

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

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

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

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**CASE NO. 2024CW6 DAVID A. WILSON**, P.O. Box 1173 Fairplay, CO 80440. 719-836-3541.

**APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY**

**DECRIBED POINT OF DIVERSION IN PARK COUNTY**. Nelan Pond 1 located SW1/4 NE1/4 S14, T10W, R75W of the 6th PM in Park County. UTM coordinates: 4337262 N, 435871 E. Date of original and all relevant subsequent decrees: 05-24-1976 in case no. W-6947, WD1. Source: Natural spring and runoff. Appropriation date: 05-28-1972. Amount: 2 acre feet. Use: non consuming fish culture and recreational.

**CASE NO. 2024CW7 (17CW49, 06CW167) MARK AND GAYLE DRINHAUS**, 12825 Bella Roma

Ct., Fort Worth, TX 76126. (661) 675-5200. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY**. Date of original decree: 12-28-06 in case 06CW167, WD1. Subsequent decree: 06-11-18 in case 17CW49, WD1. 1. Brezden Spring No 1 located NE1/4, SE1/4, S33, T13S, R72W of the 6th PM; 2. Brezden Spring No 2 located NE1/4, SE1/4, S33, T13S, R72W of the 6th PM; Source: Tributary to Wagon Tongue Gulch, which is a tributary of the South Platte River. Amount: 0.5 gpm. Conditional for storage in Brezden Ponds No. 1 and No. 2. Use: Recreation, fish, wildlife and piscatorial. 3. Brezden Pond No 1 (dam) located NE1/4, SE1/4, S33, T13S, R72W or the 6th PM. Amount: 0.70 acre feet. Conditional with a right to fill and refill as sources are in priority. Use: Recreation, fish, wildlife and piscatorial. 4. Brezden Pond No 2 (dam) located NE1/4, SE1/4, S33, T13S, R72W of the 6th PM. Source: Brezden Springs No 1 & 2 runoff and drainage. Amount: 0.40 acre feet. Conditional with a right to fill and refill as sources are in priority. Use: Recreation, fish, wildlife and piscatorial. Date of appropriation: 07-24-06.

**CASE NO. 2024CW8 (17CW59, 11CW11, 03CW340) DANIEL N. WARNER**, 4990 Bowmar Dr. Littleton, CO 80123. 303-886-0650. **APPLICATION FOR FINDING OF REASONABLE**

**DILIGENCE IN JEFFERSON COUNTY**. Date of original decree: 01-07-05 in case 03CW340, WD 1. Subsequent decree: 12-28-11 in case 11CW11, WD 1; 06-05-18 in case 17CW59, WD1. Legal description: Warner owns a parcel of property approximately 75 acres in size that is located in the W1/2 SW1/4 NE1/4 and the W1/2 NW1/4 SE1/4 and the NE1/4 SW1/4, S7, T6S, R70W of the 6th PM. The property will be divided into 7 residential lots. A community stable if proposed to be included in the development. Water for each of the lots and the stable will be obtained from individual wells, designated as Warner Well Nos. 1, 2, 3, 4, 5, 6, 7, and 8 with Well No. 1 drilled in 2016 and put into use February 2017. Source: Groundwater Tributary to S. Turkey Creek. Amount 15 gpm each well, Conditional. Use: Domestic and ordinary household purposes, the watering of domestic animals, irrigation of lawns and gardens and fire protection.

**CASE NO. 2024CW3082 MCKELLAR DECLARATION OF TRUST DATED MAY 2, 1991 AND THE CHADWICK F. MCKELLAR REVOCABLE TRUST DATED JANUARY 4, 2016**, 950 W. Los Altos Rd., Tucson, AZ. 85704. Julianne M. Woldridge, MacDougall & Woldridge, P.C., P.O. Box 7273, Woodland Park, CO 80863. **APPLICATION TO VACATE PORTION OF WATER RIGHT, EL PASO COUNTY**. Structure name: Thomas Well No. 18533-F, well permit number 75605-F. Previous Decrees: Case No. W-8463-76, July 26, 1979, and 83CW37, Dec. 12, 1984, Water Div. No. 1. Legal description: SE1/4 of the SE1/4 of Section 21, T.11S., R.65W., 6th P.M., El Paso County, CO, at a point

1125 feet North and 425 feet West of the Southeast corner of said section 21. The well is located on Lot 6 of Southwood Subdivision, Filing 1, within the 62 acres of land upon which the original appropriation was based in the SE1/4 of Section 21, T.11S., R.65W, 6th P.M., El Paso County. This is the only well on Lot 6. Source: Nontributary Dawson Formation. Appropriation Date: April 18, 1974 for 12 acre feet; March 11, 1977 for 28.3 acre feet. Uses: Commercial, recreational and piscatorial. Amount: 40.3 acre feet total, 3.5 acre-feet of which is the subject of this application. The water and land are not located within the boundaries of a designated basin. Applicants own the subject property upon which the well is located and no other person or entity has a financial interest in that land or the subject water right. Accordingly, Applicant's certify compliance with the notice requirements of C.R.S. 37-92-302, to the extent it is applicable. Applicants seek to vacate 3.5 acre-feet per year from the total 40.3 acre feet per year appropriation, constituting 0.5 acre-feet per year of water from the Dawson aquifer underlying each of Lots 3, 4, 5, 7, 8, 9, and 11 of Southwood Subdivision, Filing 1, located within the 62 acres of land upon which the original appropriation was based in the SE1/4 of Section 21, T.11S., R.65W, 6th P.M. Applicants propose no further amendment or change to the Thomas Well No. 18533-F water right. Some of the original 62 acres upon which the appropriation was based has been conveyed to third parties; but Applicants have retained ownership of this water right in its entirety. Name and address of owner of land upon which the existing diversion structure is located: Applicants. 3 pages.

**CASE NO. 2024CW3083 (17CW3193, W-65) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER AND WELD COUNTIES** 1. Name, address and telephone number of Applicant: **CITY OF LONGMONT**, c/o Water & Waste Department, Water Resources Division, 375 Airport Road, Longmont, CO 80503, (303) 651-8376. c/o David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980. 2. Name of structures: Well Nos. 1-22 (the "Subject Wells"). 3. Description of conditional water rights: A. Decrees: A decree for the Subject Wells was entered by the District Court, Water Division No. 1 in Case No. W-65 on June 1, 1978. A subsequent decree was entered on July 3, 1984, in Case No. 82CW226, changing the point of diversion and approving a plan of augmentation for Well No. 3. Findings of reasonable diligence have been made in Case Nos. 82CW216, 86CW152, 96CW115, 04CW194, 11CW009, and 17CW3193, District Court, Water Division No. 1. B. Location: Exhibits A-D (attached to the application and available for inspection at the office of the Division 1 Water Clerk or via CCE) depict the following well locations: Well No. 1: Located at a point in Section 20, T3N, R.70W. of the 6th P.M., whence the NE Corner of said Section bears N35°20'00" E 2480 feet. Well No. 2: Located at a point in Section 20, T3N, R.70W. of the 6th P.M., whence the NE Corner of said Section bears N27°05'00" E 2270 feet. Well No. 3: As changed by decree in Case No. 82CW226 (Permit #27261-F), this perforated drain pipe system is located north of the North Water Treatment Plant of the City of Longmont in the SE1/4 NE1/4 of Section 20, Township 3 North, Range 70 West, 6th P.M., Boulder County, with a pump whose location is more particularly described as follows: commencing at the NE Corner of the SE1/4 NE1/4 of said Section 20, whence the E1/4 corner bears S0°26'9" W 1,316.09 feet; thence S58°37'00" W 520 feet more or less to said pump. Well No. 4: Located at a point in Section 21, T3N, R.70W. of the 6th P.M., whence the NE Corner of said Section bears N38°35'00" E 3310 feet. Well No. 5: Located at a point in Section 9, T3N, R.69W. of the 6th P.M., whence the W1/4 Corner of said Section bears N0°51'00" W 970 feet. Well No. 6: Located at a point in Section 16, T3N, R.69W. of the 6th P.M., whence the W1/4 Corner of said Section bears S19°30'00" W 370 feet. Well No. 7: Located at a point in Section 16, T3N, R.69W. of the 6th P.M., whence the W1/4 Corner of said Section bears S89°30'00" W 40 feet. Well No. 8: Located at a point in Section 27, T3N, R.69W. of the 6th P.M., whence the N1/4 Corner of said Section bears N53°20'00" W 1180 feet. Well No. 9: Located at a point in Section 27, T3N, R.69W. of the 6th P.M., whence the SE Corner of said Section bears N89°59'00" E 210 feet. Well No. 10: Located at a point in Section 35, T3N, R.70W. of the 6th P.M., whence the NE Corner of said Section bears N49°10'00" E 2190 feet. Well No. 11: Located at a point in Section 35, T3N, R.70W. of the 6th P.M., whence the E1/4 Corner of said Section bears N27°05'00" E 340 feet. Well No. 12: Located at a point in Section 36, T3N, R.70W. of the 6th P.M., whence the S1/4 Corner of said Section bears S12°10'00" E 510 feet. Well No. 13: Located at a point in Section 9, T2N, R.69W. of the 6th P.M.,

whence the W1/4 Corner of said Section bears N13°05'00" W 840 feet. Well No. 14: Located at a point in Section 30, T2N, R.69W. of the 6th P.M., whence the SW Corner of said Section bears S85°30'00" W 1320 feet. Well No. 15: Located at a point in Section 20, T2N, R.69W. of the 6th P.M., whence the SW Corner of said Section bears S01°25'00" W 2590 feet. Well No. 16: Located at a point in Section 10, T2N, R.69W. of the 6th P.M., whence the E 1/4 Corner of said Section bears S85°30'00" E 2400 feet. Well No. 17: Located at a point in Section 7, T2N, R.68W. of the 6th P.M., whence the SW Corner of said Section bears S83°20'00" W 1510 feet. Well No. 18: Located at a point in Section 1, T2N, R.68W. of the 6th P.M., whence the NE Corner of said Section bears N5°40'00" E 1750 feet. Well No. 19: Located at a point in Section 21, T3N, R.67W. of the 6th P.M., whence the SW Corner of said Section bears S86°30'00" W 2620 feet. Well No. 20: Located at a point in Section 15, T3N, R.67W. of the 6th P.M., whence the SW corner of said Section bears S80°10'00" W 1230 feet. Well No. 21: Located at a point in Section 10, T3N, R.67W. of the 6th P.M., whence the SW corner of said Section bears S83°30'00" W 1750 feet. Well No. 22: Located at a point in Section 6, T2N, R.68W. of the 6th P.M., whence the SW corner of said Section bears S11°30'00" W 800 feet. C. Source: Ground water tributary to the South Platte River and its tributaries, particularly St. Vrain Creek. D. Appropriation Date: April 1, 1969, for all of the Subject Wells. E. Amount: The amounts decreed conditional for the Subject Wells are as follows: Well No. 1: 1000 GPM. Well No 2: 1000 GPM. Well No. 3: 400 GPM. Well No. 4: 600 GPM. Well No 5: 500 GPM. Well No. 6: 1000 GPM. Well No. 7: 1000 GPM. Well No. 8: 500 GPM. Well No. 9: 500 GPM. Well No. 10: 400 GPM. Well No. 11: 400 GPM. Well No. 12: 400 GPM. Well No. 13: 600 GPM. Well No. 14: 750 GPM. Well No. 15: 750 GPM. Well No. 16: 1000 GPM. Well No. 17: 1000 GPM. Well No. 18: 1000 GPM. Well No. 19: 750 GPM. Well No. 20: 2250 GPM. Well No. 21: 2500 GPM. Well No. 22: 1000 GPM. F. Use: All municipal uses including domestic, mechanical, manufacturing, fire protection, use for sewage treatment, street sprinkling, water for parks, trees, lawns and grounds, maintaining of adequate storage reserves, irrigation, recreation, replacement adjustment and regulation of the units of the Longmont Water System within itself, together with the practice of using said waters following withdrawal from the aquifer for the purposes of effectuating an exchange or transfer of water by the use of any public stream or waters in substitution for water supply.

4. Detailed outline of work done to complete project and apply water to beneficial use: The 22 Subject Wells conditionally decreed in Case No. W-65 are a part of a unified plan by the City of Longmont to develop groundwater to supplement its surface water supplies. This court specifically decreed in Case Nos. W-65, and in subsequent decrees, that the Subject Wells are an integral part of the entire Longmont water supply and distribution system, which includes, but is not limited to, all surface decrees, underground decrees, and storage reservoirs, particularly Button Rock Reservoir. Longmont is developing this water system pursuant to a phased development program that provides for the construction of the Subject Wells and the use of other water rights as needed to meet the expanding residential, commercial and industrial water demand of Longmont. During the relevant Diligence Period (June 2018–Present), Longmont has spent a significant amount of time and money in the development of its water system, and large expenditures of money will be required in the future to continue this development. Longmont’s efforts to develop its water system and the Subject Wells, are detailed in the affidavit, attached to the application as Exhibit E (available for inspection at the office of the Division 1 Water Clerk or via CCE), of Mr. Wes Lowrie, Water Resources Analyst for the City of Longmont. These efforts support a finding of reasonable diligence for the subject conditional water rights for Well Nos. 1-22.

5. Name(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: **Longmont Well #1**, Colorado Department of Transportation, Right of Way Branch, 4210 East Arkansas, Denver, CO. **Longmont Well #2**, Tebo, Stephan D, P.O. Box T, Boulder, CO 80306-1996. **Longmont Well #3**, Town of Lyons, P.O. Box 49, Lyons, CO 80540-0049. **Longmont Well #4** Stonebridge Trust, 5169 Ute Hwy, Longmont, CO 80503. **Longmont Well #5** Weibel, Roger L., 14388 N. 95th St., Longmont, CO 80501. **Longmont Well #6** Hajek, Robert D. 1514 Linden St., Longmont, CO 80501-2448. **Longmont Well #7** Lind, Kirk E & Pamela S 13820 N. 95th St., Longmont, CO 80504. **Longmont Well #8** Kinzle, Richard D. & Pamala K. 2414 Corey St., Longmont, CO 80501-1217. **Longmont Well #9** City of Longmont. **Longmont Well #10** Boulder County, P.O. Box 471, Boulder,

Co 80306. **Longmont Well #11 Boulder** County, P.O. Box 471, Boulder, Co 80306. **Longmont Well #12** Colorado Department of Transportation, Right of Way Branch, 4210 East Arkansas, Denver, CO 80222. **Longmont Well #13** Guaranty Bank & Trust, P.O. Box 616, McKinney, TX 75070. **Longmont Well #14** East Meadowdale Assoc. Inc., P.O. Box 270368, Louisville, CO 80027-9998. **Longmont Well #15** Colorado Department of Transportation, Right of Way Branch, 4210 East Arkansas Denver, CO 80222. **Longmont Well #16** City of Longmont. **Longmont Well #17** City of Longmont 1/2 int. Boulder County 1/2 int. **Longmont Well #18** White, Lisa; White, Ryan, 1508 Pintail Bay, Windsor, CO 80550-6142. **Longmont Well #19** Dixie Water LLC. 500 Canal St. Metairie LA 70005-3602. **Longmont Well #20** Two Rivers Farm LLC, P.O. Box 527, Platteville, CO 80651-0527. **Longmont Well #21** Public Service Co. of Colorado, P.O. Box 1979 Denver, CO 80201-1979. **Longmont Well #22** McLane Western Inc., P.O. Box 6115, Temple TX, 76503-6115. WHEREFORE, Longmont respectfully requests that the Court enter a finding of reasonable diligence with respect to the conditional Subject Wells described in Paragraph 3 above, continuing such conditional rights in full force.

**CASE NO. 2024CW3084** (17CW3162; 09CW266) **CITY OF GREENWOOD VILLAGE** (Greenwood Village), c/o Tonya Haas Davidson, City Attorney, 6060 South Quebec Street, Greenwood Village, Colorado 80111, (303) 486-5742. Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys for Greenwood Village: Alan E. Curtis, Nicoli R. Bowley, Bryan T. Stacy, Curtis, Justus, & Zahedi, LLC, 1333 120th Avenue, Suite 302, Westminster, Colorado 80234. [alanc@cjzwaterlaw.com](mailto:alanc@cjzwaterlaw.com), [nicolib@cjzwaterlaw.com](mailto:nicolib@cjzwaterlaw.com), [bryans@cjzwaterlaw.com](mailto:bryans@cjzwaterlaw.com). **APPLICATION FOR FINDING REASONABLE DILIGENCE AND TO MAKE REMAINING PORTION OF CONDITIONAL WATER RIGHT ABSOLUTE IN ADAMS, ARAPAHOE, DOUGLAS, JEFFERSON, WELD AND DENVER COUNTIES.** 2. **SUMMARY OF APPLICATION.** a. Tommy Davis Park Pond Water Right. Greenwood Village seeks to make absolute or, in the alternative, a finding of reasonable diligence for the remaining conditional portion of the water right decreed for the storage and use of water in and from the Tommy Davis Park Pond (Tommy Davis Park Pond Water Right). b. Exchange Rights. Greenwood Village also seeks a finding of reasonable diligence for the remaining conditional portions of the appropriative rights of exchanges associated with the Tommy Davis Park Pond (Exchange Rights). c. Absolute Rights Not At Issue. The portions of the Tommy Davis Park Pond Water Right and Exchange Rights previously confirmed as absolute are not at issue in this proceeding. 3. **DESCRIPTION OF CONDITIONAL WATER RIGHTS.** a. Name of Structure. Tommy Davis Park Pond (only irrigation use remains conditional). i. Date of Original Decree. October 3, 2011 in Case No. 09CW266, Water Division 1 (09CW266 Decree). ii. Subsequent Diligence Decrees. June 14, 2018 in Case No. 17CW3162, Water Division 1 (17CW3162 Decree). iii. Location. In the NW1/4 of the NW1/4 of Section 22, Township 5 South, Range 67 West of the 6th P.M. The center of the dam is located approximately 16 feet from the north section line and 961 feet from the west section line. The center of the Tommy Davis Park Pond is located approximately 201 feet from the north section line and 917 feet from the west section line. The location of the Tommy Davis Park Pond is illustrated on the attached EXHIBIT 1. iv. Source. A tributary of Goldsmith Gulch, tributary to Cherry Creek, tributary to the South Platte River. v. Appropriation Date. January 1, 2007. vi. Amount. 5 acre-feet and the right to refill with continuous refills. vii. Uses. Recreation (5 acre-feet, absolute), aesthetic (5 acre-feet, absolute), piscatorial (5 acre-feet, absolute), wildlife habitat (5 acre-feet, absolute), storage and the right to refill continuously (5 acre-feet, absolute) and irrigation on 19 acres in part of the S1/2 of the SW1/4 of Section 15, Township 5 South, Range 67 West and the N1/2 of the NW1/4 of Section 22, Township 5 South, Range 67 West of the 6th P.M. (4.73 acre-feet, absolute and 0.27 acre-feet, conditional). b. Exchange Rights. i. Original Decree. 09CW266 Decree. ii. Subsequent Diligence Decrees. 17CW3162 Decree. iii. Sources of Exchange Water. (1) Denver Lease Water. The primary sources of exchange water are water rights perpetually leased from the City and County of Denver (Denver Lease Water) delivered from replacement points described in the 09CW266 Decree. (2) Greenwood Village's Nontributary Well. An additional source of exchange water is a nontributary well owned by Greenwood Village, Permit No. 30210-F decreed in Case Nos. W-2987 and 85CW046, that is located in the NE1/4 of the SW1/4 of Section 15, Township 5 South, Range 67 West of the 6th P.M. that

can be utilized to release water to Goldsmith Gulch (Greenwood Village's Nontributary Well). iv. Description of Exchange Reach. The Exchange Rights were confirmed in the 09CW266 Decree and operate within all or part of the following reach: (1) Delivery Point of Denver Lease Water. From the City of Denver's point of replacement described at or upstream of the proposed Lupton Lakes Reservoir Complex located in the SE1/4 of the SW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M. up the South Platte River to the confluence of Cherry Creek in the NE1/4 of the NW1/4 of Section 33, Township 3 South, Range 68 West of the 6th P.M., then up Cherry Creek to the confluence of Goldsmith Gulch in the SW1/4 NE1/4 of Section 20, Township 4 South, Range 67 West of the 6th P.M., then up Goldsmith Gulch to the point of depletion on an unnamed tributary of Goldsmith Gulch in the NW1/4 of the NW1/4 of Section 22, Township 5 South, Range 67 West of the 6th P.M. (2) South Platte River. For water released to the South Platte River from points upstream of its confluence with Cherry Creek, the exchange reach is up Cherry Creek, then up Goldsmith Gulch to the point of depletion on an unnamed tributary of Goldsmith Gulch in the NW1/4 of the NW1/4 of Section 22, Township 5 South, Range 67 West of the 6th P.M. A map showing the locations of the exchange reaches and replacement points is attached as EXHIBIT 1. v. Appropriation Date. January 1, 2007. vi. Amounts. (1) Exchanges Involving Denver Lease Water. Each of the Exchange Rights involving Denver Lease Water is decreed for 2.83 cfs, conditional, which is also a cumulative limit for all the exchange rights in the 09CW266 Decree. (2) Exchanges Involving Greenwood Village's Nontributary Well. The exchange right involving Greenwood Village's Nontributary Well is decreed for 0.45 cfs, conditional. (3) Cherry Creek/South Platte Exchange Reach. The exchange right involving the exchange reach from the confluence of Cherry Creek and the South Platte River to the Tommy Davis Park Pond was decreed absolute in the 09CW266 Decree for 0.19 cfs. (4) Robert W. Hite Treatment Facility Exchange Reach. The exchange right involving the exchange reach from the Metropolitan Denver Wastewater Plant, now known as the Robert W. Hite Treatment Facility, was decreed absolute in the 17CW3162 Decree for 0.04 cfs. 4. **GREENWOOD VILLAGE'S INTEGRATED WATER SUPPLY SYSTEM.** Paragraphs 2, 10 and 13 of the 17CW3162 Decree confirm Greenwood Village's water system, including the Tommy Davis Park Pond Water Right and the Exchange Rights, is an integrated water supply system under C.R.S. § 37-92-301(4)(b) and work on other components of Greenwood Village's integrated municipal water supply system is evidence of diligence on the Tommy Davis Park Pond Water Right and the Exchange Rights. 5. **CLAIM TO MAKE TOMMY DAVIS PARK POND WATER RIGHT ABSOLUTE.** a. Statutory Authority. C.R.S. § 37-92-301(4)(e) states "[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." (Emphasis added). b. Factual Bases for Request. Paragraph 11 of the 09CW266 Decree and Paragraph 7.1.7 of the 17CW3162 Decree both found the full 5.0 acre-feet of the Tommy Davis Park Pond Water Right has been stored in the Tommy Davis Park Pond. c. Requested Relief. Based on C.R.S. § 37-92-301(4)(e) and the findings in the 09CW266 Decree and the 17CW3162 Decree, Greenwood Village requests the Tommy Davis Park Pond Water Right be made absolute in the full decreed amount of 5.0 acre-feet and for all decreed purposes (Tommy Davis Park Pond Absolute Claim). 6. **DILIGENCE CLAIM.** a. Diligence Period. The most recent diligence period for the Tommy Davis Park Pond Water Right and the Exchange Rights was from June 14, 2018, the date the 17CW3162 Decree was entered, through June 30, 2024 (Diligence Period). b. Expenditures and Activities. During the Diligence Period Greenwood Village, together with its prior water counsel, undersigned water counsel, and BBA Water Consultants, Inc. expended approximately Two Million Four Hundred Sixty-Eight Thousand Dollars (\$2,468,000.00) and completed activities which demonstrate Greenwood Village's steady and diligent efforts to complete the appropriations of Tommy Davis Park Pond Water Right and the Exchange Rights and include: i. Accounting and Consulting for Tommy Davis Park. Accounting and consulting support for Tommy Davis Park operations including development and operation of the Tommy Davis Park Pond Water Right and the Exchange Rights. ii. Tommy Davis Park Pond Fishing Derby. Costs of the annual fishing derby at the Tommy Davis Park Pond. iii. Tommy Davis Park Maintenance and Improvements. Costs of Tommy Davis Park channel improvements and landscaping and park maintenance. iv. Monitoring of Division 1 Water Court Resumes. Greenwood Village monitored the Division 1 resumes and substitute water supply plan notices for new water rights applications and to

determine if such applications would result in injury to Greenwood Village's water rights, including the Tommy Davis Park Pond Water Right and the Exchange Rights. v. Water Rights Acquisition. Greenwood Village engaged counsel to analyze and prepare title abstracts and acquire water rights in the Arapahoe Aquifer to expand its water rights portfolio to maximize long-term beneficial use of its water rights, including the Tommy Davis Park Pond Water Right and the Exchange Rights. vi. Monitoring of Case No. 21CW3025. Greenwood Village continues to be active in proceedings in Water Division 1, including reviewing pleadings, as necessary to protect Greenwood Village's water rights, including the Tommy Davis Park Pond Water Right and the Exchange Rights. vii. Case No. 24CW3045 Water Court Application. (1) Application. On April 5, 2024, Greenwood Village filed an application in Water Division 1 Case No. 24CW3045 for storage rights and an augmentation plan (24CW3045 Application). (2) Claims in 24CW3045 Application. The 24CW3045 Application includes a claim for: (a) approval of absolute storage water rights; (b) approval of an augmentation plan to replace evaporative depletions and out-of-priority diversions. 7. **NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH STRUCTURES ARE LOCATED.** Greenwood Village owns the land where the Tommy Davis Park Pond is located. 8. **REQUESTED RULING.** a. Tommy Davis Park Pond Absolute Claim. Greenwood Village respectfully requests the Court approve the Tommy Davis Park Pond Absolute Claim. b. Diligence for Conditional Portion of Tommy Davis Park Pond Water Right. If the Court does not approve the Tommy Davis Park Pond Absolute Claim, Greenwood Village respectfully requests that the Court continue the remaining conditional amounts and uses of the Tommy Davis Park Pond Water Right for an additional diligence period. c. Diligence for Conditional Portions of Exchange Rights. Greenwood Village respectfully requests that the Court continue the remaining conditional amounts and uses of the Exchange Rights for an additional diligence period. d. Additional Relief. Greenwood Village respectfully requests that the Court grant such other and further relief as the Court deems appropriate. (7 pages, 1 Exhibit)

**CASE NO. 2024CW3085 SCOTT PAUL ENGLISH AND WANDA ENGLISH**, 17079 E Mansfield Ave, Aurora, CO 80013. James J. Petrock, John D Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** **Well Permits:** Well permits will be applied for prior to construction of any wells. **Subject Property:** Lot 1 Palmer Divide Ranches on East Cherry Creek, per plat recorded June 6, 2005, Plat Book 12, page 113 recorded February 3, 2006, Reception No. 470987 consisting of 10.010 acres located in the NE1/4 NE1/4 of Section 34, Township 9 South, Range 65 West of the 6th P.M., Elbert County, Colorado, as described and shown on the attached **Exhibit A** ("Subject Property"). Applicants are the sole owners of the Subject Property, which is included within the property described in Case No. 04CW157. **Source of Water Rights:** 4-acre feet of Upper Dawson Non tributary groundwater and 4 acre feet of Denver aquifer non tributary groundwater decreed in Case 04CW157, for use on the Subject Property. The Upper Dawson and Denver aquifer groundwater is owned by Applicants pursuant to deed granting 6 acre-feet annually from each aquifer recorded on February 3, 2021, at Reception No. 2021013925 in the records of the Douglas County Clerk & Recorder, being part of the annual amount decreed for use in Palmer Divide Ranches on East Cherry Creek in the 04CW157 Decree. **Prior Decrees.** In case 2021CW3017, an augmentation plan for one not nontributary Upper Dawson well on the subject property was decreed. 1.7-acre feet of Upper Dawson aquifer groundwater is augmented by 1.7-acre feet of Non tributary Denver aquifer groundwater under that plan, for use in one single family residence, with 26,000 square feet of irrigation, and stock watering of up to 8 large domestic animals. Applicant is currently the owner of 2.3-acre feet of Upper Dawson aquifer groundwater and 2.3-acre feet of Denver aquifer groundwater not committed to the previously approved augmentation plan and available for use in the Plan of Augmentation described in this application. Applicant requests approval of a plan for an additional 1-acre foot of Upper Dawson not nontributary groundwater, augmented by 1 acre foot of Denver aquifer nontributary groundwater, for one additional single-family house, with 15,000 square feet of irrigated lawns and gardens. **Amount:** 1 acre-foot per year of Upper Dawson Aquifer groundwater decreed in Case No. 2004CW157 ("04CW157 Decree"). **Proposed Uses:** Domestic, including in-house, irrigation of home lawn and garden, livestock

watering, and augmentation purposes. **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:** 1 acre-foot per year of Upper Dawson Aquifer groundwater as requested herein. **Water Rights to be Used for Augmentation:** Return flows from the use of nontributary Upper Dawson Aquifer and return flows from use of, or direct discharge of nontributary Denver Aquifer groundwater as specified in the 04CW157 Decree. Applicants are currently the owners of 2.3-acre feet of the decreed Upper Dawson aquifer and 2.3-acre feet of the decreed Denver aquifer, which is available in each aquifer for use in the Plan described in this application. **Statement of Plan for Augmentation:** The Upper Dawson Aquifer groundwater will be used to serve one residential lot on the Subject Property through an individual well for in house use (0.3 acre-feet per year), irrigation of up to 15,000 square-feet of home lawn, garden and trees (.7 acre-feet per year. Sewage treatment for in-house use will be provided by a non-evaporative septic system. Return flows associated with in-house use will be approximately 90% of water used for that purpose and return flow associated with irrigation use will be 15% of water used for that purpose. During pumping Applicants will replace actual depletions to the affected stream system pursuant to C.R.S. § 37-90-137(9) (c.5). Depletions occur to the Cherry Creek stream system. Return flows accrue to the South Platte River stream system via Cherry Creek and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary Denver Aquifer groundwater to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

**CASE NO. 24CW3086** (Former Case Nos. 17CW3169, 08CW273, 02CW027, 95CW088, 81CW446) **APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE** All correspondence and pleadings should be sent to Lee H. Johnson, Mason H. Brown, Katrina B. Fiscella, and Matthew L. Navarrette, Carlson, Hammond & Paddock, L.L.C., 1900 Grant Street, Suite 1200, Denver, CO 80203; Phone: (303) 861-9000; E-mail: ljohnson@chp-law.com, mbrown@chp-law.com, kfiscella@chp-law.com, mnavarrette@chp-law.com. **APPLICATION FOR A SEXENNIAL FINDING OF REASONABLE DILIGENCE OF THE CITY OF WESTMINSTER IN JEFFERSON AND ADAMS COUNTIES.** **1. Name, address and telephone number of Applicant:** City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80031, Phone: (303) 658-2400. **2. Name of Structure:** Exchange from Westminster’s Big Dry Creek Waste Water Treatment Plant to Big Dry Creek Intakes 1 through 6. **3. Description of conditional water right:** A. Date of Original Decree: April 26, 1989, Case No. 81CW446, Water Court, Division 1, State of Colorado. B. Subsequent Diligence Decrees:

Date Issued	Case No.	Court
February 28, 1996	Case No. 95CW088	Water Court, Division 1, State of Colorado.
December 11, 2002	Case No. 02CW027	Water Court, Division 1, State of Colorado.
October 19, 2011	Case No. 08CW273	Water Court, Division 1, State of Colorado.
June 5, 2018	Case No. 17CW3169	Water Court, Division 1, State of Colorado.

C. Location: In Case No. 81CW446, Westminster obtained a decree for an exchange of water between Westminster’s Big Dry Creek Wastewater Treatment Plant and Big Dry Intakes Nos. 1 through 6 (the “1981 BDC Exchange”). A map identifying the general locations of the relevant exchange points for this exchange is attached as Exhibit A. The locations of the structures are as follows: **Westminster’s Big Dry Creek Waste Water Treatment Plant:** At a point on the north bank of Big Dry Creek 400 feet east of Huron Street in the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 1 South, Range 68 West, County of Adams, State of Colorado. **Big Dry Intake No. 1:** A point located in the Southeast 1/4 of Section 14, Township 2 South, Range 69 West, County of Jefferson, State of Colorado, more particularly described as follows: The

South quarter corner of Section 14, Township 2 South, Range 69 West, 6th P.M., bears S0459'18"W, 1353.34 feet from the point of diversion. Big Dry Intake No. 2: A point located in the Northwest 1/4 of Section 13, Township 2 South, Range 69 West, County of Jefferson, State of Colorado, more particularly described as follows: The Northwest corner of Section 13, Township 2 South, Range 69 West, 6th P.M., bears N3757'18"W, 1135.24 feet from the point of diversion. Big Dry Intake No. 3: Points on both sides of Big Dry Creek located in the Southeast 1/4 of Section 6, Township 2 South, Range 68 West, County of Adams, State of Colorado, more particularly described as follows: The South quarter corner of Section 6, Township 2 South, Range 68 West, 6th P.M., bears S0903'48"W, 1441.90 feet from the point of diversion. Big Dry Intake No. 4: A point located in the Southeast 1/4 of Section 12, Township 2 South, Range 69 West, County of Jefferson, State of Colorado, more particularly described as follows: At a point whence the East quarter corner of Section 12, Township 2 South, Range 69 West, 6th P.M., bears N6220'23"E, 1913.89 feet. Big Dry Intake No. 5: A point located in the Southeast 1/4 of Section 12, Township 2 South, Range 69 West, County of Jefferson, State of Colorado, more particularly described as follows: At a point whence the East quarter corner of Section 12, Township 2 South, Range 69 West, 6th P.M., bears N7122'09"E, 1574.55 feet. Big Dry Intake No. 6: A point located in the Northeast 1/4 of Section 12, Township 2 South, Range 69 West, County of Jefferson, State of Colorado, more particularly described as follows: At a point whence the East quarter corner of Section 12, Township 2 South, Range 69 West, 6th P.M., bears S5818'56"E, 1073.68 feet. D. Source of water: In Case No. 81CW446, Westminster obtained a decree for the 1981 BDC Exchange using effluent generated at the Westminster Big Dry Creek Wastewater Treatment Plant as a substitute supply. The source of water diverted by exchange is Big Dry Creek. The source of effluent used as a substitute supply is from certain water rights diverted by Westminster through its municipal utility system pursuant to the decree entered in Case No. W-8743, Water Court, Water Division No. 1, State of Colorado and from certain nontributary groundwater rights diverted by Westminster through its municipal utility system pursuant to the decree in Cases No. W-4017 and W-8741-77, Water Court, Water Division No. 1, State of Colorado. E. Appropriation Date: September 14, 1981, Case No. 81CW446 in the amount of 20 c.f.s. F. Use: Pursuant to the decree entered in Case No. 81CW446, the water diverted will be used in the City of Westminster's municipal utility system for municipal, irrigation, domestic, commercial, industrial, recreational, exchange, replacement, and augmentation purposes. Westminster may make direct use, storage, reuse, successive use, further exchange and thereby fully consume the waters diverted and accounted for under operation of the decree in Case No. 81CW446.

**4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use.** A. In Case No. 95CW088, the Water Court decreed that 2.56 c.f.s. of the 20 c.f.s. conditional decree in Case No. 81CW446 for the 1981 BDC Exchange had been made absolute by completion of the appropriation and application of the water to beneficial use. Subsequently, in Case Nos. 08CW273 and 17CW3169, the Water Court issued findings of diligence and thereby ruled that the remaining 17.44 c.f.s. of the conditional portion of the 1981 BDC Exchange remains in effect. During the present diligence period, the rate of exchange has not exceeded the 2.56 c.f.s. previously determined absolute by the Court in Case No. 95CW088. B. During the diligence period, Westminster began working on improvements to its City Park. These enhancements are intended to improve sections of Big Dry Creek by reconnecting the natural floodplain, reducing maintenance costs, creating healthier stream conditions and improving flood management. These activities are ongoing. In addition, during the diligence period, Westminster began installation of an impervious liner to its City Park Pond located adjacent to Big Dry Creek. Activities associated with this effort included draining of City Park Pond, removal of excess sediment and regrading of the pond, stabilizing the local channel; reconstructing or replacing grade control structures, box culverts, and retaining walls; and installing a polyethylene pond liner. Depending on progress and flow conditions, the City hopes to have City Park Pond refilled by the end of this year. One of the sources of water that may be used to refill City Park Pond includes water diverted pursuant to the 1981 BDC Exchange. Costs related to these activities have been incurred during the diligence period. C. During the diligence period, Westminster has, pursuant to the decree in Case No. W-8743, diverted water into the municipal utility system and put such water to beneficial use in Westminster's water service area. Beneficial use of said water has then generated effluent at Westminster's Big Dry Creek Wastewater



Treatment Plant for exchange pursuant to the decree in Case No. 81CW446. In a prior diligence period, Westminster expanded the capacity of the Big Dry Creek Wastewater Treatment Plant thereby allowing treatment of additional effluent at the Plant. D. Westminster has previously participated in a joint effort with the City of Thornton and the USGS to construct a flow gauge on Big Dry Creek. During the diligence period, Westminster has made annual contributions of approximately \$5,000.00 to cover a portion of the operations and maintenance for said gauge. The gauge is used to measure flows in Big Dry Creek and provides a basis for the calculation of exchange potential on Big Dry Creek. Moreover, Westminster staff has participated in the Big Dry Creek Watershed Association, a cooperative effort among all Big Dry Creek water users to monitor flow data, as well as other information. Costs associated with this effort were incurred during the diligence period. E. During the diligence period, Westminster has participated in a number of water court proceedings in an effort, in part, to protect and maintain return flows to both Big Dry Creek and the South Platte River. In addition, Westminster has participated in a number of water court proceedings in the Clear Creek basin in an effort, in part, to protect and maintain the full entitlement of water available to the water rights decreed in Case No. W-8743, Water Court, Water Division No. 1, State of Colorado. Under the terms of Case No. 81CW446, effluent generated by the use of said water rights in Westminster's municipal utility system may be used for exchange purposes. F. Consistent with the findings in the decree issued in Case Nos. 08CW273 and 17CW3169, the 1981 BDC Exchange water right adjudicated in Case No. 81CW446 is part of Westminster's Clear Creek raw water supply system, an integrated system as defined by § 37-92-301(4) C.R.S. During the diligence period, Westminster continued the development of its Clear Creek Water Supply System. Activities have included, but are not limited to, prosecuting Water Court applications to incorporate purchased Clear Creek water interests into Westminster's water supply, participation in various water court proceedings to protect Westminster's water supply system, participation in continuing efforts to effect improvements to and the enlargement of Standley Lake, significant improvements to the wastewater collection system associated with the Big Dry Creek Wastewater Treatment Facility, which is an "exchange from" point for the 1981 BDC Exchange, significant improvements to the Big Dry Creek Wastewater Treatment Facility and ongoing master planning efforts related to said Facility, substantial efforts to protect the quality of water of Westminster's water supply system. Costs related to these activities have been incurred during the diligence period. **5. Water applied to beneficial use:** Since diversions by exchange during the current diligence period did not exceed the current absolute flow rate of 2.56 c.f.s. for the 1981 BDC Exchange, Westminster is not claiming additional amounts absolute in this matter. **6. Name(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:** With the exception of Big Dry Creek Intake No. 3, the diversion structures involved in this exchange are all on property owned by the applicant, the City of Westminster. On information and belief, the existing Big Dry Creek Intake No. 3 is located on lands owned by the State Board of Community Colleges and Occupational Education. Big Dry Creek Intake No. 3 is an existing, not a new, diversion structure and there are no plans to modify said structure at this time. **7. Remarks/Other:** Any decree entered in this matter will incorporate by reference the exchange terms and conditions contained in the underlying decree, Case No. 81CW446, including specifically the exchange terms set forth in paragraph 9 of said underlying decree. **WHEREFORE**, Westminster requests the Court to enter its decree and ruling as follows: A. To make a finding of reasonable diligence with respect to the remaining 17.44 c.f.s. conditionally decreed to the 1981 BDC Exchange, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence.

**CASE NO. 2024CW3087 (16CW3161) CITY OF BOULDER**, P.O. Box 791, Boulder, Colorado 80306-0791. Please transmit all correspondence to: Jessica L. Pault-Atiase, #36739 City of Boulder, Colorado Office of the City Attorney, P.O. Box 791 Boulder, Colorado 80306-0791 and Lisa M. Thompson, #35923, Michael A. Kopp, #43204, Trout Raley, 1120 Lincoln Street, Suite 1600 Denver, CO 80203. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART IN BOULDER COUNTY**. **2. Name of**

**structure:** Boulder Hydroelectric Right **3. Describe conditional water rights:** a. Date of original decree, case number and court: May 15, 2018, Case No. 2016CW3161, District Court, Water Division No. 1. b. List of all subsequent decrees awarding findings of diligence: Not applicable. c. General description of the Boulder Hydroelectric Right: Hydroelectric power generation is an important renewable energy source and a source of revenue for Boulder. The Boulder City Pipeline, which includes the Silver Lake Pipeline and the Lakewood Pipeline, and is located on North Boulder Creek, is an integral part of the Boulder's municipal water supply system. The Boulder City Pipeline is designed to divert at least 31 c.f.s. under normal operation through its entire length. Boulder currently generates power at its Silver Lake Hydroelectric Plant, located at Lakewood Reservoir ("Silver Lake Plant"), and at the Lakewood Hydroelectric Plant, located at Betasso Water Treatment Plant ("Lakewood Plant") when diverting water through the Boulder City Pipeline pursuant to its decrees for municipal purposes. During certain times of the year, the full 31 c.f.s. capacity of the Boulder City Pipeline in the Silver Lake Pipeline and/or the Lakewood Pipeline sections is not needed to deliver water for other municipal purposes, and additional pipeline capacity and stream flows are available for diversion and generation of hydroelectric power without injuring the existing instream flow water rights on North Boulder Creek or reducing the flow of water in Boulder Creek at locations below the points of release described below. d. Legal description: i. Points of diversion: 1. Silver Lake Pipeline Intake: The Silver Lake Pipeline intake, also known as Headgate No. 3 of the Boulder City Pipeline, is located on the east bank of North Boulder Creek, at a point whence the northwest corner of Section 34, Township 1 North, Range 73 West of the 6th Prime Meridian bears North 77°35' West a distance of 1,076 feet. This point of diversion is shown on the attached **Exhibit A**. a. Source: North Boulder Creek. 2. Lakewood Pipeline Intake: The pipeline intake from Lakewood Reservoir, also known as Headgate No. 1 of the Boulder City Pipeline ("Lakewood Pipeline"), is located at a point whence the southeast corner of Section 1, Township 1 South, Range 73 West of the 6th Prime Meridian bears South 3°15' East a distance of 2,300 feet. This point of diversion is shown on the attached **Exhibit A**. a. Source: North Boulder Creek and Como Creek. e. Date of appropriation: November 28, 2016. f. Amount: 31 c.f.s., conditional. g. Use: Hydroelectric power generation (nonconsumptive). h. Points of release: Following use for hydroelectric power generation, water diverted pursuant to the Boulder Hydroelectric Right will be released to: i. Lakewood Reservoir and returned to North Boulder Creek via a return structure that releases water from Como Creek just above its confluence with North Boulder Creek; or ii. Boulder Creek at a discharge vault located approximately 500 feet downstream from the Boulder Canyon Hydroelectric Plant. i. Operation: Hydroelectric power generation at the Silver Lake and Lakewood Plants is a nonconsumptive use of water. The Silver Lake Pipeline and Silver Lake Plant is a sealed, pressurized system that has no water losses associated with its operation. Similarly, the Lakewood Pipeline and Lakewood Plant is a sealed, pressurized system that has no water losses associated with its operation. All water diverted under the subject water right will be returned to the stream system immediately following hydroelectric power generation. No water shall be stored in Lakewood Reservoir or any other structure pursuant to the subject water right. j. Decree conditions and limitations: The foregoing conditional water right remains subject to all conditions and limitations described in the decree in Case No. 2016CW3161. **4. Integrated system:** This water right is part of Boulder's integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. **5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the diligence period, Boulder continued to plan for and pursue the use of the subject conditional water right as a component of its integrated water supply system. In furtherance of such use, Boulder has expended more than \$50 million on its integrated water supply system during the diligence period on work related to exercise and use of the subject conditional water right. The work undertaken by Boulder during the diligence period includes but is not limited to the following, all of which relates to the completion of the appropriation and application of the subject conditional water right to beneficial use as decreed: (1) design and construction of the Southern Water Supply Pipeline II and associated connection with 63rd Water Treatment Facility (also

known as Boulder Reservoir Water Treatment Plant) at a cost of approximately \$35,287,000; (2) design and construction of facility updates at 63rd Water Treatment Facility at a cost of approximately \$23,792,000; (3) design, rehabilitation, and enlargement of Lake Albion dam at a cost of approximately \$11,007,000; (4) inspection, design and rehabilitation of the Barker Gravity Pipeline (also known as the Boulder City Pipeline #3) at a cost of approximately \$13,885,000; (5) design and construction of facility and treatment process updates at Betasso Water Treatment Plant at a cost of approximately \$1,141,000; (6) development of a Silver Lake dam hydrologic hazard analysis at a cost of approximately \$314,000; (7) development of a seismic study for Silver Lake dam at a cost of approximately \$202,000; (8) inspection, design, testing and rehabilitation of the Barker Meadow Reservoir dam outlet and spillway gates at a cost of approximately \$127,000; (9) development of a seismic study for Barker Meadow Reservoir dam at a cost of approximately \$112,000; (10) design of a measurement flume below Silver Lake at a cost of approximately \$52,000; (11) inspection of the Silver Lake Hydroelectric power generator at a cost of approximately \$49,000; and (12) turbine inspection and repair on Silver Lake Hydroelectric unit at a cost of approximately \$29,000. During the diligence period, Boulder also spent in excess of \$1.5 million for legal and engineering services in connection with the water rights that are part of its integrated water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water right, from injury due to claims of other water users. **6. Claim to make absolute:** a. Date and amount of water applied to beneficial use: Boulder operated the Boulder Hydroelectric Right in the amount of 30.19 c.f.s. on July 8, 2023. Attached to this application as **Exhibit B** are accounting records documenting operation of the subject water right in priority. b. Use and description of place of use: Boulder used water made available by operation of Boulder Hydroelectric Right for hydroelectric power generation as decreed in Case No. 2016CW3161. **7. Name and address of owner of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** No new diversion or storage structures or modification to any existing diversion or storage structure or existing storage pool is or will be constructed. No water is or will be stored pursuant to the subject water right. WHEREFORE, Boulder requests the Court to enter a decree finding and determining that Boulder has exercised reasonable diligence in the development of the subject conditional water right, that the subject conditional water right for the Boulder Hydroelectric Right has been made absolute in the amount 30.19 c.f.s., and continuing the remaining portion in the amount of 0.81 c.f.s. of the subject conditional water rights in full force and effect for an additional diligence period. (Application and exhibits: 9 pages)

**CASE NO. 2024CW3088 THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT AND GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, (collectively “Central”) 3209 West 28th Street, Greeley, Colorado 80631. (970)330-4540. Ryan M. Donovan, #44435, Nicholas P. Espenan, #59333 Lawrance Custer Grasmick Jones & Donovan, LLP. [ryan@lcwaterlaw.com](mailto:ryan@lcwaterlaw.com), [nick@lcwaterlaw.com](mailto:nick@lcwaterlaw.com). **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, DENVER, DOUGLAS AND JEFFERSON COUNTIES**. 2. Conditional Water Right: 2.1. Name of Structure: Chatfield Reservoir. 2.2. Original Decree and Subsequent Diligence Filings: The original decree for the Central’s Chatfield Reservoir Water Right which is the subject of this Application was entered in Case No. 83CW184, March 29, 1989, Water Court, Water Division No 1. Diligence decreed in Case Nos. 95CW111, (February 13, 1996); 02CW041 (May 20, 2003); 09CW81 (October 28, 2010); and 16CW3138 (June 5, 2018). 2.3. Legal Description of Structure: The reservoir formed by the Chatfield Dam is an existing structure located on the mainstem of the South Platte River; the right abutment of which is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M., and the left abutment of which is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West of the 6th P.M. 2.4 Source: The South Platte River and its tributaries. 2.5. Appropriation Date: August 24, 1984. Pursuant to paragraph 13 of the 83CW184 Decree, Central’s Chatfield Reservoir Water Right shall be administered as

having been filed in 1983. 2.6. Amount: 22,300 acre-feet, conditional. (Central conveyed 4,100 acre-feet of the original 26,400 acre-feet decreed conditional right to Centennial Water and Sanitation District on May 15, 2005.) 2.7. Uses: Augmentation, replacement, exchange, irrigation, commercial, industrial, recreation, municipal, domestic, fish, wildlife and recreation and all other beneficial uses. 3. Outline of What Has Been Done Toward Completion: 3.1. During the diligence period, Central has participated in the Chatfield Reservoir Mitigation Company, Inc., the purpose of which is to conduct such business as may be necessary to satisfy the mitigation obligations of the reallocation project participants, including Central. In addition, Central has continued to negotiate with other Chatfield reallocation project participants regarding acquiring additional storage space in Chatfield Reservoir. 3.2. During the diligence period, Central expended over \$6,721,200 in legal expenses, participation in various activities related to the Chatfield Reservoir Mitigation Company, engineering, assessments, carriage expenses and acquisition of additional storage space in Chatfield Reservoir. 3.3. Integrated System. Central owns numerous water rights and ditch and reservoir structures on the South Platte River and its tributaries which are operated as an integrated system to provide augmentation to over 1,200 member wells in two subdistricts. The conditional right decreed for Chatfield Reservoir is a part of Central's integrated system. During the diligence period, Central undertook many different projects on its integrated system, including but not limited to purchasing water rights, constructing water storage and delivery infrastructure, filing applications for and obtaining decreed water rights and changes of water rights, and participating as an objector in water court cases for the purpose of protecting Central's water rights. 4. Claims To Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4). From April 2023 to March 2024 Central diverted and stored 5,945.1 acre-feet of Central's decreed right for 22,300 acre-feet, in priority, in Central's storage space in Chatfield Reservoir, storage space in Chatfield Reservoir leased by Central, and the Colorado Parks and Wildlife environmental pool. Central seeks a decree approving 5945.1 acre-feet absolute. The remaining 16,354.9 acre-feet should remain conditional. As described above, Central's Chatfield Reservoir water right is part of an integrated system under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Central on any water rights or structures which are part of its integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 5. Name and address of owner of land which structure is located: United States Army Corps of Engineers Omaha District 9307 South Wadsworth Blvd. Littleton, CO 80128-6901 6. WHEREFORE, Central requests the Court enter a decree finding that Central has satisfied the statutory standard of steady application of effort to complete the appropriations described above for Central's Chatfield Reservoir water right in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the Chatfield Reservoir water right, that a portion of Central's Chatfield Reservoir water right should be made absolute as described herein, and that the remaining conditional portion of the water right should continue. This application consists of 5 pages.

**CASE NO. 2024CW3089 CITY OF THORNTON, COLORADO ("THORNTON")**, c/o Division of Water Resources, 12450 North Washington Street, Thornton, Colorado 80241. Telephone: (720) 977-6600. Please direct all communications related to this application to John P. Justus and Bryan T. Stacy, Curtis, Justus, & Zahedi, LLC, [johnj@cjzwaterlaw.com](mailto:johnj@cjzwaterlaw.com), [bryans@cjzwaterlaw.com](mailto:bryans@cjzwaterlaw.com). **APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE IN ADAMS, DENVER AND WELD COUNTIES.** 2. **Description of Conditional Water Storage Rights.** a. Name of structure. Aylor Pond 7. i. Original Decree. 08CW0082 Decree, November 4, 2011. ii. Subsequent Decree awarding findings of diligence. 17CW3175 Decree, November 22, 2017. iii. Legal description of point of diversion. SE 1/4 of SE 1/4 of Section 20, Township 1 S., Range 67 W., 300 feet from S. section line and 610 feet from E. section line. iv. Source of water. Aylor Pond 7 is an on-channel reservoir with its source being an unnamed tributary of Bratner Gulch. v. Appropriation date. April 22, 2008. a.vi. Amount. 17.7 acre-feet (conditional). vii. Use. Municipal uses, including, but not limited to, watering of parks, lawns, gardens, and other public spaces, irrigation, agricultural, recreation, piscatorial, wildlife preservation, fire protection, street sprinkling, and aesthetic purposes, and for adjustment and regulation of Thornton's storage and delivery

systems. Thornton may diver, store and subsequently use the water directly for the above uses, or by and for exchange, augmentation, substitution, replacement or otherwise, as may be appropriate to maximize its lawful use. Thornton may reuse, successively use, dispose of, and/or otherwise apply all such water to extinction, subject to the limitations set forth in 11.a.x. of the Decree in Case No. 08CW82. The return flow discharged or released by Thornton attributable to the exercise of these rights shall have associated with it the same rights of use, reuse, successive use and disposition, subject to the limitations set forth in 11.a.x. of the Decree entered in Case No. 08CW82. Through the accounting procedure, Thornton will maintain sufficient dominion over these waters and associated return flows to reuse to extinction. The water may be placed to use within the Thornton service area as it now exists or may exist in the future. viii. Names and addresses of owners or reputed owners of land. Thornton owns all of the land underlying Aylor Pond 7. b. Name of Structure. Lambertson Lake 3. i. Original Decree. 08CW0082 Decree, November 4, 2011. ii. Subsequent Decree awarding findings of reasonable diligence. 17C3175 Decree, November 22, 2017. iii. Legal description of point of diversion. SE 1/4 of NW 1/4 of Section 14, Township 2 S., Range 68 W., 1,765 feet from N. section line and 1,085 feet from W. section line. iv. Source of water. Lambertson Lake 3 is an on-channel reservoir with its source being Grange Hall Creek (a.k.a. Brewers Gulch). v. Appropriation date. April 22, 2008. vi. Amount. 1.9 acre-feet (conditional), 39.6 acre-feet (absolute). vii. Use. The same uses as stated for Aylor Pond 7. viii. Names and addresses of owners or reputed owners of land. Thornton owns all of the land underlying Lambertson Lake 3. 3. **Name and Location of Conditional Exchanges.** Aylor Pond 7, Lambertson Lake 3, and the other Thornton Ponds described below, are located on or near tributaries to the South Platte River and Big Dry Creek. Pursuant to the Decree entered in Case No. 08CW82, at times Thornton provides augmentation water on a tributary downstream of the point of diversion and the out-of-priority place of storage in the Thornton Ponds. That operation includes exchanges. The seven Aylor Ponds are treated as a single exchange-to point, the three Grandview Ponds are treated as a single exchange-to point, and the three Lambertson Lakes are treated as a single exchange-to point (collectively "Thornton Pond Exchanges"). a. From the confluence of Grange Hall Creek and the South Platte River, up Grange Hall Creek and its unnamed tributaries: i. To Grandview Ponds in the amount of 1.5 cfs (conditional), 1. Grandview Pond 1, located in the NE 1/4 of NW 1/4 of Section 18, T. 2 S., R. 67 W., 300 feet from N. section line and 2,220 feet from W. section line. 2. Grandview Pond 2, located in the NE 1/4 of NW 1/4 of Section 18, T. 2 S., R. 67 W., 640 feet from N. section line and 2,015 feet from W. section line; and 3. Grandview Pond 3, located in the NW 1/4 of NW 1/4 of Section 18, T. 2 S., R. 67 W., 1,215 feet from N. section line and 830 feet from W. section line. ii To Lambertson Lakes in the amount of 8.7 cfs (conditional), 1. Lambertson Lake 1, located in the SW 1/4 of NW 1/4 of Section 14, T. 2 S., R. 68 W., 2,020 feet from N. section line and 315 feet from W. section line; 2. Lambertson Lake 2, located in the SW 1/4 of NW 1/4 of Section 14, T. 2 S., R. 68 W., 1,765 feet from N. section line and 1,085 feet from W. section line; and 3. Lambertson Lake 3, located as described in 2.b.iii, above. iii. To Civic Center Lake in the amount of 9.4 cfs (conditional), located in the SW 1/4 of SE 1/4 of Section 5, T. 2 S., R. 68 W., 6th P.M. iv. To Grange Creek Park Pond in the amount of 0.2 cfs (conditional), located in the NW 1/4 of Section 7, T. 2 S., R. 67 W., 6th P.M.; and v. To Recreation Center Pond in the amount of 3.75 cfs (absolute) and 6.65 cfs (conditional), located in the NE 1/4 of Section 12, T. 2 S., R. 68 W., 6th P.M. b. From the confluence of Brantner Gulch and the South Platte River, up Brantner Gulch and its unnamed tributaries: i. To Aylor Ponds in the amount of 5.4 cfs (conditional), 1. Aylor Pond 1, located in the SW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 133 feet from S. section line and 2,550 feet from E. section line. 2. Aylor Pond 2, located in the NW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,740 feet from S. section line and 2,210 feet from E. section line. 3. Aylor Pond 3, located in the NW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,630 feet from S. section line and 1,940 feet from E. section line. 4. Aylor Pond 4, located in the NW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,835 feet from S. section line and 1,925 feet from E. section line. 5. Aylor Pond 5, located in the NE 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,590 feet from S. section line and 1,075 feet from E. section line. 6. Aylor Pond 6, located in the NE 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,945 feet from S. section line and 625 feet from E. section line. 7. Aylor Pond 7, located as described in 2.a.iii above; ii. To Marshall Lake in the amount of 5.0 cfs (conditional), located in the NW 1/4 of Section 29, T. 1 S., R. 67 W., 6th P.M. iii. To Eastlake No. 3 in the amount of

16.3 cfs (conditional), located in the N 1/2 of Section 36 and the S 1/2 of Section 25, T. 1 S., R. 68 W., 6th P.M. c. From the Confluence of Big Dry Creek and the South Platte River, up Big Dry Creek: i. To the point of discharge from Hunter's Glen Pond in the amount of 12.3 cfs (conditional), located in the S 1/2 of the SW 1/4 of Section 26, T. 1 S., R. 68 W., 6th P.M. d. From the Confluence of Big Dry Creek and the South Platte River, up the South Platte River to its confluence with Grange Hall Creek, up Grange Hall Creek and its unnamed tributaries: i. To Grandview Ponds 1, 2, and 3, at the locations described in 3.a.i., in the amount of 1.5 cfs (conditional), treated as a single exchange-to point; ii. To Lambertson Lakes 1, 2, and 3, at the locations described in 3.a.ii., in the amount of 8.7 cfs (conditional), treated as a single exchange-to point; iii. To Civic Center Lake, at the location described in 3.a.iii., in the amount of 9.4 cfs (conditional); iv. To Grange Creek Park Pond, at the location described in 3.a.iv., in the amount of 0.2 cfs (conditional); and v. To Recreation Center Pond, at the location described in 3.a.v., in the amount of 3.75 cfs (absolute) and 6.65 cfs (conditional). e. From the confluence of Big Dry Creek and the South Platte River, up the South Platte River to its confluence with Brantner Gulch, up Brantner Gulch and its unnamed tributaries: i. To Aylor Ponds 1, 2, 3, 4, 5, 6, and 7 at the locations described in 3.b.i., in the amount of 5.4 cfs (conditional), treated as a single exchange-to point; ii. To Marshall Lake, at the location described in 3.b.ii, in the amount of 5.0 cfs (conditional); and iii. To Eastlake No. 3, at the location described in 3.b.iii., in the amount of 16.3 cfs (conditional). f. Date of Appropriation. April 22, 2008. g. Source of Water. The substitute supply sources as listed in 15 of the Decree in Case No. 08CW82. h. Uses. Thornton may use the exchanges only for the plan for augmentation decreed in Case No. 08CW82. **4. Provide a detailed outline of what has been toward completion, including expenditures.** From December 1, 2017 through June 30, 2024, Thornton performed the following work and incurred the following costs, all or in part, concerning the remaining conditional portion of its Thornton Ponds water rights and its Thornton Pond exchanges, including work and expenditures on specific structures integral to the diversion and use of the subject water rights and in the further development of Thornton's integrated water supply systems within which the subject water rights have been and will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional activities and costs in support of this application. a. Thornton Integrated System Activities. During the diligence period, Thornton has continued in the development and improvement of its Clear Creek and South Platte River water supply system including the structures used in the exercise of the subject water rights. The Thornton Ponds water rights and Thornton Pond Exchanges are components of the integrated water supply system that Thornton operates to provide itself and its customers with water for municipal purposes. The Thornton Ponds water rights and Thornton Pond Exchanges are operated in conjunction with and are integrated with other structures owned by Thornton. Costs incurred by Thornton during the diligence period totaled approximately \$3.8 million dollars, and include the following: i. Non-Potable Irrigation Rehabilitation: Thornton installed new pump operation controls for non-potable irrigation systems and facilitated repairs to damaged overflow pond pipes to decrease leakage, replacement of meters to irrigation, jetting of well casings to increase pumping performance, and meter telemetry communication upgrades which cost approximately \$48,000. ii. Aylor Open Space Master Plan and Lands Improvement: Thornton spent approximately \$985,000 on the creation of a master plan for the Thornton-owned Aylor Open Space and the start of its implementation, which has included the engineering, design and improvements to water delivery facilities. iii. Grange Hall Creek Improvements: Thornton spent approximately \$288,000 for the design and construction of park improvements including landscaping and irrigation rehabilitation and replacement, as well as channel stabilization. iv. Water Court: Thornton has actively participated in water court proceedings to protect the Subject Water Right decreed in Case No. 08CW82. Legal and engineering costs incurred relating to the protection of Thornton's Clear Creek and South Platte River water rights portfolio, including the Subject Water Right during the diligence period were approximately \$197,000. **5. Names and addresses of owners or reputed owners of land on which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be located, or upon which water is or will be stored.** No new diversion or storage structure or modification to any existing diversion or storage structure is necessary. All diversion and storage structures named in this application currently exist and do not need modification to exercise the subject water rights.

Thornton owns the land upon which the water is and will be stored, except for Eastlake Reservoir No. 3 (a/k/a Eastlake Reservoir No. 2). Eastlake Reservoir No. 3 is owned by The Eastlake Water Company. Thornton is a shareholder in The Eastlake Water Company and has permission to use the structure for storage. The Eastlake Water Company, 12450 Washington Street, Thornton, Colorado 80241. WHEREFORE Thornton respectfully requests that this Court enter a judgment and decree of this Court that: 1. Thornton has exercised reasonable diligence in the development of the remaining conditional portions of the Thornton Ponds water rights and the Thornton Pond Exchanges; and 2. The remaining conditional portions of the Thornton Ponds and the Thornton Pond Exchanges be continued in full force and effect for a period of six years after entry of the Court's decree herein. (12 pages including 3 exhibits).

**CASE NO. 2024CW3090 CITY OF THORNTON, COLORADO (“THORNTON”)**, c/o/ Division of Water Resources, 12450 North Washington Street, Thornton, Colorado 80241, Telephone: 720-977-6600. Please direct communications related to this application to counsel for Thornton: John Justus and Bryan Stacy, Curtis, Justus, & Zahedi LLC, [johnj@cjzwaterlaw.com](mailto:johnj@cjzwaterlaw.com), [bryans@cjzwaterlaw.com](mailto:bryans@cjzwaterlaw.com). **APPLICATION FOR SEXENNIAL FINDINGS OF REASONABLE DILIGENCE IN ADAMS AND DENVER COUNTIES.** 2. **Name of Structures:** East Gravel Lakes a/k/a Tani Lakes. The East Gravel Lakes complex contains two reservoirs known as East Gravel Lake No. 4 and South Tani Reservoir. 3. **Description of conditional water right:** 3.1. Original Decree: June 25, 1987, Case No. 79CW376, District Court, Water Division 1. 3.2. Subsequent decrees awarding findings of diligence: Since the Decree entered June 25, 1987, timely applications for findings of reasonable diligence have been filed in accordance with Colorado law. Final decrees have been entered granting each such application, finding that Thornton has exercised reasonable diligence in the development of the East Gravel Lakes water right in case numbers 2017CW3150 (June 5, 2018), 2009CW163 (October 31, 2011), and 2000CW244 (October 10, 2003) (making 3,277.36 a.f. absolute), and 1993CW47 (December 12, 1991) (making 650.2 a.f. absolute). 3.3. Location of Reservoirs: 3.3.1. From the Decree: Located in portions of Section 30 and 31, Township 2 South, Range 67 West, 6th P.M. and portions of Section 25 and 36, Township 2 South, Range 68 West, 6th P.M., all in Adams County, Colorado. 3.3.2. Location of reservoirs per Water Court form requirements: 3.3.2.1. East Gravel Lake No. 4: The center point of the reservoir is located in the SE 1/4 of NE 1/4 of Section 30, Township 2 South, Range 67 West of the 6th P.M., at a point 840 feet West of the East section line, and 2,300 feet South of the North section line in Adams County, State of Colorado. 3.3.2.2. South Tani Reservoir: The center point of the reservoir is located in the NE 1/4 of NE 1/4 of Section 36, Township 2 South, Range 68 West, 6th P.M., at a point 140 feet West of the East section line, and 1,175 feet South of the North section line in Adams County, State of Colorado. 3.4. Location of Point of Diversion: Burlington Ditch. The point of diversion is located at a point on the east bank of the South Platte River in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. The headgate is located at approximately latitude 039° 47’ 24.69” N, longitude 104° 58’ 9.97” W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. 3.5. Source: South Platte River. 3.6. Appropriation Date: December 13, 1976. 3.7. Amount Decreed: 4072.44 a.f. CONDITIONAL; 3927.56 a.f. ABSOLUTE. 3.8. Uses: All municipal uses, including domestic, mechanical, manufacturing, industrial, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, recreation, fish, culture, agriculture uses located within the Thornton water service area, maintenance and preservation of wildlife and aesthetic values and for the replacement, adjustment and regulation, including exchange of the units of the Thornton municipal water system within themselves and with other water users. 3.9. Remarks: The decree in Case No. 79CW376 contemplated that there could be up to five reservoirs comprising the Tani Lakes complex, Tani Lakes 1-5. Since the original decree entered, Tani Lakes 1-3 have been excavated and combined into a single reservoir now known as South Tani Reservoir. The original Tani Lakes 4 was excavated creating what is now known as East Gravel Lake No. 4. These two reservoirs are together now known as the East Gravel Lakes. 4. **Provide a detailed outline of what has been done toward completion, including expenditures:** From November 1, 2017 through June 30, 2024 Thornton performed the following work and incurred the following costs, all or in part, concerning the remaining

conditional portion of its East Gravel Lakes water right (“Subject Water Right”), including work and expenditures on specific structures integral to the diversion and use of the Subject Water Right and in the further development of Thornton’s integrated water supply systems within which the Subject Water Right has been and will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional activities and costs in support of this application: 4.1. Thornton Integrated System Activities: During the diligence period, Thornton has continued in the development and improvement of its Clear Creek and South Platte River water supply system including many of the structures used in the exercise of the Subject Water Right, and the eventual treatment and use of the water yielded by such right. The East Gravel Lakes are one component of the integrated water supply system that Thornton operates to provide itself and its customers with water for municipal purposes. The East Gravel Lakes are operated in conjunction with, and are integrated with other structures owned by Thornton, including the West Gravel Lakes. Water can be stored in the East Gravel Lakes and can be moved through the integrated system prior to treatment at the Wes Brown Water Treatment Plant. Costs incurred by Thornton totaled approximately \$36.6 million dollars, and include the following: 4.1.1. Ditch Company Assessments: Thornton paid assessments of approximately \$146,560 for its share ownership in the Burlington Ditch Reservoir and Land Company which owns the Burlington Canal which is used to convey water to the East Gravel Lakes. 4.1.2. Henrylyn Maintenance Payment: Payments were made annually to the Henrylyn Reservoir and Irrigation District totaling \$40,000 to meet Thornton’s commitments under its agreements with that company in order to convey water through the Burlington Canal to the East Gravel Lakes. 4.1.1. Burlington Canal Diversion Inspection and Rehabilitation: Thornton’s diversion facility from the Burlington Canal to South Tani Reservoir has multiple components. This project is to inspect and rehabilitate the entire facility, including screen repairs and cost \$2,537,515 during the diligence period. 4.1.2. Solarbees: Thornton utilizes twelve SolarBee units on reservoirs, including the East Gravel Lakes, to circulate water in storage for water quality purposes. Installation and maintenance of the SolarBee units during the diligence period cost approximately \$278,000. 4.1.3. Wes Brown Water Treatment Plant (WBWTP) Projects: The Subject Water Right can be treated at WBWTP prior to being distributed to Thornton customers. During the diligence period, several projects occurred at the WBWTP including membrane replacement, tank repairs, clarifier rehabilitation, security upgrades and process improvements. In excess of \$20 million dollars was spent on these projects. 4.1.4. Water Quality Monitoring: During the relevant diligence period, Thornton spent over \$970,000 on water quality monitoring and sampling of the East Gravel Lakes and the Burlington Canal. 4.1.5. Water Court: Thornton has actively participated in water court proceedings to protect the Subject Water Right decreed in Case No. 79CW376, including an application by Thornton in Case No. 22CW3034 to change the legal point of diversion of the Subject Water Right under §37-92-305(3.5), C.R.S. Legal and engineering costs incurred relating to the protection of Thornton’s Clear Creek and South Platte River water rights portfolio, including the Subject Water Right during the diligence period were approximately \$250,000. 5. **If claim to make absolute**: Not applicable. 6. **Names and addresses of owners or reputed owners of land on which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be located, or upon which water is or will be stored**: No new diversion or storage structure or modification to any existing diversion or storage structure is necessary. All diversion and storage structures named in this application currently exist and do not need modification to exercise the Subject Water Right. Applicant owns the land upon which the water is and will be stored. WHEREFORE, Thornton respectfully requests that this Court enter an order: 1) finding the facts as set forth above; 2) finding that Thornton has exercised reasonable diligence in the development of the remaining conditional water right for the East Gravel Lakes water right; 3) continuing such right in full force and effect for a period of six years after entry of the Court’s decree herein; and 4) for such other and further relief as this Court deems just and proper. (7 pages including 1 exhibit).

**CASE NO. 2024CW3091 GREGORY T BENJAMIN AND KRISTIN E BENJAMIN**, 4283 County Road 106, Elbert, CO, 80106. Eric K. Trout, #48640, McGeady Becher, P.C., 450 E 17th Ave, Suite 400, Denver, CO 80203. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM**



**NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: A parcel totaling 35.656 acres located in the W1/2 for the E1/2 of the SW1/4 of Section 20, Township 9 South, Range 64 West of the 6th P.M., Elbert County, State of Colorado, also known as 4283 County Road 106, Elizabeth, CO, 80107, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicants certify that there are no mortgage or lien holders, therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing Upper Dawson Aquifer domestic use well on the Subject Property under Well Permit Number 264600, which will continue operating under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The 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 estimate the following amounts may be available for withdrawal:

Aquifer	Annual Amount 100 Years (acre-feet)	Annual Amount 300 Years (acre-feet)
Upper Dawson (NNT)*	8.16	2.72
Lower Dawson (NT)	6.68	2.23
Denver (NT)	14.85	4.95
Arapahoe (NT)	13.23	4.41
Laramie-Fox Hills (NT)	10.39	3.46

\*The total estimated volume in the not-nontributary Upper Dawson Aquifer is 12.16 acre-feet per year. 4 acre-feet per year is reserved for existing Well Permit No. 264600. Applicants desire to leave no additional groundwater adjudicated. Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Remarks: Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the Court approve the above underground water rights, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

**CASE NO. 2024CW3092 (17CW3207, 09CW180) CENTER OF COLORADO WATER CONSERVANCY DISTRICT AND CENTENNIAL WATER AND SANITATION DISTRICT.** (Please forward all pleadings and correspondence to David M. Shohet and Sedona E. Chavez, Monson, Cummins, Shohet & Farr, LLC on behalf of CCWCD, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212; P. Fritz Holleman and Kate Bosh of Bushong & Holleman, PC, on

behalf of Centennial Water and Sanitation, 1966 13th St., Ste. 270, Boulder, CO 80302 (303-431-9141). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Applicants seek a finding of reasonable diligence for the remaining conditional water storage right originally decreed in Case No. 09CW180. Name of Surface Water Right. James Tingle Reservoir (“James Tingle”). Legal Description of Location of Dam Centerline. The dam centerline for James Tingle is located approximately 920 feet from the East section line and 960 feet from the South section line in the SE1/4 of the SE1/4 of Section 18, Township 8 South, Range 75 West of the 6th P.M., Park County, Colorado. A map is attached as **Exhibit A** showing the location of James Tingle. Date and Case No. of Original Decree. The date of the original decree is December 8, 2011, entered in Case No. 09CW180, District Court, Water Division 1. Date and Case Number of Subsequent Diligence Decree. June 29, 2018, *nunc pro tunc* June 13, 2018, entered in Case No. 17CW3207, District Court, Water Division 1. Source. Michigan Creek, tributary to Tarryall Creek, tributary to the South Platte River. Name and capacity of ditch used to fill James Tingle and the legal description of the point of diversion. Sessions Ditch. The capacity of the Sessions Ditch is 13 c.f.s. The headgate of the Sessions Ditch is located on Michigan Creek, in the NW1/4 of the SE1/4 of Section 13, Township 8 South, Range 76 West of the 6th P.M., at a point approximately 2,056 feet from the East section line and 1,557 feet from the South section line of said section 13, Park County, Colorado. Appropriation Date. April 22, 2009. Decreed Amount. The amount decreed to James Tingle is 235 acre-feet, with one refill. All 235 acre-feet of the initial fill right for James Tingle is absolute, with 77.59 acre-feet of the refill right remaining conditional, at a rate of 13 c.f.s., of which 12.84 c.f.s. is absolute with the remaining amount of 0.16 c.f.s. conditional. The maximum annual diversions are limited to 470 acre-feet in an accounting year. The accounting year pursuant to the Decree is April 1 through March 31 of the following year. Water stored in the previous accounting year under the first fill right and the refill right that remains in storage at the beginning of the new accounting year shall be considered carryover storage against the first fill right in the new accounting year. Water from other sources that remains in storage in James Tingle when the first fill right is filling in priority and there is insufficient capacity in the reservoir for such first fill right shall, at Applicants’ option, be released from James Tingle, booked over to the first fill right, or kept in the reservoir but counted against the first fill right for that accounting year. Decreed Uses. The decreed use for James Tingle is for use, reuse, successive use to extinction for municipal, augmentation, domestic, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, substitution and exchange and replacement within Park County, Colorado, within Centennial’s existing service area in Douglas County, Colorado, within Centennial’s future service area, and at other locations in the South Platte River Basin capable of being served by the diversion and storage location described herein that are within the areas where Applicant may legally serve water. James Tingle is a component of the Applicants’ integrated water supply systems, consisting of storage water rights, plans for augmentation, appropriative right of exchange, surface water rights, and, for Centennial, groundwater rights. Pursuant to C.R.S. § 37-92-301(4)(b), work on one component of an 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, Applicants have outlaid the following expenditures or completed the following work related to James Tingle and their integrated water systems: Employed the services of a consulting engineering firm to coordinate the information gathering, annual reporting, and annual inspections by state officials to establish safe operations of James Tingle at an expense of \$123,417. Conducted a road grading project at the James Tingle dam in response to state inspector’s direction at an expense of \$75,563. Employed a caretaker conducting maintenance and operations at the reservoir at an expense of \$25,762. Obtained propane for a heater at the operations building at an expense of \$5,708. Performed weed management activities at the site of James Tingle costing \$2,155. Incurred other miscellaneous expenses such as routine maintenance, staff labor, and heater repair, totaling \$31,138. Centennial has expended approximately \$150,026,000 on the continuing development of its municipal and wastewater systems. Improvements were made to Centennial’s raw water storage facilities, raw water resource supply, water treatment plant, booster pump stations, treated water storage reservoirs, wastewater treatment plant, water infrastructure, groundwater wells, and wastewater infrastructure. Applicants continue to operate their respective integrated water systems to provide water

service to their current and future customers. Applicants have continued to file statements of opposition to numerous Water Court applications to protect Applicants' water rights, including water rights subject to this Application. Center has filed numerous water court applications in Water Division No. 1, 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. Center and its water authority, the Headwater Authority of the South Platte ("HASP"), jointly created with the Upper South Platte Water Conservancy District ("USPWCD"), operates and administers two blanket augmentation plans within the Upper South Platte River basin and one in the Arkansas River basin decreed 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 to provide augmentation water supplies for the benefit of approximately 130 participating diversions, of which 60 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 of up to 451 wells under the HASP Plans. The James Tingle Reservoir is located on land owned by TBar Ranch, LLC, whose address is c/o Steve Bargas, PO Box 30, Como, CO 80432. Application is 7 pages.

**CASE NO. 2024CW3093 PVIC AUGMENTATION GROUP, LLC**, 14460 WCR 40, Platteville, Colorado 80651, Telephone: (970) 737-2437 (P. Andrew Jones, #29076, Law Office of P Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, Telephone: (970) 235-0252, E-mail: [ajones@pandrewjones.com](mailto:ajones@pandrewjones.com)). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** **2. Name of Structure: PVIC Augmentation Group, LLC Recharge Right ("Recharge Right")** 2.1 Original Decree: Case No. 08CW71, originally entered February 14, 2011 by the Water Court, Division One, and as subsequently amended on February 29, 2012, May 27, 2014, June 15, 2015, November 2, 2020 and September 30, 2022. 2.2 Diligence Decree: Case No. 2017CW3036, entered June 13, 2018. 2.3 Point of Diversion: The headgate of the Platte Valley Canal located in the Northeast Quarter of Section 19, Township 2 North, Range 66 West of the 6th P.M. 2.4 Source: South Platte River. 2.5 Date of Appropriation: April 7, 2008. 2.6 Rate of Diversion: 5.46 c.f.s., absolute, 210.49 c.f.s., conditional. 2.7 Volume: 515.46 acre-feet, absolute, 5528.91 acre-feet, conditional. 2.8 Uses: Augmentation and replacement pursuant to the terms and conditions of the Decree entered in Case No. 08CW71, as amended, and the Decree entered in this case. **3. Name of Structure: PVIC Augmentation Group, LLC Exchange Right ("Exchange Right")**. 3.1 Original Decree: Case No. 08CW71, originally entered February 14, 2011 by the Water Court, Division One, and as subsequently amended on February 29, 2012, May 27, 2014, June 15, 2015, November 2, 2020 and September 30, 2022. 3.2 Diligence Decree: Case No. 2017CW3036, entered June 13, 2018. 3.3 Exchange From Locations: 3.3.1 Reach One: South Platte River at the Union Ditch Headgate located in the NE 1/4 of Section 18, Township 4 North, Range 66 West of the 6th P.M. 3.3.2. Reach Two: South Platte River at the point where recharge accretions from the Elmer Schmidt Recharge Pond accrete to the River in the NE 1/4 of Section 4, Township 4 North, Range 66 West of the 6th P.M. 3.4 Exchange To Location: 3.4.1. The headgate of the Platte Valley Canal located in the NE 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M. 3.5. Source of Substitute Supply: Recharge accretions resulting from the delivery to Recharge Ponds identified in the Decree in Case No. 08CW71, as amended from the following sources: (1) shares in the Platte Valley Irrigation Company for which a change in use was approved in Case No. 08CW71 and (2) diversions under the Recharge Right. 3.6 Date of Appropriation: April 7, 2008. 3.7 Amount: .79 c.f.s., 5.63 acre-feet, absolute, 5.21 c.f.s., 5528.91 acre-feet, conditional. 3.8 Uses: Augmentation, replacement of historical return flows, and irrigation of lands owned by members of the PVIC Augmentation Group, LLC. **4. Outline of work done in furtherance of perfecting the Recharge Right and the Exchange Right:** 4.1 Paragraph 60 of the 08CW71 Decree concludes that Applicant's water rights and recharge system collectively comprise an integrated system of water rights and structures under § 37-92-301(4)(b) C.R.S. and that work performed and effort or costs expended by Applicant on any water rights or structures which are part of its integrated water system shall be considered in determining whether reasonable diligence has been shown in the

development of the conditional water rights. 4.2 Applicant has diverted the Recharge Right to the various Recharge Ponds described in the 08CW71 Decree and those Ponds subsequently added pursuant to the 08CW71 Decree. Applicant has not diverted amounts greater than already decreed absolute for the Recharge Right and Exchange Right during the diligence period. 4.3 Applicant has consulted with legal counsel regarding the legal aspects of the rights and water rights applications; filing of notices required under the 08CW71 Decree; negotiating leases and easement agreements; filing and defending motions for permanent dry-up as provided for in the 08CW71 Decree; filing and completing Case No. 2020CW3073 to amend the augmentation plan decreed in 08CW71, filing and completing Case Nos. 2020CW3068, 3069, 3070, completing case no. 17CW3215 and monitoring developments potentially affecting the water rights. Since the 17CW3036 diligence decree, Applicant has expended in excess of \$265,000 in legal fees. 4.4 Applicant has consulted with engineering experts regarding the operation and accounting of the water rights, including the Recharge Right and Exchange Right, in the 08CW71 Decree, and design construction, operation and maintenance of structures in the integrated system. Since the 08CW71 Decree was entered, Applicant has expended approximately \$270,000 in engineering fees. 4.5 Applicant has continued to invest in infrastructure associated with the conditional water rights decreed in 08CW71 and its integrated system. Applicant has constructed additional elements of the integrated system and maintained and improved existing structures. The new structures were equipped with measuring and recording devices, installed at Applicant's expense. Applicant has spent more than \$3,000,000 on construction of the new structures and improvements to existing structures, installation of the necessary measuring and recording devices, and other infrastructure related to Applicant's integrated water rights. 5. **Claim for Finding of Diligence:** Applicant seeks a finding of diligence on the Recharge Right and Exchange Right. 6. **Remarks:** The structures referenced in this Application include the river headgate of the Platte Valley Irrigation Company whose address is P.O. Box 1318, Greeley, Colorado, 80632, and Recharge Ponds located on property owned by Applicant's members.

**CASE NO. 2024CW3094 (16CW3112, 10CW48, 03CW269, 94CW107, and 85CW463) MOUNT CARBON METROPOLITAN DISTRICT** 1. Name, Address, and Telephone Number of Applicant. Mount Carbon Metropolitan District ("Mount Carbon") Attn: Lisa Johnson, Clifton Larson Allen, LLC 8390 E. Crescent Parkway, Suite 500 Greenwood Village, Colorado 80111 Telephone: 303-439-6029. Please send all pleadings and correspondence to: Wayne F. Forman, Colo. Atty. Reg. No. 14082 at Brownstein Hyatt Farber Schreck, LLP, 675 Fifteenth Street, Suite 2900 Denver, CO 80202-4432 Phone Number: 303.223.1100 E-mail: [wforman@bhfs.com](mailto:wforman@bhfs.com). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN JEFFERSON AND DOUGLAS COUNTIES** 2. Name of water right diversion structures. Chatfield Reservoir 2.1 Description of Water Right: 2.1.1 Decree: Findings of Ruling of Referee, Judgment and Decree of the Court dated June 2, 1988, entered by the District Court in and for Water Division No. 1 ("Water Court") in Case No. 85CW463. 2.1.2 Subsequent Decrees: Mount Carbon's Chatfield Reservoir water right was continued in full force and effect based on findings of reasonable diligence in Water Court Case Nos. 94CW107, 03CW269, 10CW48, and 16CW3112. 2.1.3 Legal Description: Chatfield Reservoir is formed by the Chatfield Dam, an existing structure located in Sections 6 and 7, Township 6 South, Range 68 West, 6th P.M., and in Section 1, Township 6 South, Range 69 West, 6th P.M., in Jefferson and Douglas Counties, Colorado at 39.547206°N 105.065002°W. 2.1.4 Source: The South Platte River and its tributaries, including Plum Creek and its tributaries. 2.1.5 Appropriation Date: October 1, 1985. 2.1.6 Amount: 800 acre-feet, conditional. 2.1.7 Uses: All municipal uses, including domestic, commercial, manufacturing, industrial, stock watering, irrigation, including watering of parks, lawns, and gardens, fire protection, recreation, piscatorial, wildlife, instream uses, sewage treatment, street sprinkling, maintenance of adequate storage reserves, exchange purposes, replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. A map showing the location of Chatfield Reservoir, and the Mount Carbon service area, is included as Exhibit A. 3. The name and address of the owner of land upon which the point of diversion is located: The United State Army Corps of Engineers owns Chatfield Reservoir and the land on which it is constructed. The Colorado Parks and Wildlife Division operates Chatfield State Park. Their addresses are: United States Army Corps of

Engineers, Attn: Joe Maxwell, 9307 S. Wadsworth Blvd., Littleton, Colorado 80128 and Colorado Parks and Wildlife Department, 1313 Sherman St. Suite 618, Denver, Colorado 80203. 4. Detailed outline of activity during the diligence period. During the relevant diligence period, Applicant has taken steps to diligently develop the subject conditional water right including, but not limited to, the activities described below. 4.1 Mount Carbon incurred more than \$15 million for the design and construction of a new water treatment plant to serve the Town of Morrison and Mount Carbon. 4.2 Martin/Martin has served as Mount Carbon's consulting civil engineers who have expended approximately 2,245 hours and incurred nearly \$400,000 in fees and costs on a variety of water and wastewater matters, including the following: O Analysis and preliminary design of new water treatment plant. O Preparation of water and wastewater master plans. O Analysis of raw water diversion requirements. O Oversight of water system improvements and maintenance of infiltration gallery, water pipeline, water tank and associated infrastructure. O Analysis of water use and necessary infrastructure associated with development within Mount Carbon's service area. 4.2 Mount Carbon has engaged BBA Water Consultants to provide technical support in connection with Mount Carbon's development of a municipal water system. During the diligence period, BBA's activities for Mount Carbon were exclusively related to the support of the Mount Carbon's water rights and development of water supply service. These activities include: O Support Mount Carbon's negotiation of water service and shared water facilities with the Town of Morrison. O Review and analysis of Mount Carbon's water rights. O Research potential water storage at Chatfield and Bear Creek Reservoirs for use by Mount Carbon. O Support water diversion operations, collect measurement data, preparation and submittal of required monthly water accounting reports, coordination with Water Commissioner and other DWR personnel. O Participate in regular Board of Directors meetings as needed. O Assist with review of Mount Carbon water share ownership, stock certificates and payment of assessments. Applicant incurred approximately \$78,400 in fees and costs for BBA's work, for which BBA invested approximately 388 hours of work among its staff. 4.4 Mount Carbon has engaged the law firms of Porzak Browning and Bushong and Brownstein Hyatt Farber Schreck, LLP (Brownstein) to act as its water counsel. They represented Mount Carbon in its negotiations with the Town of Morrison over a joint water supply and water system, and in reviewing and analyzing Mount Carbon's water rights, including the conditional water rights at issue in this Application, and on water supply planning. Mount Carbon has incurred attorneys' fees and costs of more than \$60,000 for this work. 4.5 Applicant expended more than \$500,000 on water system improvements and repairs. WHEREFORE, Mount Carbon requests: 1. A finding of reasonable diligence for the subject conditional water right; 2. Continuing the subject conditional water right in full force and effect; and 3. Such other relief as the Court deems just and proper.

**CASE NO. 2024CW3095 (17CW3141) (11CW30) (97CW118) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE AN ADDITIONAL AMOUNT ABSOLUTE IN TELLER COUNTY.** Attorneys for Applicant, Gilbert Y. Marchand, Jr., #19870, Andrea L. Benson, #33176, Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, Phone: (303) 894-8191, [gym@alpersteincovell.com](mailto:gym@alpersteincovell.com); [alb@alpersteincovell.com](mailto:alb@alpersteincovell.com). **1. Name, mailing address, e-mail address, and telephone number of Applicant: TELLER COUNTY WATER & SANITATION DISTRICT NO. 1** ("District" or "Applicant") c/o Barbara Fritz – Administrator, P.O. Box 578, Woodland Park, Colorado 80866, District Office Phone: 719-687-0761, [tellerwater@gmail.com](mailto:tellerwater@gmail.com). **2. Name of structure: Well 11A (Permit Number: 62296-FR).** **3. Description of conditional water right: A.** The water right for Well 11A was decreed in Case No. 97CW118, District Court, Water Division No. 1, on January 5, 2005 ("97CW118 Decree"). Decrees finding diligence toward the completion of the appropriation were entered on September 19, 2011 in Case No. 11CW30, District Court, Water Division No. 1, and on June 29, 2018 in Case No. 17CW3141. The 17CW3141 decree also made absolute 4.1 gpm of the water right for Well 11A in addition to the 8 gpm that was already absolute pursuant to the original decree in Case No. 97CW118. **B.** Legal description: The decreed location is in the NW1/4SW1/4 of Section 7, Township 12 South, Range 68 West of the 6th P.M., Teller County, Colorado, approximately 1359 feet from the south section line and approximately 28 feet from the west section line. The permitted location is 53 feet from the west section line, but is the same as the decreed location in all other respects. The location of the well

is depicted on the map that was filed with the Court as Exhibit 1 of the application. **C.** Source of water: ground water, tributary to Lovell Gulch, which is tributary to Trout Creek, which is tributary to Horse Creek, which is tributary to the South Platte River. **D.** Appropriation date: March 19, 1997. **E.** Amount: 35 gallons per minute (“gpm”), of which 12.9 gpm is absolute and 22.1 gpm is conditional. **F.** Use: municipal. **G.** Depth: Approximately 600 feet. **H.** Remarks: Well 11A is decreed and permitted as an alternate point of diversion for the District’s Well Nos. 2A (formerly known as Well No. 1), 10 (formerly known as Well No. 2), 3, 5, 8, and 9, which wells were the subject of decrees entered by this Court in Case Nos. W-1981 and 97CW118. When operated as an alternate point of diversion, the combined, instantaneous, maximum pumping rate of Well 11A and the other wells is 213 gpm (178 gpm being attributable to the District’s other water rights described above, and 35 gpm being attributable to the water right decreed for Well 11A).

**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 entry of the 17CW3141 Decree through June 2024, the following has been done. Pursuant to approval from the Colorado Department of Public Health and Environment, in January of 2024, Well 11A came back on line in the District’s system, and has been in constant use since then. Upon coming back on line, the well was pumped at a maximum rate of 25 gpm both in January of 2024 and on June 18, 2024 and the water so pumped was put to its decreed beneficial use within the District’s service area. Such pumping was either in priority or it resulted in the application of water to beneficial use in accordance with procedures prescribed by law (specifically, in accordance with the City of Woodland’s Park augmentation plan decreed in Case No. 86CW376). Well 11A has been pumped since then at a consistent rate of approximately 11 to 12 gpm and the water so pumped has been put to its decreed beneficial use within the District’s service area. The District spent approximately \$4,000 on SCADA work in order to get the well operational by January 2024. During the diligence period from July 1, 2018 through June 30, 2024, the District incurred approximately \$108,000 of expenses on repair and maintenance of, and supplies for, its water system. The District also incurred approximately \$22,000 in expenses associated with water testing, as well as numerous other expenses related to its water system and the provision of water to its customers. The District’s wells, including Well 11A, are part of the City of Woodland Park’s augmentation plan decreed in Case No. 86CW376. The District has continuously operated and maintained some or all of its other wells which are alternate points of diversion for Well 11A and which can be diverted at Well 11A. Such operation has been either pursuant to the City of Woodland’s Park augmentation plan or in priority. The District has also continuously operated and maintained its water system, of which Well 11A is a part.

**5. If claim to make absolute in whole or in part:** **A.** Date water applied to beneficial use, including amount and use: In approximately January of 2024 and on June 18, 2024, Well 11A was pumped at a rate of 25 gpm and the water was placed to its decreed municipal use. This rate is in excess of the currently decreed absolute rate of 12.9 gpm, and such additional portions that were pumped should be made absolute based either on in-priority operation or based on diversion and beneficial use of the water right pursuant to procedures prescribed by law, specifically, the City of Woodland’s Park augmentation plan decreed in Case No. 86CW376, consistent with the State Engineer’s Written Instruction 2020-01. **B.** Description of place of use where water is or was applied to beneficial use: within the District’s service area, which is located in Sections 12 and 13, Township 12 South, Range 69 West, 6th P.M., Teller County, Colorado. The service area is depicted on the map that was filed with the Court as Exhibit 2 of the application.

**6. Name(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. **WHEREFORE**, pursuant to C.R.S. Section 37-92-301(4), Applicant requests the Court to enter a decree making absolute an additional amount of 12.1 gpm of the water right for Well 11A absolute, so that a total of 25 gpm will be absolute, and finding that reasonable diligence has been shown toward the completion of any remaining conditional portion of the appropriation associated with the water right for Well 11A; continuing said water right in full force and effect; and granting such other relief as the court deems proper under the circumstances.

**CASE NO. 2024CW3096 WADE CARTER**, 7910 E. Greenland Road, Franktown, CO 80116. (Please forward all pleadings, documents and correspondence to Ryan W. Farr and Paul J. Raymond, 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 IN DOUGLAS COUNTY.** Applicant desires to adjudicate the Denver Basin groundwater underlying his property in Douglas County and to obtain a plan for augmentation for use of Dawson aquifer water upon Applicant’s property. *Property Description.* Applicant’s Property is approximately 35 acres in size and is located in the E1/2 of Section 11, Township 10 South, Range 66 West of the 6th P.M., Douglas County, Colorado, specifically described on the attached **Exhibit A** deed (“Applicant’s Property”). Applicant’s Property is depicted on the attached **Exhibit B** aerial and topographic maps. *Existing Well.* There is an existing domestic well with Division of Water Resources Permit No. 212988 (“Carter Well”). It is drilled to a total depth of 450 feet to the Dawson aquifer, and located 2,175 feet from the North Section Line, and 890 feet from the East Section Line. Upon completion of this case, the Carter Well will be re-permitted to operate pursuant to this plan. *Water Source. Not-Nontributary.* The groundwater to be withdrawn from the Dawson aquifer 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 at this location will require the replacement of actual stream depletions. *Nontributary.* The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. *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. Applicant requests the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. *Estimated Average Annual Amounts of Groundwater Available.* Applicant requests the vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over a 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:

<b>Aquifer</b>	<b>Net Sand (Feet)</b>	<b>Total Appropriation (Acre-Feet)</b>	<b>Annual Avg. Withdrawal (Acre-Feet)</b>
Dawson (NNT)	312.4	2,186.8	21.87
Denver (NT)	331.3	1,971.24	19.71
Arapahoe (NT)	362.3	2,155.69	21.56
Laramie Fox Hills (NT)	193.1	1,013.78	10.14

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), 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.* Applicant requests the right to use the groundwater for beneficial uses upon Applicant’s Property consisting of domestic, irrigation (indoor and outdoor), commercial, stock water, fire protection, recreation, piscatorial, and also for storage and augmentation purposes associated with such uses. Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off 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 aquifer pursuant to a decreed plan for augmentation entered by this Court, covering

the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests that he be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which 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 or will be located and under which the Denver Basin aquifers subject of this application are located is owned by the Applicant. Structure to be Augmented. The structures to be augmented are the Carter Well, along with any replacement or additional wells associated therewith ("Carter Wells"), as likewise may be constructed to the Dawson aquifer underlying Applicant's Property as requested and described herein. 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 Carter 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 by the Carter Wells. Uses: Domestic Indoor: Up to 0.78 acre-feet annually for use inside three existing residences. Barn Sanitary Facilities. Up to 0.134 acre-feet annually for use inside of a barn on Applicant's Property to provide bathroom/sanitary facilities to employees. High Tunnel Greenhouse: Up to 2.05 acre-feet annually for irrigation by means of an overhead sprinkler system inside an approximately 3,200 square foot high tunnel greenhouse. Upper Food Plot. Up to 4.08 acre-feet annually for irrigation of an approximate 1.0-acre portion of Applicant's Property for commercial purposes by means of broadcast sprinkler. Lower Food Plot. Up to 6.13 acre-feet annually for irrigation of an approximately 1.5-acre portion of the Applicant's Property for commercial purposes by means of a broadcast sprinkler. Residential Landscaping. Up to 5.83 acre-feet annually for irrigation of an approximately 1.0-acre portion of the Applicant's Property for residential turf and landscaping by means of popup sprinklers. Livestock Watering. Up to 0.22 acre-feet annually for the watering of up to 20 animals ranging from cattle, horses, sheep, goats, and llamas. Koi Pond. Up to 0.46 acre-feet annually for fill and to cover evaporative depletions of an off-channel pond that does not intercept groundwater with a surface area not greater than 0.10 acres. Depletions and Return Flows: Domestic Indoor: Domestic indoor use shall utilize non-evaporative septic systems for treatment. Domestic indoor use utilizing non-evaporative septic systems results in 10% consumption of use. With a total use up to 0.78 acre-feet annually, depletions amount to 0.078 acre-feet with return flows amounting to 0.702 acre-feet annually. Barn Sanitary Facilities. Sanitary facilities use inside of a barn shall utilize non-evaporative septic systems for treatment. Sanitary facilities utilizing non-evaporative septic systems results in 10% consumption rate. With a total use up to 0.134 acre-feet annually, depletions amount to 0.0134 acre-feet with return flows amounting to 0.121 acre-feet annually. High Tunnel Greenhouse: Utilization of overhead sprinklers inside of a high tunnel greenhouse with plants in planters located on compacted native soil ground results in a 97.43% consumption rate. With a total use up to 2.05 acre-feet annually, depletions amount to 2.0 acre-feet with return flows amounting to 0.05 acre-feet annually. Upper Food Plot. Utilization of broadcast sprinklers to irrigate approximately 1.0 acre results in an 88.24% consumption rate. With a total use of up to 4.08 acre-feet annually, depletions amount to 3.6 acre-feet with return flows amounting to 0.48 acre-feet annually. Lower Food Plot. Utilization of broadcast sprinklers to irrigate approximately 1.5 acres results in an 88.24% consumption rate. With a total use of up to 6.13 acre-feet annually, depletions amount to 5.41 acre-feet with return flows amounting to 0.72 acre-feet annually. Residential Landscaping. Utilization of popup sprinklers to irrigate approximately 1.0 acre results in an 88.24% consumption rate. With a total use of up to 5.83 acre-feet annually, depletions amount to 5.14 acre-feet with return flows amounting to 0.69 acre-feet annually. Livestock Watering. Livestock watering is considered to be 100% consumptive with no return flows. As such, 0.22 acre-feet annually will be



consumed by livestock watering. *Koi Pond*. Use of water to fill and cover evaporative depletions for a pond is considered to be 100% consumptive with no return flows. As such, 0.46 acre-feet annually will be consumed by use for the pond. 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 Carter Wells drawing from the Dawson aquifer. Applicant's consultant has determined that maximum stream depletions over a 100-year pumping period for the Dawson aquifer amounts to 11.34% of pumping. Maximum annual depletions during pumping for domestic indoor, barn sanitary, livestock watering, high tunnel greenhouse irrigation, and pond use amount to 0.413 acre-feet, of which return flows from domestic indoor and barn sanitary use amounting to 0.823 acre-feet annually are sufficient to cover the maximum annual depletions from these uses. Irrigation of the upper food plot, lower food plot, and residential landscaping all have a return flow rate of 11.76% of pumping, which is greater than maximum depletion rate of 11.34%, thus such uses are always sufficiently meeting augmentation requirements during pumping through their return flows. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Carter Wells, Applicant will reserve 1,966.4 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 during pumping and post pumping depletions upon further approval of the Court under its retained jurisdiction and decreed process pursuant to § 37-92-305(8)(c). Even though the reservation of Arapahoe aquifer groundwater is made to cover post pumping depletions, 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 credit for replacements made during pumping. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permit(s) for Carter 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 where the majority of such depletions will occur, 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 is 9 pages)

**CASE NO. 2024CW3097 (15CW3169) CAC TIMNATH, LLC, APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN LARIMER COUNTY.** 1. Name, address, telephone number and email address of Applicant: CAC Timnath, LLC c/o Michael Kuykendall, Catellus Development Corporation; 2000 Powell Street, Suite 500, Emeryville, CA 94608. Please direct all pleadings and correspondence to Applicant's counsel: Mark E. Hamilton and William H. Caile, Holland & Hart LLP, 555 17th Street Suite 3200, PO Box 8749, Denver CO 80201-8749; Telephone: (303) 295-8000; Email: [mehamilton@hollandhart.com](mailto:mehamilton@hollandhart.com), [whcaile@hollandhart.com](mailto:whcaile@hollandhart.com). 2. Name of Structures: Timnath Landing Pond Well Dewatering System. 3. Overview: The Pond Well Dewatering System will consist of three excavated, unlined ponds, an underdrain, and the Box Elder Drain, all of which will intercept ground water tributary to the Cache La Poudre River. The ground water intercepted by the Pond Well Dewatering System will be delivered to the Cache La Poudre River without use as set forth in more detail below. The Pond Well Dewatering System will expose the surface area of the intercepted ground water to evaporation. The three unlined ponds will be equipped with and operated by controls that will maintain the water levels in the ponds at relatively fixed elevations. The underdrain and the Box Elder Drain both drain into and are considered parts of the North Pond Well, as water will gravity flow from the underdrain through the Box Elder Drain into the North Pond Well. The underdrain is entirely underground and will not expose additional ground water to evaporation, and the surface area of the Box Elder Drain will be considered part of the North Pond Well. The total surface area of the Pond Well Dewatering System is currently anticipated

to be approximately 28.78 acres. Any out of priority depletions associated with the evaporation from the surface of the Pond Well Dewatering System and any depletions resulting from any periods when the daily rate of lagged depletions from of dewatering exceeds the actual daily rate of water being delivered to the Cache La Poudre River from dewatering will be replaced pursuant to the plan for augmentation approved in Case No. 15CW3169, Water Division 1. 4. Information from Prior Decree: a. Date of Original Decree: June 11, 2018 in Case No. 15CW3169, Water Division 1. b. Locations (see Figure 1 included with the application and on file with the Court): i. Timnath Landing North Pond Well, which includes the underdrain and the Box Elder Drain (“North Pond Well”): NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 35, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. ii. Timnath Landing Middle Pond Well (“Middle Pond Well”): NE1/4 SE1/4, SW1/4 SE1/4 and the SE1/4 SE1/4 of Section 35, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. iii. Timnath Landing South Pond Well (“South Pond Well”): SE1/4 SE1/4 of Section 35, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. c. Source: Ground water tributary to the Cache La Poudre River, tributary to the South Platte River. d. Average Depth: 25 feet. e. Appropriation Date: December 23, 2015. f. Amount: i. Dewatering Rate: 0.75 c.f.s. maximum, conditional. ii Dewatering Volume: 140 acre-feet maximum per year. The above rates of flow and volumes of water claimed herein for the Pond Well Dewatering System conditional underground water rights are contemplated to be the maximum amount of water consumed. g. Uses: recreation, piscatorial, fire-fighting, and dewatering. Recreation and piscatorial uses will occur on the Pond Well Dewatering System. h. Total Surface Area: approximately 28.78 acres. i. North Pond Well (including the underdrain and the Box Elder Drain): approximately 9.68 acres. ii. Middle Pond Well: approximately 12.1 acres. iii. South Pond Well: approximately 7.0 acres. i. Remarks: Operation of the Pond Well Dewatering System is subject to the terms and conditions of the decree in Case No. 15CW3169, Water Division 1. This application involves only the request for findings of reasonable diligence for the subject conditional water rights. The change of water rights and plan for augmentation approved in Case No. 15CW3169 are not at issue in this diligence proceeding. 5. Integrated System: The Pond Well Dewatering System is a component of Applicant’s integrated water supply system associated with the Timnath Landing property. As such, diligence with respect to any one component of the system should be appropriately considered in finding that reasonable diligence has been shown in the development of water rights for all features of Applicant’s integrated water supply system. C.R.S. § 37-92-301(4). 6. Outline of what has been done toward or for completion of the appropriation and application of water to beneficial use as conditionally decreed: a. The decree granting conditional water rights for the Pond Well Dewatering System was entered on June 11, 2018, in Case No. 15CW3169, Water Division 1. During the applicable diligence period, Applicant has conducted the following activities toward completion of the conditional appropriations: i. Continued to develop the residential and commercial mixed-use development known as Timnath Lakes (aka Timnath Landing), including planning, design, and construction of roads, parks, and common areas; installation of water, sewer and electric utilities; landscaping; lot sales; and construction of related infrastructure. ii. Designed and constructed the Augmentation Pond as required by the decree in Case No. 15CW3169, together with associated measurement and conveyance facilities. Applicant surveyed the constructed Augmentation Pond to confirm active storage capacity of 229 acre-feet and provided notice of construction as required by the decree, including as-built drawings, approval of liner, and stage-capacity tables. The Augmentation Pond is a component of the augmentation plan for the Pond Well Dewatering System as approved in the 15CW3169 decree. iii. Completed successful dry-up of the lands historically irrigated by the Lake Canal Company shares changed in the decree in Case No. 15CW3169 and provided notice regarding dry-up as required by the decree. iv. Negotiated and entered into agreements with landowners and owners of water rights for easements, water supply agreements, and other property rights and entitlements necessary to design and construct the integrated water system of which the Pond Well Dewatering System is a component. v. Engaged and enlisted the services of attorneys, engineers, and other consultants, including without limitation civil engineers, landscape architects, planning consultants, and water resource engineers, in connection with the activities described above. vi. Applicant and its attorneys and engineers monitored the resumes in Water Division 1 and took other actions to protect and facilitate the development of the subject conditional water rights. b. Although an exact figure is difficult to calculate,

it is conservatively estimated that Applicant made expenditures in excess of \$10,000,000 during the diligence period in connection with the activities described above as they relate exclusively to the water system. c. The list of activities and expenditures herein is not intended to be exhaustive, and Applicant reserves the right to present additional evidence of reasonable diligence as necessary or appropriate. 7. Names and addresses of owners or reputed owners of land upon which any new diversion or storage structure, or modification to existing diversion or storage structure is or will be located: Applicant or its affiliates. Applicant respectfully requests that the Court enter its judgment and decree: Finding that Applicant has demonstrated reasonable diligence in the development of the conditional water rights decreed in Case No. 15CW3169; Continuing such conditional water rights in full force and effect; and for such other relief as the Court deems just.

**CASE NO. 2024CW3098 (2017CW3174 and 2007CW0146), APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON AND PARK COUNTIES.**

**1. Applicant. FLYING J RANCH, LLC** (“Flying J”), c/o Donald Skupsky, 300 South Dahlia Street, Suite 205, Denver, CO 80246. Direct all pleadings to: Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304, (303) 894-8191. **2. Decrees for Conditional Water Rights.** *Date of original decree (as revised):* Case No.: 2007CW0146, decreed on October 15, 2009, Division 1 Water Court. *Subsequent decree awarding diligence:* Case No. 2017CW3174, decreed on June 11, 2018, Division 1 Water Court. **3. Structures. Flying J Ranch Well System, Including the Flying J Ranch Well.** **a. Well Permits.** Permit No. 44958-F: The Flying J Ranch Well was originally registered under this well permit number, and it was originally decreed for 10 g.p.m. absolute in Case No. 1995CW0154, with augmentation of out-of-priority depletions covered by the augmentation plan decreed in Case No. 1995CW0154. Permit No. 68814-F: The Flying J Ranch Well was decreed in Case No. 2007CW0146 for an additional 50 g.p.m. conditional (in combination with all supplemental and replacement wells therefor, known as the Flying J Ranch Well System), with augmentation of out-of-priority depletions from this expanded use covered by the augmentation plan decreed in Case No. 2007CW0146. **b. Legal description of Flying J Ranch Well:** NW 1/4 NW 1/4, Section 28, Township 9 South, Range 71 West of the 6th P.M., in Jefferson County, Colorado, at a point approximately 1,250 feet from the North section line and 800 feet from the West section line of said Section 28. *See* Exhibit 1 to the application. This well is within 100’ of Wigwam Creek and can be administered as a surface diversion without delayed depletions. **c. Legal description of Flying J Ranch Well System, Including Existing Supplemental Well:** As provided in the decree in Case No. 2007CW0146, the Flying J Ranch Well System includes all supplemental and replacement wells needed for the Flying J Ranch Well to obtain the full yield of 60 g.p.m. decreed for the Flying J Ranch Well in Case Nos. 1995CW0154 and 2007CW0146. All wells in the Flying J Ranch Well System must be located within the Flying J Ranch, which is located in the E 1/2 of the NE 1/4 and the NE 1/4 of the SE 1/4 of Section 29, and the NW 1/4 and the N 1/2 of the SW 1/4 of Section 28, all in Township 9 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, as more particularly depicted on **Exhibit 2** (“Flying J Ranch”). Further, all wells comprising the Flying J Ranch Well System must be located within 100 feet of Wigwam Creek and in the same quarter-quarter section as the Flying J Ranch Well. The specific location of each well in the Flying J Ranch Well System will be provided to the State Engineer, the Division Engineer, and the Court. **d. Supplemental Well:** A supplemental well was drilled October 3, 2017 and was confirmed in Case No. 17CW3174. The supplemental well (permit no. 81320-F) is located in the NW 1/4 of the NW 1/4 of Section 28, Township 9 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, at a point with the following UTM coordinates (based on UTM Zone 13 and datum NAD83): Easting 469987.0, and Northing 4343386.0. *Source of water:* Groundwater which is tributary to Wigwam Creek, a tributary of the South Platte River. **e. Appropriation date:** March 1, 2006. **f. Amount:** 50 g.p.m., conditional. **g. Uses:** All camp purposes on the Flying J Ranch, including in-building domestic uses, fire protection, swimming pool, stock watering, and irrigation of up to 1.4 acres within the Flying J Ranch, as such ranch is more particularly described in paragraph 2.d. above. **h. Depth:** 304 feet (decreed); 305 feet (as constructed). **Flying J Pond. a. Legal description:** The Original Decree provides that “The Flying J Pond will be a small off-channel excavated

pond located on the Flying J Ranch, as shown on Exhibit B [to the Original Decree]. Water will be diverted from Wigwam Creek at [at a point located on the Flying J Ranch property in the SE 1/4, NW 1/4, Section 28, Township 9 South, Range 71 West of the 6th P.M., in Jefferson County, Colorado, approximately 2150 feet from the North line of Section 28, and 1380 feet from the West line of Section 28], and will be carried in a pipeline or ditch to the pond headgate, which will be located in the SE 1/4, NW 1/4, Section 28, Township 9 South, Range 71 West, of the 6th P.M., approximately 2450 feet from the North line of Section 28 and 1500 feet from the West line of Section 28.” A survey of the decreed location of the intake from Wigwam Creek to Flying J Pond demonstrated that the decreed location of the intake is approximately 100’ east of Wigwam Creek. Based on the survey, the engineering design and planned construction of the Flying J Pond and intake, the planned point of diversion from Wigwam Creek will be within 105’ of the decreed point of diversion from Wigwam Creek described above. The legal description of the planned point of diversion is: “Water will be diverted from Wigwam Creek at a point located on the Flying J Ranch property in the SE 1/4, NW 1/4, Section 28, Township 9 South, Range 71 West of the 6th P.M., in Jefferson County, Colorado, approximately 2150 feet from the North line of Section 28, and 1275 feet from the West line of Section 28, and will be carried in a pipeline to the pond, which will be located in the SE 1/4, NW 1/4, Section 28, Township 9 South, Range 71 West, of the 6th P.M., approximately 2600 feet from the North line of Section 28 and 1250 feet from the West line of Section 28.” As designed, the water diverted from Wigwam Creek will be delivered to the pond by gravity in a pipeline; a pond headgate will not be required.

**b. Source of water:** Wigwam Creek, tributary to the South Platte River. **b. Appropriation date:** March 1, 2006. **c. Amount:** 5.0 acre-feet, conditional, with the right to fill and refill when in priority. **d. Rate:** 1.0 c.f.s. from Wigwam Creek via the ditch or pipeline. (In accordance with the design drawings, the water will be delivered via pipeline from Wigwam Creek.) **e. Uses:** The primary uses are augmentation, irrigation, and fire protection, with incidental uses for recreation, piscatorial, and wildlife protection and propagation. Irrigation use is for up to 1.4 acres within the Flying J Ranch. (Irrigation is planned to be made in the vicinity of the camp buildings.) **f. Surface area:** 1 acre. (Based on the engineering design and planned construction of the Flying J Pond, the surface area will be 0.77 acres.) **g. Total capacity:** 5.0 acre-feet. **4. Evidence of Reasonable Diligence.**

**a. Legal Ownership.** In June 2017, Ramah in the Rockies (“Ramah”), a Colorado nonprofit corporation, became the sole member and manager of the Flying J Ranch LLC. The Board of Directors of Ramah, and its designated agents, oversee, operate and manage Flying J Ranch. The JCC Camp mentioned in the original water decree is no longer a participant in the Flying J Ranch. **b. Infrastructure Improvements.** On August 5, 2017, a fire destroyed the Lodge Building on the property, requiring the construction of replacement facilities, which delayed further design and construction of additional planned facilities, and therefore delayed development of these conditional water rights. During this diligence period, the Applicant hired JDS-Hydro to review the existing wastewater treatment facility and provide recommendations for expansion and in 2019 contracted with JDS-Hydro to design the upgraded wastewater system for current and future wastewater needs. In the spring of 2019, the Applicant completed the construction of the new Health Center and connected it to the water and wastewater system. In the spring of 2020, the Applicant completed the installation of the upgraded wastewater system. During this diligence period, the Applicant has spent approximately \$5 million on capital construction and infrastructure development at Flying J Ranch. **c. Pond Development, Engineering and Financing.** In the fall of 2019, the Applicant contracted with JDS-Hydro (now a Division of RESPEC Company, LLC) for a preliminary review of pond design options and received its report in 2021. In the spring of 2022, the Applicant contracted with RESPEC to design, prepare engineering drawings, determine costs, and obtain needed approvals for the excavated pond and intake. In 2022 and 2023, the Applicant reviewed pond design options, regulatory requirements, floodplain and other engineering reports, and other factors affecting the pond design. The Applicant’s Site Committee met with RESPEC regularly (sometimes monthly). The Applicant determined that the pond and intake could be designed to minimize complex regulatory, environmental, engineering, and cost issues, and to permit water to be delivered from Wigwam Creek by gravity via pipeline to the pond. In June 2023, RESPEC provided initial design drawings of the intake and pond. In August 2023, the Ramah Board of Directors reviewed the initial design and cost in detail, approved a \$1 million budget for the pond project, and requested the Flying J Site Committee to work with the

engineers to develop a revised design for the pond project within the budget. Between August 2023 and the present, the Applicant, its Site Committee and RESPEC revised pond design options and developed a costing approach. RESPEC's subsequent design proposal, provided in June 2024, enables water diverted from Wigwam Creek to flow in a pipeline by gravity, without pumps, to the pond, saving approximately \$100,000 in construction costs and eliminating many operational problems. The Flying J Site Committee reviewed and approved with minor changes the RESPEC design proposal and construction budget. The Applicant expects that the design and budget will obtain the needed internal approvals on or about June 30, 2024, enabling the Applicant to proceed with the project. The Applicant expects to begin construction of the pond project in the Fall of 2024, with a goal to complete and fill the pond by Spring 2025. d. Legal Expenses: Since 2018, the Applicant engaged legal counsel to review issues related to the water decree and water rights and spent approximately \$7,500 in legal fees. **5. Name and Address of Owner of the Land Upon Which Any New Diversion Structure or Storage Structure, or Modification to Any Existing Diversion or Storage Structure Is or Will Be Constructed or Upon Which Water Will be Stored.** Applicant.

**CASE NO. 2024CW3099 (2017CW3184 AND 2009CW96) APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN WELD COUNTY.** Attorneys for Applicant, Gilbert Y. Marchand, Jr., #19870, Andrea L. Benson, #33176, Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, Phone: (303) 894-8191, [gym@alpersteincovell.com](mailto:gym@alpersteincovell.com); [alb@alpersteincovell.com](mailto:alb@alpersteincovell.com). **1. Name, mailing address, email address and telephone number of applicant: CITY AND COUNTY OF BROOMFIELD** ("Broomfield"), c/o Director of Public Works, 3951 West 144th Avenue, Broomfield, CO 80023, 303-438-6334, e-mail: [publicworks@broomfield.org](mailto:publicworks@broomfield.org). **2. Date of Original and Diligence Decrees: 2.a. Original Decree:** Case No. 2009CW96, decreed by the District Court for Water Division 1, State of Colorado, on November 23, 2011; and **2.b. Subsequent Diligence Decree:** 2017CW3184, decreed by the District Court for Water Division 1, State of Colorado, on June 5, 2018. **3. Description of Conditional Water Rights: 3.a. Name of Wells:** South Platte Wellfield/Wells. **3.a.(1) Permit, registration, or denial number.** N/A. The initial permit for SPR Well No. 1, Permit No. 67987-F, expired on April 2, 2010. **3.a.(2) Legal Description of Wells:** The South Platte Wellfield/Wells will be comprised of SPR Well No. 1 and additional wells located on the west bank of the South Platte River in the Southwest 1/4 of Section 18 and part of the Northeast 1/4 of the Northwest 1/4 of Section 19, Township 2 North, Range 66 West of the 6th Principal Meridian, as shown on the map attached hereto as Exhibit A. **3.a.(3) Source of Water:** The South Platte River and its alluvium. **3.a.(4) Depth of Wells, if completed:** SPR Well No. 1 was completed to a depth of 45 feet; however, no permanent pump has been installed and the permit has expired. Additional wells will be drilled pursuant to the original decree, as needed, to achieve and maintain a sustained pumping capacity of 10 c.f.s. **3.a.(5) Appropriation Date:** July 16, 2009. **3.a.(6) Amount:** 10 c.f.s. (4,488 g.p.m.), conditional combined flow rate for all wells in the South Platte Wellfield/Wells, not to exceed 200 acre feet in any water year beginning on April 1st and ending on the following March 31st. **3.a.(7) Decreed Use:** Irrigation, lake level maintenance, industrial and mining uses in conjunction with gravel mining operations, dust suppression, reclamation, sand and gravel washing, commercial, fire protection, and piscatorial purposes on the Heit Pit property and property owned by 45 Acres, LLC (formerly owned by Robert M. Stahl) as identified on Exhibit A hereto. Applicant has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise, to extinction all water lawfully diverted under this water right for all municipal purposes, including irrigation, lake level maintenance, domestic, industrial, industrial and mining uses in conjunction with gravel mining operations, dust suppression, reclamation, sand and gravel washing, commercial, fire protection, stockwatering, recreation, piscatorial and all other municipal purposes, including without limitation, storage in Heit Pit for subsequent use for the aforesaid purposes. The water will also be reused and successively used for exchange, for replacement, and for augmentation purposes. Broomfield may reuse, successively use or dispose of the irrigation return flows from the first use of this water right only to the extent said return flows have been quantified in a separate proceeding. **3.a.(8) Place of Use:** The place of use for the initial use of the conditional underground water rights shall be on the Heit Pit property and Property owned by 45 Acres,

LLC (formerly owned by Robert M. Stahl) as identified on Exhibit A hereto. The place of use for reuse and successive uses of the conditional underground water rights shall be any place served in the present or in the future by the City and County of Broomfield's potable water, raw water, and re-use water systems. **4. Description of Conditional Storage Rights. 4.a. Name of Reservoir:** Heit Pit. **4.b. Legal Description of Reservoir:** Heit Pit is a gravel pit reservoir constructed with a slurry wall, currently being mined, and located in the South 1/2 of the Northeast 1/4 and the North 1/2 of the Southeast 1/4 of Section 13, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado, more particularly described on Exhibit B attached to the 09CW96 decree. A map of the subject property is attached as Exhibit A hereto. **4.c. Legal Description of Diversion Point(s) for filling structures:** The South Platte Wellfield/Wells as described in Paragraph 3 above. **4.d. Source of Water:** The South Platte River and its alluvium. **4.e. Date of Appropriation:** August 4, 2006. **4.f. Amount:** The conditional water storage rights decreed in Case No. 2009CW96 and the conditional water storage rights decreed to Broomfield in Case No. 2006CW288 are limited to a combined total volume of one fill of 1,560 acre feet, conditional, with the right to continuous refills totaling 1,560 acre-feet in a given year, for a total combined amount of water that can be stored in one year of 3,120 acre-feet under both decrees. The filling rate for the South Platte Wellfield/Wells filling structure is 10 c.f.s., conditional. **4.g. Use:** All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, industrial and mining uses in conjunction with gravel mining operations, dust suppression, reclamation, sand and gravel washing, commercial, fire protection, stockwatering, recreation, piscatorial and all other municipal purposes, including without limitation, storage in Heit Pit for subsequent use for the aforesaid purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. Broomfield may use, reuse, successively use or dispose of, by sale, exchange or otherwise, to extinction all water lawfully diverted and/or impounded pursuant to the original decree. **4.h. Place of Use:** The place of use shall be any place served in the present or in the future by the City and County of Broomfield's potable water, raw water, and re-use water systems. **5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** **5.a.** During this diligence period, Broomfield has continued to improve, operate and maintain its integrated water supply system, of which the conditional water rights described herein are a part. To enable Broomfield to more effectively provide water service to its existing and future customers, it has expended approximately \$370 million during this diligence period for overall capital infrastructure investment to construct, repair and improve its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Broomfield to continue to provide reliable water service to its existing customers and to plan for anticipated future demand. **5.b.** During this diligence period, Broomfield has expended approximately \$368,000 in costs related to design and permitting for the South Platte Wellfield, a pump station at Heit Pit, and a diversion structure for Heit Pit. Broomfield also obtained a Nationwide Permit for the diversion structure from the US Army Corps of Engineers under Section 404 of the Clean Water Act. **5.c.** During this diligence period, Broomfield has defended its water rights against applications filed by others in water court cases in which Broomfield determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. Broomfield has also filed applications for water rights in water court to maintain diligence on its existing water rights and adjudicating additional water rights to supplement Broomfield's water portfolio. Broomfield has expended in excess of \$660,000 for representation by water counsel and \$1 million in water resource engineering fees in these water court proceedings. **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.** **6.a.** Heit Pit: Applicant. **6.b.** South Platte Wellfield/Wells: **6.b.(1)** 45 Acres LLC, 9378 County Rd 25, Fort Lupton, Colorado 80621; **6.b.(2)** Groundwater Management Subdistrict of the Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 80634; **6.b.(3)** Darrell L. Bearson and Nelva M. Bearson, 9208 Weld County Road 25, Fort Lupton, Colorado 80621. **WHEREFORE,** Applicant, the City and Count of Broomfield, having demonstrated that it has steadily

applied effort to complete the appropriation of the conditional water rights described herein in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests that this Court find that it has exercised reasonable diligence in completing the appropriations and putting to beneficial use the conditional water rights described herein, and that said conditional rights should be continued for another six years, or such period as may otherwise be permitted by law.

**CASE NO. 2024CW3100 (2017CW3166, 2009CW23 and 98CW436) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BROOMFIELD, ADAMS AND WELD COUNTIES.** Attorneys for Applicant, Gilbert Y. Marchand, Jr., #19870, Andrea L. Benson, #33176, Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, Phone: (303) 894-8191, [gym@alpersteincovell.com](mailto:gym@alpersteincovell.com); [alb@alpersteincovell.com](mailto:alb@alpersteincovell.com). **1. Name, mailing address, email address and telephone number of applicant:** CITY AND COUNTY OF BROOMFIELD (“Broomfield” or “Applicant”), c/o Director of Public Works, 3951 West 144th Avenue, Broomfield, CO 80023, 303-438-6334, e-mail: [publicworks@broomfield.org](mailto:publicworks@broomfield.org). **2. Date of Original and Diligence Decrees:** **2.a. Original Decree:** Case No. 98CW436, decreed by the District Court for Water Division 1, State of Colorado, on February 20, 2003; and **2.b. Subsequent Diligence Decrees:** **2.b.(1)** Case No. 2009CW23, decreed by the District Court for Water Division 1, State of Colorado, on October 19, 2011. **2.b.(2)** Case No. 2017CW3166, decreed by the District Court for Water Division 1, State of Colorado, on June 13, 2018. **3. Description of Conditional Water Rights:** **3.a. Broomfield Discharge Diversion Point. 3.a.(1) Legal Description of Point of Diversion:** Located in the City and County of Broomfield, State of Colorado, commencing at the center of Section 32, Township 1 South, Range 68 West of the Sixth Principal Meridian, whence the Ease one-quarter corner of said Section 32 bears South 89°46’32” East a distance of 2,646.68 feet, said line forming the basis of bearings for this description, thence South 69°09’23” East, a distance of 1,006.42 feet to the Broomfield Discharge Diversion Point, whence said East one-quarter corner bears North 78°28’47” East, a distance of 1,741.17 feet. A map showing the location of said point is attached hereto as Exhibit A. **3.a.(2) Source of Water:** Effluent from the City of Broomfield Wastewater Reclamation Facility, tributary to Big Dry Creek, a tributary of the South Platte River. **3.a.(3) Appropriation Date:** October 7, 1998. **3.a.(4) Amount:** 5.0 c.f.s., of which 3.09 c.f.s. was made absolute by the decree in Case No. 2009CW23. The remaining 1.91 c.f.s. conditional amount is the subject of this decree. **3.a.(5) Use:** All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. Applicant has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise, to extinction all water lawfully diverted and/or impounded pursuant to the decree in Case No. 98CW436. **3.b. Broomfield Big Dry Creek Diversion Point. 3.b.(1) Legal Description of Point of Diversion:** Located in the County of Adams, State of Colorado, commencing at the Center of Section 32, Township 1 South, Range 68 West of the Sixth Principal Meridian, whence the East one-quarter corner of said Section 32 bears South 89°46’32” East a distance of 2,646.68 feet, said line forming the basis of bearings for this description, thence South 70°46’39” East, a distance of 1,020.11 feet to the Broomfield Big Dry Creek Diversion Point, whence said East one-quarter corner bears North 79°03’25” East, a distance of 1,714.60 feet. A map showing the location of said point is attached hereto as Exhibit B. **3.b.(2) Source of Water:** Big Dry Creek. **3.b.(3) Appropriation Date:** October 7, 1998. **3.b.(4) Amount:** 5.0 c.f.s., conditional. **3.b.(5) Use:** All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. Applicant has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise, to extinction all water lawfully diverted and/or impounded pursuant to the decree in Case No. 98CW436. **3.c. Broomfield South Platte River-Big Dry Creek Exchange. 3.c.(1) Name, location and source of diversion points (“exchange-to points”) at which water will be diverted and/or stored by exchange.** Broomfield Discharge Diversion Point and Broomfield Big Dry Creek Diversion Point, described in paragraphs 3.a. and 3.b. above. **3.c.(2) Sources of substitute supply:** Effluent and/or other sources of replacement water approved by the Division Engineer.

**3.c.(3) Point at which the City and County of Broomfield shall make substitute supplies available to allow diversion by exchange at the points set forth in paragraph 3.c.(1) above:** The confluence of Big Dry Creek and the South Platte River, described as follows: commencing at the Northwest Corner of Section 7, Township 1 North, Ranch 66 West of the Sixth Principal Meridian, County of Weld, State of Colorado, whence the West one-quarter corner of said Section 7 bears South 00°00'00" East a distance of 2,639.16 feet, said line forming the basis of bearings for this description, thence South 72°54'39" East, a distance of 660.98 feet to the Confluence of Big Dry Creek and the South Platte River, whence said West one-quarter corner bears South 14°29'20" West, a distance of 2,525.23 feet. A map showing the location of the exchange is attached hereto as Exhibit C. **3.c.(4) Appropriation Date:** October 7, 1998. **3.c.(5) Amount:** 10.0 c.f.s., conditional. **3.c.(6) Use:** All municipal purposes, including irrigation, lake level maintenance, domestic, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. Applicant has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise, to extinction all water lawfully diverted and/or impounded pursuant to the decree in Case No. 98CW436. **3.d. Places of Use:** The place of use for the direct flow water rights and appropriative rights of exchange herein shall be any place served in the present or the future by the City and County of Broomfield's treated water and/or raw water systems. **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:** **4.a.** During this diligence period, Broomfield has continued to improve, operate and maintain its integrated water supply system, of which the conditional water right described herein is a part. To enable Broomfield to more effectively provide water service to its existing and future customers, it has expended approximately \$370 million during this diligence period for overall capital infrastructure investment to construct, repair and improve its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Broomfield to continue to provide reliable water service to its existing customers and to plan for anticipated future demand. **4.b.** During this diligence period, Broomfield has expended approximately \$1,363,000 in costs related to permitting, monitoring, design and construction, and rehabilitation of facilities related to Broomfield's water reclamation system. **4.c.** During this diligence period, Broomfield has defended its water rights against applications filed by others in water court cases in which Broomfield determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. Broomfield has also filed applications for water rights in water court to maintain diligence on its existing water rights and adjudicating additional water rights to supplement Broomfield's water portfolio. Broomfield has expended in excess of \$660,000 for representation by water counsel and \$1 million in water resource engineering fees in these water court proceedings. **5. 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. **WHEREFORE,** Applicant, the City and County of Broomfield, having demonstrated that it has steadily applied effort to complete the appropriation of the conditional water rights described herein in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests that this Court find that it has exercised reasonable diligence in completing the appropriations and putting to beneficial use the conditional water rights described herein, and that said conditional water rights should be continued for another six years, or such period as may otherwise be permitted by law.

**CASE NO. 2024CW3101 – THE LASCO REVOCABLE TRUST – APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER, AND APPROVAL OF PLAN FOR AUGMENTATION. TO BE PUBLISHED IN WATER DIVISION 2 CASE NO. 24CW3026 PER ORDER GRANTING NO PUBLICATION BY DIVISION 1 ENTERED ON JULY 1, 2024.**



**\*\*CASE CAPTION AMENDED\*\* CASE NO. 2024CW3081** (2017CW3167, 2010CW296, 2002CW239, 95CW058, 88CW009, 81CW463). **CITY AND COUNTY OF BROOMFIELD.** c/o Director of Public Works, One DesCombes Drive , Broomfield, Colorado 80020-2495, Telephone No.: (303) 438-6348, e-mail: [publicworks@broomfield.org](mailto:publicworks@broomfield.org). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BROOMFIELD, AND JEFFERSON COUNTIES.** 2. Name of structures/water rights: Great Western Reservoir, Broomfield Enlargement. 3. Date of Original and Diligence Decrees: a. Original Decree: Case No. 81CW463, decreed by the District Court for Water Division 1, State of Colorado, on February 23, 1984; and (b) Subsequent Diligence Decrees: (1) On March 9, 1989, *nunc pro tunc* January 17, 1989, the District Court for Water Division No. 1 entered the decree in Case No. 88CW009, granting the application to make 736 acre-feet of water absolute and continuing the remaining 25,264 acre-feet of the conditional water right in full force and effect until January 31, 1992. The period for showing reasonable diligence was extended to January 31, 1994, by an Order entered March 6, 1991. The period of reasonable diligence was further extended to March 31, 1995 by an Order entered November 10, 1993. (2) On October 8, 1996, the Court entered the decree in Case No. 95CW058, granting the application to have 25,264 acre-feet of water continued as a conditional water storage right. (3) On December 7, 2004, the Court entered the decree in Case No. 02CW239, granting the application to have 25,264 acre-feet of water continued as a conditional water storage right. (4) On October 18, 2011, the Court entered the decree in Case No. 2010CW296, granting the application to have 25,264 acre-feet of water continued as a conditional water storage right. (5) On May 23, 2018, the Court entered the decree in Case No. 2017CW3167, granting the application to have 25,264 acre-feet of water continued as a conditional water storage right. 4. Legal Description: Great Western Reservoir, as enlarged, will be located generally in the North 1/ 2 of Section 7, and the South 1/ 2 of Section 6, Township 2 South, Range 69 West of the 6th P.M. The legal description of elevation control line, Great Western Reservoir, new dam wing for Broomfield Enlargement is more particularly described as follows: Commencing at the Southwest corner of Section 5, Township 2 South, Range 69 West of the 6th P.M.; thence South 13°55' 10" West, 862.81 feet to a point; said point being a cross-cut on the top of the Great Western Reservoir spillway (elevation = 5,608.85 feet U.S.G.S.) and also the True Point of Beginning; thence North 14°59'06" West the following 3 courses and distances: 1,473.66 feet to a point on a knoll (elevation = 5,678.29 feet); 916.17 feet to a low point (elevation = 5,637.68 feet); 975.92 feet to a point of terminus (elevation= 5,608.00 feet). Distance from section lines to the True Point of Beginning described above: 834 feet South from the North section line and 200 feet West from the East section line of Section 7, Township 2 South, Range 69 West of the 6th P.M. Map: A U.S.G.S. map showing the location of the proposed dam is attached as Exhibit A hereto. 5. Source of Water: Clear Creek, a tributary of the South Platte River. 6. Appropriation Date: March 25, 1981. 7. Amount of Water: 25,264 acre-feet remaining conditional of the 26,000 acre-feet. 8. Decreed Uses of Water: Use in the Broomfield municipal water supply system as it now or may hereafter exist by the City and County of Broomfield, or those users to whom it provides water for beneficial uses including municipal, domestic, commercial, irrigation, industrial, recreation, piscatorial, exchange, replacement, plans of augmentation and irrigation of city parks and open space. 9. Dam Description and Capacity: (a) Maximum height of the dam: 133 feet; (b) Length of proposed dam: 7,000 feet; (c) Total capacity of reservoir: 26,000 acre-feet; (d) Capacity of reservoir from bottom of outlet tube to lowest point on spillway: 25,560 acre-feet; (e) Capacity of reservoir from the bottom of the outlet to the lowest point in the reservoir: 440 acre-feet; (f) Present capacity of Great Western Reservoir: approximately 3,250 acre feet; and (g) Name and capacity decreed in Case No. 81CW463 of the Ditch leading to or supplying water to the reservoir: Golden City Ralston Creek and Church Ditch, commonly known as the Church Ditch, at the rate of 50 c.f.s. from Clear Creek. 10. 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 this diligence period, Broomfield has continued to improve, operate and maintain its integrated water supply system, of which the conditional water right described herein is a part. To enable Broomfield to more effectively provide water service to its existing and future customers, it has expended approximately \$370 million during this diligence period for overall capital infrastructure investment to construct, repair and improve its water system infrastructure and related

infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Broomfield to continue to provide reliable water service to its existing customers and to plan for anticipated future demand. (b) During this diligence period, Broomfield has expended approximately \$1 million in costs related to permitting, monitoring, design and construction, and rehabilitation of major components related to Great Western Reservoir described herein; and approximately \$363,000 in engineering fees related to permitting and design of other facilities related to Broomfield's water reclamation system. (c) During this diligence period, Broomfield has defended its water rights against applications filed by others in water court cases in which Broomfield determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. Broomfield has also filed applications for water rights in water court to maintain diligence on its existing water rights and adjudicating additional water rights to supplement Broomfield's water portfolio. Broomfield has expended in excess of \$660,000 for representation by water counsel and \$1 million in water resource engineering fees in these water court proceedings. 11. 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. **WHEREFORE**, Applicant, the City and County of Broomfield, having demonstrated that it has steadily applied effort to complete the appropriation of the conditional water right described herein in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests that this Court find that it has exercised reasonable diligence in completing the appropriations and putting to beneficial use the conditional water right described herein, and that said conditional right should be continued for another six years, or such period as may otherwise be permitted by law.

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **AUGUST 2024** (forms available on [www.courts.state.co.us](http://www.courts.state.co.us) or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.