

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

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications, and certain amendments filed in the Office of the Water Clerk during the month of **MARCH 2024** for each County affected. (This publication can be viewed in its entirety on the state court website at: www.courts.state.co.us)

2024CW2 BRIAN K. MULLINS, 504 W. 64th St., Inglewood, CA 90302. 310-245-8266. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 03-11-05 in case 96CW852, WD1; Subsequent decree: 09-13-11 in case 11CW37, WD1; 03-26-18 in case 17CW41, WD1. Mullins Well, permit 277880, located NW1/4, NW1/4, S20, T10S, R75W of the 6th PM at a distance 570 ft. from N and 810 ft. from W. 548 Santa Maria Drive, Como, CO. Santa Maria Ranch Subdivision, Lot 22. Source: Groundwater. Appropriation date: 12-12-96. Amount: 15 gpm, Conditional. Use: Household use only in a single family dwelling, not including irrigation.

2024CW3 THE ERLIN AND RICHARD LEONARD FAMILY TRUST, 9643 Salem Ct., Highlands Ranch, CO 80130-5313. 303-773-3589. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 03-31-05 in case 97CW128, WD1; Subsequent decrees: 08-17-11 in case 11CW17, WD1; 03-26-18 in case 17CW38, WD1. Leonard Well #2 located SE1/4 NE1/4, S5, T13S, R72W of the 6th PM at a distance 2384 ft. from N and 222 ft. from E. 140 Pine Forest Road, Lake George CO, Mountain Spring Ranch Estates Subdivision; Lot 22, Unit 1. Source: Groundwater. Appropriation date: 08-5-71. Amount: 15 gpm, Conditional. Use: Household use only in a single family dwelling, not including irrigation.

2024CW3026 PLAINTIFF: WILLIAM W. POLESON, ET AL V. DEFENDANT: LOST PARK RANCH OWNERS ASSOCIATION INC. - COMPLAINT FOR DECLARATORY JUDGMENT ABANDONMENT OF WATER RIGHT

2024CW3027 (05CW303 and 17CW3115) BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK, (“Applicant” or the “County”), c/o Water Resources Department, P.O. Box 2000, Georgetown, CO 80444; Email: lleben@clearcreekcounty.us; Telephone: (303) 679-2434. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY**. **2. Name of structure:** Grizzly Gulch Reservoir. The water right decreed to Grizzly Gulch Reservoir is referred to below as the “Subject Conditional Water Right.” **3. Description of Subject Conditional Water Right:** A. Date of original decree: Case No. 05CW303, District Court, Water Division No. 1, State of Colorado, entered on August 17, 2011. B. Subsequent decrees awarding findings of reasonable diligence: Case No. 17CW3115, District Court, Water Division No. 1, entered on March 1, 2018. C. Legal description of the structure: 1. Location of Dam: The Grizzly Gulch Reservoir is located in the NW1/4 NW1/4, Section 32, Township 4 South, Range 75 West, 6th P.M., at a point approximately 500 feet from the West section line and 800 feet from the North section line in Clear Creek County, Colorado. 2. On-Channel Reservoir: The Grizzly Gulch Reservoir is an on-channel reservoir, and, therefore, no ditches will be used to fill the reservoir. 3. Map: The approximate location of the dam is depicted on the map attached hereto as **Figure 1**. 4. Source of water: Grizzly Gulch, a tributary of Clear Creek. 5. Date of appropriation and amount: December 21, 2005; 400 acre-feet, conditional. 6. Uses: Municipal, domestic, manufacturing, industrial, irrigation, stock watering, snow-making, watering of parks, lawns, and gardens, fire protection, recreation, in-reservoir or off-channel fish and wildlife propagation, dust suppression, augmentation, replacement, exchange, and the right to store for use, reuse, successive use, and disposal of all such water to extinction.

For any reuse or successive use of water, Applicant must demonstrate dominion and control over such water to the satisfaction of the Division Engineer. The Applicant has the right to one fill and one refill of Grizzly Gulch Reservoir, minus the carryover from the previous year's storage. Stored water carried over is subject to the same terms with the same appropriation date and for the same purposes as are described herein. The reservoir may also be utilized to store water rights by exchange or otherwise subject to subsequent Water Court approval. Applicant shall also use the Subject Conditional Water Right in conjunction with Applicant's basin-wide augmentation plan decreed in Case No. 05CW302 on June 20, 2014 ("Basin-Wide Augmentation Plan").

4. Absolute Claim: The Applicant does not seek to make any portion of the Subject Conditional Water Right absolute in this Application.

5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period:

A. The Subject Conditional Water Right is part of an integrated system operated by Applicant for use of water within Clear Creek County, which system includes other reservoirs, exchanges, the Basin-Wide Augmentation Plan, and senior water rights. Pursuant to C.R.S. § 37-92-301(4)(b), work performed, effort, and cost expended on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

B. During the diligence period of March 1, 2018 to the present ("Diligence Period"), the County has continued to install, maintain, and upgrade its integrated water system.

C. The County has participated in numerous regional and statewide water planning efforts during the Diligence Period. The County has continued to actively attend and exercise its voting membership duties on the South Platte River Basin Roundtable in preparation and adoption of the 2023 update to the State Water Plan. Certain of the County's reservoirs are identified in the draft 2023 update to the Colorado Water Plan's Basin Implementation Plan for purposes of funding studies and construction of certain facilities through the Identified Project and Process. The County also has engaged in internal water planning efforts.

D. During the Diligence Period, the County has maintained its water rights portfolio and prosecuted several water court applications related to its water rights, including: Green Lake (Case No. 18CW3184, entered June 25, 2019); Leavenworth Reservoirs Nos. 1 and 2 and Bakerville Reservoirs Nos. 1 and 2 (Case No. 19CW3095, entered November 19, 2019); Basin-Wide Augmentation Plan exchanges for two of the Subject Water Rights (Case No. 20CW3082, entered April 6, 2021); amendment to King Murphy School Pond augmentation plan (Case No. 20CW3165, entered April 14, 2022); Clear Creek Reservoirs Nos. 2 – 4 and Clear Creek Diversion Structures A, B, and D (Case No. 22CW3179, entered June 6, 2023); Upper Johnson Gulch Reservoir (Case No. 23CW3113, entered March 6, 2024); and Clear Creek Reservoir Nos. 3 and 4 Exchange, Ball Placer Reservoir Exchange, Clear Creek Exchange, Idaho Springs Reservoir Exchange, Upper Beaver Brook Reservoir Exchange, and Johnson Gulch Exchange (pending Case No. 23CW3088).

E. The Subject Conditional Water Right is identified as a source of augmentation water in the County's Basin-Wide Augmentation Plan, whether as an exchange-to point or by direct releases. Further, the Subject Conditional Water Right is identified as an exchange-to point in the exchange matrix in Case No. 05CW302. Throughout the Diligence Period, the County has operated, managed, administered, and maintained accounting for the Basin-Wide Augmentation Plan. During the Diligence Period, the County followed the decreed procedure to include several new plan participants in the Basin-Wide Augmentation Plan, and the County currently is undertaking the process to add a new plan participant.

F. During the Diligence Period, the County monitored the Water Court applications in Division No. 1 and opposed approximately eight (8) Water Court applications to protect its water rights, including the Subject Conditional Water Right.

G. The County expended approximately \$1.4 million, and dedicated additional staff time, towards the activities described above during the Diligence Period.

6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. U.S. Forest Service, P.O. Box 3307, Idaho Springs, CO 80452.

7. Remarks or other pertinent information: The Applicant stipulated with nine Opposers in the original case for the Subject Conditional Water Right, Case No. 05CW303. All terms and conditions from the Decree entered in Case No. 05CW303, including those stipulated with the nine Opposers, shall continue to apply to the Subject

Conditional Water Right. WHEREFORE, Applicant seeks entry of a decree by the Court that grants a finding of reasonable diligence for the Subject Conditional Water Right in its entirety, continues the conditional Subject Conditional Water Right for another diligence period, and confirms Applicant's right to complete the appropriation to the full decreed extent. (8 pgs., 1 Exhibit)

2024CW3028 HENRY K. LOGAN TRUST, STEFAN TAUGER, CANDICE TAUGER. 300 Ponderosa Lane, Elizabeth, CO 80107. Please forward all correspondence and pleadings to Chris D. Cummins, W. James Tilton, Paul J. Raymond of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921 (719) 471-1212. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND ADJUDICATION OF DENVER BASIN GROUNDWATER IN ELBERT COUNTY.** The Henry K. Logan Trust, c/o Candice Tauger, Stefan Tauger and Candice Tauger (hereafter "Applicants") seek to adjudicate the Denver Basin groundwater underlying their adjacent properties, as defined below. Applicants therefore seek to quantify the Denver Basin groundwater underlying the Applicants' Property. Property Description. Applicants own two adjacent parcels in Elbert County, Colorado. Parcel 1, owned by the Henry K. Logan Trust, is located in the NW1/4 of the NW1/4 of Section 34, Township 7 South, Range 65 West of the 6th P.M., recorded as Parcel No. 7534200193 containing approximately 40 acres. Parcel 2, owned by Stefan and Candice Tauger, is located in the SW1/4 of the NW1/4 of Section 34, Township 7 South, Range 65 West of the 6th P.M., recorded as Parcel No. 7534200194 containing approximately 40 acres. Together these two parcels are approximately 80 acres in size covering the W1/2 of the NW1/4 of Section 34, Township 7 South, Range 65 West of the 6th P.M. (Applicants' Property"). Applicants' Properties are depicted on the attached **Exhibit A** map, located in the W1/2 NW1/4 of Section 34, Township 7 South, Range 65 West of the 6th P.M., and more particularly described as 300 Ponderosa Lane, Elizabeth, CO 80107. Existing Well. There is one existing, exempt domestic well pursuant to C.R.S. § 37-92-602(3)(b)(II)(A) with Division of Water Resources Permit No. 162342 for the Upper Dawson aquifer ("Tauger Well No. 1"), permit attached as **Exhibit B**. It is drilled to a total depth of approximately 363 feet, and is located 1,840 feet from the North Section Line, and 1,040 feet from the West Section Line. Applicants intend for this well and any replacement wells to remain exempt. Land Ownership. The land upon which the existing and proposed wells will be constructed is owned by Applicants. Water Source. Not-Nontributary. The ground water to be withdrawn from the Upper Dawson aquifer underlying the Applicants' Property is not-nontributary as described in C.R.S. § 37-90-103(10.7). Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Upper Dawson aquifer will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants' Property is nontributary as described in C.R.S. § 37-90-103(10.5). Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities and any limitations pursuant to a subsequently entered augmentation plan. The Applicants request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants' Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by Elbert County, Colorado Subdivision Regulations Article IV. PRELIMINARY PLAT, A., which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. § 37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants' Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Upper Dawson (NNT)	144.4	2,040 ¹	20.4	6.8
Lower Dawson (NT)	67.0	1,070	10.7	3.56
Denver (NT)	190.6	2,590	25.9	8.63
Arapahoe (NT)	242.0	3,290	32.9	10.96
Laramie Fox Hills (NT)	199.3	2,390	23.9	7.96

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicants further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicants request the right to use the ground water for beneficial uses upon the Applicants’ Property consisting of domestic, irrigation, domestic animal and stock watering, dust suppression, equestrian facilities, agricultural, commercial, fire protection, recreation, fish and wildlife, aesthetic, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants’ Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to construct wells that are not exempt or use water from the not-nontributary Upper Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants’ Property through any combination of wells. Applicants request that these wells on Parcels 1 and 2, as described above, be treated as a well field. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants’ Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants’ Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located as well as the underlying groundwater is owned by the Applicants, as explained in paragraph III. A. Application 6 pages.

¹ Applicants will reserve 300 acre feet of Upper Dawson aquifer water to be utilized by existing well permit no. 162342, reducing the total amount available in the Dawson aquifer to the amounts estimated above.

2024CW3029 FRED HIATT AND THE ELLEN HARRIS TRUST, BY AND THROUGH ELLEN K. VARHALLA, TRUSTEE. 10050 Walker Road, Colorado Springs, CO 80908 (Fred Hiatt) and 3305 Sunshine Road, Royal, AR 71968 (Ellen K. Varhalla). Please forward all correspondence and pleadings to Chris D. Cummins, W. James Tilton, Paul J. Raymond of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921. **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER IN EL PASO COUNTY.** Applicants seek to quantify all Denver Basin groundwater in each aquifer underlying the two (2) specifically described parcels of land herein for vesting of such water rights, in anticipation of future uses thereof. No plan for augmentation for the use of the not-nontributary groundwater is sought herein. Legal Description of Property and Wells. Property Description. Any future wells to all aquifers will be located on the Applicants respective properties. Such Properties are more specifically described as follows: Fred's Parcel. "Fred's Parcel" is an approximately 84.74 acre parcel located in the W1/2 NE1/4 of Section 3, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado, as more particularly described on attached **Exhibit A** deed, and depicted on attached **Exhibit E** map. Fred's Parcel is owned by Applicant Frederick E. Hiatt. The inchoate groundwater for beneath Fred's Parcel for which the quantification herein is sought is also owned by the applicant as evidenced in the **Exhibit B** deed. Ellen's Parcel. "Ellen's Parcel" is an approximately 84.74 acre parcel located in the E1/2 NE1/4 of Section 3, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado, as more particularly described on attached **Exhibit C** deed, and depicted on attached **Exhibit E** map. Ellen's Parcel is owned by Applicant The Ellen Harris Trust, c/o Ellen K. Varhalla Trustee. The inchoate groundwater for beneath Ellen's Parcel for which the quantification herein is sought is also owned by the applicant as evidenced in the **Exhibit D** deed. Existing Wells. There are currently no wells constructed on Fred's Parcel. There is currently one existing well on Ellen's Parcel constructed to the Dawson aquifer and permitted for livestock uses pursuant to C.R.S. 37-92-602(3)(b)(II)(A) under DWR Well Permit No. 156748. Applicants intend to reserve 1 annual acre-foot of water under a 100 year allocation from the water underlying Ellen's Parcel to account for withdrawals from said well. Future Wells. Applicants' anticipated wells will be constructed on the Applicants' respective properties to some or all of the Denver Basin aquifers for which quantification is sought herein. To the extent any additional wells may be constructed to the not-nontributary Dawson aquifer, such wells may be constructed only pursuant to a subsequent decree providing an approved plan for augmentation, or as exempt well structures pursuant to C.R.S. §37-92-602. Water Source. Not-Nontributary. The ground water to be withdrawn from the Dawson aquifer of the Denver Basin underlying Applicants' respective properties is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions, and no such withdrawals shall be made of the not-nontributary groundwater in the Dawson aquifer sought to be quantified herein absent a decreed plan for augmentation, subject to a future application to the Water Court for the same. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe and Laramie-Fox Hills aquifers of the Denver Basin underlying the Applicants' respective properties is nontributary. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 150 gpm The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicants' request the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying each of the Applicants' respective properties. Said amounts may be withdrawn over the 100-year life of the aquifers pursuant to C.R.S. §37-90-137(4), or longer pursuant to local land use regulations. Applicants' estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants' respective properties: Fred's Parcel. The amounts of groundwater underlying Fred's Parcel, as estimated by Applicants' water resource engineering consultants, are as follows:

Aquifer	Sand Thickness (Feet)	Total Ground Water Storage (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)	Annual Average Withdrawal – 300 Years (Acre Feet)
Dawson (NNT)	418.5	7092.5	70.925	23.64
Denver (NT)	328.4	4731	47.31	15.77
Arapahoe (NT)	283.6	4085.5	40.855	13.61
Laramie Fox Hills (NT)	187.8	2387	23.87	7.95

b. Ellen’s Parcel. The amounts of groundwater underlying Ellen’s Parcel, as estimated by Applicants’ water resource engineering consultants, are as follows:

Aquifer	Sand Thickness (Feet)	Total Ground Water Storage (Acre Feet)	Annual Average Withdrawal – 100 Years (Acre Feet)	Annual Average Withdrawal – 300 Years (Acre Feet)
Dawson ² (NNT)	418.5	6992.5	69.925	23.3
Denver (NT)	328.4	4731	47.31	15.77
Arapahoe (NT)	283.6	4085.5	40.855	13.61
Laramie Fox Hills (NT)	187.8	2387	23.87	7.95

Decreed amounts of quantified groundwater under each of the above described parcels may vary based upon the State’s Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amounts of water available for appropriation and withdrawal from each aquifer under each parcel. Requested Uses. The Applicants request the right to use the ground water for beneficial uses both on and off each of the Applicants’ respective properties consisting of domestic, commercial, industrial, irrigation, stock water, recreational, wildlife, wetlands development and maintenance, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary ground water may be used, reused, and successively used to extinction, subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants seek to use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to construct a well or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with

² The annual amount of withdrawal from the Dawson Aquifer on Ellen’s Parcel has been reduced by 1 annual acre-foot to account for withdrawals from well permit no. 156748.

§ 37-90-137(9)(c.5), C.R.S. Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying each of the Applicants’ respective properties through any combination of wells. Applicants request that these wells be treated as a well field. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath each of the Applicants’ respective properties, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which each of the Applicants are entitled to withdraw from the aquifers underlying each of the Applicants’ respective properties. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located is owned by Applicants, as described herein. Application 6 pages.

2024CW3030 COYOTE RIDGE, c/o David Quatrochi, 3855 Mountain View Meadow Circle, Parker, Colorado 80134. Please direct all correspondence and pleadings to Ryan W. Farr and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921, (719) 471-1212. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND ADJUDICATION OF DENVER BASIN GROUNDWATER IN ELBERT COUNTY**. Applicant is seeking an adjudication quantifying the amount of Upper Dawson and Lower Dawson aquifer groundwater underlying its property. Property Description. Applicant owns six contiguous properties located in the S1/2 of Section 19, Township 6 South, Range 64 West of the 6th P.M., County of El Paso, State of Colorado, specifically being the NW1/4 of the SW1/4, the SW1/4 of the SW1/4, the E1/2 of the SW1/4, NW1/4 of the SE1/4, the SW1/4 of the SE1/4, and the NE1/4 of the SE1/4, all in Section 19, Township 6 South, Range 64 West of the 6th P.M., as shown on the attached **Exhibit A**, containing 254 acres, more or less (“Applicant’s Property”). Prior Adjudication. The Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s Property were previously quantified and adjudicated by decree dated January 14, 2004 in Case No. 03CW55, District Court, Water Division 1 (“03CW55 Decree”). Such prorated amounts owned by the Applicant based on the ownership of 254 acres of the 290 acres subject of the 03CW55 Decree are as follows:

Aquifer	Saturated Thickness (Feet)	Annual Amount (Acre-Feet)
Denver (NT)	300	129.54
Arapahoe (NT)	275	118.77
Laramie-Fox Hills (NT)	175	66.65

Water Source. The groundwater in the Upper Dawson aquifer and Lower Dawson aquifer underlying Applicant’s Property are not-nontributary. Pursuant to § 37-90-137(9)(c.5), C.R.S., augmentation requirements for not-nontributary withdrawals from both Dawson aquifers will require the replacement of actual stream depletions to the extent necessary to prevent any injurious effect. Estimated Rates of Withdrawal. The actual pumping rates for any well constructed on the property will vary according to aquifer conditions and well production capabilities and any limitations imposed pursuant to a subsequently entered augmentation plan. The Applicant requests the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed will be determined by topography and actual aquifer conditions. Estimated Annual Average Amounts of Groundwater Available. Applicant requests an absolute water right for the withdrawal of all legally available groundwater in the Upper Dawson and Lower Dawson aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over the 100-year life of the aquifers as set forth in § 37-90-137(4)(b)(I), C.R.S. Applicant estimates that the following values and average annual amounts are representative of the Upper Dawson and Lower Dawson Denver aquifers underlying the Applicant’s Property:

Aquifer	Saturated Thickness (Feet)	Total Water Adjudicated (Acre Feet)	Average Annual Withdrawal (Acre Feet)
Upper Dawson (NNT)	89	4,356	43.56
Lower Dawson (NT)	86	4,214	42.14

Requested Uses: The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic, commercial, indoor and outdoor irrigation, stock water, municipal, industrial, recreation, wildlife, wetlands, fire protection, and for storage and augmentation associated with such uses. Provided, however, Applicant shall only be entitled to construct a well or use water from the not-nontributary Upper Dawson and Lower Dawson aquifers for non-exempt purposes pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with § 37-90-137(9)(c.5), C.R.S. Well Fields: Applicant requests that it be permitted to produce the full legal entitlement from the Upper Dawson and Lower Dawson aquifers underlying Applicant's Property through any combination of wells. Applicant, therefore, requests that these wells be treated as a well field. Averaging of Wells: Applicant requests that it be entitled to withdraw an amount of ground water in excess of the average annual amount, so long as the sum of the total withdrawals from all the wells does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the Upper Dawson and Lower Dawson aquifers underlying the Applicant's Property. Name and Address of Owner of Land Upon Which Wells are to Be Located: The land upon which the current wells and any future wells may be constructed is owned by the Applicant. Application 5 pages.

2024CW3031 (17CW3124) ELK CREEK ESTATES, LLC, c/o Greg E. Podd, Manager, 4942 Snowberry Lane, Evergreen, Colorado 80439; Email: gregpodd@gmail.com; Telephone Number: (303) 330-0096. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Robyn L. Smith, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rls@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE OR TO MAKE ABSOLUTE A CONDITIONAL STORAGE RIGHT IN JEFFERSON COUNTY.** 2. Name of Reservoir: Elk Creek Estates Pond. 3. Description of conditional water right: a. Original Decree: The conditional storage right for Elk Creek Estates Pond was decreed in Case No. 17CW3124 on March 8, 2018. Case No. 17CW3124 additionally decreed a plan for augmentation, the Elk Creek Estates Exchange, and the Elk Creek Estates Plan of Substitution to replace evaporative depletions from the Elk Creek Estates Pond. b. Legal Description of Reservoir and Point of Diversion: The center of the dam embankment is located in the NE1/4 SW1/4 of Section 5, Township 7 South, Range 71 West, 6th P.M., Jefferson County, at a point that is approximately 1,715 feet from the South section line and 1,650 feet from the West section line of said Section 5. Elk Creek Estates Pond is an on-stream reservoir. A map of the reservoir location is attached as **Exhibit A**. c. Source of Water: The source of water for the Elk Creek Estates Pond is an unnamed tributary of Elk Creek. d. Date of Appropriation: August 30, 2017. e. Amount Claimed: 1.0 acre foot. f. Uses: Water stored in the Elk Creek Estates Pond is decreed for augmentation, replacement, exchange, recreation, piscatorial, wildlife propagation and fire protection purposes. g. Surface area of High Water Line: Maximum surface area of 0.115 of an acre. h. Total Capacity of Reservoir in Acre Feet: 1.0 acre foot. i. Active Capacity: 1.0 acre foot. ii. Dead Storage: 0 acre feet. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the

previous diligence period: a. During the diligence period, Applicant constructed the Elk Creek Estates Pond at a cost of more than \$9,000 and operated it pursuant to its decreed uses. Applicant continued work on its subdivision development, including but not limited to installing fence around Elk Creek Estates Pond and constructing a storage unit to house a tractor and supplies. Applicant also expanded its water rights associated with the development served by Elk Creek Estates Pond, through the purchase of additional shares of Mountain Mutal Reservoir Company and adjudication of a supplemental augmentation plan in Case No. 20CW3144. The 20CW3144 augmentation plan includes the Elk Creek Estates Pond as an alternate replacement supply. Applicant can make direct releases from Elk Creek Estates Pond to meet its augmentation requirements. Applicant incurred costs exceeding \$1,700 and attorneys' fees of nearly \$11,000 related to the adjudication of Case No. 20CW3144 and preparation of this Application. 5. If claim to make absolute in whole or in part: a. Date water applied to beneficial use: The construction of Elk Creek Estates Pond was completed on September 13, 2020. b. Amount: 1.0 acre-foot, absolute. c. Use: Storage for the beneficial uses set forth above. d. Supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed: Construction of Elk Creek Estates Pond began on or before July 27, 2019, and was completed on or approximately September 13, 2020. The pond had the ability to store water prior to completion of construction. During the construction period, ten free river days on April 17, 2020, through April 26, 2020, were sufficient to fill the pond in priority. 6. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. 7. Remarks: Pursuant to C.R.S. § 37-92-301(4)(e), a decreed conditional storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure. Applicant reserves the right to provide additional detail and evidence as may be necessary to support its claims in this matter. WHEREFORE, the Applicant requests that this Application be granted as requested herein, and for such other and further relief as the court deems appropriate under the circumstances. To the extent not made absolute in full, Applicant requests any remaining amount be continued as conditional. (6 pgs., 1 Exhibit)

2024CW3032 (2015CW3146). UPPER SOUTH PLATTE WATER CONSERVANCY DISTRICT AND CENTER OF COLORADO WATER CONSERVANCY DISTRICT, USPWCD – David B. Wissel, PO Box 612 Fairplay, CO 80440; CCWCD – Lisa McVicker PO Box 1747, Fairplay, CO 80440. Please address all pleadings and correspondence to David M. Shohet, Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719-471-1212); Madoline Wallace-Gross, Alison I. Gorsevski, Lyons Gaddis, PC, PO Box 978, Longmont, CO 80502-0978 (303-776-9900). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Applicant seeks a finding of reasonable diligence for the conditional surface water right originally decreed in Case No. 15CW3146, District Court, Water Division 1. Name of Structure. County Road 59 Pump (WDID 2306853). Legal Description of Original Point of Diversion. County Road 59 Pump is a pump near the bridge on County Road 59 over the Middle Fork of the South Platte River, which is located in the SE1/4 of Section 10, Township 12 South, Range 75 West of the 6th P.M., Park County, Colorado, UTM Coordinates NAD83 Zone 13S, Easting: 434556, Northing: 4319026. See attached **Exhibit A**. Source of Original Point of Diversion. Middle Fork of the South Platte River, tributary to the South Platte River. Legal Description of Alternate Point of Diversion: The alternate point of diversion for the County Road 59 Pump is a pump located to the east of State Highway 9 near the bridge over the South Fork of the South Platte River approximately 770 feet south of the intersection of State Highway 9 and State Highway 24. This alternate point of diversion is located in the NW1/4 of SW1/4 of Section 9, Township 12 South, Range 75 West of the 6th P.M., Park County, Colorado, UTM Coordinates NAD83 Zone 13S, Easting: 431443, Northing: 4319280. See attached **Exhibit A**. Source Alternate Point of Diversion. South Fork of the South Platte River, tributary to the South Platte River. Date and Case Number of Original Decree. The date of the original decree is March 24, 2018, Case No. 15CW3146, District Court, Water Division 1. Date of Appropriation. November 11, 2015, by declaring the intent to

appropriate through the approval of a Joint Resolution to Appropriate a Conditional Water Right at a regular meeting of the Board of Directors for the Upper South Platte Water Conservancy District and the Board of Directors of the Center of Colorado Water Conservancy District on November 11, 2015. Decreed Amount. A combined total of 50 annual acre-feet for both points of diversion at a rate of 180 gallons per minute, conditional. Decreed Uses. Direct use or storage for industrial, construction, dust suppression, stock watering, augmentation, exchange, and replacement. Decreed Places of Use. Within the Applicants' service area boundaries as they presently exist in Park, Jefferson, Teller, Douglas and Clear Creek Counties, and as they may be revised in the future, including use in that portion of the Districts' service area in the Arkansas River Basin in Teller and Park Counties and outside the Districts' service area boundaries by contract. Detailed outline of what has been done toward the completion of for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: County Road 59 Pump is part of the integrated system of water rights and structures used by Applicants and their joint water enterprise, Headwater Authority of the South Platte ("HASP"), and together with their other respective water rights and structures, comprises an integrated system of water rights and structures under § 37-92-301(4)(b), C.R.S. During the subject diligence period, Applicants have outlaid the following expenditures or completed the following work related to the integrated water system: HASP operates and administers two blanket augmentation plans within the Upper South Platte River basin and one in the Arkansas River basin decreed to the Applicants in Case No. 02CW389, District Court, Water Division 1, dated April 28, 2008, Case No. 12CW50, District Court, Water Division 1, dated July 7, 2015, and 03CW19, District Court, Water Division 2, dated June 29, 2016, respectively (together, "HASP Plans"). The HASP Plans are operated for the purpose of providing augmentation water supplies for the benefit of approximately 113 participating diversions, of which 56 were added to the plans during the diligence period. Also during the diligence period, HASP entered into an intergovernmental agreement (dated 2017, amended in 2018 and 2021) for the augmentation up to 451 wells under the HASP Plans. The County Road 59 Pump water right was adjudicated, in part, to provide a possible physical supply to the Applicants' service in the Arkansas River Basin. HASP engaged TZA Water Engineers to design and engineer plans for an augmentation facility, including the storage, flow measurement vault, and discharge line to Currant Creek in Division 2, for approximately \$18,300. HASP engaged ERO to create and submit a 1041 permit application to install the augmentation facility for approximately \$21,900. HASP leased its shares of Twin Lakes, which are the augmentation source in the HASP Plan for Division 2, to Stephen and Kathy Bright to augment a pond. HASP held community meetings in Guffey to educate HASP's customers about HASP's augmentation opportunities and about Division No. 2 Pond enforcement. HASP reviewed an application to augment ponds on Badger Creek (Division 2) in June 2019 but could not accept the customer. HASP reviewed a request to augment a pond on Currant Creek (Division 2) in June of 2019, but could not accept the customer. Applicants have filed numerous statements of opposition in Water Division Nos. 1 & 2 to protect Applicants' water rights, including the conditional water rights subject of this case. Applicants have further filed numerous water court applications in Water Division Nos. 1 & 2, seeking new exchange rights, changing water rights, for new surface and storage rights, making conditional water rights absolute, and for findings of diligence towards previously decreed conditional water rights. During the pendency of this matter, Applicants may provide additional evidence of diligence in support of the claims made in this Application. Claim to Make Absolute. Applicants make no claims to make any portion of the conditional water right absolute. Names and addresses of landowners 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. The pump(s) are located on lands owned by 14th Street Partners LLC, whose address is 261 W 25th St # Phb, New York, NY 10001. Application 4 pages.

2024CW3033 TASHA ELLIOTT & GREGORY SELWYN, 19988 E Crestline Pl., Centennial, CO 80015. Eric K Trout, McGeady Becher, P.C., 450 E. 17th Avenue, Suite 400, Denver, CO 80203. APPLICATION FOR UNDERGROUND WATER RIGHTS AND PLAN FOR AUGMENTATION IN DOUGLAS COUNTY. Subject Property: A parcel totaling approximately 5.115 acres generally located in the SW1/4 of the SW1/4 of Section 8, Township 6 South, Range 65 West of the 6th P.M., also

known as 12066 Tomahawk Road, Parker, CO 80138, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicant has provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There are currently no wells on the Subject Property. Well permits will be applied for prior to construction of 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 unadjudicated. Applicants estimate the following amounts may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	0.34
Lower Dawson (NT)	0.87
Denver (NT)	2.29
Arapahoe (NT)	2.36
Laramie-Fox Hills (NT)	1.70

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 0.34 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 100 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 one well to provide in-house use in one (1) single-family dwelling (0.34 acre-feet per year), 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).

2024CW3034 CENTER OF COLORADO WATER CONSERVANCY DISTRICT, c/o Lisa McVicker, President, PO Box 1747, Fairplay, CO 80440. Forward all pleadings and documents to David M. Shohet, Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN PARK COUNTY**. The Applicant seeks a finding of reasonable diligence for the remaining conditional water right originally decreed in Case No. 09CW145, with a subsequent finding of diligence made in Case No. 17CW3114, District Court, Water Division 1. Name of Storage Right. London Mining and Smelter Reservoir 1st Enlargement (WDID 2304497). Legal Description of Structure. The center of the dam is located in the SW 1/4 NE 1/4, Section 13, Township 9 South, Range 78 West of the 6th P.M. Date of Original Decree. The date of the original decree is August 17, 2011. Case Number. The case number of the original decree is 09CW145, District Court, Water Division 1. Date and Case Number of Subsequent Diligence Decree. March 26, 2018, entered in Case No.

17CW3114, District Court, Water Division 1. Source. The source of water for the London Mining and Smelter Reservoir 1st Enlargement is Mosquito Creek, tributary to the Middle Fork of the South Platte River, tributary to the South Platte River. Appropriation Date. The appropriation date for the London Mining and Smelter Reservoir 1st Enlargement is September 2, 2009, based on the adoption of a resolution of Applicant's Board of Directors at its September 2, 2009 meeting that directed the filing of the application and by other overt acts demonstrating intent to appropriate this conditional water right. Decreed Amount. Volume: 16.69 acre-feet, conditional; and 33.31 acre-feet absolute, with right to fill and refill. Rate of Diversion: 1.5 c.f.s., absolute. Decreed Uses. Storage for augmentation, substitution and exchange, domestic, commercial, industrial, irrigation, livestock, recreation, fish and wildlife propagation and fire protection. Applicant shall use the stored water for beneficial purposes within Park County, Colorado. Decreed Surface Area at High Water Mark. The decreed surface area at the high water mark is 5.1 acres. Decreed Dam Specifications. Maximum Height: 9.9 feet. Length of Dam: 500 feet. Total Capacity of the Reservoir. Active Capacity: 50 acre-feet. Dead Storage: 0 (zero) feet. Remarks. The London Mining and Smelter Reservoir 1st Enlargement is an enlargement of the Smelter Pipeline Reservoir decreed in Case No. W-4322-72 on August 3, 1977, District Court, Water Division 1. Detailed outline of what has been done toward completion of for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: The London Mining and Smelter Reservoir 1st Enlargement is a component part of the Applicant's integrated water supply system, which consists of storage water rights, plans for augmentation, appropriative rights of exchange, and surface water rights. Pursuant to § 37-92-301(4)(b), C.R.S., work on one component of the integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. During the subject diligence period, the Applicant has outlaid the following expenditures or completed the following work related to the integrated water system: Applicant and its water authority, the Headwater Authority of the South Platte ("HASP"), jointly created with the Upper South Platte Water Conservancy District ("USPWCD"), utilize the London Mining and Smelter Reservoir and its' water right subject of this application together with other water rights in order to provide augmentation water throughout the Applicant's, USPWCD, and HASP's service areas. During this diligence period, the Applicant has filled and refilled the London Mining and Smelter Reservoir numerous times through exchanges and storage of the absolute portion decreed to the water right subject to this case. Applicant has further made releases from the London Mining and Smelter Reservoir for augmentation purposes. The Applicant has coordinated water diversions and measurements into the London Mining and Smelter Reservoir with the Water Commissioner. Applicant has hired WW Wheeler to update its accounting sheet for the London Mining and Smelter Reservoir. Applicant has performed annual and routine maintenance of the London Mining and Smelter Reservoir and its headgate and ditch. The Applicant has begun exploring the replacement of the headgate used to fill the London Mining and Smelter Reservoir, including drafting a request for a proposal to replace the current concrete headgate. The Applicant has installed beaver deceivers on Mosquito Creek to help with flows on Mosquito Creek. The Applicant itself and through HASP has filed statements of opposition to numerous Water Court applications to protect the Applicant's water rights, including water rights subject of this case. The Applicant continues to meet and discharge its duty as a water conservancy district, either independently or through HASP in order to provide and supply augmentation water to those located within its service area. Based on the expenditures and efforts described herein, the Applicant has established that it can and will complete the development of the adjudicated conditional water rights and place them to beneficial use within a reasonable period of time. Claim to Make Absolute. Applicant does not seek to make any portion of the remaining conditional water right absolute. Name and address of the owners of land on which structures are located. The London Mining and Smelter Reservoir is located on lands owned by the Applicant. Application 6 pages.

2024CW3035 (17CW3120, 08CW236, 01CW40, 94CW118) **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN JEFFERSON COUNTY. JEFFERSON COUNTY SCHOOL DISTRICT R-1**, c/o Jennifer M. DiLalla, Virginia S. Sargent, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 1. Name,

address and telephone number of applicant: Jefferson County School District R-1 (“School District”), c/o Tim Reed, Executive Director, Facilities & Construction Management, 809 Quail Street, Building 4, Lakewood, Colorado 80215

2. Names of structures: 2.1 Lobo Creek Reservoir. 2.2 Warrior Ditch/Lobo Creek Reservoir Exchange. 2.3 West Jefferson Reservoir/Lobo Creek Reservoir Exchange.

3. Description of conditional water rights: 3.1 Lobo Creek Reservoir: 3.1.1 Original decree: Case No. 94CW118, entered December 16, 1994 (“94CW118 Decree”). 3.1.2 Subsequent decrees awarding diligence: Case No. 01CW40, entered October 31, 2002 (“01CW40 Decree”); Case No. 08CW236, entered August 24, 2011 (“08CW236 Decree”); Case No. 17CW3120, entered March 26, 2018 (“17CW3120 Decree”). 3.1.3 Location: In the N1/2SW1/4, Section 14, T6S, R71W of the 6th P.M., Jefferson County, Colorado, as shown on the map attached as **Exhibit A**. The centerline of the dam intersects an unnamed tributary to North Turkey Creek (hereinafter “Lobo Creek”) at a point whence the SW corner of said Section 14 bears S 41° W 2,395 feet. 3.1.4 Source: Lobo Creek, tributary to North Turkey Creek. 3.1.5 Amount: 6.44 acre-feet, ABSOLUTE; and 2.29 acre-feet, CONDITIONAL. 3.1.6 Appropriation date: July 28, 1994. 3.1.7 Uses: Augmentation, fire protection, and irrigation of 8.5 acres within the Conifer High School site. 3.1.8 Maximum height of dam: 16 feet. 3.1.9 Length of dam: 250 feet. 3.1.10 Total capacity: 8.73 acre-feet. 3.1.11 Active capacity: 8.73 acre-feet. 3.1.12 Dead storage: 0 acre-feet. 3.2 Warrior Ditch/Lobo Creek Reservoir Exchange: 3.2.1 Original decree: 94CW118 Decree. 3.2.2 Subsequent decrees awarding diligence: 01CW40 Decree; 08CW236 Decree; 17CW3120 Decree. 3.2.3 Exchange reach: Lobo Creek from the outlet of Lobo Creek Reservoir in the NE1/4SW1/4, Section 14, T6S, R71W of the 6th P.M., Jefferson County, Colorado, to the natural point of confluence of Bear and Turkey Creeks in the N1/2NE1/4NW1/4 of Section 5, T5S, R69W of the 6th P.M., Jefferson County, Colorado, as shown on the map attached as **Exhibit A**. 3.2.4 Source of substitute supply: 80% of the Bear Creek and Turkey Creek priorities associated with 2.25 shares of the Warrior Ditch Company, as follows:

Priority no. in former Water District No. 9	80% of School District’s share attributable to combined 2.25 Warrior Ditch shares (cfs)
4	0.1387
8	0.0322
14	0.2866
16	0.1293
TOTAL	0.5868

3.2.4.1 Appropriation date: July 28, 1994. 3.2.4.2 Period of operation: April 1 through October 31. 3.2.4.3 Uses: Augmentation, municipal, and irrigation of not more than 8.5 acres within the Conifer High School site. 3.2.4.4 Amount: 0.5868 cfs CONDITIONAL, not to exceed 24.04 acre-feet per year.

3.3 West Jefferson Reservoir/Lobo Creek Reservoir Exchange: 3.3.1 Original decree: 94CW118 Decree. 3.3.2 Subsequent decrees awarding diligence: 01CW40 Decree; 08CW236 Decree; 17CW3120 Decree. 3.3.3 Exchange reach: Between a point on an unnamed tributary to North Turkey Creek at its intersection with the dam of West Jefferson Reservoir, as described below, and the outlet of Lobo Creek Reservoir, as described in paragraph 3.3 above, as shown on the map attached as **Exhibit A**. The location of the spillway of West Jefferson Reservoir is located as follows: the west abutment of the spillway bears S 77°00' W 718 feet from the north ¼ corner of Section 14, T6S, R71W of the 6th P.M., Jefferson County, Colorado. 3.3.4 Sources of substitute supply: 3.3.4.1 West Jefferson Reservoir, as described in paragraph 8.E of the 94CW118 Decree; 3.3.4.2 Lobo Creek Reservoir, as described in paragraph 3.1 above; 3.3.4.3 Warrior Ditch/West Jefferson Reservoir Practice of Exchange, as described in paragraph 8.J of the 94CW118 Decree; 3.3.4.4 Enlargement of Warrior Ditch/West Jefferson Reservoir Practice of Exchange, as described in paragraph 28.A of the 94CW118 Decree and paragraph 10.B of the 08CW236 Decree; and 3.3.4.5 Warrior Ditch/Lobo Creek Reservoir Exchange, as described in paragraph 3.2 above. 3.3.5 Amount: 0.50 cfs ABSOLUTE and 1.5 cfs CONDITIONAL, not to exceed 29.21 acre-feet per year. 3.3.6 Appropriation date: July 28, 1994. 3.3.7 Period of operation: January 1 through December 31. 3.3.8 Uses: Augmentation, municipal, and irrigation of not more than 15.5 acres, of which not more than 8.5 acres will be within the Conifer High School site, not more than 6.0 acres will be within the West Jefferson Middle

School site, and not more than 1.0 acre will be within the West Jefferson Elementary School site. 3.4 Additional comments: Consistent with its stipulation with the South Evergreen Water District in Case No. 08CW236, the School District acknowledges that its interest in Priority No. 8 of the Warrior Ditch has not historically placed a call on Turkey Creek, and that no such call was administered or deemed necessary in the operation of the School District's Warrior Ditch/West Jefferson exchange as described in paragraphs 3.3.4.3 and 3.3.4.4 above. 4. Detailed outline of what has been done toward completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures: The conditional portions of the water rights described in paragraph 3 above ("Conditional Water Rights") are part of the School District's integrated system for supplying water to Conifer High School, West Jefferson Middle School, West Jefferson Elementary School, Marshdale Elementary School, and the Marshdale Transportation Terminal (collectively, the "Mountain Schools"). "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). The diligence period for the Conditional Water Rights is March 2018 through March 2024 ("Diligence Period"). During the Diligence Period, the School District worked diligently to develop the Conditional Water Rights, complete the appropriations, and place water to beneficial use, as demonstrated by the following activities and expenditures: 4.1 In 2023, the School District replaced the West Jefferson Gallery No. 1, a/k/a the Shadow Mountain Gallery, at a cost of \$189,285; and replaced the gallery's failed pump at an additional cost of approximately \$11,688. The gallery is an exchange-to structure within the Warrior Ditch/West Jefferson Reservoir Practice of Exchange and the Enlargement of Warrior Ditch/West Jefferson Reservoir Practice of exchange that are sources of substitute supply for the West Jefferson Reservoir/Lobo Creek Reservoir Exchange described in paragraph 3.3 above; and is the primary source of physical supply for the integrated system that serves the Mountain Schools. 4.2 In 2021 and 2022, the School District replaced Marshdale Elementary. The School District spent approximately \$490,000 on water system, sanitary, and stormwater infrastructure improvements for the replacement school. Of that amount, approximately \$326,000 was attributable to water system and sanitary system improvements. 4.3 In 2021 and 2022, the School District spent approximately \$264,000 to install new Lobo Creek Reservoir measurement infrastructure, comprising a flume, a level, and flow transducers; and installed an ultrasonic algae control device in the reservoir, at a cost of approximately \$4,600, to improve water quality. 4.4 In 2021, the School District replaced failing and obsolete equipment in the water tank pump house at West Jefferson Elementary School at a cost of approximately \$10,414; and in 2023, the School District replaced the lift station pump at the elementary school at a cost of approximately \$14,150. 4.5 Throughout the diligence period, the School District performed regulatory water sampling at the Conifer Water Treatment Plant, the Conifer Wastewater Treatment Plant, and Marshdale Elementary, at a cost of approximately \$40,000. 4.6 In 2019, the School District replaced the water storage tank hatch at Marshdale Elementary School at a cost of approximately \$9,685. 4.7 In 2023, the School District upgraded equipment at the Conifer Water Treatment Plant located at West Jefferson Reservoir, including replacing several pumps, at a cost of approximately \$42,150. 4.8 From 2020 through 2023, the School District spent approximately \$129,493 for supplies and licenses pertaining to water quality at the Conifer Water Treatment Plant located at West Jefferson Reservoir. 4.9 Throughout the diligence period, the School District operated the Conifer Wastewater Treatment plant and acquired necessary equipment, including operator safety equipment, for the plant at a cost of approximately \$89,190. 4.10 The School District continued to operate the water supply system for the Mountain Schools under the augmentation plan approved in Case No. 94CW118. 4.11 The School District spent approximately \$55,708 in legal fees for activities related to development and protection of its water rights and its integrated water supply system, including the Conditional Water Rights. Those activities included, without limitation, filing and prosecuting an application in this Court for findings of reasonable diligence for other water rights in the School District's portfolio; monitoring the water court filings of other water users to protect the School District's water rights; and participating in water court cases as an objector. 4.12 The School District spent approximately \$110,187 in engineering consulting fees for activities related to development and protection of its water rights and its integrated water supply system, including the Conditional Water Rights. Those

activities included, without limitation, work on the School District’s accounting under the 94CW118 decree; a comprehensive review and evaluation of the 94CW118 augmentation plan; a comprehensive review and evaluation of the School District’s accounting under the 94CW118 decree and comprehensive revisions to the accounting forms; and design and construction management for the School District’s Lobo Creek Reservoir measurement infrastructure project described in paragraph 4.3 above. 5. Claims to make absolute: 5.1 Lobo Creek Reservoir: 5.1.1 Applicable statute: Section 37-92-301(4)(e), C.R.S., provides that “a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” 5.1.2 Dates water diverted and stored in priority: Water was stored in Lobo Creek Reservoir from in-priority diversions made on August 3, 2023, and from October 24, 2023 through October 31, 2023. 5.1.3 Amount diverted and stored in priority: 8.73 acre-feet. 5.1.4 Uses: All uses described in paragraph 3.1.7 above. 5.1.5 Evidence of in-priority diversion and beneficial use: A summary of the School District’s 2023 accounting for Lobo Creek Reservoir storage is given in Table 2 of the memorandum prepared by W. W. Wheeler & Associates, Inc., and attached as **Exhibit B** (“Wheeler Memo”). The Wheeler Memo documents in-priority storage by means of in-priority deliveries and a bookover in the School District’s accounting. 5.1.6 Amount claimed as absolute: 2.29 acre-feet over and above the 6.44 acre-feet previously confirmed as absolute, making the water right absolute in its entirety. 5.2 Warrior Ditch/Lobo Creek Reservoir Exchange: 5.2.1 Date water exchanged in priority and placed to beneficial use: June 3, 2022. 5.2.2 Rate exchanged in priority and placed to beneficial use: 0.3829 cfs. 5.2.3 Uses: Exchange to Lobo Creek Reservoir for the uses described in paragraph 3.2.4.3 above; and for use as a source of substitute supply in the West Jefferson Reservoir/Lobo Creek Reservoir Exchange described in paragraph 3.3.4 above, for storage in West Jefferson Reservoir. 5.2.4 Place of storage by exchange for subsequent beneficial use: Lobo Creek Reservoir and West Jefferson Reservoir. 5.2.5 Evidence of in-priority diversion and beneficial use: The Wheeler Memo attached as **Exhibit B**. 5.2.6 Rate claimed as absolute: 0.3829 cfs, with 0.2039 cfs remaining conditional. 6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No new diversion or storage structure or modification to any existing diversion or storage structure will be constructed under this application. The School District owns the land upon which West Jefferson Reservoir and Lobo Creek Reservoir are located. Based on the foregoing, the School District requests that the Court enter a decree (i) granting this Application; (ii) finding that the School District has exercised reasonable diligence in developing and completing the appropriations of the Conditional Water Rights during the Diligence Period; (iii) confirming that Lobo Creek Reservoir has been made absolute in its entirety; (iv) confirming that the Warrior Ditch/Lobo Creek Reservoir Exchange has been made absolute in the amount given in paragraph 5.2.6 above; and (v) continuing in full force and effect for an additional diligence period any portion of the Conditional Water Rights not made absolute in this case.

2024CW3036 WILL-O-WISP METROPOLITAN DISTRICT AND MOUNTAIN MUTUAL RESERVOIR COMPANY Lee H. Johnson, Katrina B. Fiscella, Matthew L. Navarrette, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203 and Aaron Ladd, Rachel L. Bolt, Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301 **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN PARK AND JEFFERSON COUNTIES.** **1. Name and address of Co-Applicants:** Will-O-Wisp Metropolitan District (“Will-O-Wisp” or the “District”), 956 Wisp Creek Drive, Bailey, Colorado 80421 and Mountain Mutual Reservoir Company (“Mountain Mutual”), 6949 Highway 73, Suite 15, Evergreen, CO 80439 Email: norm@hch2o.com, Telephone: (303) 989-6932. All correspondence and pleadings should be sent to both counsel for the Co-Applicants as indicated above. **2. Name of Structures:** Will-O-Wisp Upper Pond (“Upper Pond”), Will-O-Wisp Office Pond (“Lower Pond” or “Office Pond”). Collectively the Upper Pond and the Office Pond are referred to as the Will-O-Wisp Ponds, which are located within the current District boundaries. The approximate locations of the Will-O-Wisp Ponds are

shown on the attached Figures 1 and 2. By this application, the District seeks approval of a supplemental plan for augmentation to replace out of priority depletions associated with the Will-O-Wisp Ponds. The Will-O-Wisp Ponds are existing, undecreed structures and, on information and belief, have been in existence and operational since at least 1971. The Will-O-Wisp Ponds are located on Wisp Creek, a tributary of Roland Gulch and the North Fork of the South Platte River. Additional information concerning the Will-O-Wisp Ponds is set forth below.

A. Location and Description. The Upper Pond is located in the SE1/4NE1/4 of Section 11, Township 7 South, Range 72 West of the 6th P.M. UTM coordinates for the Upper Pond are as follows: NAD 83 Zone 13N, E464638 N4367416. The Office Pond is located in the NE1/4SE1/4 of Section 11, Township 7 South, Range 72 West of the 6th P.M. UTM coordinates for the Office Pond are as follows: NAD 83 Zone 13N, E464605 N4366830. The Office Pond is located approximately 2,000 feet downstream from the Upper Pond. The water surface areas are approximately 0.52 acre for the Upper Pond and 1.50 acres for the Office Pond. The elevation of the ponds is approximately 8,120 feet msl. Both ponds are used by District homeowners for recreational purposes and are available for fire-fighting. These ponds do not have decreed water storage rights and are not expressly included as augmented structures in the District's existing augmentation plan. The District estimates that the annual depletions related to out of priority evaporation from the Will-O-Wisp Ponds is less than 4 acre feet of water annually.

3. Water right(s) to be used for augmentation: The District has an existing Augmentation Plan Decree adjudicated in Case No. 81CW144. Under the terms of its existing Augmentation Plan, the District's 425 shares of Mountain Mutual Reservoir Company ("MMRC") stock represent an augmentation supply of 13.35 acre-feet annually. Based on changes to the District's development plans and service area, the District has excess replacement water and seeks to utilize a portion of such excess augmentation supplies to replace out of priority evaporative losses from the Will-O-Wisp Ponds pursuant to the supplemental augmentation plan sought in this Application. The required replacements under this supplemental augmentation plan and the District's existing augmentation decreed in Case No. 81CW144 will not exceed the augmentation supply represented by the 425 shares of MMRC stock. This plan is consistent with the Substitute Water Supply Plan currently in place to replace out of priority evaporative losses from the Will-O-Wisp Ponds. By this application, the District seeks approval of a supplemental plan for augmentation to fully replace any such out of priority evaporative losses from the Will-O-Wisp Ponds on an ongoing basis.

A. Date of original and all relevant subsequent decrees: June 9, 1983, Case No. 81CW144, Water Court, Water Division No. 1. An addendum to the decree in Case No. 81CW144 was also issued on June 9, 1983, and an amendment to the decree was issued on June 8, 1995. B. Type of water right: The underlying decree in Case No. 81CW144 utilized surface and storage water rights derived on a pro rata basis from ownership interests in MMRC shares. By the terms of the amendment to the decree in Case No. 81CW144 issued on June 8, 1995, the overall maximum allowable amount of depletions associated with the District's water use was reduced to 13.35 acre feet. In Case No. 19CW3154, the MMRC obtained a decree authorizing the use of additional water rights as supplemental replacement supplies for its shareholders, including the District. The District intends to utilize unused augmentation credits generated by its shares in MMRC identified in the decree in Case No. 81CW144, as amended, and as supplemented in Case No. 19CW3154, as replacement supplies to replace out of priority evaporative losses from the Will-O-Wisp Ponds. Additional information concerning the water rights that serve as the District's replacement supplies are contained in the decree issued in Case No. 81CW144, as described in the addendum to said decree, and as amended and the decree issued in Case No. 19CW3154. Said information is incorporated herein by reference. The water rights that may be used for augmentation purposes under this Application are derived from the Applicant's MMRC share ownership and include the following: Spinney Mountain Reservoir. Spinney Mountain Reservoir is located on the South Platte River, with the left abutment of the dam at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West, 6th P.M., Park County, Colorado, bears South 23°26' West a distance of 8,314.3 feet. North Fork Associates/Mountain Mutual Reservoir Company have a decreed right from the City of Aurora for a firm annual delivery of 80 acre feet from the water decreed to the Spinney Mountain Reservoir including but not limited to the following: water from Case No. W-7395, with appropriation date of March 26, 1973, in the amount of 86,000 acre-feet. Such waters are decreed for domestic, irrigation, municipal and all other beneficial uses. As stated in a special

warranty deed dated March 23, 1987, recorded in Park County on May 29, 1987, at Book 411, Page 876, from the City of Aurora, grantor, to Mountain Mutual Reservoir Company and North Fork Associates, LLC, grantees, the supply of water which is lawfully available to the grantees and subject to this agreement includes an undivided interest in the right of first use of a firm yield of 80 acre feet of water per annum from “any of the water rights owned by Aurora and decreed for storage in Spinney Mountain Reservoir.” Nothing in this Application is intended to amend, change, alter, or supersede any contract, agreement, deed, or other instrument or arrangement that exists between MMRC (or its predecessors in interest) and the City of Aurora, including but not limited to any contract, agreement, deed, or other instrument or agreement concerning Spinney Mountain Reservoir. Guiraud 3T Ditch. MMRC owns 3.481 cubic feet per second of the water rights decreed in the Guiraud 3T Ditch as follows: Adjudication Date: Oct. 18, 1889 (Original Adjudication Water District 23); Appropriation Date: July 1, 1867; Amount: 20 cfs. The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE1/4 of said Section 8 bears North 63° 35’ East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Historic consumptive use for a portion of the Guiraud 3T Ditch owned by MMRC, that includes the portion associated with MMRC shares owned by Will-O-Wisp, was determined in 81CW144. (1) Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. (2) Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30’ East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. (3) Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15’ East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all

in Park County. (4) Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above. (5) Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. (6) Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaughter Ditch. Maddox Reservoir is an alternate replacement supply pursuant to 19CW3154. (7) Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees: Case No. W-7741-74, Appropriation Date: July 25, 1974, Amount: 40 a.f.; Case No. 84CW250, Use of Res. as Recharge Facility; Case No. 85CW465, Use of Res. as Recharge Facility. The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Lower Sacramento Creek Reservoir is claimed as an alternate replacement supply in this matter. 4. Complete statement of plan for augmentation and claim for exchange project right: Wisp Creek flows through both ponds, which normally remain full during the spring and summer. Evaporation losses from each pond were calculated utilizing paragraph 4 from the "Attachment to Policy 2003-2 General Guidelines for Substitute Water Supply Plans Submitted to the State Engineer Pursuant to Section 27-92-308, DRS(2003)" as a guideline. The estimated monthly net evaporation volumes follow:

Month	Net Evaporation			
	Upper Pond (ac-ft)	Office Pond (ac-ft)	Total (ac-ft)	Total w/Ice Cover (ac-ft)
January*	0.002	0.005	0.007	0.00
February*	0.03	0.08	0.11	0.00
March*	0.05	0.16	0.21	0.00
April	0.08	0.23	0.31	0.31
May	0.13	0.37	0.50	0.50
June	0.19	0.54	0.73	0.73
July	0.16	0.47	0.63	0.63
August	0.12	0.35	0.47	0.47

September	0.13	0.36	0.49	0.49
October	0.08	0.23	0.31	0.31
November*	0.04	0.12	0.16	0.00
December*	0.006	0.018	0.024	0.00
Total	1.02	2.93	3.95	3.44

*Ice Cover anticipated.

No evaporation is assumed when the average monthly temperature at NOAA’s Bailey Climate station is below 32 degrees, indicating ice cover. Excluding the normally ice-covered months of November-March, the projected annual net evaporation will be 0.89 acre-feet for the Upper Pond, 2.55 acre-feet for the Office Pond, and 3.44 acre-feet combined. The District owns 425 shares of Mountain Mutual Reservoir Company stock representing an augmentation supply of 13.35 acre-feet annually. The District’s plan for augmentation was decreed in Case No. 81CW144. Based on changes to the District’s development plans and service area, the District has excess replacement water and can utilize up to the approximately 4.0 acre-feet of the replacement supply or 126 shares of MMRC stock in this supplemental augmentation plan. The source of replacement includes MMRC’s historical consumptive use credit associated with water rights all as described in the decree in Case No. 81CW144, as amended, and the subsequent decree in Case No. 19CW3154. Said information is incorporated herein by reference. MMRC will deliver the replacement supply directly to the North Fork of the South Platte River, to the Middle Fork South Platte River, or to the South Platte River. The exchange reach includes from the North Fork confluence with Roland Gulch, up Roland Gulch and up Wisp Creek to the point of depletion, or as necessary, from the confluence of the South Platte and North Fork, up the North Fork of the South Platte River to its confluence with Roland Gulch, up Roland Gulch to its confluence with Wisp Creek, and up Wisp Creek to Office and Upper Ponds to compensate for evaporative losses. The District asserts an exchange project right pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S., over the reach described above. The locations of these relevant points are as follow: Confluence Point - North Fork & South Platte, UTM NAD 83 Zone 13N, E485250, N4362000; Confluence Point - North Fork and Roland Gulch, UTM NAD 83 Zone 13N, E467765, N4362264; Confluence Point - Roland Gulch and Wisp Creek, UTM NAD 83 Zone 13N, E464567, N4365840; Confluence Point - Office Pond, UTM NAD 83 Zone 13N, E464605, N4366830; Confluence Point - Upper Pond, UTM NAD 83 Zone 13N, E464638, N4367416. The water exchange project right will be operated and administered with a priority date of May 3, 2019, (the approval date of the initial SWSP), at a maximum flow rate of 0.9 cfs. The evaporation volumes are based on full ponds and corresponding water surface areas so tracking water surface levels in the ponds is not necessary. The District will limit its augmentation needs under its existing augmentation plan in Case No. 81CW144 to 9.4 acre feet, (a figure well above its current normal operational needs), so that the overall depletions associated with the District’s water usage within the District boundaries remains at or under the 13.35 acre feet authorized under Case No. 81CW144, as amended, to ensure that there are sufficient excess MMRC credits available to replace out of priority evaporative losses herein, or, alternatively, the District will seek the ability to utilize additional or alternative augmentation sources in the future under this plan for augmentation, as contemplated in C.R.S. § 37-92-305(8)(c) and consistent with any decree issued herein. **5. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** N/A. The Will-O-Wisp Ponds are both existing structures located on lands owned by the District and located within the District boundaries. There is no need to modify said existing structures consistent with this application. **6. Other.** Nothing herein is intended to modify or otherwise reopen the decree in Case No. 81CW144, as amended. The listing of MMRC augmentation sources in paragraph 3, above, is included for identification purposes and nothing herein is intended to modify or otherwise reopen any determination previously made in a MMRC decree related to the adjudication, change of use, or quantification of any MMRC augmentation source used in satisfying

augmentation requirements. Nothing herein seeks a change of water right or adjudication of new junior water storage rights. The District merely seeks to utilize shares it owns in MMRC, that are excess to its current replacement needs under Case No. 81CW144, to replace out of priority evaporative depletions associated with the operation of the two existing Will-O-Wisp Ponds located within the District boundaries. **WHEREFORE**, Will-O-Wisp requests the Court to enter its decree and ruling approving a plan for augmentation in this matter, granting its exchange project rights, and such other relief as the Court deems appropriate.

2024CW3037 TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000. Serve all pleadings on: Madoline Wallace-Gross, Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. **APPLICATION FOR CHANGE OF WATER RIGHTS AND CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE IN JEFFERSON AND DOUGLAS COUNTIES.** 2. **Background.** Applicant seeks entry of a decree changing the entire 5.0 c.f.s. decreed to the Meadow Ditch. Applicant owns 75% or 3.75 c.f.s. (“Applicant’s Interest”) and Ranchview Investments, LLC (“Ranchview”) owns 25% or 1.25 c.f.s. (“Ranchview’s Interest”) of the Meadow Ditch water right. Applicant has a contract interest in the Ranchview Interest. Applicant seeks a change in type of use, place of use and place of storage for all 5.0 c.f.s. The historical consumptive use of the Meadow Ditch water right was quantified and changed in prior cases. A map showing the general location of the Meadow Ditch and associated structures is attached as **Exhibit A-1**. Additionally, Applicant claims a conditional appropriative right of exchange to effectuate the use, reuse and successive use until extinction of the changed Meadow Ditch water right. 3. **Description of Water Rights to be Changed.** A. **Meadow Ditch.** i. *Original Decree:* Decree of December 10, 1883, District Court, Douglas County, for Water District No. 8. ii. *Legal Description:* The decreed point of diversion of the Meadow Ditch headgate is in the W 1/2 NE 1/4, Section 21, Township 7 South, Range 68 West of the 6th P.M., in Douglas County, Colorado at a point 2,055 feet from the North section line and 2,380 feet from the East Section line. iii. *Source:* Indian Creek, tributary to South Platte River. iv. *Rate:* 5.0 c.f.s. v. *Uses:* Irrigation. vi. *Appropriation Date:* May 31, 1866. B. **Previous Changes of the Meadow Ditch.** i. *Case No. 00CW231:* In Case No. 00CW231, by a decree dated July 1, 2003, the Meadow Ditch water right was first changed for specific uses in Valley Development Group, LLC’s (“Valley Development”) proposed residential development. Although Valley Development only sought a change of 0.77 c.f.s. of the Meadow Ditch water right, the Water Court approved a ditch-wide historical consumptive use (“HCU”) analysis and quantified the HCU of the entire 5.0 c.f.s. ii. *Case No. 05CW30:* In Case No. 05CW30, by a decree dated March 23, 2007, Roxborough Water and Sanitation District (Applicant’s predecessor-in-interest) changed 3.75 c.f.s. of the Meadow Ditch water right for Roxborough’s municipal uses, relying on the decree in Case No. 00CW321. The Water Court adopted the quantified HCU from the decree in Case No. 00CW321. Thus, the HCU for the 75% interest averages 80.25 acre-feet per year, up to a maximum of 159 acre-feet per year. iii. *Case No. 06CW294:* In Case No. 06CW294, by a decree dated February 29, 2012, Ranchview changed 1.25 c.f.s. of the Meadow Ditch water right for Ranchview’s purposes. The Water Court adopted the quantified HCU from the decree in Case No. 00CW321. Thus, the HCU for the 25% interest averages 26.75 acre-feet per year, up to a maximum of 52.98 acre-feet per year. 4. **Claim for Change of the Meadow Ditch Water Right.** Applicant seeks to change Applicant’s 3.75 c.f.s. interest in the Meadow Ditch water right (80.25 acre-feet (average) annually and 159 acre-feet (maximum annual)) as well as Ranchview’s 1.25 c.f.s. interest (26.75 acre-feet (average) annually and 52.98 acre-feet (maximum annual)). Pursuant to C.R.S. § 37-92-305(3)(e) the Water Court may not requantify the HCU. Applicant’s claimed changes to the Meadow Ditch water right are as follows: A. **Types of Use:** All municipal uses, industrial use, exchange, augmentation and replacement use, with the right to fully consume and to use, reuse, and successively use to extinction the Meadow Ditch water right and associated return flows from the water right. Applicant may continue to use Applicant’s Interest in the Meadow Ditch water right for irrigation of the historically irrigated acreage. B. **Place of use:** Use, reuse, and successive use to extinction on and for the benefit of lands within Applicant’s water service area boundaries, as such boundaries currently exist or may exist in

the future, and outside such boundaries by contracts existing as of the filing of the Application and at locations where the Town has return flow and augmentation obligations. A map showing Applicant's water service area is attached as **Exhibit B**. C. Additional Alternate Locations of Storage: Applicant will store the Meadow Ditch water right for subsequent beneficial use and reuse at the following locations. A map showing these locations of storage is attached as **Exhibit A-2**. i. *Chatfield Reservoir* – Chatfield Reservoir is an on-channel reservoir located on the mainstem of the South Platte River, at the confluence with Plum Creek, Massey Draw, and Deer Creek. The right abutment of the Chatfield Reservoir dam is located in Douglas County, Colorado, in Secs. 6 and 7, T.6.S., R.68.W. of the 6th P.M.; the left abutment of the dam is located in Jefferson County, Colorado, in Sec. 1, T.6.S., R.69.W. of the 6th P.M. ii. *Castle Rock Reservoir No. 1* – Castle Rock Reservoir No. 1 is an off-channel reservoir located in the NE1/4, Sec. 15, T.7.S., R.68.W. of the 6th P.M., Douglas County, at a point 1607 feet from the north section line and 2340 feet from the east section line. The reservoir is filled from Plum Creek through the Plum Creek Diversion, as described in ¶ 5.A.ii.1. iii. *Castle Rock Reservoir No. 2* – Castle Rock Reservoir No. 2 is an off-channel reservoir located in the E1/2, Sec. 15, T.7.S., R.68.W. of the 6th P.M., Douglas County, at a point 1830 feet from the north section line and 790 feet from the east section line. The reservoir is filled from Plum Creek through the Plum Creek Diversion, as described in ¶ 5.A.ii.2. iv. *Reuter-Hess Reservoir* – Reuter-Hess Reservoir is an on-channel reservoir located on Newlin Gulch, tributary of Cherry Creek. The axis of the dam intersects the thread of Newlin Gulch at a point on the south line of Sec. 30, T.6.S., R.66.W. of the 6th P.M., Douglas County, which point is approximately 2,400 feet east of the southwest corner of said Sec. 30. v. *Plum Creek Reservoir* – Plum Creek Reservoir is an off-channel reservoir located in the N1/2, SW1/4, the SE1/4, SW1/4, and the W1/2, W1/2, SE1/4, Sec. 20, T.7.S., R.67.W., of the 6th P.M., Douglas County. The reservoir will be filled from East Plum Creek through the Castle Pines Diversion Point S-1, as described in ¶ 5.A.ii.2.; and the Castle Pines Diversion Point S-2, as described in ¶ 5.A.ii.3. vi. *Lambert Reservoir No. 3* – Lambert Reservoir is located in the SW 1/4 NE 1/4 of Section 21, Township 7 South, Range 68 West, 6th P.M., in Douglas County, at a point 2,300 feet from the North and 2,400 feet from the East Section lines. vii. Remark on Operation to Storage: Applicant will divert and measure the Meadow Ditch water right at the Meadow Ditch headgate described in ¶ 3.A.ii. Applicant may then: 1) measure and return the Meadow Ditch water right to Indian Creek for carriage downstream for rediversion and storage or exchange for rediversion and storage for changed purposes; or 2) convey the Meadow Ditch water right in the ditch (or piped ditch) to Castle Rock Reservoirs Nos. 1 and 2 described in ¶¶ 4.C.ii. – iii for ¶ 4.A. for storage for changed purposes. D. Means of Delivering Historic Return Flow Obligations: The decrees in Case Nos. 05CW30 and 06CW294 require the replacement of instantaneous and lagged return flows on Indian Creek. In addition to making replacements in the ways described in Case Nos. 05CW30 and 06CW294, Applicant seeks to replace return flows by piping water from Castle Rock Reservoirs Nos. 1 and 2 described in ¶¶ 4.C.ii. – iii, to a discharge point on Indian Creek above the Woodhouse Ditch. See **Exhibit A-1**. 5. Claim for Appropriative Rights of Exchange. Applicant seeks a decree confirming its appropriation of a conditional appropriative right of exchange to use, reuse, and successively use to extinction the HCU attributable in the Meadow Ditch water right. A map depicting the location of the exchange termini is attached as **EXHIBIT C**, and an exchange matrix is provided as **Exhibit D**. A. Name of Exchange. Castle Rock-Meadow Ditch Exchange. i. Downstream Termini – Exchange-from Points. 1. *Chatfield Reservoir*: Described in ¶ 4.C.i. 2. *Outlet of Castle Rock Reservoir Nos. 1 and 2*: Located in the SE 1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1725 feet from the south section line and 751 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501483, Northing 4365550. 3. *Confluence of Indian Creek and Plum Creek*: Located in the SE 1/4 of the NE 1/4 of Section 4, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado. 4. *Outfall of Plum Creek Water Reclamation Authority ("PCWRA")*: Located in the SW 1/4 SW 1/4 Section 21, Township 7 South, Range 67 West, 6th P.M., 984 feet from the south section line and 227 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508125, Northing 4363729. ii. Upstream Termini – Exchange-to Points. 1. *Plum Creek Diversion*: Located in the SE1/4, Sec. 15, T.7.S., R.68.W. of the 6th P.M., Douglas County, at a point 1660 feet from the south section line and 725 feet from the east section line. 2. *Castle Pines Diversion Point S-1*: Located in SE 1/4

SW 1/4 Sec. 21, T.7.S., R.67.W of the 6th P.M., at a point 20 feet from the south section line and 1,530 feet from the west section line. 3. *Castle Pines Diversion Point S-2*: Located in the NE 1/4 SW 1/4 Sec. 20, T.7.S., R.67.W. of the 6th P.M., at a point 2,540 feet from the south section line and 2,590 feet from the west section line. 4. *Castle Rock Surface Diversion No. 1*: Located in the SE1/4 NW1/4, Sec. 2, T.8.S., R.67.W., of the 6th P.M., Douglas County, at a point 2,205 feet from the north section line and 1,550 feet from the west section line. 5. *Castle Rock Surface Diversion No. 2*: Located in the SW 1/4 SW 1/4 Sec. 21, T.7.S., R. 67.W. of the 6th P.M., at a point 791 feet from the south section line and 45 feet from the west section line. 6. *Castle Rock Surface Diversion No. 3*: Located in the NW 1/4 SE 1/4 Sec. 20, T.7.S., R.67.W. of the 6th P.M., at a point 1,602 feet from the south section line and 1,678 feet from the east section line. iii. Sources of Substitute Supply. HCU from the Meadow Ditch water right. iv. Rate of Exchange: 1. For exchanges from Chatfield Reservoir or the Outlet of Castle Rock Reservoirs Nos. 1 and 2: 15 c.f.s., conditional. 2. For exchanges from the confluence of Indian Creek and Plum Creek: 2.46 c.f.s., conditional. 3. For exchanges from the outfall of PCWRA: 3.0 c.f.s., conditional. v. Date of Initiation of Appropriation: March 27, 2024. vi. How Appropriation was Initiated: Applicant initiated this appropriation by: acquiring the Applicant's Interest in the Meadow Ditch water right; obtaining a contract interest in and the right to change the Ranchview Interest; conducting engineering studies to support the change of water right claimed herein and the appropriation of a new conditional exchange; passing a director's resolution evidencing the appropriation; and approving and filing this Application. vii. Date Applied to Beneficial Use: Not applicable. viii. Proposed Uses: See ¶ 4.A. ix. Proposed Place of Use: See ¶ 4.B. 6. **Owners of land upon which structures are or will be located.** 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. A. The Meadow Ditch headgate is located on land owned by Lambert Ranch Association, Inc. c/o Advance HOA Management Inc. PO Box 370390, Denver, CO 80237. B. Castle Rock Surface Diversion No. 1 and Plum Creek Wastewater Treatment Plant Outfall are located on land owned by Applicant. C. Plum Creek Reservoir is owned by the Plum Creek Water Reclamation Authority, 4255 N. US Highway 85, Castle Rock, CO 80108. D. Castle Rock Surface Diversion No. 3 and Castle Pines Diversion Point S-2 are located on land owned by Plum Creek Water Reclamation Authority, 4255 NW Highway 85, Castle Rock, CO 80108. E. Castle Rock Surface Diversion No. 2 and Castle Pines Diversion Point S-1 are located on land owned by Castle Rock Development Company, 3303 E. 1st Ave, Suite 305, Denver CO 80206. F. Castle Rock Reservoir Nos. 1 and 2, and the Plum Creek Diversion are located on land owned by Plum Creek Trust, c/o Patricia Rhodes, Trustee, 5 Canon Place, Greenwood Village, CO 80111. G. Chatfield Reservoir is located on land owned by the US Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128. H. Reuter-Hess Reservoir is located on land owned by Parker Water and Sanitation District, 18100 Woodman Dr., Parker, CO 80134. I. Lambert Reservoir No. 3 is located on land owned by Lambert Ranch Association, Inc. c/o Advance HOA Management Inc. PO Box 370390, Denver, CO 80237. WHEREFORE, Applicant respectfully requests the Court to enter a decree granting all claims in this Application, including approving the change of the Meadow Ditch water right, and confirming Applicant's appropriation of the conditional appropriative right of exchange. Number of page in application: 10, excluding exhibits.

2024CW3038 JOHN M. BERKHEIMER, 6485 Connaught Drive, Colorado Springs, CO 80908. (Please forward all pleadings and correspondence to Ryan W. Farr and Paul J. Raymond of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921, (719) 471-1212). **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND APPROVAL OF PLAN FOR AUGMENTATION, EL PASO COUNTY.** Applicant seeks to adjudicate the Denver Basin groundwater underlying his property, as defined below, and approval of a plan for augmentation for the use of the Dawson aquifer to supply water to a proposed subdivision of the Applicant's Property into two lots. Property Description. Applicant owns an approximately 13.4-acre property located in the SE 1/4 of the NE 1/4 of Section 6, Township 12 South, Range 65 W. of the 6th P.M., El Paso County, Colorado, as particularly described on the attached **Exhibit A** deed, and shown on the

attached **Exhibit B** aerial and map, with a street address of 14060 Black Forest Road, Colorado Springs, CO 80908 (“Applicant’s Property”). Existing Well. There is an existing domestic well with Colorado Division of Water Resources Permit No. 215326 (“Berkheimer Well No. 1”), permit attached as **Exhibit C**. It is drilled to a total depth of 300 feet to the Dawson aquifer, and located 3,500 feet from the North Section Line, and 300 feet from the East Section Line. Upon completion of this case and the subdivision process, the Berkheimer Well No. 1 will be re-permitted to operate pursuant to the requested plan for augmentation. Proposed Wells. Applicant proposes to construct an additional well on the Applicant’s Property at a specific location yet to be determined (“Berkheimer Well No. 2”), to be constructed to the Dawson aquifer. Water Source. *Not-Nontributary*. The ground water to be withdrawn from the Dawson and Denver aquifers underlying the Applicant’s Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions, whereas augmentation requirements for wells in the Denver aquifer will require replacement of four percent (4%) of the amount of water withdrawn on an annual basis. *Nontributary*. The groundwater that will be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. Estimated Rates of Withdrawal and Ground Water Available. *Estimated Rates of Withdrawal*. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. *Estimated Average Annual Amounts of Ground Water Available*. Applicant requests the vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code § 8.4.7(C)(1) which is more stringent than the State of Colorado’s 100-year life requirement pursuant to C.R.S. § 37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT Actual)	423.25	1134	11.34	3.781
Denver (NNT 4%)	475.50	1083	10.83	N/A
Arapahoe (NT)	240.00	547	5.47	N/A
Laramie Fox Hills (NT)	186.80	375	3.75	N/A

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant’s Property consisting of domestic, irrigation, stock water, fire protection, and recreation, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant’s Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson or Denver aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-

137(9)(c.5). Well Fields. Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located as well as the underlying groundwater is owned by the Applicant. Structure to be Augmented. The structures to be augmented are the Berkheimer Well Nos. 1 and 2, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein ("Berkheimer Wells"). Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Berkheimer Wells, together with water rights from the nontributary Arapahoe aquifer for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer Berkheimer Wells. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: *Uses*. Pumping from the Dawson aquifer will be a maximum of 1.566 acre-feet of water per year combined for the Berkheimer Wells, with each lot pumping a maximum of 0.783 acre-feet per year. Such uses shall be for domestic within a single-family dwelling, structure and equipment washing, irrigation (indoor and outdoor), commercial, stock water, recreation, and fire protection, and also for storage and augmentation purposes associated with such uses. *Depletions*. Maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 22.40% of pumping. Maximum annual depletions from the Berkheimer Wells are therefore 0.351 acre-feet in year 300. Should Applicant's pumping be less than the 1.566 acre-feet total per year described herein, resulting depletions and required replacements will be correspondingly reduced. *Augmentation of Depletions During Pumping*. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the Berkheimer Wells. Depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for non-evaporative septic systems is 10% per year. At a combined household use rate of 0.40 acre-feet per year, 0.36 acre-feet is replaced to the stream system annually, utilizing a non-evaporative septic system. Thus, during pumping, stream depletions will be more than adequately augmented. *Augmentation for Post Pumping Depletions*. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Berkheimer Wells, Applicant will reserve 479.4 acre-feet of the nontributary Arapahoe aquifer, accounting for actual stream depletions replaced during the plan pumping period, as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Arapahoe aquifer groundwater will be used to replace any injurious post-pumping depletions which shall be reduced by that amount replaced during pumping. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit for the Berkheimer Wells for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system and it is Applicant's intent to consolidate the instant matter with the pending Division 2 application in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth

herein, and for a finding that those replacements are sufficient. (Application consists of 7 pages and three exhibits)

2024CW3039 (17CW3138, 05CW47) TPC PARK INVESTORS, LLC AND GREELEY PARK, LLC. 221 Main Street, Suite 2309, Los Altos, CA 94203. Serve all pleadings on: Madoline Wallace-Gross, Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY.** 2. **Names and descriptions of structures:** 2.1. **Greeley RV Park Well (Current Permit No. 77320-F).** 2.1.1. Original decree: Case No. 05CW47 entered on September 2, 2011. 2.1.2. Subsequent decrees awarding findings of diligence: Case No. 17CW3138 entered on March 26, 2018. 2.1.3. Location: NW 1/4 of the NE 1/4, Section 21, Township North, Range 65 West, 6th P.M. 228 feet From the North line and 2290 feet from East line of said Section 21. See **EXHIBIT A**. 2.1.4. Source: Groundwater tributary to the South Platte River. 2.1.5. Appropriation date: August 19, 2008. 2.1.6. Total decreed amount: 20 g.p.m. 2.1.7. Absolute amount: 14 g.p.m., pursuant to Case No. 17CW3138. 2.1.8. Conditional amount remaining: 6 g.p.m., pursuant to Case No. 17CW3138. 2.1.9. Claim to make absolute: 6 g.p.m. See Paragraph 5 below. 2.1.10. Use: Domestic water supply for commercial RV lot. 2.1.11. Depth: 72 feet. 3. **Integrated Water Supply System:** Pursuant to C.R.S. § 37-92-301(4)(B), the conditional water right is part of a single integrated water system owned, developed, and operated by Applicants. Applicants' integrated water supply system consists of an augmentation plan and conditional and absolute water rights. 4. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the diligence period from March 2018 to March 2024, the following activities occurred on Applicants' integrated system, as that term is used in C.R.S. § 37-92-301(4)(b): 4.1. Applicants acquired the Greeley RV Park Well, other water rights, and land from Marlin and Shirley Ness in April of 2022 at a cost of \$10,800,000. The Greeley RV Park Well and additional water rights are used on and for the benefit of the land on **EXHIBIT A** and are included the 05CW47 plan for augmentation. 4.2. Prior to Applicants' acquisition of the Greeley RV Park Well, Marlin and Shirley Ness pumped the Greeley RV Park Well every month since March 2018, and augmented the pumping under the 05CW47 plan for augmentation. See **EXHIBIT B**. 4.3. Since Applicants' acquisition of the Greeley RV Park Well in April of 2022, the well has been pumped and augmented the pumping under the 05CW47 plan for augmentation. See **EXHIBIT B**. 4.4. Between March 2018 and April 2022, Applicants' predecessors in interest to the Greeley RV Park Well performed routine maintenance on the well, including but not limited to replacing the diaphragm in the well's chlorinator, installing a new bladder tank, installing a new well pump, replacing filters, replacing the booster pump, replacing the pressure switch, replacing check valves, including the check valve on the well's chlorinator, replacing the chlorinator, and replacing the cartridge filter. These costs totaled over \$5,100. 4.5. Between April 2022 and March 2024, Applicants performed routine maintenance on the Greeley RV Park Well, including but not limited to replacing the bladder tank, replacing check valves, replacing the diaphragm in the well's chlorinator, flushing the chlorinator tank, cleaning the sand filter, and calibrating the well's meter. These costs totaled over \$1,100. 4.6. Applicants and their predecessors in interest expended over \$10,600 on maintaining the integrated system, non-inclusive of engineering and legal costs associated with acquiring and operating all of the components of that system. 5. **Claim to make absolute in whole:** 5.1. Date water applied to beneficial use: July 21, 2020, the day Kevin Rein, as Director of the Division of Water Resources and State Engineer, signed DWR Written Instruction 2020-01. 5.2. Amount: 6 g.p.m., the remaining conditional amount. 5.3. Use: Domestic water supply for commercial RV lot. 5.4. Evidence Supporting Claim to Make Absolute: Applicants' predecessors in interest operated and Applicants continue to operate the Greeley RV Park Well for the beneficial use of a domestic water supply for a commercial RV lot under the 05CW47 augmentation plan. See **EXHIBIT B**. C.R.S. § 37-92-103(9) and DWR Written Instruction 2020-01 allow for conditional water rights operated under a decreed plan for augmentation to be made absolute. 5.5. Description of place of use where water is applied to beneficial use. See **EXHIBIT A**. 6. **Owner of land upon which the structures are located:** Applicants.

WHEREFORE, Applicants respectfully request the Court enter a decree finding that Applicants diligently perfected the Greeley RV Park Well and have made the water right fully absolute as described herein. In the alternative, Applicants seek a finding of reasonable diligence. Number of pages in application: 5, excluding exhibits.

2024CW3040 Applicants: GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (GMS) AND THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (WAS), 3209 West 28th Street, Greeley, Colorado 80631 with all correspondence herewith being sent to Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Regan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**. Applicants may be referred to herein as Central. 1.1. Previous Decree: Case No. 14CW3123, Water Division 1, dated March 22, 2018. 2.1. Information from Previous Decree. 3.1. Conditional Exchange Right. Central claims an appropriative right of exchange to divert the water delivered to the SPR at the Augmentation Station described herein attributable to the Shares at the Lupton Bottom Ditch headgate for storage in structures that are served by the Lupton Bottom Ditch. 3.1.1. Exchange To and Exchange From Points. The exchange will be from Central's "Augmentation Station" on the Fulton Ditch described in ¶ 23.1 [of the original decree] [as the north edge of the Southwest ¼ of Section 8, Township 1 North, Range 66 West] to the headgate of the Lupton Bottom Ditch, which is located in Section 19, Township 1 North, Range 66 West, 6th P.M., on the west bank of the SPR in the NW ¼ NW ¼ SW ¼ of said section. 3.1.2. Rate. Central's claimed rate of exchange is 1.14 cfs, conditional. 3.1.3. Volumetric Limit. 199.4 acre-feet per year. 3.1.4. Date of Appropriation. October 28, 2014. 3.1.5. How appropriation was initiated. Formation of intent to divert water by exchange and the filing of this application. 3.2. Uses. Central may use water diverted by exchange for the uses described in paragraph 11, above. The place of use for the water diverted pursuant to the subject exchange will be any place within Central's boundaries, as they now exist or as expanded in the future. 3.2. Source of Substitute Supply. Water attributable to the Shares changed herein and delivered to the SPR via the Augmentation Station 3.2. Exchange (Terms and Conditions). Central shall be entitled to operate the exchange described in paragraph 3 above and utilize the water exchanged for the uses decreed for the Shares herein after storing the water under the Lupton Bottom Ditch subject to the following: 3.2.1. The exchange shall only operate provided there are no dry up points on the SPR within the exchange reach and there is a continuous live stream within the exchange reach between the exchange-from point and the exchange-to point; 3.2.2. Central shall provide notice, along with any information requested by the Water Commissioner as necessary to administer the exchange and obtain the approval of the Water Commissioner prior to operating the exchange; 3.2.3. The exchange shall only operate when other water rights senior to October 28, 2014 and located within the exchange reach are either a) in priority and satisfied or b) are out of priority; 4. The exchange shall be limited to the lesser of the maximum rate of 1.14 cfs, the amount of the available source of substitute supply actually delivered to river, or the available physical diversion capacity at the exchange-to point 4. Outline of Work Towards Completion of the Appropriation. 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, including additional shares under the Fulton Ditch in Case No. 20CW3125. Additionally, in Case No. 20CW3125, Central obtained approval for use of the Fulton Shares changed therein, as well previously changed Fulton Shares, as a source of supply in a separately decreed exchange to the Lupton Bottom Ditch. 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 \$86,000,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 5. Claim for Finding of Reasonable Diligence. Central seeks a finding that it has been reasonably diligent in the development of the conditional water right and entry of a decree maintaining the right as conditional for the statutory period. 6. 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: Not applicable. The original application consists of four (4) pages.

2024CW3041 BASIN LANDS LLC, PO Box 271029, Louisville, CO 80027-9998, Attn: David Ruppert. Serve all pleadings on Matthew Machado, Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce Street, Unit 1B, Louisville, CO 80027: **APPLICATION FOR NONTRIBUTARY UNDERGROUND WATER RIGHTS IN THE UPPER LARAMIE AQUIFER IN WELD COUNTY**. 1. **Name, address, and telephone number of Applicant and Landowner:** 1.1. **Applicant:** Basin Lands LLC (“Basin” or “Applicant”), a Colorado limited liability company PO Box 271029 Louisville, CO 80027-9998 Attn: David Ruppert (303) 931-2800 Please direct all correspondence to: Matthew Machado Casey J. Weaver Lyons Gaddis, PC 950 Spruce Street, Unit 1B Louisville, CO 80027 1.2. **Landowners:** 1.2.1. True Ranches LLC (“True”), a Wyoming limited liability company PO Box 2360 455 North Poplar Casper, WY 82602 Attn: Gene VanDeest, Environmental Specialist (307) 251-8213 1.2.2. Dennis J. Stephan, individually and as Trustee Junior F. Stephan Revocable Trust and the Winnie Loreen Stephan Revocable Trust (“Stephan”) P.O. Box 692, Cheyenne, WY 82003 Attn: Dennis J. Stephan 2. **Description of Application:** 2.1. **Overview:** Basin is filing this Application pursuant to section 37-92-203, C.R.S., for determination of rights to nontributary groundwater located outside of a designated basin. Section 37-90-137(4), C.R.S. defines the nature and extent of the water rights claimed in this Application. Pursuant to the Nontributary Groundwater Lease, dated March 28, 2023, Basin is leasing and has True’s consent to adjudicate and withdraw the deep aquifer groundwater underlying True’s property (“True Ranch”). The Memorandum of Nontributary Groundwater Lease for the True Ranch is attached as **EXHIBIT A** (the “True Lease”). Pursuant to the Nontributary Groundwater Lease, dated March 1, 2024, Basin is leasing and has Stephan’s consent to adjudicate and withdraw the deep aquifer groundwater underlying Stephan’s property (“Stephan Ranch”). The Memorandum of Nontributary Groundwater Lease for the Stephan Ranch is attached as **EXHIBIT B** (the “Stephan Lease”). The True Ranch and the Stephan Ranch are collectively referred to herein as the “Overlying Land.” A map of the Overlying Land is attached as **EXHIBIT C**. This Application seeks a determination of the nontributary character and quantity of the groundwater in the aquifer occurring within the Upper Laramie formation (“Upper Laramie aquifer”) underlying the Overlying Land available to Applicant for withdrawal and beneficial use. Applicant’s engineering consultants have conducted aquifer testing and analyses, and have reviewed available data and analyses of the Upper Laramie aquifer, including the data and analyses conducted for Case No. 11CW275, Application of total water resources, and for Case No. 20CW3113, Application of Lazy D Grazing Association. The overlying land in those cases is in close proximity to the Overlying Land. Based on all of that information, Applicant’s engineering consultants have determined that the water in the Upper Laramie aquifer meets the definition of non-tributary groundwater as defined in section 37-90-103(10.5), C.R.S. 2.2. **Landowner:** True is the owner of the portion of the Overlying Land subject to the True Lease (“True Overlying Land”), and Stephan is the owner of the portion of the Overlying Land subject to the Stephan Lease (“Stephan Overlying Land”). Each of said leases authorizes Basin to file this Application to adjudicate, permit, withdraw, and use the groundwater for which Basin seeks a determination in this Application. The deed evidencing True’s ownership of the True Overlying Land is attached as **EXHIBIT D**. The deeds evidencing Stephan’s ownership of the Stephan Overlying Land are attached as **EXHIBIT E**. 3. **Jurisdiction:** The Court has jurisdiction over the subject matter of this Application pursuant to sections 37-92-302(2) and 37-90-137(6),

C.R.S. The lands are located outside any designated groundwater basin, and thus, Basin wells will divert only nontributary groundwater located outside the boundaries of any designated groundwater basins. 4. **Well permits.** Basin will submit well permit applications for the wells that it seeks to construct pursuant to this Application when it is prepared to construct the wells pursuant to the terms of the decree entered in this case. 5. **Property description and estimated depths of wells:** 5.1. **Property description:** The wells will withdraw groundwater from the Upper Laramie aquifer underlying the Overlying Land, consisting of approximately 11,631.17 acres, including approximately 7,560.17 acres associated with the True Lease and approximately 4,080.82 acres associated with the Stephan Lease. 5.1.1. The True Overlying Land is located in Weld County, and includes portions of Sections 19, 20, and 30 of Township 12 North, Range 64 West of the 6th P.M.; Sections 1, 2, and 12 of Township 11 North, Range 65 West of the 6th P.M.; and Sections 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, and 35 of Township 12 North, Range 65 West of the 6th P.M. A legal description for the True Overlying Land is contained in the deed included as Exhibit D. 5.1.2. The Stephan Overlying Land is located in Weld County, and includes portions of Sections 17, 18, 19, 20, 28, 29, 30 and 33 of Township 12 North, Range 65 West of the 6th P.M. and Section 4 of Township 11 North, Range 65 West of the 6th P.M. Legal descriptions for Stephan Overlying Land are contained in the deeds included in Exhibit E. 5.2. **Well locations:** Basin requests the right to construct wells anywhere on the Overlying Land needed to apply the water to beneficial use and to recover the entire allowable annual amount from the Upper Laramie aquifer. 5.3. **Well depths:** The estimated depth to the base of the aquifer will vary depending on the location of each well on the Overlying Land. Actual well completion depths will comply with each applicable well permit but may vary depending on the topography and geology at each location. 6. **Source of water rights:** The Application only seeks a determination with respect to the Upper Laramie aquifer. Basin's geologic analysis indicates that the groundwater contained in the Upper Laramie aquifer underlying the Overlying Land is nontributary as defined in section 37-90-103(10.5), C.R.S. Basin seeks a determination of only the Upper Laramie's nontributary status underlying the Overlying Land and not of any other underlying aquifer. 7. **Date of appropriation:** Not applicable. 8. **Right to groundwater claimed in this Application:** Basin seeks a decree for all nontributary groundwater from the Upper Laramie aquifer underlying the Overlying Land. Pursuant to section 37-90-137(4), C.R.S., Basin may withdraw the nontributary water at an annual rate determined by the Court based on an aquifer life of 100 years without causing material injury to the vested rights of others. 9. **Amounts and rates of withdrawal:** 9.1. **Average annual amount available:** The average annual amount of groundwater available from the Upper Laramie aquifer underlying the Overlying Land, exclusive of any artificial recharge, will be determined based on an analysis of average saturated sand thicknesses of the aquifer underlying each section of the Overlying Land and using an appropriate specific yield for the Upper Laramie aquifer at the Overlying Land. Using currently available data, Applicant's engineering consultants estimate that a total of 16,116.64 average annual acre-feet based on an aquifer life of 100 years is available from the Upper Laramie aquifer underlying the Overlying Land, as follows: 9.1.1. Applicant's engineering consultants estimate that 9,927.82 average annual acre-feet based on an aquifer life of 100 years is available from the Upper Laramie aquifer underlying the True Overlying Land. Aquifer properties for the True Overlying Land are set forth in **EXHIBIT F**, attached hereto. 9.1.2. Applicant's engineering consultants estimate that 6188.82 average annual acre-feet based on an aquifer life of 100 years is available from the Upper Laramie aquifer underlying the Stephan Overlying Land. Aquifer properties for the Stephan Overlying Land are set forth in **EXHIBIT G**, attached hereto. 9.2. **Final amount:** The final average annual amount available may change based on additional data. 9.3. **Average pumping rates:** The average pumping rates for wells completed in the Upper Laramie aquifer are expected to vary from 200 gpm to 1000 gpm, although Basin requests pumping rates for each well sufficient to withdraw the full annual amount of nontributary water available from the Upper Laramie aquifer as may be determined by the Court. 10. **Well field:** Basin seeks the right to withdraw all legally available groundwater in the Upper Laramie aquifer through one or more wells permitted for withdrawal therefrom. Basin requests that all wells completed into the Upper Laramie aquifer located on the Overlying Land be treated as a well field, except any existing wells described in ¶ 12 below. Basin will file well permit applications, in accordance with section 37-90-137(10), C.R.S., prior to construction of wells. 11. **Proposed uses:** Basin requests the right to use all groundwater that is the subject

of this Application for all beneficial uses, including but not limited to agricultural, domestic, municipal, commercial, stock watering, industrial, and augmentation uses. The water may be stored, used, and reused to extinction on or off the Overlying Land by Basin or others to whom Basin may lease, sell, assign, or otherwise provide the water. 12. **Other wells located on the Overlying Land:** To the extent an existing well withdraws water from the Upper Laramie aquifer, a portion of the water determined to be available for the Overlying Land will be reserved for or allotted to that existing well. 13. **Name and address of the owner of the land on which structures will be located:** The only diversion or structures involved in the Application will be located on the Overlying Land. 13.1. **Owners of the Overlying Land:** True and Stephan have leased to Basin all rights to the groundwater in the Upper Laramie aquifer underlying the Overlying Land that is the subject of this Application, including the right to seek a determination of the groundwater and use the groundwater for all beneficial purposes. 13.1.1. True's address is set forth in ¶ 1.2.1 above. 13.1.2. Stephan's address is set forth in ¶ 1.2.2 above. 13.2. **Notice requirements:** In compliance with section 37-92-302(2)(b), C.R.S., Applicant certifies that no persons or entities have a lien or mortgage on, or a deed of trust to, the Overlying Land recorded in the county in which the Overlying Land is located. **WHEREFORE, Basin requests a ruling and decree granting and awarding:** 14. A determination that the groundwater in the Upper Laramie aquifer underlying the Overlying Land is nontributary groundwater as defined in section 37-90-103(10.5), C.R.S. 15. A quantification and adjudication of the groundwater rights in the Upper Laramie aquifer underlying the Overlying Land to which Basin is entitled to develop and use, exclusive of any artificial recharge. 16. The right to withdraw more than the average annual amounts estimated in paragraph 8.1, above, pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7 ("banking"). 17. The right to withdraw the amount of water determined to be available with one or more wells in a well field pursuant to Rule 14 of the Statewide Rules, 2 C.C.R. 402-7. 18. The right to revise the estimated average annual volume available for withdrawal upward or downward, based on better or revised data during the pendency of this case without the necessity of amending this Application or republishing the same. 19. The right to include a provision for retained jurisdiction to adjust the average annual volume available for withdrawal to conform to actual local aquifer characteristics as provided for in section 37-92-302(2)(b), C.R.S. 20. Such other relief as it deems proper on the premises. Number of pages in application: 7, excluding exhibits.

2024CW3042 Applicant: HS LAND & CATTLE, LLC, c/o Bill Scaff, P.O. Box 366, Gilcrest, Colorado 80623. Tele (720) 466-9162 with all future correspondence herewith being sent to David P. Jones, Lawrnce Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE OR IN THE ALTERNATIVE FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY. 2. Previous Decree: Case No. 216CW3199, Water Division 1, dated March 26, 2018. 3. Information from Previous Decree. 3.1. **Name of New Conditional Water Right:** Big Bend Ditch Wetlands Irrigation Right. 3.2. **Structure Where Water Shall Be Diverted:** The Headgate for the Big Bend Ditch, as decreed on April 28, 1883 in Civil Action No. 6009. 3.3. **Location of Structure:** In the NW 1/4 of Section 19, Township 4 North, Range 66 West. (UTM Coordinates: Northing: 4461450; Easting: 515229) 3.4. **Source of Water:** South Platte River. 3.5. **Date of Appropriation:** December 30, 2016 3.6. **How Appropriation was Initiated:** By filing of the Application. 3.7. **Proposed Use:** Irrigation of 40 acres for wetlands and wildlife habitat, by direct irrigation of wildlife area. The specific forty acres to be irrigated are shown on the map attached as Exhibit A [to original Decree]. 3.8. **Place of Use.** The legal description for the general place of use is as follows: Land below the Big Bend Ditch located in the NW 1/4 of Section 19 and the SE 1/4 of Section 18, Township 4 North, Range 66 West. 3.9. **Amount:** Three and forty-eight hundredths (3.48) cubic feet per second, and an annual volumetric amount not exceeding 120 acre-feet, conditional. 4. **Outline of Work Towards Completion of the Appropriation.** Applicant acquired the water right from the original applicant, Eaton Cattle Company, in January 2018. During the diligence period, Applicant has, *inter alia*, installed and/or maintained measuring devices and has diverted the water right for irrigation purposes in support of wetland habitat in priority and with the knowledge of the water commissioner. 5. Claim to Make Conditional Water Right Absolute or in the Alternative for a Finding of Reasonable

Diligence. Applicant seeks to make the water right absolute; or in the alternative, for a finding that it has been reasonably diligent in the development of the conditional water right and entry of a decree maintaining the right as conditional for the statutory period. 6. 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: Applicant. The original application consists of three (3) pages.

2024CW3043 APPLICATION FOR WATER RIGHTS OF MICHAEL J. FIORELLA, c/o John Buchanan, The Law Office of John D. Buchanan LLC, PO Box 140207, Edgewater, CO 80214. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN ELBERT COUNTY**. Parcel description: The SW1/4 of the NE1/4 of Section 22, Township 9 S, Range 65 W., also identified by the street address 983 Jonathan Cir., Elizabeth, CO 80107 (“Subject Parcel”). The claim of Applicant to the water underlying the Subject Parcel is based on ownership of the Subject Parcel. This application seeks a decree adjudicating all the nontributary and not nontributary ground water in the Denver Basin aquifers underlying the Subject Parcel. Such aquifers may include the Upper Dawson, Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills aquifers; the actual aquifers will be those that are determined to be available underlying the Subject Property in accordance with the Denver Basin Rules (2 CCR 402-6). There is one exempt well located on the property, permitted under well permit no. 214697. The source of water for this well is the Upper Dawson aquifer. Applicant seeks to adjudicate the water in the Upper Dawson aquifer that may be withdrawn through this exempt well. The estimated amounts of water in each aquifer is as follows: NNT Upper Dawson: 18.98 AF average annual appropriation (“avg”); NT Lower Dawson: 10.57 AF avg; NT Denver: 16.01 AF avg; NT Upper Arapahoe: 16.14 AF avg; NT Laramie Fox-Hills: 11.17 AF avg. The final decreed amounts may vary from the above to conform with the State’s Determination of Facts. Requested Uses: Applicant requests the water be approved for all beneficial uses, and the specific uses will be determined when an application for permits to withdraw such water is filed. Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Subject Parcel, subject to the requirement of C.R.S. § 37-90-137(9)(b) that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to beneficial use. Applicant requests approval to produce the full legal entitlement from the Denver Basin aquifers underlying the Subject Parcel through any combination of wells and that such wells be treated as a well field. Applicant claims the right to withdraw more than the estimated average annual amounts described above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending or republishing this application. Applicant requests this Court approve the above-described underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, and grant such other and further relief as is appropriate. Plan for Augmentation: Name of structure to be augmented: Fiorella Upper Dawson Well, permit no. 214697. Legal description of structure: The permitted well location is in the SW1/4 NE1/4 of Section 22, Township 9 South, Range 65 West of the 6th P.M., at a distance of 1,940 feet from the North Section line and 1,420 feet from the East Section line. Appropriation Date: N/A. Amount: 18.98 acre-feet per year average annual withdrawal. Source: The Upper Dawson aquifer underlying the Subject Parcel. Use: Household, domestic, irrigation, stock water, and fire protection uses on the Subject Parcel, and for storage and augmentation purposes associated with such uses. Complete Statement of Plan for Augmentation: Applicant will rely on the determinations of the amount, timing, and location of depletions by the staff of the State and Division Engineers’ office. Depletions to affected streams during pumping will be replaced by return flows from water that is not consumed through beneficial use, including domestic return flows from a non-evaporative septic system. For the replacement of any injurious post-pumping depletions that may occur, Applicant will reserve water available in the nontributary aquifers adjudicated in this application as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping

depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be non-injurious. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant.

2024CW3044 (17CW3137, 11CW44, 04CW243, 98CW234, 90CW32) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507 **CONCERNING THE APPLICATION FOR WATER RIGHTS OF: EDWARD G. HOGAN, WILLIAM J. HOGAN, AND JOANN SHARP IN JEFFERSON COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE.** 1. Name, Address, and Telephone Number of Applicants: Edward G. Hogan, William J. Hogan, and JoAnn Sharp (collectively, the "Applicants") c/o Chris Hogan, Authorized Representative 11919 State Highway 93, Boulder, Colorado 80303, (303) 472-8822 jhogansprint@earthlink.net; chogan@hoganaction.com The Applicants have trusts that hold a portion of the title to the subject water right, which include the Bill Hogan Living Trust, the JoAnn T. Sharp Living Trust, and the Christopher R. Bergquist Sr., Living Trust. Additionally, the ownership interest of Edward G. Hogan is now held by the Estate of Edward G. Hogan and John C. Hogan. The Hogan Family intends to execute additional deeds transferring ownership out of the Estate of Edward G. Hogan. Once such transfers are complete, the Applicants will file a Notice of Transfer of Conditional Water Rights, Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Cassidy Woodard, 1525 Spruce Street, Suite 200, Boulder, CO 80302, sbushong@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Name of Structure: Hogan Reservoir. 3. Descriptions of Conditional Water Right: 3.1. Original Decree: The water right associated with Hogan Reservoir was originally decreed by the District Court in and for Water Division No. 1 (the "Water Court") in Case No. 81CW74 on April 12, 1982, 3.2. Subsequent Decrees: Portions of the water right were made absolute or findings of reasonable diligence entered by the Water Court in Case Nos. 17CW3137, 11CW44, 04CW243, 98CW234, and 90CW32, 3.3. Decreed Location: Located in the NE1/4 of Section 5 and the NW1/4 of Section 4, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. The outlet is a point South 35° 57' 20" West 286.62 feet from the NE Corner of said Section 5, 3.4. Source: Natural runoff tributary to Coal Creek, 3.5. Appropriation Date: February 7, 1981, 3.6. Uses: irrigation, washing gravel, industrial, and augmentation, 3.7. Amount: 204 acre-feet total of which 150 acre-feet was made absolute for washing gravel and industrial purposes, leaving 54 acre-feet conditional for washing gravel and industrial purposes and 204 acre-feet conditional for irrigation and augmentation. 4. Request to Make Absolute: Hogan Reservoir has been made absolute for only some of the decreed uses. Pursuant to C.R.S. § 37-92-301(4)(e), "[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." Accordingly, Applicants request that the Hogan Reservoir water right be made absolute for the amount of 150 acre-feet for all decreed uses, including irrigation and augmentation. 5. Request for Finding of Reasonable Diligence: For all remaining amounts and uses of the conditional water right associated with Hogan Reservoir described in Paragraph 3 above that are not made absolute in this proceeding as requested in Paragraph 4 above, the Applicants request a finding that they have exercised reasonable diligence in the development of the remaining conditional water right decreed to Hogan Reservoir and that said conditional water right continues in full force and effect for its full decreed amount and for all decreed uses. 6. Diligence Activities: The Hogan Reservoir water right is part of an integrated system. As such, under C.R.S. § 37-92-301(4)(b), "[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." During the diligence period, the Applicants have undertaken the following activities that demonstrate they have exercised reasonable diligence in the development of the remaining conditional water right associated with Hogan Reservoir: 6.1. Applicants continue to lease

the property where Hogan Reservoir is located for the mining and extraction of aggregate materials. Such mining activities are actively creating the water storage facility known as Hogan Reservoir. Water diverted and stored in Hogan Reservoir has been used either directly by Applicants or by the lessee of the property for the aggregate mining, which is currently Arcosa Lightweight. The active mining operations continue to rely upon the water right subject to this case and other water rights for washing gravel and industrial uses. The lease of the property for aggregate mining was extended through 2047. Additionally, the water storage right subject to this case will be used to augment the depletions from the Hogan Reservoir in the future, 6.2. During the diligence period, Applicants expended considerable time and investment to conduct routine repairs and upgrades to Hogan Reservoir and the water facilities used for supply water for the mining and extraction of aggregate materials. This work was undertaken at a total expenditure of approximately \$110,000 and included activities such as the following work performed at the quarry site: (1) installation of new wiring, a new water pump, water meters, and check valves; (2) the laying of new piping for water lines that provide for the flow of water; (3) the replacement of two fifteen horsepower water pumps at the well house; (4) conversion of start/stop water systems to wireless Bluetooth systems; (5) installation of a new pump for the quarry; and (6) related expenses for contractor services for various work related to the above, 6.3. Applicants are pursuing the development of a small subdivision on their ranch to construct five homes on five new parcels. In support of this effort, the Applicants had surveys conducted and developed preliminary mapping of the proposed new parcels. Applicants are also evaluating the various infrastructure improvements and water system necessary to support the proposed subdivision. Water decreed to Hogan Reservoir is one potential source for irrigation uses and augmentation of a pond within the small subdivision, 6.4. During the diligence period, Applicants filed an application in Water Court Case No. 23CW3096, regarding the Hogan Reservoir No. 2 and the Hogan Ditch No. 2. Both structures are located on property adjacent to Hogan Reservoir. Applicants conduct regular maintenance work to clean and maintain the Hogan Ditch No. 2 and Hogan Reservoir No. 2 structures. During the diligence period, Applicants rebuilt the inlet structure on Hogan Reservoir No. 2 and cleaned out the outlet ditch from Hogan Reservoir No. 2. The above diligence activities are necessary prerequisites to applying the subject water rights to the remaining conditional uses. 7. Land Ownership: Applicants and their family members. WHEREFORE, the Applicants respectfully requests that the court enter an order (1) granting their request to make Hogan Reservoir absolute for irrigation and augmentation uses in the amount of 150 acre-feet as described in Paragraph 4 above; (2) granting their request for a finding of reasonable diligence for the remaining conditional amounts and uses of the water right associated with Hogan Reservoir that are not made absolute herein as described in Paragraph 5 above and continuing said conditional water right in full force and effect; and (3) granting such other and further relief as deemed appropriate. (5 pages + Exhibit)

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 **MAY 2024** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.