metro WISE Authority ("WISE Authority"). The Agreement also defines how costs will be shared between participating members. The District has committed to subscribing to an average of 500 a.f. of a projected average total of 10,000 a.f. of renewable water to be delivered annually from the WISE Partnership. The WISE Authority was formed July 10, 2013. The WISE Authority's members are 10 local governments located in the southern Denver metropolitan areas of south-central Arapahoe and northern Douglas Counties. The Water Delivery Agreement is the overarching agreement that defines the terms under which Denver and Aurora will deliver water to WISE Authority members. 5.2.1.1. During the diligence period, the WISE Authority completed construction of the Ridgeway Pipeline and made a connection to Aurora Water to begin receiving water. 5.2.1.2. The District negotiated an IGA with Parker Water and Sanitation District ("PWSD") for WISE water, completed its connection to PWSD's infrastructure, paid capital buy-in fees for PWSD's system, and converted its entire water system disinfection method from free chlorine to chloramines. The District began receiving WISE water in April 2020. 5.2.1.3. The WISE Authority is nearing completion of the Binney Connection to Aurora Water's Binney Water Purification Facility. In addition, the WISE Authority is working with Denver Water on the DIA Connection, a key component of WISE infrastructure. This project is estimated at \$13 million and was bid for construction in January 2024. The WISE Authority is also undergoing engineering evaluations related to future salinity management and has budgeted \$5.75 million in 2024 for land acquisition for salinity management facilities. Each year, the District pays annual dues to the WISE Authority to cover its share of operating costs. In addition, each month the District pays set capacity fees for existing WISE infrastructure. It also purchases or trades its allocation of the annual water offer. 5.2.2. Cherry Creek Project Authority. The Cherry Creek Project Water Authority ("CCPWA") was formed in 2005 through an intergovernmental agreement between the District, the Inverness Water and Sanitation District, the Cottonwood Water and Sanitation District, and the Town of Castle Rock. The Authority was formed in order to purchase and develop water supplies for these four entities from the upper Cherry Creek Basin. CCPWA costs are shared by the four member entities. 5.2.2.1. The CCPWA installed SCADA data monitoring at two existing deep well sites to better manage well operations. It also rehabilitated the motor and performed upgrades and relocation of the discharge at an alluvial well. The Authority embarked on an approximately \$12 million project to convert Walker Pit to Walker Reservoir, per the Authority's Master Plan. The reservoir construction is expected to be complete by summer 2024. Along with the reservoir, the Authority is constructing three new alluvial wells and one

deep well and the associated raw water pipeline to deliver that groundwater into Walker Reservoir. The wells and raw water pipeline are anticipated to be complete by summer 2024. 5.2.3. Other capital expenditures. During the diligence period, the District performed numerous capital projects to develop its integrated system, including drilling two new deep wells, constructing a new enclosed reservoir tank, increasing the size of an existing reservoir tank, upsizing pumps at two pump stations, retrofitting nearly all customer meters to cellular technology, constructing a new pipeline between two water pressure zones for looping and redundancy, extending an existing pipeline for looping, adding mixers to existing water storage tanks, converting several pump station meters to electromagnetic flow meters, installing variable frequency drives at pump stations, performing a system-wide leak detection assessment, and purchasing portable generators and fitting key facilities with manual transfer switches. Other capital projects include continued maintenance of the water distribution system to repair and replace valves, meter pits, curb stops, fire hydrants, reservoirs, and pipelines. Additionally, the District prepared a Water Resources Master Plan, including a multi-year Capital Improvement Plan, in 2022. 6. Name and address of landowner upon which any new or modified diversion structure is located. Stone Creek Metro District, c/o: Wolfersberger LLC, 12210 Brighton Rd #8, Henderson, CO 80640.

**2024CW3054 THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS (“Denver Water” or “Applicant”),** 1600 West 12th Avenue, Denver, Colorado 80204. Daniel J. Arnold, James M. Wittler, Crystal J. Easom at the above address. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER AND JEFFERSON COUNTIES**. Applicant requests a finding of reasonable diligence and continuation of the following conditional water right: I. DESCRIPTION OF WATER RIGHTS. 2. Name of Water Rights. The following water rights are collectively referred to herein as the “Subject Water Rights.” 2.1 Gross Reservoir. 2.2 Ralston Creek Reservoir. 2.3 South Boulder Diversion Conduit. 2.4 Denver Power Conduit No.1. 3. Date of original and all relevant subsequent decrees. 3.1 Original Decree. The original decree was entered September 28, 1953, Case No. 12111 in Boulder County District Court. 3.2 Subsequent Decrees. Case No. 2017CW3151, April 26, 2018; Case No. 2009CW124, September 22, 2010; Case No. 2008CW290, October 16, 2011; Case No. 1997CW275, December 9, 2002; Case No. 1990CW103, October 30, 1991; 1986CW142, May 4, 1989; Case No. 1982CW177, May 22, 1986; W-3074-78, March 20, 1980; Case No. W-3074 and W-120, April 28, 1975. 4. Legal Descriptions of Structures. The location of the following structures are depicted on **Figure 1 of Exhibit A**. 4.1 The dam of Gross Reservoir is located in Tracts 48 and 49, Township 1 South, Range 71 West of the 6th Principal Meridian (where the north half (N1/2) of the southeast quarter (SE1/4) of Section 20 of Township 1 South, Range 71 West of the 6th Principal Meridian would be located by ordinary survey practices) and creates a reservoir covering parts of Tracts 47, 48, 49, 44, 45, 63, 107, 108, 109 and 110, the south half (S1/2) of the south half (S1/2) of Section 18, Section 19, Section 30, the south half (S1/2) of the northeast quarter (NE1/4) of Section 25 and the east half (E1/2) of the southeast quarter (SE1/4) of Section 24, all in Township 1 South, Range 71 West of the 6th Principal Meridian in Boulder County, Colorado. 4.2 The dam of Ralston Creek Reservoir is located on or near the east side of the northeast quarter (NE1/4) of the southeast quarter (SE1/4) of Section 32, Township 2 South, Range 70 West of the 6th Principal Meridian and creates a reservoir which covers parts of Section 32, Township 2 South, Range 70 West of the 6th Principal Meridian, and Sections 5 and 6, Township 3 South, Range 70 West of the 6th Principal Meridian, in Jefferson County, Colorado. 4.3 The decreed point of diversion of the South Boulder Diversion Conduit is located on the south bank of South Boulder Creek, whence the southwest corner of Tract 143, Township 1 South, Range 71 West of the 6th Principal Meridian, bears south 55°18' west, a distance of 397.4 feet in Boulder County, Colorado. 4.4 The decreed point of diversion of the Denver Power Conduit No. 1 is located at the end of the inlet tunnel in the box culvert in Gross Reservoir, from which the northwest corner of Tract 50, Township 1 south, Range 71 West of the 6<sup>th</sup> P.M., State of Colorado, bears N81° 59' 30" E a distance of 1906.2 feet. Bearings are based on the west line of said Tract 50 being S00°05'56" W a distance of 1385.40 feet in Boulder County, Colorado. 5. Source of Water. The source of water for Gross Reservoir, Ralston Creek Reservoir, Denver Power Conduit No. 1 and South Boulder Diversion Conduit is all the water of South Boulder Creek and tributary drainage thereto

originating above the individual points of diversion of each of the above-named structures. 6. Dates of Appropriation. 6.1 Gross Reservoir. May 10, 1945 Priority No. 39C. 6.2 Ralston Creek Reservoir. January 1, 1930, Priority No. 31, and October 31, 1932, Priority No. 33C. 6.3 South Boulder Diversion Conduit. January 1, 1930, Priority No. 56C. 6.4 Denver Power Conduit No. 1. May 10, 1945, Priority No. 11C. 7. Amounts of Water. 7.1. Gross Reservoir. 41,811 acre-feet absolute, 71,267 acre-feet CONDITIONAL, 113,078 acre-feet total. 7.2. Ralston Creek Reservoir (South Boulder Creek source). 11,000 acre-feet absolute (Priority No. 31, under a January 1, 1930 appropriation date). 1,758 acre-feet absolute (Priority No. 33C, under an October 31, 1932 appropriation date). 3,210 acre-feet CONDITIONAL (Priority No.33C, under an October 31, 1932 appropriation date). 15,968 acre-feet total. 7.3. South Boulder Diversion Conduit. 46 cfs absolute, 789 cfs CONDITIONAL, 1,250 cfs total. 7.4 Denver Power Conduit No. 1 344 cfs absolute 6 cfs CONDITIONAL 350 cfs total 8.The use of water. 8.1. Gross Reservoir, Ralston Creek Reservoir and South Boulder Diversion Conduit. Gross Reservoir, Ralston Creek Reservoir and South Boulder Diversion Conduit have been decreed and used for all municipal uses including domestic use, mechanical use, manufacturing use generation of electric power, power generally, fire protection use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, maintaining of adequate storage reserves, irrigation, replacement and the adjustment and regulation of the units of the Denver Municipal Water System within themselves and with other water users. 8.2. Denver Power Conduit No. 1. Denver Power Conduit No. 1 has been decreed for the generation of electric energy. **CLAIM FOR FINDING OF REASONABLE DILIGENCE**. 9. Finding of Reasonable Diligence. Gross Reservoir, Ralston Creek Reservoir, the South Boulder Diversion Conduit, and Denver Power Conduit No. 1 are existing structures. Additionally, the enlargement of Gross Reservoir is currently under construction. Denver Water has regularly operated the Subject Water Rights during the diligence period. Completion of this appropriation will depend upon the final enlargement of Gross Reservoir, South Boulder Conduit and Ralston Reservoir, future hydrologic circumstances, and demands in the Denver Municipal Water System. The activities completed by Denver Water during the most recent diligence period are set forth below: 9.1. Gross Reservoir. 9.1.1. In 2018, Tetra Tech, Inc. provided support in preparing, reviewing, and coordinating outside agencies for work associated with environmental permitting for the Gross Reservoir Expansion project. The total project cost was approximately \$304,000. 9.1.2. In 2019, Kiewit-Barnard provided planning and pre-construction services as the Construction Manager/General Contractor for the Gross Reservoir Expansion. The total project cost was approximately \$6,998,000. 9.1.3. In 2020, Kiewit-Barnard provided all labor, materials, and equipment for the construction of the Gross Reservoir Outlet Works Modifications as a part of the Gross Reservoir Expansion project. The total project cost was approximately \$5,793,000. 9.1.4. In 2020, Global Diving & Salvage, Inc. performed an underwater survey of Gross Reservoir Dam. The total project cost was approximately \$101,000. 9.1.5. In 2020, Kiewit-Barnard provided all labor, materials, and equipment for the Gross Reservoir electrical system modifications and aggregate processing for testing. The total project cost was approximately \$484,000. 9.1.6. In 2020, Steel-Fab, Inc. provided three fixed cone valves for the Gross Reservoir Outlet Works. The total project cost was approximately \$508,000. 9.1.7. In 2021, Global Diving & Salvage, Inc provided all labor, materials, and equipment for the construction and modification of the Gross Reservoir Outlet Works trashrack. The total project cost was approximately \$5,892,000. 9.1.8. In 2021, Olsson, Inc. provided pre-construction services for a Conditional Letter of Map Revision associated with the Gross Reservoir Expansion project. The total project cost was approximately \$65,000. 9.1.9. In 2021, Denver Water entered into a settlement agreement with Boulder County in regard to issues surrounding the Gross Reservoir Expansion project. 9.1.10. In 2021, Denver Water retained Kiewit-Barnard for the construction of the Gross Reservoir Expansion project dam raise. The total project cost is approximately \$238,199,000, to date. 9.1.11. In 2022, Bridge Diagnostics, Inc. provided labor, materials, and equipment for the construction of the Gross Dam joint meter monitoring installation. The total project cost was approximately \$147,000. 9.1.12. In 2022, Denver Water and the United States Bureau of Reclamation ("USBR") entered into an Intergovernmental Agreement. The USBR provided specialized testing on concrete mixes for the Gross Reservoir Expansion project. The total project cost was approximately \$89,000. 9.2. South Boulder Diversion Conduit. In 2021, Denver Water entered into an Intergovernmental Agreement with Jefferson Center Metropolitan District

No.1 to replace a 131-foot open channel section of the South Boulder Canal. The total project cost was approximately \$233,000. 9.3. Ralston Creek Reservoir. 9.3.1. In 2018, AECOM Technical Services Inc. provided engineering services and field investigations for spillway modifications of Ralston Dam. The total project cost was approximately \$659,000. 9.3.2. In 2019, SEMA Construction, Inc. provided construction labor, materials, and equipment for spillway modifications of Ralston Dam. The total project cost was approximately \$8,927,000. 9.3.3. In 2020, DeZURIK Inc. provided valve assemblies for the Ralston Reservoir Outlet Works Renovation. The total project cost was approximately \$1,044,000. 9.3.4. In 2021, American West Construction, LLC provided engineering and construction oversight to renovate the Ralston Reservoir Outlet Works. The total project cost was approximately \$5,383,000. 9.4. Northwater Treatment Plant. In 2018, Dewberry Engineers, Inc. provided programming standards development and design for the Northwater Treatment Plant Project. The total project cost was approximately \$600,000. 9.4.2. In 2018, Kiewit Infrastructure Co. provided engineering and construction oversight for the Northwater Treatment Plant. The total project cost was approximately \$12,732,000. 9.4.3. In 2018, Kiewit Infrastructure Co. managed and oversaw the entirety of construction under a general conditions work package for the Northwater Treatment Plant. The total project cost was approximately \$4,515,000. 9.4.4. In 2018, Kiewit Infrastructure Co. provided engineering and construction oversight on the Northwater Treatment Plant Project. The total project cost was approximately \$12,442,000. 9.4.5. In 2018, Kiewit Infrastructure Co. provided engineering and construction oversight for early procurement on the Northwater Treatment Plant Project. The total project cost was approximately \$4,783,000. 9.4.6. In 2019, Kiewit Infrastructure Co. provided engineering and construction oversight for access improvements on the Northwater Treatment Plant Project. The total project cost was approximately \$1,719,000. 9.4.7. In 2019, Kiewit Infrastructure Co. provided engineering and construction oversight for excavation and underslab piping on the Northwater Treatment Plant Project. The total project cost was approximately \$9,171,000. 9.4.8. In 2019, Kiewit Infrastructure Co. provided engineering and construction oversight for the flocculation/sedimentation and filter buildings on the Northwater Treatment Plant Project. The total project cost was approximately \$1,819,000. 9.4.9. In 2019, Kiewit Infrastructure Co. provided engineering and construction oversight for site wide electrical work on the Northwater Treatment Plant Project. The total project cost was approximately \$753,000. 9.4.10. In 2020, Kiewit Infrastructure Co. provided engineering and construction oversight for yard pipe, structures, concrete, excavation, and site backfill on the Northwater Treatment Plant Project. The total project cost was approximately \$2,228,000. 9.4.11. In 2020, Kiewit Infrastructure Co. provided engineering and construction oversight for process piping and mechanical backfill on the Northwater Treatment Plant Project. The total project cost was approximately \$102,000. 9.4.12. In 2020, Kiewit Infrastructure Co. provided engineering and construction oversight for all remaining work on the Northwater Treatment Plant Project. The total project cost was approximately \$341,630,000. 9.4.13. In 2020, United Power Inc. extended electric service to the Northwater Treatment Plant project site. The total project cost was approximately \$1,688,000. 9.5. Conduit No. 16. 9.5.1. In 2018, Garney Companies, Inc. replaced the West Segment of Conduit No. 16, including labor and materials. The total project cost was approximately \$7,306,000. 9.5.2. In 2018, S.J. Louis Construction of Texas, Ltd. replaced the Central Segment of Conduit No. 16, including labor and materials. The total project cost was approximately \$21,502,000. 9.5.3. In 2020, Garney Companies, Inc. replaced the East Segment of Conduit No. 16, including labor and materials. The total project cost was approximately \$16,020,000. **III. LANDOWNER INFORMATION.** 10. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. **Name of Owner** United States Forest Service. **Mailing Address** Arapaho and Roosevelt National Forests 2150 Centre Avenue, Building E Fort Collins, CO 80526. **IV. REQUEST FOR RELIEF** WHEREFORE, Denver Water requests in the view of the magnitude of the project and in view of the planning, design and construction of the integral parts of Denver Water's water system and the expenditures associated with the costs of the completion of the facilities of Denver Water's water system, of which the Subject Water Rights are an integral part, that the Court enter a Finding and Decree of Reasonable Diligence

for the remaining conditional portions of the Subject Water Rights, and continue the remaining conditional decree in full force and effect.

**2024CW3055 NOBLE ENERGY, INC.** Attn: Chevron U.S.A. Inc., c/o Mark Hefta, Water Engineer, Strategy & Sustainability, Chevron U.S.A. Inc., 1099 18th Street, Suite 1500, Denver, CO 80202, 303.228.4230, [mark.hefta@chevron.com](mailto:mark.hefta@chevron.com); Please direct all correspondence and pleadings in this matter to: James S. Witwer, Andrea M. Bronson, Davis Graham & Stubbs LLP; 1550 Seventeenth Street, Suite 500, Denver, Colorado 80202; Telephone: 303.892.9400; Facsimile: 303.893.1379; E-mail: James.Witwer@dgsllaw.com [Andrea.Bronson@dgsllaw.com](mailto:Andrea.Bronson@dgsllaw.com). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD COUNTY.** 1. Name, address email address, and telephone number of Applicant: (see above). 2. Introduction: A. In Case No. 15CW3112, Noble Energy, Inc. (“Noble” or “Applicant”) sought confirmation of a new conditional water right for groundwater withdrawn from the “Farr F Wells” for industrial use in connection with Noble’s oil and gas exploration operations in the Denver-Julesburg Basin in northeast Colorado (“Farr F Wells”). Noble also sought a change of water rights to allow the water attributable to Noble’s twenty shares of stock in the Farmers Independent Ditch Company (“FIDCO Shares”) to be used in an augmentation plan to replace out-of-priority depletions from the Farr F Wells. On April 6, 2018, the Court entered its Findings of Fact, Conclusions of Law, Judgment and Decree (“15W3112 Decree”) confirming the conditional underground water rights associated with the Farr F Wells, approving the change of FIDCO Shares, and approving the augmentation plan to allow use of the Farr F Wells and FIDCO Shares to support oil and gas exploration and production operations. Following entry of the 15CW3112 Decree, Chevron U.S.A. Inc. (“Chevron”) acquired Noble and Noble is now a wholly owned subsidiary of Chevron. Chevron also recently acquired PDC Energy, Inc., expanding its oil and gas acreage in the Denver-Julesburg Basin. Chevron has accordingly continued oil and gas exploration and production operations in the Denver-Julesburg Basin. Applicant plans to operate the Farr F Wells and augmentation plan decreed in Case No. 15CW3112 as a long-term water supply in those operations. Applicant thus seeks findings of reasonable diligence and to continue the conditional underground water rights decreed in Case No. 15CW3112. 3. Description of Farr F Conditional Water Rights. A. Original Decree: Case No. 15CW3112, District Court, Water Division No. 1, April 6, 2018. B. Name of Structures: i. Farr F Well 31-6 (DWR Permit No. 13420-R-R) ii. Farr F Well 31-7 (DWR Permit No. 13418-R-R) iii. Farr F Well 31-8 (DWR Permit No. 13419-R-R) iv. Farr F Well 31-9 (DWR Permit No. 13421-R-R). Legal Description of Diversion: The Farr F Wells are located in the SW1/4SE1/4 of Section 31, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. Source: The South Platte River. Date of Appropriation: September 17, 2015. Amount: 10 cubic feet per second (“cfs”), conditional. Use: Industrial. Location of Place of Use: When the Farr F Wells are being augmented under the plan for augmentation decreed in Case No. 15CW3112, the up to 10 cfs pumped under this conditional groundwater right will be delivered for industrial use in connection with Applicant’s oil and gas exploration and production operations in those areas within the Denver-Julesburg Basin, as specifically depicted in Figure 1 to the 15CW3112 Decree, and described as all or part of Township 2 North, Range 63 West; Township 2 North, Range 64 West; Township 3 North, Range 63 West; Township 3 North, Range 64 West; Township 3 North, Range 65 West; Township 4 North, Range 63 West; Township 4 North, Range 64 West; Township 4 North, Range 65 West; Township 4 North, Range 66 West; Township 4 North, Range 67 West; Township 5 North, Range 65 West; Township 5 North, Range 66 West; and, Township 5 North, Range 67 West, all 6th P.M., Weld County, Colorado. Detailed outline of work performed and expenditures made toward completion of the appropriation and application of water to a beneficial use as conditionally decreed: A. During the diligence period, Applicant expended significant time and resources to prepare and receive regulatory approval of a comprehensive area plan to develop oil and gas resources within the vicinity of the Farr F Wells. Specifically, Chevron has received approval from the Colorado Energy and Carbon Management Commission (“ECMC”) and five local governments in Weld County to develop the Guanella Comprehensive Area Plan (“Guanella CAP”). Completing the work necessary to obtain these approvals was a substantial task; staff worked for over a year to prepare all studies, engineering, and other materials required for approval of the Guanella CAP, including full-time work by twelve staff members and significant additional work by dozens more

staff members. Chevron is also in the process of preparing other oil and gas development plans to develop oil and gas resources in the vicinity of the Farr F Wells. Applicant plans to use the conditional water rights decreed in Case No. 15CW3112 in the development of the oil and gas resources in the Guanella CAP as well as the development of other oil and gas resources located within the areas described in Part 3.H of this Application. B. During the diligence period, Applicant incurred costs for legal and engineering consulting work related to development, protection, and exercise of Applicant’s water rights and water interests decreed in Case No. 15CW3112. These costs have included costs associated with analyzing steps to cease irrigation of the farm irrigated with Applicant’s FIDCO Shares to allow these shares to be used for commercial and industrial use in oil and gas operations, developing and receiving approval of the accounting form for the water rights decreed in Case No. 15CW3112, completing and submitting monthly accounting, and filing new well permits for the four Farr F Wells to allow their use to support Applicant’s and Chevron’s oil and gas operations. The total legal expenses for such work during the diligence period exceeded \$25,000, and the total engineering/consulting costs during that period exceeded \$11,000. 5. Name and address of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: N/A

**2024CW3056 CURTIS D AND SONJA J INGALLS**, 9365 Las Ramblas Ct, Unit B, Parker, CO 80134. Eric K. Trout, McGeady Becher P.C., 450 E. 17th Ave, Suite 400, Denver, CO 80203-1254. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION IN ELBERT COUNTY.** Subject Property: a parcel totaling approximately 40.216 acres generally located in the NE1/4 of the NE1/4 of Section 27, Township 9 South, Range 65 West of the 6th P.M., also known as 25995 County Road 5, Elbert, CO 80106, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicants have provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently on Upper Dawson exempt well on the Subject Property under Permit No. 302480, which will be re-permitted under the augmentation plan applied for in this application. Well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants desire to leave no groundwater adjudicated. Applicants estimate the following amounts may be available for withdrawal, based on a 300-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	6.38
Lower Dawson (NT)	3.82
Denver (NT)	5.43
Arapahoe (NT)	5.48
Laramie-Fox Hills (NT)	3.74

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: 6.2 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 300

years. 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 Upper Dawson Aquifer groundwater will be used in up to four (4) wells, each providing up to 1.55 acre-feet per year. Each well provide in-house use in up to three (3) single-family dwellings or their equivalent (0.9 acre-feet per year per well, 3.6 acre-feet per year total), 10,000 square-feet of irrigation for home lawn, garden, pasture, and trees (0.5 acre-feet per year per well, 2 acre-feet per year total), watering of up to 12 large domestic animals (0.15 acre-feet per year per well, 0.6 acre-feet per year total), fire protection, and storage anywhere on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 pages.

**2024CW3057 SHIRLEY M. AND GARY E. HANSEN**, 10630 Woodhaven Ridge Rd, Parker, CO 80134. Eric K. Trout, McGeady Becher, P.C., 450 E. 17th Ave, Suite 400, Denver, CO, 80203-1254. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION IN ELBERT COUNTY**. Subject Property: 2 non-contiguous parcels totaling 81.05 acres generally located in the E1/2 of the NW1/4 of Section 34, Township 7 South, Range 65 West of the 6th P.M., also known as 316 Ponderosa Ln, Elizabeth, Elbert County, State of Colorado. The Applicants will only be adjudicating the groundwater and using the proposed augmentation plan on Parcel 1. Parcel 1: A parcel totaling 80 acres located in the E1/2 of the NW1/4 of Section 34, Township 7 South, Range 65 West of the 6th P.M., as shown on **Exhibit A** (“Subject Property”). Parcel 2: A parcel totaling 1.05 acres located in the NW1/4 of the SW1/4 of Section 34, Township 7 South, Range 65 West of the 6th P.M. Lien Holder Certification: Applicants are the sole owners 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 Upper Dawson Aquifer exempt well on the Subject Property under Well Permit No. 268937. 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. **Exhibit A** shows Well Permit No. 209399 as located on the Subject Property; however, this is incorrect. Based on the information from the Division of Water Resources (“DWR”), Applicants believe this well is mapped incorrectly in the DWR CDSS and is located elsewhere. Prior Case: The groundwater underlying the Subject Property was erroneously adjudicated in Case No. 2013CW3163, District Court, Water Division 1, due to an incorrect legal description of the overlying property in that case. A Verified Motion to Vacate Final Judgment and Decree was filed in Case No. 13CW3163 on April 11, 2024. The Order Vacating Final Judgment and Decree was granted and signed by Water Court Judge Taylor on April 19, 2024. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants desire to leave no groundwater unadjudicated. Applicants do not seek to withdraw the groundwater from each Parcel on the other Parcel. Applicants estimate the following amounts may be available for withdrawal: Parcel 1 – Subject Property:

Aquifer	Annual Amount (100 Years)	Annual Amount (300 Years)
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	(acre-feet)	(acre-feet)
Upper Dawson (NNT)	23.09	7.70
Lower Dawson (NT)	10.20	3.4
Denver (NT)	25.98	8.66
Arapahoe (NT)	32.31	10.77
Laramie-Fox Hills (NT)	23.10	7.7

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: 7.35 acre-feet per year for 300 years of not-nontributary Upper Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be used in up to seven (7), or more, wells, each well withdrawing up to 1.05 acre-feet per year for in-house use in up to two (2) single-family dwellings (0.6 acre-feet per year per well, 4.2 acre-feet per year total), irrigation of up to 8,000 square-feet of home lawn, gardens, trees, and pasture (0.4 acre-feet per year per well, 2.8 acre-feet per year total), livestock watering of up to 4 large domestic animals (0.05 acre-feet per year per well, 0.35 acre-feet per year total), fire protection, and storage before use anywhere on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the Cherry Creek and Running Creek stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 5 Pages.

**2024CW3058 PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION (“PSCo”) APPLICATION FOR CHANGE OF WATER RIGHTS AND APPROPRIATIVE RIGHT OF EXCHANGE IN CLEAR CREEK, JEFFERSON, DENVER, ADAMS, AND WELD COUNTIES.** 1. Name, Address and Telephone of Applicant: Public Service Company of Colorado, a Colorado Corporation (“PSCo”), 1800 Larimer Street, Suite 1300, Denver, Colorado 80202. Wesley.L.Eversole@xcelenergy.com Telephone: (303) 285-6858. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, Esq., James M. Noble, Esq., Kyle B. Howe, Esq. Welborn Sullivan Meck & Tooley, P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202. Telephone: (303) 830-2500. 2. Introduction. 2.1 PSCo is a public utility and the owner and operator of a number of power generation stations, including the Cherokee Station (“Cherokee”) located on the west side of the South Platte River at 62nd Ave. and York Street, the Rocky Mountain Energy

Center (“RMEC”) located just east of Hudson, Colorado, and Fort St. Vrain Station (“FSV”) located near the confluence of St. Vrain Creek and the South Platte River. 2.2 PSCo has entered into a long-term lease with Albert Frei & Sons, Inc., a Colorado corporation to provide water for industrial purposes at the Walstrum Quarry, located adjacent to Clear Creek at the intersection of U.S. Highway 6 and I-70 near Idaho Springs. Albert Frei and Sons and the Walstrum Quarry have since been acquired by Martin Marietta Materials (“Martin Marietta”). PSCo may also provide leased water to Martin Marietta’s Specification Aggregates Quarry, located in Golden northwest of the intersection of U.S. Highway 40 and Interstate 70 (the “Spec Agg Quarry”). 2.3 PSCo owns 303.5 shares in the Fisher Ditch Company, which has a total of 1,344 active shares, and 734.4 shares in the United Water Company, which has a total of 963 active shares and itself owns 604 shares of the Fisher Ditch Company. Between its Fisher Shares and United Shares, PSCo owns 764.1 shares of the Fisher Ditch Company, which represents 56.9% of the total number of Fisher Ditch shares. PSCo’s Fisher Ditch shares and United shares (collectively, the “Subject Water Rights”) were previously quantified and changed from irrigation to, among other uses, industrial use at Cherokee Station in Case Nos. 91CW5, 95CW156, and 02CW54. 2.4 In this application, PSCo seeks the following: 2.4.1 to change the Subject Water Rights to add the Walstrum Quarry, Spec Agg Quarry, Rocky Mountain Energy Center, and Fort St. Vrain Generating Station as additional places of use; and 2.4.2 to change the portion of the Subject Water Rights previously changed in Case No. 91CW5 to add augmentation as an additional type of use; and 2.4.3 to change the Subject Water Rights to add Stagecoach Reservoir as an additional place of storage; and 2.4.4 a new appropriative right of exchange of the Subject Water Rights from augmentation stations that PSCo is entitled to use that are located within the Fisher/United System upstream for diversion and use at the Walstrum Quarry or storage at Clear Lake Reservoir (“Clear Creek Exchange II”). A schematic map showing the structures involved in this application is included as **Exhibit A. Change of Water Rights**

3. Decreed Water Right for which Change is Sought: 3.1. Name of Structure: Fisher Ditch 3.2. Source: Clear Creek 3.3. Amount: 35.0 cfs 3.4. Appropriation Date: June 29, 1861 3.5. Legal Description of Point of Diversion: The original point of diversion decreed in Civil Action No. 6963 by the Arapahoe County District Court on Oct. 4, 1884 was in the Southwest 1/4 of Section 8, Township 3 South, Range 68 West of the 6th P.M.. The actual point of diversion is located on the south bank of Clear Creek in the Northwest 1/4 of Section 17, Township 3 South, Range 68 West of the 6th P. M., Adams County, Colorado at a point which is approximately 60 feet east and 200 feet south of the Northwest corner of Section 17. 3.6. Use: The Fisher Ditch water right was originally decreed for irrigation purposes. 3.7. Prior Fisher Ditch Water Right Changes 3.7.1 Case No. 89CW132. City of Thornton changed 193.5 Fisher Shares to Municipal use. 3.7.2 Case No. 88CW105. City of Arvada changed 10 Fisher Shares to municipal use. 3.7.3 Case No. 91CW047. Western Mobile, Inc. changed 39.5 Fisher Shares and 24.0 United Shares to industrial use. 3.7.4 Case No. 91CW5. PSCo changed 287 Fisher Shares and 635.625 United Shares from direct flow to direct flow and storage for industrial use at the Cherokee Station. 3.7.5 Case No. 95CW156. PSCo changed 9 Fisher Shares and 44.75 United Shares for use, reuse and successive use for industrial purposes, storage, evaporative replacement, replacing return flow obligations, exchange and augmentation purposes. In addition, the historic consumptive use of the Fisher and United Shares that were changed in Case No. 91CW5 was changed again to be a source of substitute supply for the exchange decreed in Case No. 95CW157. 3.7.6 Case No. 02CW54. PSCo changed 7.5 Fisher Shares and 54 United Shares for industrial purposes, including evaporation replacement, use, reuse and successive use for immediate use or storage and subsequent use, exchange, replacement of depletions and augmentation. These shares were not decreed as a source of substitute supply for the 95CW157 Exchange. 3.8 Prior Quantification of Historic Consumptive Use of Subject Water Rights. The historical consumptive use of the Subject Water Rights was previously quantified in Case Nos. 91CW5, 95CW156 and 02CW54, and is not subject to reconsideration pursuant to C.R.S. § 37-92-305(3)(e). The following table summarizes the historical consumptive use in terms of the monthly, annual, and long-term limits of the Subject Water Rights that were previously decreed.

*TOTAL DIVERSION AND DEPLETION LIMITS FOR SUBJECT WATER RIGHTS (ACRE-FEET)				
	Limits in 91CW005	Limits in 95CW156	Limits in 02CW054	Total
Maximum annual metered inflow to Cherokee	4,030	217	244	4,491
20-year avg. annual metered inflow to Cherokee	3,300	178	200	3,678
Maximum monthly metered inflow to Cherokee				
APR . . . . .	340	18	21	379
MAY . . . . .	550	30	33	613
JUN. . . . .	700	38	42	780
JUL. . . . .	780	42	47	869
AUG. . . . .	780	42	47	869
SEP. . . . .	540	29	33	602
OCT. . . . .	340	18	21	379
Maximum plant depletions				
Annual Max . . . . .	2,400	129	170	2,699
20 yr. running ave. . .	2,000	108	142	2,250

\*This Table is reproduced from the Table in paragraph 4.3 of the 02CW54 Decree.

3.9 Prior Quantification of Return Flow Obligations. The return flow obligations for the Subject Water Rights, as decreed in Case Nos. 91CW5, 95CW156 and 02CW54, shall continue to apply to the Subject Water Rights for the new uses and places of use identified herein. In general, without restating the decreed return flow requirements verbatim in this application, PSCo is obligated to deliver return flows as follows:

3.9.1 To Clear Creek: During the diversion season of April through October when the Lower Clear Creek Ditch and/or the Colorado Agricultural Ditch is diverting substantially all the flow of Clear Creek, PSCo shall deliver its return flow obligations at the Fisher Headgate Augmentation Station. Such return flow obligations are expressed as a percentage of the total volume of water attributable to the Subject Water Rights diverted at the Fisher Headgate as follows:

Month	Percentage of Fisher Headgate Deliveries of Subject Water Rights
April	9.2%
May	7.9%
June	6.0%
July	7.0%
August	8.5%
September	12.4%
October	19.0%

3.9.2 Summer South Platte Return Flow Obligations. In addition to the Clear Creek return flow obligation described above, during the diversion season of April through October, when there is a valid downstream call on the South Platte River senior to the various prior change decrees for the Subject Water Rights, PSCo shall deliver its return flow obligations above the calling right. Such return flow obligations are expressed as a percentage of the total volume of water attributable to the Subject Water Rights diverted at the Fisher Headgate as follows:

Month	Percentage of Fisher Headgate Deliveries of Subject Water Rights
April	50%
May	25%

June	15%
July	15%
August	15%
September	25%
October	50%

3.9.3 Winter South Platte Return Flow Obligations. During the non-diversion Season of November 1 through March 31, when there is a valid downstream call on the South Platte River senior to the various prior change decrees for the Subject Water Rights, PSCo shall deliver its return flow obligations above the calling right. Such return flow obligations are expressed as a percentage of the total volume of water attributable to the Subject Water Rights diverted at the Fisher headgate as follows:

Month	Percentage of Fisher Headgate Deliveries of Subject Water Rights
November	4.3%
December	4.3%
January	4.1%
February	3.9%
March	3.3%

**Claims for Changes of Subject Water Rights** 4. Change of Use Claims. PSCo seeks the following changes of the Subject Water Rights: 4.1 Additional Places of Use: PSCo seeks to add the following additional places of use for the Subject Water Rights: 4.1.1 Walstrum Quarry. The Walstrum Quarry is located at 33501 U.S. Highway 6, Idaho Springs, CO 80452. The Walstrum Quarry is located parts of Sections 34 and 35, Township 3 South, Range 72 West of the 6th P. M., Clear Creek County, Colorado 4.1.2 Spec Agg Quarry. The Spec Agg Quarry is located at 18401 W. Colfax Ave., Golden, CO 80401. The Spec Agg Quarry is located in Section 15, Township 4 South, Range 70 West of the 6th P. M., Jefferson County, Colorado 4.1.3 Rocky Mountain Energy Center. The RMEC is a power plant owned and operated by PSCo and located at 6211 County Road 51, Keenesburg, CO 80643. The RMEC is located in the south half of Section 31, Township 2 North, Range 65 West of the 6th P.M., Weld County, Colorado. 4.1.4 Fort St. Vrain Generating Station. FSV is a power plant owned and operated by PSCo and located at 17122 County Rd. 13, Platteville, CO 80651. FSV is located in the southeast quarter of Section 3 and the northeast quarter of Section 10, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado 4.2 Additional Types of Use. 4.2.1 PSCo seeks to add augmentation as an additional type of use for the portion of the Subject Water Rights that were previously changed in Case No. 91CW5. PSCo may use the Subject Water Rights in any plan for augmentation that lists the Subject Water Rights as a source of replacement water. 4.2.2 PSCo seeks to add industrial use at the locations described in Paragraph 4.1 above, to the extent not authorized pursuant to the decrees entered in Case Nos. 91CW5, 95CW156, and 02CW54. 4.2.3 PSCo seeks to add exchange as an additional use for the portion of the Subject Water Rights that were previously changed in Case No. 02CW54. PSCo does not seek to add the Subject Water Rights attributable to the 02CW54 Decree as a source of substitute supply in PSCo’s exchange decreed in Case No. 95CW157, but only as a source of substitute supply for the new exchange appropriation described herein, and any future exchange pursuant to a decree for such exchange that lists the Subject Water Rights as a source of substitute supply. 4.2.4 PSCo seeks to add recharge as an additional use for the Subject Water Rights. PSCo may use the Subject Water Rights in any future recharge project pursuant to a subsequent decree for such recharge project that lists the Subject Water Rights as a source for recharge. 4.3 Additional Place of Storage. PSCo seeks to add Stagecoach Reservoir, which is a lined, former gravel pit located on the east bank of the South Platte River, in parts of Sections 26 and 35, Township 1 South, Range 67 West of the 6th P.M. in Adams County, Colorado, as an additional place of storage for the Subject Water Rights. **Claim For Appropriative Right of Exchange** 5. Description of Clear Creek Exchange II: 5.1. Exchange Reach: PSCo’s Clear Creek Exchange II will operate on the mainstem and South Fork of Clear Creek. 5.1.1. Exchange-From Points 5.1.1.1. Fisher Augmentation Station: Fisher Augmentation Station is near the Fisher Ditch Headgate, described in paragraph 3.5, above. 5.1.1.2. Copeland Spillway Augmentation

Station is located in the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 3 South, Range 68 West of the 6th P. M., Adams County, Colorado, with UTM (Zone 13S) coordinates of 501747.3 E, 4408016.9 N. 5.1.2. Exchange-To Points 5.1.2.1. Clear Lake Reservoir is located on South Clear Creek in Clear Creek County, Colorado. The location of the dam crest over the outlet pipe is located whence the NW Corner, Section 29, Township 4 South, Range 74 West, 6th P.M. bears N. 20°30'10" W. 3,614 feet. The reservoir is located in the SW 1/4 of Section 29 and the NW 1/4 of Section 32, Township 4 South, Range 74 West of the 6th P.M. 5.1.2.2. Walstrum Quarry Pipeline No. 1 is located on the North bank of Clear Creek in the NE1/4SW1/4 of Section 34, Township 3 South, Range 72 West of the 6th P.M., Clear Creek County, Colorado, at a point 2,820 feet from the East line and 1,700 feet from the South line of said Section 34. 5.1.2.3. Walstrum Quarry Pipeline No. 2 is located on the North bank of Clear Creek in the NE1/4SW1/4 of Section 34, Township 3 South, Range 72 West of the 6th P.M., Clear Creek County, Colorado, at a point approximately 2,860 feet from the East line and 1,770 feet from the South line of said Section 34. 5.2. Exchange Rate: The maximum rate of exchange for the Clear Creek Exchange II will be 12.5 cfs, cumulative, if PSCo is exchanging to more than one of the Exchange-To Points, described above. 5.3. Date of Appropriation. April 30, 2024. 5.3.1. How Appropriation was Initiated. The appropriation date is based upon the date the application was filed with the Water Court. 5.3.2. Date Water First Applied to Beneficial Use. Not applicable. 5.4. Uses. Substitute supplies exchanged to the Exchange-To points described above may be used for the same purposes for which the source water is decreed, including those described in the change of water rights claim in this application. 5.5. Sources of Substitute Supply. The substitute supply for the Clear Creek Exchange II is the Subject Water Rights, as described above. 5.6. Limitations on Exchange. 5.6.1. Volumetric Limit: The annual volumetric limit for the Clear Creek Exchange II shall be 300 a.f. per year. 5.6.2. Operational Limitation: PSCo shall only operate the Clear Creek Exchange II when water is being released from storage in Clear Lake, and the rate of exchange shall be limited to the lesser of 12.5 cfs or the rate at which water is released from storage in Clear Lake. Any exchange of PSCo's Fisher Ditch shares for new uses authorized pursuant to this application shall only be made pursuant to the Clear Lake Exchange II, and not pursuant to PSCo's existing exchange decreed in Case No. 95CW157. 6. Names and Addresses of Owners of the Diversion Storage Structures Listed Above. (1) PSCo, 1800 Larimer Street, Suite 1300, Denver, Colorado 80202; (2) United Water Company, 1800 Larimer Street, Suite 1300, Denver, Colorado 80202; (3) Fisher Ditch Company, 1800 Larimer Street, Suite 1300, Denver, Colorado 80202; (4) (5) Martin Marietta, 1627 Cole Blvd., Suite 200, Lakewood, CO 80401. WHEREFORE, PSCo requests that the Court enter a decree granting the requested changes to the Subject Water Rights and the claimed appropriative right of exchange described in this application.

**2024CW3059 Applicant: GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28th Street, Greeley, Colorado 80631. (970) 330-4540 with all correspondence connected herewith being sent to Applicant's counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN PART IN WELD COUNTY**. 2. Conditional Water Right. 2.1. Name of Structures. La Poudre Reservoirs No. 3 & No. 4. 2.2. Decrees. Case No. 94CW97, 02CW74, 09CW67, 11CW105, 17CW3098. Water Division No. 1. 2.3. Descriptions of Points of Diversion. 2.3.1. Reservoirs No. 3 & 4. The B. H. Eaton Diversion the headgate of which is on the South side of the Cache La Poudre River in the Northwest Quarter of the Southeast Quarter, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.3.2. Reservoirs No. 3 & 4. From La Poudre No. 1 Pump Diversion adjacent to the Cache La Poudre River In the West One-half of the Southeast Quarter of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado lying south of the Cache La Poudre River and east of the B. H. Eaton Ditch. 2.3.3. Reservoir No. 4. The Whitney Diversion the headgate of which is on the North side of the Cache La Poudre River in the Northwest Quarter of the Southeast Quarter, Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2.3.4. Reservoirs No. 3 & 4. From La Poudre No. 2 Pump Diversion adjacent to the Cache La Poudre River in the Northwest Quarter or the West One-half of the East

One-half of Section 19, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado and surface flow, seep and runoff water. 2.4. Source. The Cache La Poudre River and its tributaries. 2.5. Appropriation. May 17, 1994. 2.6. Amount. B. H. Eaton Diversion, 50 c.f.s., conditional; La Poudre No. 1 Pump Diversion, 10 c.f.s., conditional. Reservoir No. 3 and No. 4, 1600-acre feet combined, conditional; Whitney Diversion, 100 c.f.s., conditional; La Poudre No. 2 Pump Diversion, 10 c.f.s., conditional, seep and runoff 10 c.f.s., conditional. 2.7. Use. Industrial and mining uses in conjunction with gravel mining operations, dust suppression, reclamation, sand and gravel washing, augmentation, replacement, exchange, irrigation, domestic, recreation, commercial, fire protection and fish and wildlife purposes. 3. Abandoned Uses. The decree in Case No. 09CW67 abandoned the following conditional uses. Industrial and mining uses in conjunction with gravel mining operations, dust suppression, reclamation, sand and gravel washing, irrigation, commercial, domestic and fire protection. 4. Absolute. The decree in Case No. 09CW67 made absolute the appropriation of 20.42 c.f.s. at the La Poudre Diversion (Whitney Diversion), described in ¶2.3.3., for augmentation, replacement and exchange purposes. The decree in Case No. 17CW3098 made an additional 9.88 c.f.s. absolute, for a total of 30.30 c.f.s. The 17CW3098 decree also made 541.56 acre feet of the 1600 acre foot storage volume absolute. 5. Conditional. The decree in Case No. 17CW3098 continued the balance of the water right as conditional. 6. Whitney Ditch. Applicant stipulated and the decree in Case No. 09CW67 at ¶17 requires. "In the event the La Poudre Reservoir Diversion structure and the Whitney Ditch diversion structure are operating simultaneously, and the Whitney Ditch is unable to divert the full amount to which it is entitled and can beneficially use pursuant to the Whitney Decree at the Whitney Ditch headgate because of the operation of the La Poudre Reservoir Diversion structure, then diversions at the La Poudre Reservoir Diversion structure shall be reduced by the amount of the shortage at the Whitney Ditch headgate. The Whitney Decree is Case No. 320 in the District Court in and for Larimer County entered on April 11, 1882 and grants the Whitney Ditch Company an appropriation date of September 1, 1862 for 48.23 c.f.s. and an appropriation date of September 10, 1871 for 12.95 c.f.s., both from the Cache La Poudre River." 7. Outline of What Has Been Done Toward Completion. 7.1. During the diligence period, Central negotiated an easement and right of way with the City of Thornton to protect La Poudre Reservoir infrastructure. Central also continued to divert water to fill the reservoirs and has released water from the reservoirs for use in its plans for augmentation. Maximum combined storage volume during the diligence period equaled 674.5 acre feet. Central has worked on and developed other aspects of its integrated system during the diligence period. The water right listed herein is part of Central's integrated system of water rights. Central has operated and developed its integrated system during the diligence period, including its Plans for Augmentation decreed in Case Nos. 02CW335, 03CW99 and 16CW3202 and has retained legal counsel and engineering consultants to assist in such operation and development. Central has filed and prosecuted applications for the addition and removal of wells to and from its Plans. Central has acquired water rights represented by shares in various ditch companies and has prosecuted applications changing those water rights for use by Central in its Plans. Central has acquired various gravel pits and made capital improvements for storage of water. Central has appropriated new water rights and has leased water rights on a temporary basis for use in its Plans. Central has participated as an opposer in numerous water court applications to protect its water rights. Central has prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights. Central and its parent district the Central Colorado Water Conservancy District have expended more than \$77,000,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 8. Claim To Make Absolute and for Finding of Reasonable Diligence. Pursuant to §37-92-304 C.R.S., Central requests that the storage volume amount be made absolute in the amount of 674.5-acre feet. Additionally, Central seeks a finding that it has been reasonably diligent in the development of the conditional water right under the circumstances of this case and entry of a decree maintaining the right as conditional for the statutory period. The original application consists of 5 pages.

**2024CW3060 (16CW3059) CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE UNITED WATER AND SANITATION DISTRICT IN ADAMS, ARAPAHOE, DENVER,**

**DOUGLAS, ELBERT, MORGAN, AND WELD COUNTIES** (“Applicant”). **ROBERT LEMBKE**, 8301 East Prentice Ave. #100, Greenwood Village, Colorado 80111 and **JOSH SHIPMAN**, 8301 East Prentice Ave., #100, Greenwood Village, Colorado 80111. Please send all pleadings and correspondence to: Tod J. Smith, Esq., Law Office of Tod J. Smith, LLC, 2919 Valmont Road, Suite 205, Boulder, Colorado 80301, [tod@tjs-law.com](mailto:tod@tjs-law.com) (Attorney for Applicants). **Names and Legal Descriptions of Structures Decreed in Case No. 16CW3059 (“Decree”) with Updated Diligence Information:** Name of Structure: Milliken Reservoir. Mining of the Milliken Reservoir site is on-going. Description of Milliken Reservoir: Milliken Reservoir is a lined off-channel reservoir currently designed to be located within Sections 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M. in Weld County, Colorado. Milliken Reservoir will consist of a series of lined, interconnected gravel pit cells. In Case No. 16CW3059, the conditional storage right included cells in the northern portion of the site, including cells C1, C2, D1, D2, and the Sharkey Pit. Cell C-1 was lined and approved prior to entry of the Decree. Cells C2 and D1 were reconfigured and now encompass what was originally identified as Cell D2. A map showing the reconfigured cells is attached as **Exhibit A**. Cells C2 and D1 were lined during the diligence period and have been preliminarily leaked proof approved. Letters providing provisional approval for meeting the August 1999 State Engineer’s Guidelines for Lining Criteria for Gravel Pits (“1999 SEO Guidelines”) are attached as **Exhibits B-1 and B-2**. The Applicant filed notice to all opposers in Case No. 16CW3059 of the provisional liner approvals on April 22, 2024, which is attached as **Exhibit C**. Water has been stored in in-situ storage in Cell C1, the original cell, which continued to be mined during the diligence period. The State Engineer’s final approval will be sought when construction and mining are completed. The final configuration of cells comprising Milliken Reservoir may be changed as development proceeds. All additional cells will be lined and approved by the State Engineer, before being used for storage. United will serve written notice on all Opposers when it receives approval of the lining of any additional cells in Milliken Reservoir. Surface Area: The preliminary designed surface area of Milliken Reservoir is approximately 417 acres at the high water mark, which may change upon completion of the Reservoir. Capacity: The planned capacity of Milliken Reservoir is approximately 18,465 acre-feet, which may change upon completion of the Reservoir. Legal Description of Points of Diversion and Outlet Structures. Surface water may be diverted into and released from Milliken Reservoir through the following structures and facilities. South Diversion. 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., in Weld County, Colorado. A diversion facility at the Jay Thomas Ditch Diversion Dam will only be constructed and used by United pursuant to an agreement with the owner, Public Service Company of Colorado. North Diversion. Originally decreed at a point on the South Platte River downstream of the confluence with the St. Vrain River in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., in Weld County, Colorado. The North Diversion was constructed during the diligence period and is located in the NW1/4 of the SE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., in Weld County Colorado. The as-built location of the point of diversion is 133 feet from the quarter section line between the originally decreed NE1/4 of the SW1/4 of Section 26, and the as-built location in the NW1/4 of the SE1/4 of Section 26, which is within the 500 feet allowed under paragraph 44 of the Decree. There are no intervening points of diversion between the originally proposed location and the as-built location. The North Diversion Structure is currently equipped with two temporary 10 cfs pumps which will be replaced with a permanent 50 cfs pump and controls which can be expanded to 100 cfs. The Applicant filed notice to all opposers in Case No. 16CW3059 of the as-built location of the diversion structure on April 22, 2024, which is attached as **Exhibit C**. Milliken Pump(s). See paragraph 2.1.4.2, North Diversion above. 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. in Weld County, Colorado (Pump Station No. 1), and United may again 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 River in Section 34, Township 4 North, Range 67 West of the 6th P.M., in Weld County, Colorado (Pump Station No. 2). The Milliken Pump(s) divert surface water only to storage in Milliken Reservoir. Western Mutual Ditch Company 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., in Weld County, Colorado, at a point that is 268 feet from the South section line and 2,688 feet from the East section line. Water will be delivered to Milliken Reservoir through an interconnect between the Western Mutual Ditch and the reservoir. The Western Mutual Ditch is owned by the Western Mutual Ditch Company, P.O. Box 282, LaSalle, Colorado, 80645, and water diverted into the Western Mutual Ditch and/or delivered from the ditch to the reservoir pursuant to this Decree will be pursuant to a written agreement with the Western Mutual Ditch Company or other legal authority. Milliken Reservoir Outlet Structures. Milliken Reservoir will have several outlets with the capability of returning water to the South Platte River at the following locations: (1) the SE1/4 of the NW1/4 of Section 2, Township 3 North, Range 67 West of the 6th P.M., in Weld County, Colorado; (2) the NW1/4 of the NW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., in Weld County, Colorado; and (3) the SW1/4 of the NE1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., in Weld County, Colorado. The North Diversion structure described above can also operate as an outlet from Milliken Reservoir. Source: South Platte River. Name of Structure: 70 Ranch Reservoir. Construction of 70 Ranch Reservoir was completed during the diligence period. The Applicant filed notice to all opposers in Case No. 16CW3059 regarding the 70 Ranch liner approval on April 22, 2024, which is attached as **Exhibit D**. The State Engineer approved the construction of the dam and liner on January 16, 2020, which was filed in Case No. 16CW3059 on April 22, 2024, and is attached as **Exhibit E**. See also **Exhibit C**. Description of Structure: 70 Ranch Reservoir is a lined off-channel reservoir located in the S1/2 of Section 3, Township 4 North, Range 63 West and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West all of the 6th P.M, Weld County, Colorado. Surface Area: The surface area of the completed reservoir is 162.96 acres. Storage Depth: The storage depth of the completed reservoir is 44 feet. Capacity: The capacity of the completed 70 Ranch Reservoir is 5,496.8 acre-feet. The Applicant filed notice on all opposers in Case No. 16CW3059 of the stage area capacity curve on April 30, 2024, which is attached as **Exhibit F**. Legal Description of the Point of Diversion and Outlet Structure: During the diligence period the diversion and outlet works which divert water from and release water to the South Platte River were constructed and are operational: 70 Ranch Reservoir diversions and releases can be made through a bidirectional pipeline whose point of diversion/release is located on the South Platte River in the NW1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., approximately 1,596 feet from the East section line and 1,675 feet from the South section line of said Section 34 in Weld County, Colorado. Water is conveyed to 70 Ranch Reservoir in a sealed pipeline. There is a totalizing meter located on the pipeline between the point of diversion and the point of discharge into the Reservoir. Releases from the bi-directional pipeline are also made to the South Platte River through a separate outlet located within in the SE1/4 of the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M. approximately 690 feet from the East section line and 270 feet from the South section line of said Section 34 in Weld County, Colorado. The Applicant filed notice to all opposers in Case No. 16CW3059 of the as-built locations of the diversion and outlet structures on April 22, 2024, which is attached as **Exhibit C**. Source: South Platte River. **Conditional Decreed Storage Water Rights: Conditional Milliken Reservoir Right**. The location and description of Milliken Reservoir and its decreed points of diversion are set forth above in paragraph 2.1. Appropriation Date: April 29, 2016. Rate of Diversion. South Diversion – 260 cfs. North Diversion – 260 cfs. Milliken Pumps – 260 cfs. Western Mutual Ditch Headgate – 185 cfs. Maximum combined Diversion Rate – 260 cfs from all diversion points combined. Volume Decreed. 3,000 acre-feet per year, with one refill in the amount of 3,000 acre-feet per year, conditional. The total amount that can be in storage at any one time under the Milliken Reservoir Right, including the refill right, is 3,000 acre-feet, provided that the amount of both the first fill and the refill right shall be reduced if the final as-built storage volume made available to United is less than 3,000 acre-feet. Conditional 70 Ranch Reservoir Right. The location and description of 70 Ranch Reservoir and its decreed points of diversion and outlet are set forth above in paragraph 2.2. Appropriation Date. February 1, 2016. Rate of Diversion. 100 cfs – The Applicant has constructed a pump station with a 50 cfs capacity and an outlet to South Platte River with a 50 cfs gravity flow capacity. The pump station has the ability to expand to 100 cfs capacity. Volume Decreed. 6,000 acre-feet per year conditional, with one re-fill in the amount of 6,000 acre-feet per year, conditional. The total amount that can be in storage under the 70 Ranch

Reservoir Right at any one time, including the refill right, is 6,000 acre-feet, provided that the amount of both the first fill and the refill right shall be reduced if the final as built storage volume made available to United is less than 6,000 acre-feet. Conditional Decreed Uses of Milliken and 70 Ranch Reservoir Water Rights. 70 Ranch. Use on the 70 Ranch for irrigation of up to 5,000 acres, stock watering (excluding concentrated animal feeding operations as defined by the United States Department of Agriculture), oil, gas, and mineral production occurring on 70 Ranch, industrial, commercial, and indoor uses within the 70 Ranch machine shop, farm equipment maintenance, washing, and dust suppression activities. Lower Latham Farms. Use on the Lower Latham Farms for irrigation of up to 400 acres and farm equipment maintenance, washing, and dust suppression activities. Fort Morgan Farms. Use on the Fort Morgan Farms for irrigation of up to 468 acres and farm equipment maintenance, washing, and dust suppression activities. DeSanti Parcel. Use on the DeSanti Parcel for irrigation of up to 15 acres and farm equipment maintenance, washing, and dust suppression activities pursuant to pending Case No. 19CW3073. (Case No. 16CW3053 was dismissed and no decree was entered.) Highlands Development. Use on the Highlands Development for municipal, commercial, domestic, irrigation and farm equipment maintenance, washing, and dust suppression activities, including carry-over of water from year-to-year to allow such uses during periods of drought. ECCV and ACWWA Service Areas. Use for the ECCV and ACWWA service areas shall be limited to the amount necessary to replace losses incurred by United in conveying water from the original point of diversion to the ECCV water treatment plant located in the Beebe Draw (“Delivery Losses”) to fulfill United’s Contractual Obligations. Use within the ECCV and ACWWA service areas of any water delivered by United to replace Delivery Losses shall be for municipal, industrial, domestic, irrigation, and commercial purposes with the right to use, reuse, and successively use such water subject to the requirements of paragraph 8.2.7 and the volumetric limits of paragraph 13.22 of the Decree, including carry-over of water from year-to-year to allow such uses during periods of drought. Right to use, reuse, and successively use to extinction. United may fully consume and use, reuse and successively use to extinction water diverted under the water rights decreed herein at the places and for the uses described above; however, prior to any reuse and successive use, United shall file a new application with the Water Court and obtain a decree from the Water Court quantifying the rate, timing, and, except as determined in paragraph 29.1.1 of the Decree for the purpose of use as substitute supply in the appropriative rights of exchange decreed herein, the location of reusable return flows available for such reuse and successive use, and approving the points of diversion or re-diversion for the reusable return flows available for such reuse and successive use. Use after Storage. The water storage rights decreed herein, after storage and subsequent release, may be used to replace Delivery Losses as described in paragraph 8.8 of the Decree and for the purposes described above on the 70 Ranch, Lower Latham Farms, and Fort Morgan Farms. Use in Augmentation Plan. Water diverted pursuant to the water rights decreed in Case No. 16CW3059 may be used for and is approved for use as a source of augmentation supply in the augmentation plan described in the Decree. Use in Exchanges. United will use the water storage rights as a source of substitute supply in the appropriative rights of exchange decreed in Case No. 16CW3059. Use as a source of substitute supply in any future appropriative rights of exchange may only occur pursuant to a subsequent decree of the Water Court that authorizes such use. Use in Future Exchanges, Augmentation Plans, and Recharge Projects. Uses on lands other than those identified in paragraph 8.1 of the Decree and/or for uses other than those described in paragraph 8.2 of the Decree will be permitted only if the water rights decreed herein are subsequently changed in water court for such uses at alternative locations, or approved pursuant to a substitute water supply plan approved by the State Engineer pursuant to C.R.S. § 37-92-308(4), or successor statutes, subject to the terms and limitations of the Decree including the limitations of paragraphs 8.7 and 51 of the Decree. Disposition of Water Rights. The water rights decreed in Case No. 16CW3059 are dedicated to use in and on, or for augmentation of well pumping on, the areas depicted in Exhibit A attached to the Decree, and the uses described in paragraph 8 and its subparagraphs of the Decree, and shall not be sold, leased for a period exceeding five years (“Long Term Lease”), or otherwise permanently disposed of by United for uses other than those authorized by the Decree, except under the conditions set forth in paragraph 51 of the Decree. Use of any conditional water right decreed herein under any lease may not be used as evidence to demonstrate diligence with respect to that water right or as the basis to make the water right absolute. Use

in ECCV and/or ACWWA Augmentation Plans. Subject to paragraphs 8.1 and 8.2.6 of the Decree, water diverted pursuant to the decreed water rights may be used to fulfill Applicant's Contractual Obligations to provide water to ECCV and ACWWA, provided that any use of the water in any existing ECCV or ACWWA augmentation plan or exchange, including but not limited to those decreed in Case Nos. 02CW403, 02CW404, 03CW442, 10CW306, and 13CW3026, must be pursuant to the terms and conditions of those decrees for adding additional sources of augmentation supplies, including any notice provisions set forth therein. **Conditional Appropriative Rights of Exchange:** Exchange-From Points. Accretion Point for 70 Ranch Irrigation Return Flows. The most downstream point at which 70 Ranch irrigation return flows accrue to the South Platte River is located at the west section line of Section 23, Township 4 North, Range 62 West of the 6th P.M., in Weld County, Colorado, as the section line intersects with the South Platte River. 70 Ranch Reservoir Outlet Structures. Described above in paragraph 2.2.5. Haren Recharge Facility Accretions. The point at which water recharged at the Haren Recharge Facility 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., in Weld County, Colorado. Use of recharge credits from the Haren Recharge Facility shall be subject to the terms and conditions of Paragraph 52 and its subparagraphs of the Decree. Milliken Reservoir Outlet Structures. Described above in paragraph 2.1.4. St. Vrain Confluence. The confluence of St. Vrain Creek and the South Platte River which is located in the SW1/4 of the NE1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M., in Weld County, Colorado, from which the water will be exchanged to the St. Vrain Pipeline located at one of the following locations or any point between these two locations: (1) 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., in Weld County, Colorado; or (2) the NW1/4 of the NW1/4 of Section 10, Township 3 North, Range 67 West of the 6th P.M., in Weld County, Colorado. St. Vrain Pipeline. 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 located 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., in 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., in Weld County, Colorado or the E1/2 of Section 25, Township 3 North, Range 67 West of the 6th P.M., in Weld County, Colorado; or (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., in Weld County, Colorado. Brighton Lateral Reservoir Intake/Outlet Facility. The point of discharge from the Brighton Lateral to the South Platte River will be located within either the NW1/4 of the NW1/4, or the NE1/4 of the NW1/4, both in Section 18, Township 1 North, Range 66 West of the 6th P.M., in Weld County, Colorado. United Reservoir No. 3 Discharge. The point of discharge from United Reservoir No. 3 to the South Platte River 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., in Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. Exchange-To Points. 70 Ranch Reservoir Diversion Point. Described above in paragraph 2.2.5.1. United Diversion Facility No. 1 (Riverside Canal Headgate). The existing headgate for the Riverside Canal Intake is located on the north bank of the South Platte River in the SW1/4 of the SW1/4 of Section 20, Township 5 North, Range 63 West of the 6th P.M., in Weld County, Colorado. This is a surface diversion. Milliken Reservoir Diversion Points. Described above in paragraph 2.1.4. St. Vrain Pipeline Diversion. Described above in paragraph 4.1.5. Brighton Lateral Reservoir Intake/Outlet Facility. The Brighton Lateral Reservoir Intake/Outlet Facility can function as an outlet (Exchange-From) point or a diversion (Exchange-To) point. The location of the Facility is described in paragraph 29.1.7 of the Decree. 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., in Adams County, Colorado, located 1,636 feet east of the west line and 1,531 feet north of the south line of said Section 26. Burlington Canal Headgate. The headgate of the Burlington Canal (also known as the "Burlington Ditch") is located, pursuant to a changed point of diversion decreed in Case No. 02CW403 Water Division No. 1 ("403 Decree"), at a point 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., in the City and County of Denver, Colorado. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. Nothing in this Decree shall be construed so as to abrogate, alter, supersede, or otherwise affect any legal rights and obligations set forth in the agreement dated July 1, 1921 among FRICO, Burlington, and Henrylyn. The City of Thornton has a September 24, 1981 agreement with FRICO, Burlington, and the Wellington Reservoir Company for use of the first 200 cfs of excess capacity in the Burlington Ditch and a July 18, 1985 agreement with Henrylyn for use of the first 100 cfs of excess capacity in the Burlington Ditch. United's use of the Burlington Ditch will be subject to and limited by Thornton's prior rights. Sources of Substitute Supply. United's Milliken Reservoir Right, described in paragraph 10 of the Decree and above in paragraph 3.1. United's 70 Ranch Reservoir Right, described in paragraph 12 of the Decree and above in paragraph 3.2. Irrigation return flows from irrigation of the 70 Ranch, subject to the limitations of paragraph 29.1.1 of the Decree. Accretions from the Haren Recharge Facility to the South Platte River available to United through the Haren Recharge Allocation Agreement, as described in paragraph 18.4 of the Decree. Use of recharge credits from the Haren Recharge Facility are subject to the terms and conditions of Paragraph 52 and its subparagraphs of the Decree. United's water described in paragraphs 29.3.1 through 29.3.4 of the Decree that is stored in Brighton Lateral Reservoir. United's water described in paragraphs 29.3.1 through 29.3.4 of the Decree that is stored in United Reservoir No. 3. Maximum Rates of Exchange. From 70 Ranch Irrigation Return Flows – 4 cfs. From 70 Ranch Reservoir discharge – 100 cfs. From the point of accretion of Haren Recharge Facility credits – 11 cfs. From Milliken Reservoir discharge – 260 cfs. From the St. Vrain Pipeline discharge – 50 cfs. From the Brighton Lateral discharge – 50 cfs. From United Reservoir No. 3 discharge – 50 cfs. The maximum exchange rate for any exchange shall be no greater than the final as built capacity of the Exchange-From and Exchange-To points, if less than the identified maximum exchange rates. Aggregate Limits. The maximum total aggregate rate of exchange for the simultaneous operation of two or more of the exchange rights decreed herein shall not exceed 360 cfs. Volumetric Limits. The total volume of water that may be diverted under the decreed exchange rights is limited as follows: 70 Ranch Irrigation Return Flow Exchange-From Point. Limited to a maximum of 1,100 acre-feet annually. 70 Ranch Reservoir Exchange-From Point. Limited to a maximum of 7,200 acre-feet annually. Haren Recharge Facility Exchange-From Point. Limited to a maximum of 4,333 acre-feet annually. Milliken Reservoir Exchange-From Point. Limited to a maximum of 3,600 acre-feet annually. United Reservoir No. 3 and/or Burlington Canal Exchange-To Points. Limited to a maximum of 4,000 acre-feet. Appropriation Date. April 29, 2016. Uses. The uses of water diverted at the Exchange-To points under the appropriative rights of exchange decreed herein are described in the Decree at paragraph 8, and above in paragraph 3.3. **Outline of Work Performed or Actions Taken Toward Completion of the Appropriation and Application of the Water to Beneficial Use as Conditionally Decreed**. During the diligence period, the Applicant: Milliken Reservoir. See paragraph 2.1.1 above. Constructed slurry walls lining Cells C2 and D1. The slurry walls were tested and a preliminary leak test was approved. A copy of that approval is attached to the Application as **Exhibits B-1 and B-2**. The Applicant also constructed the diversion structure and a wet well, located as described above in paragraph 2.1.4.2., which, when permanent pumps are installed, will initially have a 50 cfs inlet and outlet capacity that can be increased to 100 cfs. Gravel mining is ongoing in Cell C2. Applicant expended approximately \$6,000,000 during the diligence period on these construction activities at Milliken Reservoir; 70 Ranch Reservoir. See paragraph 2.2 above. Completed construction of 70 Ranch Reservoir and its inlet and outlet infrastructure. A Certificate of Substantial Completion was signed on October 10, 2019 and is attached to this Application as **Exhibit E**. The Applicant spent approximately \$5,500,000 constructing and completing 70 Ranch Reservoir; United Reservoir No. 3 (exchange-from and exchange-to point). Constructed a pump station which delivers water to the Beebe Pipeline for delivery to the Beebe Draw where the Highlands Development and the DeSanti Parcel are located. The Applicant spent approximately \$7,000,000 during this period on the construction and completion of the pump station; Spent approximately \$400,000 on engineering fees related to the construction at Milliken and United No. 3 Reservoirs described above; Diverted and stored 221 acre-feet in Milliken Reservoir at a maximum rate of 10.04 cfs during Water Year 2019 (see paragraphs 6.1 and 6.2 below); Diverted and stored 2,224 acre-feet

in 70 Ranch Reservoir at a maximum rate of 52.1 cfs during Water Year 2023 (see paragraphs 6.3, 6.4 and 6.5 below); Exchanged 186.7 acre-feet from the Haren Recharge Accretion Point to Milliken Reservoir at a maximum rate of 1.3 cfs (see paragraph 6.6.1 below); Exchanged 371.5 acre-feet from 70 Ranch Reservoir to the United Diversion No. 1 (Riverside Headgate) at a maximum rate of 7.42 cfs (see paragraph 6.6.2 below); Filed a new application in Case No. 19CW3073, to provide, in part, additional mechanisms to convey United's water decreed in this case into the Beebe Draw for delivery to the Highlands Development, the DeSanti Parcel, and to replace ECCV and ACWWA Delivery Losses. All opposers in Case No. 19CW3073 have stipulated in the case and a final proposed decree will be submitted to the Water Court; Negotiated, together with ECCV and ACWWA, with the Farmers Reservoir and Irrigation Company ("FRICO") and consummated agreements which, in part, confirm the Applicant's ability to deliver its water through the FRICO system in the Beebe Draw; Beneficially used water stored under the 70 Ranch Reservoir Right and exercised decreed conditional exchanges as set forth below in paragraph 6. Spent substantial amounts of money and devoted hundreds of man hours to the development, operation, maintenance, and improvement of its water delivery infrastructure and water rights portfolio. As part of the overall effort, the Applicant retained engineering consultants and attorneys to assist in the operation, maintenance, improvements, and protection of its water delivery infrastructure and its water rights: Spent approximately \$1,200,000 in legal fees, protecting the Applicant's water rights and facilities, and negotiating agreements with FRICO, ACWWA, and ECCV; Spent approximately \$1,800,000 in engineering fees and expenses, operating its water delivery system, evaluating additional water rights and facilities for incorporation into its water supply system, protecting the Applicant's water rights and facilities, and negotiating agreements with FRICO, ACWWA, and ECCV. Installation of Webcams. Pursuant to paragraph 30.5.1 of the Decree, the Applicant has installed digital cameras (webcams) at the Riverside Canal headgate, Empire Canal headgate, and Western Ditch headgate. The webcams are connected to the internet and can transmit images of the flow of the South Platte River in real time. The images can be replayed and reviewed for up to 60 days from the date of transmission. The Applicant filed notice to all opposers in Case No. 16CW3059 of the installation of the webcams and links to the sites on April 23, 2024, which is attached as **Exhibit G**. The Applicant spent approximately \$10,000, on the installation of the webcams. ECCV and ACWWA Delivery Losses. Pursuant to paragraph 13.1 of the Decree, the Applicant has entered into an agreement confirming its legal obligation to provide up to 500 acre-feet annually to replace ECCV and ACWWA Delivery Losses. The Applicant filed notice to all opposers in Case No. 16CW3059 of the agreement on April 30, 2024, which is attached as **Exhibit H**. The work performed and actions taken by the Applicant during the diligence period demonstrate its continuing intent to develop the conditional water storage rights and appropriative rights of exchange originally decreed in Case No. 16CW3059. The Applicant has shown that it can and will implement the conditional water storage rights and appropriative rights of exchange, which will be completed and exercised with diligence within a reasonable time. **Water Applied to Beneficial Use and Made Absolute**. The Applicant seeks to have decreed absolute the following: Milliken Reservoir Right (Volume). Stored 221 acre-feet during Water Year 2019 for subsequent beneficial use. A determination that the storage of this water can be made absolute is subject to the terms set forth in paragraph 13.20 of the Decree; Milliken Reservoir Right (Diversion Rate). 10.04 cfs diverted into storage on May 10, 2023; 70 Ranch Reservoir Right (Volume). Stored 2,224 acre-feet during Water Year 2023 for subsequent beneficial use. A determination that the storage of this water can be made absolute is subject to the terms set forth in paragraph 13.20 of the Decree; 70 Ranch Reservoir Right (Diversion Rate). 52.1 cfs diverted and stored on June 7, 2023. 70 Ranch Reservoir Right (Volume). 371.5 acre-feet of the water stored was subsequently used for oil and gas development on the 70 Ranch from December 29, 2022 to March 30, 2023, see paragraph 13.20 of the Decree; Exchanges Claimed Absolute. Haren Recharge Credits exchanged from the Haren Recharge Accretion Point to Milliken Reservoir – 186.7 acre-feet exchanged from July 13, 2020 to September 30, 2020, at a maximum rate of 1.3 cfs on September 19, 2020; 70 Ranch Reservoir Right exchanged from 70 Ranch Reservoir to United Diversion No. 1 (Riverside Headgate) – 371.5 acre-feet exchanged from December 29, 2022 to March 30, 2023, at a maximum rate of 7.42 cfs on December 30, 2022. **Date of Filing of the Application**. This Application for finding of reasonable diligence and to make absolute has been filed on or before April 30, 2024, in accordance with the Court's Notice

Concerning Conditional Water Right dated January 30, 2024. **Decreed Terms and Conditions.** If not repeated in this Application, the terms and conditions imposed in the Decree issued in Case No. 16CW3059, are applicable and will be included in a decree entered in this case, unless the term and condition applied only during the first diligence period and has been addressed. **Requested Relief** WHEREFORE, the Applicant, United Water & Sanitation District, respectfully requests entry of decree: Decreeing that the storage of 221 acre-feet of water in Milliken Reservoir, as described above in paragraph 6.1, has been made absolute; Decreeing that the diversion into Milliken Reservoir at the rate of 10.04 cfs, as described above in paragraph 6.2, has been made absolute; Decreeing that the storage of 2,224 acre-feet of water in 70 Ranch Reservoir, as described above in paragraph 6.3, has been made absolute; Decreeing that the diversion into 70 Ranch Reservoir at the rate of 52.1 cfs, as described above in paragraph 6.4, has been made absolute; Decreeing that 371.5 acre-feet of the 70 Ranch Reservoir Right for oil and gas development on the 70 Ranch, as described above in paragraph 6.5, has been made absolute; Decreeing that the exchange of 186.7 acre-feet at a rate of 1.3 cfs from the Haren Recharge Accretion Point to Milliken Reservoir, as described above in paragraph 6.4.1, has been made absolute; Decreeing that the exchange of 371.5 acre-feet at a rate of 7.42 cfs from 70 Ranch Reservoir to the United Diversion No. 1 (Riverside Headgate), as described above in paragraph 6.3, has been made absolute; Confirming that work on one feature of United's single, unified, and integrated water supply project shall be considered in finding reasonable diligence in the development of all features of its water supply project; and Determining that the Applicant has demonstrated reasonable diligence in the development of the conditional water storage rights and appropriative rights of exchange originally decreed in Case No. 16CW3059 and continuing the remaining portions of those conditional water rights in good standing and setting a date by which the Applicant must file a subsequent finding of reasonable diligence. (The Application is 12 pages with nine exhibits.)

**2024CW3061** (2017CW3058, 2010CW41, 03CW096, 92CW150, 81CW407) **PIONEER WATER & IRRIGATION, INC.**. Serve all pleadings on Matthew Machado, Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce Street, Unit 1B, Louisville, CO 80027: **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN MORGAN COUNTY. Name, address, e-mail address, and telephone number of Applicant:** Pioneer Water and Irrigation, Inc. ("Pioneer" or "Applicant") P.O. Box 1218 Fort Morgan, CO 80701 Phone: (970) 867-3054 2. **Name of water right:** Pioneer Water and Irrigation, Inc. Reservoir and Recharge System and Storage Facilities (the "Subject Water Right"). 3. **Describe conditional water right giving the following from the previous Decree:** 3.1. **Date of original decree, case no. and Court:** The District Court, Water Division No. 1 entered the original decree on December 3, 1986, in Case No. 81CW407 (the "Original Decree"). The Original Decree included a direct flow water right of 175 cfs (57 cfs was decreed absolute and 118 cfs was decreed conditional), a storage water right for 920 acre-feet with the right to fill and refill (235.9 acre-feet was decreed absolute and 684.1 acre-feet was decreed conditional), and 66 acre-feet was decreed absolute in sites 12 and 13 (canal seepage). 3.2. **Subsequent decrees awarding findings of diligence:** 3.2.1. The Court entered a decree finding of diligence for the conditional portion of the Subject Water Right on March 20, 1996, in Case No. 92CW150. 3.2.2. The Court entered a finding of diligence for the conditional portion of the Subject Water Right on January 14, 2004, in Case No. 03CW09. In that case, a portion of the Subject Water Right was made absolute. The Court made absolute an additional 12 cfs of the remaining conditional direct flow water right, a total of 69 cfs for the direct flow water right, and the entire remaining 684.1 acre-feet for the storage water right, with the right to fill and refill and maintain at full capacity when legally available. 3.2.3. The Court entered a finding of diligence for the remaining conditional portion of the direct flow water right on March 11, 2011, in Case No. 2010CW41. In that case, the Court made an additional 33 cfs of the direct flow water right absolute, for a total of 102 cfs absolute for the direct flow water right. The remaining conditional portion of the Subject Water Right was the direct flow water right for 73 cfs. 3.2.4. The Court entered a finding of diligence for the remaining portion of the direct flow water right, 73 cfs, on April 13, 2018, in Case No. 2017CW3058. That remaining conditional portion is the subject of this diligence application. 3.3. **Legal description of the structures:** 3.3.1. The point of diversion is located in the SE 1/4 of Section 25, Township 4 North, Range 57 West of the 6th P.M., Morgan County, at the common headgate for the

Tremont and Snyder-Smith Canals. The location of the point of diversion is depicted on **EXHIBIT A**. 3.3.2. The storage and recharge facilities are located generally in Townships 4 and 5 North, Range 56 West, and Township 5 North, Range 55 West, of the 6th P.M., Morgan County, Colorado. The specific legal descriptions were included in the Original Decree and are provided in Table 1, attached to this Application as **EXHIBIT B**. Exhibit A depicts the location of the storage and recharge facilities. 3.4. **Source of Water:** South Platte River. 3.5. **Appropriation Date:** June 30, 1977. 3.6. **Amount Subject to this Application:** The 73 cfs of the 175 cfs direct flow water right confirmed in the Original Decree that remains conditional. 3.7. **Uses:** Recharge and augmentation purposes. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** 4.1. During the diligence period, Pioneer diverted water from the South Platte River through the Tremont and Snyder-Smith Canals for storage, recharge, and augmentation when available and in priority pursuant to the Subject Water Right. Pioneer has continued to design and construct the storage facilities identified in the Original Decree, and used, maintained, and repaired those facilities that are in place and operational. 4.2. The following table shows the current status of the storage facilities identified in the Original Decree:

SITE NO.	SITE NAME	STATUS
1	Vessels Lake	Constructed/Operational
2	Prairie Lake	Undeveloped
3	Woodward West Lake	Constructed/Operational
4	Snyder Lake	Constructed/Operational
5	North Lake	Constructed/Operational
6	Woodward East Lake	Constructed/Operational
7	Walker West Lake	Constructed/Operational
8	Smith Reservoir	Constructed/Operational
9	Peterson Lake No. 1	Constructed/Operational
10	Peterson Lake No. 2	Constructed/Operational
11	Segelke Lake	Constructed Operational
12	Upper Canal	Constructed/Operational
13	Lower Canal	Constructed/Operational

4.3. Pioneer has expended in excess of \$277,000 on the development of the conditional water rights during the diligence period, including expenditures on constructing, maintaining and operating the augmentation and recharge project as detailed below:

APPLICANT'S EXPENDITURES DURING THE DILIGENCE PERIOD							
Financial Year	2018	2019	2020	2021	2022	2023	TOTAL
Running	\$ 38,848	\$ 25,102	\$ 20,773	\$ 22,727	\$ 9,909	\$ 20,634	\$ 137,993
Storage	\$ 3,732	\$ 3,070	\$ 2,697	\$ 2,881	\$ 2,667	\$ 573	\$ 15,620
Utilities – Pumping Costs	\$ 6,984	\$ 8,233	\$ 3,196	\$ 4,925	\$ 1,950	\$ 5,484	\$ 30,772
Repair and Maintenan	\$ 8,301	\$ 5,287	\$ 21,323	\$ 8,230	\$ 7,413	\$ 2,068	\$ 52,622
Delivery Incentive	\$ 4,357	\$ 2,135	\$ 1,161	\$ 1,601	\$ 0	\$ 612	\$ 9,866
Prof.	\$ 601	\$ 605	\$ 565	\$ 615	\$ 754	\$ 690	\$ 3,830
Well Meter Certificatio	\$ 0	\$ 3,200	\$ 1,400	\$ 600	\$ 600	\$ 2,600	\$ 8,400

Well Meter Repair	\$ 1,089	\$ 2,162	\$ 1,535	\$ 2,106	\$ 0	\$ 0	\$ 6,892
Clerical and Management	\$ 2,780	\$ 2,060	\$ 1,621	\$ 1,587	\$ 1,582	\$ 1,613	\$ 11,243
<b>TOTAL</b>	<b>\$ 66,692</b>	<b>\$ 51,854</b>	<b>\$ 54,271</b>	<b>\$ 45,272</b>	<b>\$ 24,875</b>	<b>\$ 34,274</b>	

Notes: Pioneer also incurred legal fees during the diligence period, which are not included in the amounts in the table. 5. **Amounts claimed to have been made absolute:** Not applicable. 6. **Name and address of owner of 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.** 6.1. The Tremont and Snyder-Smith Canal headgate is located on land owned by the State of Colorado acting by and through DNR for the benefit of the Colorado Parks and Wildlife and its Commission, 6060 Broadway, Denver, CO 80216. 6.2. The names and addresses of the land upon which the storage facilities are located are as follows: 6.3.

Site No.	Site Name	Name & Address of Owners
1	Vessels Lake	Morgan County Quality Water District P.O. Box 1218 17586 MCR 20 Fort Morgan, CO 80701
2,3	Prairie Lake Woodward West Lake	Dale & Karen Weiderspon 28194 Road W.5 Snyder, CO 80750
4	Snyder Lake	Wildcat Dairy, LLC 24268 MCR 21 Fort Morgan, CO 80701 Joseph R & Ann M Archuleta, P.O. Box 9222 Snyder, CO 80750 Snyder-Smith Ditch Co. AA Smith Irrigating Canal, Reservoir Milling & Pipe Line Co & Snyder Ditch P.O. Box 811 Snyder, CO 80750
5,6	North Lake Woodward East Lake	Colleen Thompson 1021 Prospect Street Fort Morgan, CO 80701
7	Walker [West] Lake	G. Allyn & Bradley Wind 345 Howell Ave. Brush, CO 80723
8,9,10,11	Smith Reservoir, Peterson Lake No. 1 Peterson Lake No. 2 Segelke Lake	Gene & Bettie Peterson BB Peterson & Son, Inc. 33035 Road W. 7 Snyder, CO 80750
12	Upper Canal	Tremont Mutual Ditch Co. P.O. Box 711 Snyder, CO 80750
13	Lower Canal	Snyder-Smith Ditch Co. P.O. Box 811 Snyder, CO 80750 Snyder-Smith Ditch Co. 345 Howell Ave. Brush, CO 80723

**WHEREFORE**, Applicant requests findings of reasonable diligence for the conditional water rights for the Pioneer Water and Irrigation, Inc. Reservoir and Recharge System and Storage Facilities, requests continuation of the remaining 73 cfs conditional direct flow right. By this Application, Applicant does not seek to change any of the operating terms and conditions of the augmentation plan described in the Original Decree. Number of pages in application: 7 excluding exhibits.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **JUNE 2024** (forms available on [www.courts.state.co.us](http://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.