

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

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

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

CASE NO. 2024CW3102 JERROD AND MARGARET KEITH, 3020 South Ulm Street, Watkins, Colorado, 80137, (303) 902-4945. **APPLICATION FOR AMENDMENT OF A PRIOR DECREE IN ARAPAHOE COUNTY**. Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. 2. Subject Property. 40 acres located in Section 33, Township 4 South, Range 64 West of the 6th P.M., Arapahoe County, Colorado, as described on **Exhibit A** (“Subject Property”). 3. Lien Holder Certification. Applicants are the sole owners of the Subject Property and have provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). Applicants have also provided notice to the other known owner of the groundwater adjudicated in the 19CW31 Decree. 4. Prior Decree. The groundwater underlying the Subject Property was adjudicated in the decree entered in Case No. 19CW31, District Court, Water Division 1, on November 3, 2020 (“19CW31 Decree”). 5. Groundwater Ownership. Applicants own the following amounts of groundwater as quantified in the 19CW31 Decree. The groundwater was conveyed to the Applicants via the quitclaim deed dated June 10, 2024, and recorded June 17, 2024, at Reception No. E4037887 in the records of the Arapahoe County Clerk and Recorder.

Aquifer	Annual Amount (acre-feet)	Total Amount (acre-feet)
Denver (NNT)	13.6	1,360
Upper Arapahoe (NT)	11.55	1,155
Lower Arapahoe (NT)	4.42	442
Laramie-Fox Hills (NT)	8.7	870

6. Jurisdiction. The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), and 37-92-302(2). 7. Requested Change to the 19CW31 Decree. Applicants request that 3.4 acre-feet annually amounting to 1,020 acre feet total for a 300 year supply of not-nontributary Denver Aquifer groundwater be removed from the 19CW31 Decree and be made available for the drilling of an exempt well or wells, for any legally allowed exempt purpose on the Subject Property. 8. No other provisions of the 19CW31 Decree will be changed. Nothing in this application affects the water rights adjudicated in the 19CW31 Decree that are owned by parties other than Applicants. WHEREFORE, Applicants request the Court approve the above requested decree amendment, 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, 1 exhibit)

CASE NO. 2024CW3103 (18CW3025;02CW183), BEAR CREEK DEVELOPMENT CORPORATION, Attn: Ross Bradley, Vice President, 16371 Morrison Road, PO Box 465, Morrison CO 80465 (303) 818-1462. Please send all correspondence to: Steven P. Jeffers and Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce St, Unit 1 B, Louisville, CO 80027 Telephone: (720) 726-3671 E-Mail: sjeffers@lyonsgaddis.com; cweaver@lyonsgaddis.com **APPLICATION FOR REASONABLE DILIGENCE** in Bear Creek, tributary to the South Platte River **IN JEFFERSON COUNTY**. 2. **Name of structure**: Bear Creek Well No. 1. 3. **Describe conditional water right from the previous decrees**: A) **Original decree**: The District Court, Water Division No. 1 (the “Court”), entered the original decree in

Case No. 02CW183 on February 11, 2012. B) **Subsequent decree:** The Court entered a diligence decree in Case No. 18CW3025 on July 24, 2018. C) **Legal description:** Bear Creek Well No. 1 is located in the SW 1/4 of the SE 1/4 of Section 35, Township 4 South, Range 70 West of the 6th P.M., at a point approximately 320 feet from the south section line and 1,600 feet from the east section line of Section 35. A map showing the well location is attached as EXHIBIT A. D) **Source of water:** The tributary well has been drilled into one or more of the following formations, Morrison, Ralston, Lykins, Lyons, and Fountain, which are tributary to Bear Creek. E) **Appropriation:** i) **Date:** April 17, 2002. ii) **Amount:** 40 gpm (conditional); annual amount not to exceed 3 acre-feet per year. F) **Use:** Commercial use for beverage production for on or off-site consumption. G) **Depth:** 605 feet. H) **Amounts previously made absolute:** Applicant has not previously made any portion of the conditional water rights absolute. 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, Applicant expended approximately \$104,000 for testing, permitting, site plan amendment, and construction and improvements to the commercial building where the well will be used, including repairs and replacement to the roofing, heating and air conditioning and other systems. 5. **If a claim to make absolute, the date water was applied to beneficial use:** Not applicable. Applicant does not claim to make any portion of the conditional water right absolute in this case. 6. **Name and address of owner of land on which any new structure or modification is or will be constructed or upon which water is or will be stored:** Applicant owns the land upon which the well is located. No new or modified structures are proposed. Number of pages in application: 4, excluding exhibit.

CASE NO. 2024CW3104 PARKER CENTER LLC; 53 Charlou Circle Cherry Hills Village, Colorado 80111 Attn: George Mattione; (720) 236-8500; g.mattione@comcast.net. Please send all correspondence to Applicants Counsel: Michael A. Kopp, Vanya Akrahoff; Trout Raley; 1120 Lincoln Street, Suite 1600 Denver, Colorado 80203; (303) 861-1963; mkopp@troutlaw.com. vakraboff@troutlaw.com; **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN ELBERT COUNTY.** **Subject Property:** Applicant is the owner of a parcel of approximately 74.184 acres located at 1223 State Highway 86, Elizabeth, CO 80107 (the “Subject Property”). The legal description of the parcel is more particularly described on **Exhibit A** hereto, and the location of the parcel is shown on **Exhibit B** hereto. Applicant is the sole owner of the Subject Property and therefore no notice is required pursuant to C.R.S. § 37-92-302(2). 3. **Well Permits:** There are currently three small-capacity exempt wells on the Subject Property with the following permit numbers: 214687 (Lower Dawson), 131503 (all unnamed aquifers), and 55931 (all unnamed aquifers). These wells will be plugged and abandoned prior to extraction of any of the groundwater which is the subject of this application. Additional well permits will be applied for prior to construction of wells to withdraw the groundwater which is the subject of this application. Additionally, should Applicant construct a new well to pump non-tributary water from the Dawson aquifer, an augmentation plan will be applied for if needed to replace surface depletions attributable to that pumping. 4. **Source of Water Rights:** The Denver, Laramie-Fox Hills, Arapahoe, and the Lower Dawson aquifers underlying the Subject Property are nontributary as defined in C.R.S. § 37-90-103(10.5), and the Upper Dawson aquifer underlying the Subject Property is non-tributary as defined in C.R.S. § 37-90-103(10.7). 5. **Well Fields:** Applicant requests that this Court determine that Applicant has the right to withdraw all the legally available groundwater lying below the Subject Property through any additional wells which may be completed in the future, as Applicant’s well fields, subject to Rule 11.B of the Statewide Nontributary Ground Water Rules 2 C.C.R. 402-7. 6. **Estimated Amounts:** Applicant estimates that the amounts listed in the following table may be available for annual withdrawal based on a 100-year withdrawal period.

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)	25.43
Lower Dawson (NT)	15.85

Denver (NT)	23.65
Arapahoe (NT)	30.82
Laramie-Fox Hills (NT)	24.61

7. Proposed Uses: The groundwater will be used, reused, and successively used for domestic, irrigation (indoor and outdoor), agricultural, commercial, industrial, stock watering, fire suppression, fish and wildlife, recharge, exchange, replacement and augmentation purposes, either directly or after storage. The Applicant may reuse and successively use the groundwater to extinction, and may lease, convey or otherwise transfer the groundwater underlying the Subject Property. 8. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-302(2), 37-92-203(1). 9. Remarks: 9.1 Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. 9.2 Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests that this Court approve the above-described underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. (4 pages)

CASE NO. 2024CW3105 (Former Case No. 16CW3186) **APPLICATION OF THE CITY OF WESTMINSTER FOR A SEXENNIAL FINDING OF REASONABLE DILIGENCE IN ADAMS, JEFFERSON AND WELD COUNTIES, COLORADO.** **1. Name and address of Applicant: CITY OF WESTMINSTER** (“Westminster”), 4800 West 92nd Avenue, Westminster, Colorado 80030; (303) 658-2400. All correspondence and pleadings should be sent to: Lee H. Johnson, Mason H. Brown, Katrina B. Fiscella, and Matthew L. Navarrette, Carlson, Hammond and Paddock, LLC, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203; ljohnson@chp-law.com; mbrown@chp-law.com; kfiscella@chp-law.com; mnavarrette@chp-law.com. **2. Name of Structures:** In Case No. 16CW3186, Westminster adjudicated a conditional exchange identified as the Brighton Ditch 2016 Exchange, which involves the following structures; the Farmers High Line Canal, the Croke Canal, the Kershaw Ditch, the Manhart Ditch, the Combined Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch. A map showing the general location of relevant structures is attached as Exhibit A. **3. Description of conditional water rights:** The Brighton Ditch 2016 Exchange involves an exchange of Westminster’s interests in the Brighton Ditch carried through said ditch and released to Big Dry Creek at the Leon South Augmentation Station, the Leon North Augmentation Station and/or the Rosenbrock Augmentation Station. Westminster’s water interests are then exchanged from the confluence of Big Dry Creek and the South Platte River up the South Platte River to its confluence with Clear Creek, then up Clear Creek and its tributaries to the exchange-to points all as described in the decree in Case No. 16CW3186. **3.1. Structure Locations:** The locations of the relevant structures are described as follows: 3.1.1. The Farmers’ High Line Canal headgate is located on the north bank of Clear Creek in the SW1/4 of Section 27, Township 3 South, Range 70 West, 6th P.M., a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado (decreed as the Clear Creek point of diversion for the Farmers High Line Canal in Case No. 60052, District Court for the City and County of Denver, Division II, May 13, 1936). Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (481286 E, 4400999 N). Water exchanged to the Farmers’ High Line Canal may be used directly, or stored in a storage vessel that can be filled via said Canal, including, but not limited to, Standley Lake. 3.1.2. The Croke Canal headgate is located on the north bank of Clear Creek in the NW1/4NE1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (483408 E, 4402089 N). Water exchanged to the Croke Canal may be used directly, or stored in a storage vessel that can be filled via said Canal, including, but not limited to, Standley Lake. 3.1.3. The Kershaw Ditch headgate is located on the

North Bank of Clear Creek in the NE1/4 of the NW1/4 of Section 18, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. Westminster provides the following coordinates identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (496254 E, 4405228 N). Water exchanged to the Kershaw Ditch may be used directly, or stored in a storage vessel that can be filled via said Ditch, including, but not limited to, Jim Baker Reservoir. 3.1.4. The Manhart Ditch headgate is located on the North bank of Ralston Creek in the SW1/4 of Section 12, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (494178 E, 4405876 N). Water exchanged to the Manhart Ditch may be used directly, or stored in a storage vessel that can be filled via said Ditch, including, but not limited to, Jim Baker Reservoir. 3.1.5. The Combined Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch is located on the north bank of Clear Creek at a point 1,400 feet west and 1,200 feet north of the SE corner of Section 4, Township 3 South, Range 68 West of the 6th P.M., Adams County Colorado, and subsequent delivery into the Lower Clear Creek Ditch. Westminster provides the following coordinates to identify the relevant location utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (499883 E, 4407356 N). Water exchanged to the Combined Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch for subsequent delivery into the Lower Clear Creek Ditch may be stored in West Gravel Lakes. 3.1.6. Point of substitution will be the confluence of Big Dry Creek and the South Platte River, located in the NW1/4 of the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P. M. 3.2. Exchange Reach: The reach of the stream system over which this exchange will operate includes the South Platte River from its confluence with Big Dry Creek, thence upstream on the South Platte River to the confluence with Clear Creek, thence upstream on Clear Creek and its tributaries to the points of diversion identified above, the furthest upstream of which is the headgate of the Farmers High Line Canal located as described in paragraph 3.1.1. Under the Brighton Ditch 2016 Exchange, Westminster's interest in the Brighton Ditch changed in Case No. 16CW3186 is carried through the Brighton Ditch and released to Big Dry Creek at several augmentation structures. The locations of the augmentation structures on the Brighton Ditch are as follows: The Leon South Augmentation Station and the Leon North Augmentation Station are located in the SW1/4 of the SW1/4 of Section 13, Township 1 North, Range 67 West of the 6th P.M., and the proposed Rosenbrock Augmentation Station is located in the NW1/4 of the SW1/4 of Section 13, Township 1 North, Range 67 West of the 6th P.M. The released water is carried in Big Dry Creek to its confluence with the South Platte River where it is then exchanged upstream to the points identified in Paragraph 3.1, above. 3.3. Amount Claimed: 1.743 c.f.s., conditional. 3.4. Appropriation Date: December 31, 2016. 3.5. Use of exchanged water: As described in the decree issued in Case No. 16CW3186, the use of the exchanged water will be for direct flow and storage for all beneficial uses of the municipal water system of Westminster, as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation (but not for instream flow purposes), fish and wildlife, augmentation, replacement, exchange and storage for these purposes, and may be used, reused, and successively used to extinction for all beneficial purposes identified herein, either by direct release or storage for later release, as well as the right to totally consume the water either by first use, successive use, or reuse to extinction, subject to the terms and conditions of the decree in Case No. 16CW3186. Westminster may also store the exchanged water in storage structures that can be filled from the ditches identified in paragraph 3.1, above, including, but not limited to Standley Lake, Jim Baker Reservoir, and the West Gravel Lakes. 3.6. Source of water diverted by exchange: Clear Creek and Ralston Creek. **4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use**: 4.1. Prior to and during the diligence period, Westminster leased its interests in the Brighton Ditch changed in Case No. 16CW3186 to Aggregate Industries ("AI"), who beneficially used the water on a temporary basis related to its gravel operations. During the term of the lease to AI, the City arranged a license agreement with the City of Aurora ("Aurora") which allowed AI's use of certain Aurora owned Brighton Ditch augmentation structures. The term of Westminster's lease with AI expired during the

diligence period and Westminster is now working to incorporate the Brighton Ditch interests into its municipal water supply system. One component of said system is Wattenberg Lake which will be located adjacent to the Brighton Ditch near Wattenberg, Colorado, and will be a place of storage of Westminster's Brighton Ditch interests. 4.2. Wattenberg Lake remains under construction, and is not yet entirely completed and operational. Wattenberg Lake will be lined gravel lake storage located on lands owned by Westminster. The owner of the mineral interests associated with said lands is Aggregate Industries ("AI"). Pursuant to a Storage Facility Agreement, AI is conducting gravel mining activities on the property and will ultimately deliver lined gravel lake storage to Westminster upon completion of its mining activities. AI's mining activities on the property are ongoing. During the diligence period, however, Westminster took delivery of the first phase of lined storage associated with Wattenberg Lake. Closing occurred in late December of 2019 at which time Westminster took title to approximately 2,500 acre feet of the initial storage amount associated with Wattenberg Lake. At closing, Westminster made a payment to Aggregate Industries in excess of \$4.5 million dollars. Work on the second phase of lined storage is ongoing and has occurred during the diligence period. As of the date of this application, AI has completed the first cell of lined storage as discussed above and delivered the first cell to Westminster. Design work on inlet and outlet components is ongoing. Westminster has incurred significant expenses related to this project during the diligence period. 4.3. Westminster is the owner of a storage account at the West Gravel Lakes. Westminster has incurred expenses during the diligence period associated with its storage account at the West Gravel Lakes, including but not limited to expenses associated with the operation and maintenance of its storage account and the Lower Clear Creek/Colorado Agricultural ditches as well as pumping costs associated with the operation of the storage account. Water diverted pursuant to the Brighton Ditch 2016 Exchange can be exchanged to the Lower Clear Creek/Colorado Agricultural ditches and reduced to storage in West Gravel Lakes. Costs associated with West Gravel Lakes have been incurred during the diligence period. 4.4. During the diligence period, Westminster continued to operate under the carriage agreement with the Farmers' High Line Canal and Reservoir Company for the use of excess capacity in the Farmers' High Line Canal. This agreement allows Westminster to carry additional water through the Farmers' High Line Canal, including water exchanged to the Farmers' High Line Canal in accordance with the decree in Case No. 16CW3186. Westminster is contractually obligated to pay an annual fee for use of the Farmers' High Line Canal. Similarly, Westminster holds carriage agreements with the Lower Clear Creek/Colorado Agricultural ditches, the Kershaw Ditch, the Manhart Ditch and the Croke Canal. Costs associated with these various carriage agreements and ditches, including operations and maintenance costs, have been incurred during the diligence period. 4.5. During the diligence period, Westminster has also paid funds in the form of ditch assessments to the Brighton Ditch Company, the Farmers' High Line Canal and Reservoir Company, FRICO, the Manhart Ditch Company and the Kershaw Ditch Company. Said funds have been used, in part, to maintain the ditches necessary for operation of the conditional exchange. 4.6. The Brighton Ditch 2016 Exchange as adjudicated in Case No. 16CW3186, is part of Westminster's Clear Creek Water Supply System, an integrated system under § 37-92-301(4)(b), C.R.S. During the diligence period, Westminster has continued the development of its Clear Creek Water Supply System. Activities have included, among other things: prosecuting Water Court applications to incorporate purchased Clear Creek water interests into the City's Water Supply System; exercising conditional exchanges and making portions absolute or obtaining diligence decrees on the remaining conditional portions; ongoing costs and expenses related to completion of Wattenberg Reservoir; and, participation in numerous Water Court cases for purposes of protecting, maintaining and developing Westminster's Water Supply System. Expenses associated with these activities were incurred during the diligence period. 4.7. 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 Big Dry Creek and the Clear Creek and South Platte River basins. Costs associated with these efforts were incurred during the diligence period. **5. Water applied to beneficial use:** N/A. Westminster is claiming diligence only 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:** The relevant diversion and storage structures

associated with the Brighton Ditch 2016 Exchange are all existing structures and do not need modification in order to operate said exchange. On information and belief the augmentation structures identified in paragraph 3.2, above, are owned by the City of Aurora, Colorado, a municipal corporation of the counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise, whose address is 15151 E. Alameda Pkwy., Suite 3600 Aurora, CO 80012-1555. **WHEREFORE**, Westminster requests the Court to enter its decree and ruling as follows: To make a finding of reasonable diligence with respect to the Brighton Ditch 2016 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. 2024CW3106 Applicant: **LEFT HAND WATER DISTRICT** (“District”), c/o Chris Smith, General Manager, P.O. Box 210, Niwot, CO 80544, (303) 530-4200. Serve all pleadings on: Scott E. Holwick and Alison I. Gorsevski, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900 sholwick@lyongaddis.com, agorsevski@lyongaddis.com. **APPLICATION FOR WATER RIGHTS IN BOULDER COUNTY**. 2. **Summary of Application**: A The Court entered a decree in Case No. 18CW3023 on July 24, 2018, confirming the District’s conditional appropriate rights of exchange along a portion of Left Hand Creek in Boulder County, Colorado. In this application, the District seeks a finding that it has been diligent with respect to completing the appropriation of the conditional exchanges described herein, and that it is entitled to continue the conditional exchanges for another six-year diligence period. 3. **Conditional Water Rights and Descriptions of Structures**: All conditional water rights, as described below, were originally decreed in Case No. 89CW238 entered by the District Court, Water Division No. 1, on December 30, 1991. Decrees awarding findings of diligence were entered by the District Court, Water Division No. 1 on: (a) June 18, 1998 in Case No. 97CW292; (b) April 12, 2005 in Case No. 04CW151; (c) February 18, 2012 in Case No. 11CW59; and (d) July 24, 2018 in Case No. 18CW3023. A. **Behrmann Reservoir Exchange**. (1) **Proposed Operation of the Behrmann Reservoir Exchange**. Applicant owns Colorado-Big Thompson Project (“C-BT”) allotment contracts entered into with the Northern Colorado Water Conservancy District. Applicant shall operate the exchange on Left Hand Creek by delivering transmountain water associated with the C-BT allotment contracts to the downstream termini identified in ¶3.A(2), below, and by diverting an equivalent amount of water at the upstream terminus identified in ¶3.A(3), below. Water diverted at the upstream terminus may be stored in Behrmann Reservoir, which is proposed to be located in the SW 1/4 of Section 22, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (2) **Downstream Termini**. (a) The Left Hand Valley Inlet headgate located on the South bank of the Left Hand Valley Reservoir outlet ditch in the NE 1/4 of the NE 1/4 of Section 19, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (b) The Star Ditch headgate located on the South bank of Left Hand Creek in the SE 1/4 of the NE 1/4 of Section 29, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (c) The Hinman Ditch headgate located on the South bank of Left Hand Creek in the NE 1/4 of the SW 1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (d) The Holland Ditch headgate located on the North bank of Left Hand Creek in the NW 1/4 of the SE 1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (e) Left Hand Creek at its intersection with the Left Hand Valley Outlet in the SE 1/4 of the SE 1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (3) **Upstream Terminus**. The Table Mountain Ditch headgate located on the North bank of Left Hand Creek in the NE 1/4 of the NW 1/4 of Section 19, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (4) **Source**. Transmountain water described in ¶3.A(1). (5) **Amount**. 40 cfs, **CONDITIONAL**. B. **Lower Storage To Behrmann Exchange**. (1) **Proposed Operation of the Lower Storage To Behrmann Exchange**. Applicant shall operate the exchange on Left Hand Creek by releasing water from Joder, Spurgeon and/or Left Hand Valley Reservoirs and delivering such water to the downstream termini identified in ¶3.B(2), below, and by diverting an equivalent amount of water at the upstream terminus identified in ¶ 3.B(3), below. Water diverted at the upstream terminus may be stored in Behrmann Reservoir. (2) **Downstream Termini**. Same as those identified in ¶ 3.A(2), above. (3) **Upstream Terminus**. Same as identified in ¶ 3.A(3), above. (4) **Sources**. Water stored in Joder, Spurgeon, and Left Hand Valley Reservoirs. (5) **Amount**. 40 cfs, **CONDITIONAL**. C. **Behrmann Reservoir Upstream**

Exchange. (1) **Proposed Operation of the Exchange.** Applicant shall operate the exchange on Left Hand Creek by releasing water from Behrmann Reservoir and delivering such water to the downstream termini identified in ¶3.C(2), below, and by diverting an equivalent amount of water at the upstream termini identified in ¶3.C(3), below. (2) **Downstream Termini.** (a) The Holland Ditch headgate located on the North bank of the Left Hand Creek in the NW 1/4 of the SE 1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (b) Left Hand Creek at its intersection with the Boulder Feeder Canal in the SE 1/4 of the SE 1/4 of Section 28, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. (3) **Upstream Termini.** (a) The Haldi Ditch headgate located on the South bank of the Left Hand Creek in the SE 1/4 of the SE 1/4 of Section 13, Township 2 North, Range 71 West of the 6th P.M., Boulder County, Colorado. (b) The Lake Ditch headgate (inlet for Allens Lake Reservoir) located in the NE 1/4 of the NE 1/4 of Section 23, Township 2 North, Range 71 West of the 6th P.M., Boulder County, Colorado. (c) Lake Isabelle Reservoir located in the NW 1/4 of the NW 1/4 of Section 7, Township 1 North, Range 73 West and in the NE 1/4, the SE 1/4, the SW 1/4, and the NE 1/4 of Section 12, Township 1 North, Range 74 West of the 6th P.M., Boulder County, Colorado. (d) Left Hand Park Reservoir located in the NE 1/4, the SE 1/4 and the SW 1/4 of the NE 1/4 of Section 9, and in the NW 1/4, the SW 1/4 and the NE 1/4 of the NW 1/4 of Section 10, Township 1 North, Range 73 West of the 6th P.M., Boulder County, Colorado. (e) Gold Lake Reservoir located in the Keystone Placer Mining Claim in the SE 1/4 of the SE 1/4 of Section 33, Township 2 North; the NW 1/4 of the NW 1/4 of Section 3, Township 1 North; and the NE 1/4 of the NE 1/4 of Section 4, Township 1 North, all in Range 72 West, Boulder County, Colorado. (4) **Sources.** Water stored in Behrmann Reservoir, which has been diverted from Left Hand Creek as described in the decree entered in Case No. 89CW239, District Court, Water Division No. 1. (5) **Amount.** 25 cfs, **CONDITIONAL.** D. **Applicable to All Exchanges.** (1) **Previous Decrees.** These exchanges were originally decreed in Case No. 89CW238, District Court, Water Division No. 1 on December 30, 1991. Subsequent diligence decrees were entered in Case Nos. 97CW292, 04CW151, 11CW59, and 18CW3023 (2) **Appropriation Date.** December 12, 1989 for all exchanges. (3) **Amount Claimed Absolute.** Not applicable. (4) **Uses of Water.** Municipal, domestic, irrigation and industrial purposes by Applicant or its members, customers or lessees. Applicant may store water for later use in Joder Reservoir, Spurgeon Reservoir or Left Hand Valley Reservoir. The first two reservoirs may be filled through the Haldi Ditch. The third reservoir may be filled via the Left Hand Valley Inlet or via the Haldi Ditch through Joder and Spurgeon Reservoirs. (5) **Integrated Water Supply System.** The exchanges identified herein are component parts of Applicant's integrated water supply system, pursuant to § 37-92-301(4)(b), C.R.S. E. **Locations of All Structures.** The location of each structure, identified in ¶3, herein, which is an exchange-from or an exchange-to location, is identified on **Exhibit A**, attached hereto. 4. **Claim of Diligence:** The District seeks a decree finding that it has been diligent with respect to completing the appropriations of the conditional appropriate rights of exchange described in ¶ 3, and that it is entitled to continue these **CONDITIONAL** water rights for another six-year diligence period. In support of its claim for diligence, the District completed the following activities during the period from July 24, 2018 through the date of filing of this application ("Diligence Period"). A. The District completed the construction of a new perimeter fence and signage for its property on which the Behrmann Reservoir will be constructed at a cost of \$48,214. B. The District maintained its property on which the Behrmann Reservoir will be constructed including weed and pest control at a cost of \$6,745. C. The District commissioned and completed its Treated Water Master Plan 2021 Update at a cost of \$151,786. The Treated Water Master Plan serves as the District's guide for its short-term and long-term capital improvements. Both the Vulnerability Assessment and Emergency Response Plan were updated in conjunction with this work. A delivery point for exchange water at the Haldi Intake was evaluated through this process. D. The District expended \$3,431,915 in upgrading and improving the Spurgeon Water Treatment Plant where the District can deliver and treat exchanged water. E. Along with the Northern Colorado Water Conservancy District ("Northern Water"), the City of Boulder, and the Longs Peak Water District, the District completed the construction and commissioning of a second supply pipeline (the Southern Water Supply Project) to convey transmountain water associated with its C-BT allotment contracts from Carter Lake. Such transmountain water may be stored in Behrmann Reservoir. Work included commissioning the permitting, construction,

inspection, testing, and operation of the Southern Water Supply Pipeline. The District expended \$11,850,640, including annual O&M assessments, on its share of this project. F. The District commissioned the design and construction of a hydroelectric generator at the Dodd WTP which serves as the connection to the Southern Water Supply Pipeline. The District financed this project with a \$2,825,553 loan acquired through the Colorado Water Resources and Power Development Authority Small Hydro Loan Program. G. The District contributed \$210,000 in collaboration with the Lefthand Watershed Oversight Group (n/k/a The Watershed Center) on source water protection projects and watershed restoration projects within the Left Hand Creek basin. H. To firm its long-term water supply, the District expended \$16,049,460 for its pro rata participation in the Northern Integrated Supply Project, in which it has subscribed for 4,900 acre-feet of the project's 40,000 acre-feet supply. I. The District paid the Left Hand Ditch Company, the Haldi Ditch Company, the Williamson Ditch Company and the New Hinman Ditch Company, \$917,448 comprised of \$608,209 for native water assessments and \$309,239 for winter storage fees. J. The District paid Northern Water \$3,010,049 for Colorado Big Thompson project ("C-BT") assessments. K. The District expended \$7,061 on adjudicating a diligence decree for its Left Hand Water District conditional exchange in Case No. 22CW3128, which was entered by the District Court for Water Division No. 1 on March 6, 2023. L. The District paid Williams & Weiss Consulting, LLC, Lyons Gaddis, PC, and Deere & Ault Consultants a total of \$24,134 for updating return flow factors and decree return flow accounting for Case No. 87CW127, in which the District Court, Water Division No. 1, entered the final decree on June 5, 1991. M. In order to firm the District's C-BT units, the District entered into an interruptible lease agreement for 250 C-BT Units with the St. Vrain & Left Hand Water Conservancy District for a period of 10 years beginning in October 2021. The District has expended \$75,000 to date. N. The District collaborated with the Left Hand Ditch Company and St. Vrain & Left Hand Water Conservancy District on the construction of a remote operation headgate at the South St. Vrain Diversion on Left Hand Creek. The District contributed \$12,033 for the design and construction of the new headgate works. 5. Name(s) and address(es) of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: A. **Haldi Ditch.** The Haldi Ditch Company, c/o Anne Louise Wiper, 7647 32nd Street, Boulder, CO 80302. B. **Lake Ditch.** The Lake Ditch Company, c/o John Loukenen, P.O. Box 333, Lyons, Colorado 80546. C. **Left Hand Valley Reservoir, Left Hand Park Reservoir, Gold Lake Reservoir, Lake Isabelle Reservoir, Allens Lake Reservoir and Left Hand Valley Inlet.** Each of these structures is owned and operated by the Left Hand Ditch Company, c/o Clark Edwards, Registered Agent, 921 Walnut Street Suite 200, Boulder Colorado 80302. D. **Holland Ditch.** The Holland Ditch Company, c/o Dwayne Cushman, 13450 North 75th Street, Longmont, CO 80503. E. **Star Ditch.** The Star Ditch Company, c/o Darren Beck, Boulder County Parks and Open Space, 5201 St. Vrain Road, Longmont, CO 80503 F. **Hinman Ditch.** The New Hinman Ditch Company, 6766 N. 63rd Street, Longmont, Colorado 80503. G. **Table Mountain Ditch.** The New Table Mountain Ditch Company, c/o Steven Meyrich, PO Box 1102, Niwot, CO 80544. H. **Behrmann Reservoir, Joder Reservoir, and Spurgeon Reservoir.** Applicant.

CASE NO. 2024CW3107 THE NEW CACHE LA POUDDRE IRRIGATING COMPANY, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646, (970) 352-0222. Please send all further pleadings to: Daniel K. Brown, Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN LARIMER AND WELD COUNTIES.** 3. Original Decree and Subsequent Diligence: Structure(s) and Water Rights. A. Date of Original Decree: November 3, 2010, Consolidated Case Numbers 01CW201, 01CW288 and 04CW343, District Court, Water Division 1, State of Colorado ("Original Decree"). B. Conditional Water Rights: i. The Cornish Plains Reservoir and Recharge Facility (hereinafter "Cornish Plains Reservoir"). ii. The Barnesville Equalizer and Recharge Facility (the "Barnesville Equalizer). iii. Greeley No. 2 Canal, a.k.a. the New Cache la Poudre Irrigating Company Ditch (the "Greeley No. 2 Canal"). C. Legal Description of Structures: i. The Cornish Plains Reservoir is an off-channel reservoir located within portions of the following: the NW 1/4 of the SE 1/4, the SW 1/4 of the SE 1/4, and the SE 1/4 of the SE 1/4 of Section 5;

the E 1/2 of the NW 1/4, the entire NE 1/4, and the N 1/2 and the SE 1/4 of the SE 1/4 of Section 8; and the SW 1/4 of the NW 1/4 and the W 1/2 of the SW 1/4 of Section 9, Township 6 North, Range 63 West of the 6th P.M. ii. The Barnesville Equalizer is an off-channel reservoir located in portions of the NW1/4, and the NE1/4 of Section 17, and the N 1/2 and the SE 1/4 of the SW 1/4 of Section 8, Township 6 North, Range 63 West, 6th P.M. iii. The Greeley No. 2 Canal is the main canal for the New Cache system and traverses portions of Sections 7, 8, 16, 17, 20, 21, 29 and 30, Township 6 North, Range 63 West; Sections 7, 11, 12, 14, 17, 18, 20, 21, 22, 23, 25 and 27, Township 6 North, Range 64 West; Sections 1, 10, 12, 13, 14, 15, 22, 23 and 27, Township 6 North, Range 65 West; Sections 13, 14, 15, 16, 17, 19, 20, 23 and 24, Township 6 North, Range 66 West; Sections 14, 15, 16, 17, 18, 23 and 24, Township 6 North, Range 67 West; Sections 11, 12 and 13, Township 6 North, Range 68 West, and is located in both Larimer and Weld Counties, Colorado, as shown on Exhibit A, attached hereto. D. Points of Diversion: i. The headgate of the Greeley No. 2 Canal, located at the SE 1/4 of the NE 1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M., in Larimer County, Colorado. ii. The John Law Seep Ditch point of diversion into the Greeley No. 2 Canal, located at the confluence of the John Law Seep Ditch with the Greeley No. 2 Canal, located in the NW1/4 of the SW1/4 of Section 14, Township 6 North, Range 67 West of the 6th P.M., Weld County, Colorado, at a point approximately 5,250 feet west of the east section line and 1,500 feet north of the south section line. iii. The Cole Bank Draw point of diversion into the Greeley No. 2 Canal, located at the confluence of Cole Bank Draw with the Greeley No. 2 Canal, located in the SE1/4 of the NE1/4 of Section 16, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado, at a point approximately 200 feet west of the east section line and 2,000 feet south of the north section line of said Section 16. iv. The Eaton Draw point of diversion into the Greeley No. 2 Canal, located at the confluence of Eaton Draw with the Greeley No. 2 Canal, located in the NW1/4 of the NE1/4 of Section 17, Township 6 North, Range 65 West of the 6th P.M., Weld County, Colorado, at a point approximately 1,760 feet west of the east section line and 5,000 feet north of the south section line of said Section 13. v. The Galeton Draw point of diversion, located at the confluence of Galeton Draw (a.k.a. Willow Creek) with the Ditch, located in the SW1/4 of the NE1/4 of Section 7, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point approximately 1,500 feet west of the east section line and 1,750 feet south of the north section line. vi. The Owl Creek point of diversion, located at the confluence of Owl Creek with the Ditch, located in the NE1/4 of the SE1/4 of Section 21, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point approximately 1,400 feet north of the south section line and 50 feet west of the east section line. vii. Other inflows at any location along the course of the Greeley No. 2 Canal are also claimed, as are inflows of precipitation and surface drainage directly into the Cornish Plains Reservoir from surrounding lands located in Sections 5, 6, 7 and 8, Township 6 North, Range 63 West of the 6th P.M. E. Sources of Water: Cache La Poudre River (as to diversions at the river headgate of the Greeley No. 2 Canal); surface water and drainage water, including precipitation and irrigation runoff, flowing into the John Law Seep Ditch and Drainage, Cole Bank Draw, (a.k.a. Coalbank Draw), Eaton Draw, Willow Creek (a.k.a. Galeton Draw), Owl Creek (a.k.a. Howard Drain), as well as such other surface and drainage water that may flow into the Greeley No. 2 Canal along its course, and drainage and natural precipitation from surrounding surface areas (except and excluding in all instances all water flowing into and out of the Graham Seepage and Drainage Canal, a.k.a. Graham Seep Ditch or Graham Ditch). F. Dates of initiation of appropriation: i. Cornish Plains Reservoir: September 17, 2001, for 1,500 acre-feet; December 19, 2002, for 700 acre-feet; and December 29, 2004, for 455 acre-feet. ii. Barnesville Equalizer: September 17, 2001. iii. Greeley No. 2 Canal: September 17, 2001. G. Decreed Uses. The beneficial uses claimed by Applicant for the water rights described above in are irrigation (agricultural and lawn irrigation), commercial, industrial, manufacturing, recreation, piscatorial, preservation and enhancement of wildlife habitat, replacement of reservoir evaporation, recharge, augmentation, exchange, replacement, adjustment and regulation of river and ditch flow, use and reuse as substitute supply. Said beneficial uses may take place directly, following storage or by exchange, including both internal system exchanges and river exchanges. The lands that may be irrigated are located within Applicant's service area. In addition to using the water to irrigate the lands of Applicant's shareholders, Applicant will also use the water for fish propagation and surface recreation within the reservoirs; in exchanges to be later decreed or duly approved, whereby the

water will be exchanged for other water diverted at Applicant's Cache La Poudre River headgate for the Greeley No. 2 Canal, or at other locations. The water may also be used for augmentation and recharge purposes to augment the out-of-priority depletions of the ground water alluvium of the Cache La Poudre River and/or South Platte River, either by direct release, after storage or via recharge, including in particular in the plan for augmentation that is the subject of the application before this court in Case No. 04CW25, District Court, Water Division No. 1 (the water may also be traded, sold or otherwise exchanged for other sources of fully consumable augmentation water that may be used as a source of augmentation water in Case No. 04CW25), as well in other plans to be later decreed for the purpose of augmenting out-of-priority depletions from wells located within Applicant's service area. To the extent water is diverted pursuant to this decree to recharge in excess of what is ultimately needed to satisfy said recharge/augmentation requirements, Applicant may sell or lease said excess recharge water ("Excess Credits") to a third party for use either inside or outside of Applicant's service area; however, Applicant shall not divert water to recharge pursuant to the water rights decreed herein with the intent or for the purpose of generating Excess Credits. Water stored in Cornish Plains Reservoir and Barnesville Equalizer may also be used to equalize and aid in the equitable distribution of water delivered to Applicant's shareholders. The water will be used for municipal purposes by Applicant's shareholders, which include the Town of Windsor and the City of Greeley.

H. Decreed Amounts.

i. Cornish Plains Reservoir.

a. Original Decree: 1,847.7 acre-feet ABSOLUTE, with 807.3 acre-feet, with the right to fill and one refill annually (CONDITIONAL)

b. Diligence Decree in 16CW3151: additional 807.3 acre-feet ABSOLUTE, with no amounts remaining conditional; and the right to fill and one refill annually 970 acre-feet ABSOLUTE and 1,685 acre-feet of the refill right CONDITIONAL.

ii. Barnesville Equalizer.

a. Original Decree: 300 acre-feet, with the right to fill and one refill annually (CONDITIONAL).

b. Diligence Decree in 16CW3151: No additional amounts made absolute.

iii. Greeley No. 2 Canal:

a. Cache La Poudre River:

a. Original Decree: 104 c.f.s. ABSOLUTE, with 546 c.f.s. CONDITIONAL.

b. Diligence Decree in 16CW3151: 98.6 c.f.s. ABSOLUTE; 551.4 c.f.s. CONDITIONAL.

b. The John Law Seep:

a. Original Decree: 50 c.f.s. (CONDITIONAL).

b. Diligence Decree in 16CW3151: 4.31 c.f.s. ABSOLUTE; 45.69 c.f.s. CONDITIONAL

c. The Cole Bank Draw:

a. Original Decree: 75 c.f.s. (CONDITIONAL).

b. Diligence Decree in 16CW3151: 4.51 c.f.s. ABSOLUTE; 70.49 c.f.s. CONDITIONAL

d. The Eaton Draw:

a. Original Decree: 100 c.f.s. (CONDITIONAL).

b. Diligence Decree in 16CW3151: 7.44 c.f.s. ABSOLUTE; 92.56 c.f.s. CONDITIONAL.

e. The Galeton Draw:

a. Original Decree: 20 c.f.s (CONDITIONAL).

b. Diligence Decree in 16CW3151: 1.00 c.f.s. ABSOLUTE; 19 c.f.s. CONDITIONAL.

f. Owl Creek:

a. Original Decree: 14 c.f.s. (CONDITIONAL).

b. Diligence Decree in 16CW3151: 0.59 c.f.s. ABSOLUTE; 13.41 c.f.s. CONDITIONAL.

4. Claim to Make Absolute. The Applicant has diverted water pursuant to the foregoing water rights in each year during the diligence period. Based upon these diversions, the maximum rates and amounts of diversion and storage during the diligence period that Applicant claims as absolute, for all purposes pursuant to C.R.S. §37-92-103(4)(a) (as amended by Senate Bill 13-041) are as follows:

A. Barnesville Equalizer: Applicant claims 300 acre-feet as ABSOLUTE based upon diversion made to the Barnesville Equalizer in the 2018 water year, leaving no remaining amounts conditional for the first fill. Additionally, Applicant refilled the Barnesville Equalizer by 300 acre-feet based upon diversion made in the 2018 water year in the amount and thus claims 300 acre-feet as ABSOLUTE for refill leaving no remaining amounts conditional for the refill right.

B. Greeley No. 2 Canal: Applicant claims the following diversion amounts absolute for the following points of diversion:

i. Cache La Poudre River: Applicant seeks to confirm and clarify that, pursuant to the Original Decree, it has made 104 c.f.s. ABSOLUTE, and 546 c.f.s. remain CONDITIONAL.

ii. The John Law Seep: 13.93 c.f.s. (in addition to 4.31 c.f.s. decreed as absolute in 16CW3151) ABSOLUTE with the remaining 31.76 c.f.s. CONDITIONAL.

iii. The Cole Bank Draw: 61.19 (in addition to 4.31 c.f.s. decreed as absolute in 16CW3151) ABSOLUTE with the remaining 9.3 c.f.s. CONDITIONAL.

iv. The Eaton Draw: 92.56 (in addition to the 7.44 c.f.s. decreed as absolute in 16CW3151) ABSOLUTE with no amounts remaining CONDITIONAL.

v. The Galeton Draw: 19 c.f.s. (in addition to the 1.00 c.f.s. decreed as absolute in 16CW3151) ABSOLUTE with no amounts remaining CONDITIONAL.

vi. Owl Creek: 8.81 c.f.s (in addition to the 0.59 c.f.s. decreed as absolute in 16CW3151) ABSOLUTE with the remaining 4.61 c.f.s. CONDITIONAL. Applicant may complete diversion records

and/or other evidence of diversions that took place during the diligence period as further proof of diligence or as proof of the exercise of the foregoing water rights. 5. Outline of Diligence Activities. To the extent that the subject water rights are not decreed as absolute, the Applicant seeks to continue the remaining conditional portions of the subject water rights as conditional. The Applicant has been diligent in developing the subject water rights, which is manifest in the Applicant's exercise of the subject water rights every year of the diligence period. Additionally, Applicant has constructed and maintained the Barnesville Equalizer and Recharge Facility and the Cornish Plains Reservoir and Recharge Facility, and the Pump Station to facilitate diversion and release to and from the reservoirs. Applicant has accounted for all diversion and storage in the reservoirs as well as releases from the reservoirs to Applicant's decreed uses. In addition, Applicant has continued to operate the Lower Poudre Augmentation Plan and expended time, effort and at least \$350,000 on legal and engineering fees protecting its irrigation system and initiating and prosecuting water court proceedings related to New Cache's water rights, as well as participating in Water Court as an opposer protecting the same. Applicant has undertaken other activities and incurred additional costs not further described or enumerated here but that may be used as further evidence in this case of Applicant's diligence in developing the subject water rights.6. This application does not involve any new diversion or storage structures or the modification of any existing diversion or storage structures. (9 pages, 1 exhibit).

CASE NO. 2024CW3108 DAKAN RANCH II, LLC, c/o Robert J. Francescon, 8390 E. Crescent Parkway, Suite 650, Greenwood Village, CO 80111 Telephone: 303-770-8300. Please direct all pleadings and correspondence to: April D. Hendricks, Esq. and Peter D. Jaacks, Esq. Burns, Figa & Will, P.C. 6400 S. Fiddler's Green Circle, Suite 1000, Greenwood Village, CO 80111. Phone: 303-796-2626. **APPLICATION TO MAKE CONDITIONAL WATER STORAGE RIGHT ABSOLUTE IN PART IN DOUGLAS COUNTY.** **Name of Structure:** Dry Gulch Pond ("Pond") **Description of Conditional Water Right:** Original Decree: Case No. 22CW3032, Water Division 1 (March 20, 2024) Previous Diligence Decrees: Not applicable. Location and Legal Description of Structure: The center of the Pond is located in the NE 1/4 NE 1/4 Section 8, Township 9 South, Range 68 West, 6th PM, 963 ft from the North Section Line and 1,255 from the East Section Line (UTM Coordinates: 13N 498232.9 4348604.0), as depicted in the attached Exhibit A. All structures described in this Application are located in Douglas County, Colorado. Source of Water: Water diverted from Dry Gulch (tributary to Spring Creek, tributary to West Plum Creek) Appropriation Date: January 1, 2022. Amount Claimed: 19.41 acre-feet, conditional, with right to refill. Decreed Uses: Storage, stock watering; piscatorial, recreation, aesthetics, and fire protection. **Application to Make Conditional Water Right Absolute in Part** Date water applied to beneficial use: Applicant diverted water into the Pond on May 12 and 13, 2023, and August 28 and 29, 2023. The Applicant's accounting records supporting such storage are attached to the Application as **Exhibit A.** Amount: 16.60 acre-feet absolute. Use: Storage, stock watering; piscatorial, recreation, aesthetics, and fire protection. Based on the foregoing, Applicant requests that the subject conditional water storage right be made absolute in the amount of 16.60 acre-feet for all decreed purposes pursuant to C.R.S. 37-92-301(4)(e), with the remaining 2.81 conditional volume and the remaining conditional refill volume of 19.41 acre-feet be continued in full force and effect. **Names and Addresses of Owners of Land on Which Structures will be Located:** Applicant owns all Property upon which the structures described in this Application are located. 3 pages.

CASE NO. 2024CW3109 ORPHAN WELLS OF WIGGINS, LLC ("OWW"), PO Box 37, Wiggins, Colorado 80654 Lawrence Custer Grasmick Jones & Donovan, LLP Attorneys for Applicant, OWW, Ryan M. Donovan, #4435, Nicholas P. Espenan, #59333, **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN WELD AND MORGAN COUNTIES.** 2. Conditional Water Rights: The following conditional water rights were decreed in Case No. 15CW3182, July 16, 2018, Water Court, Water Division No 1 ("15CW3182 Decree"). The conditional water rights described in this Application are part of Applicant's integrated system, under C.R.S. § 37-92-301(4)(b), which integrated system is referred to

herein as the OWW Augmentation Plan. The OWW Augmentation Plan was approved in the 15CW3182 Decree. 2.1. OWW Recharge Well 1 (WDID 0110158, Well Permit No. 61335-F). 2.1.1. Location: The OWW Recharge Well 1 is located at the following UTM coordinates: 573850 mE, 4462440 mN, Zone 13, which places the Well in the NW1/4 SW1/4 of Section 17, Township 4 N, Range 60 W of the 6th P.M. in Morgan County, Colorado at a point approximately 1594 feet from the South Section line and 161 feet from the West line of Section 17. 2.1.2. Source: Groundwater tributary to the South Platte River. 2.1.3. Appropriation Date: April 2, 2015. 2.1.4. Amount Claimed: 5,000 gpm (11.14 cfs), up to 6,000 acre-feet per year (conditional). The diversion rate of 5,000 gpm is the combined maximum diversion rate for the OWW Recharge Well 1 and OWW Recharge Well 1 – APOD. 2.1.5. Uses: The OWW Recharge Well 1 and OWW Recharge Well 1 – APOD operate only as recharge wells, whereby water diverted from OWW Recharge Well 1 and OWW Recharge Well 1 – APOD will be delivered by pipeline to the recharge ponds described in paragraph 3.7 of the 15CW3182 Decree and be allowed to percolate from the recharge ponds into the underground aquifer and back to the South Platte River for augmentation and replacement of out of priority depletions for all wells augmented under the OWW Augmentation Plan. 2.1.6. Remarks: An alternate point of diversion for the OWW Recharge Well 1 was decreed on May 22, 2023 in Case No. 21CW3054 (referred to as the “OWW Recharge Well 1 – APOD”), which permits the OWW Recharge Well 1 water right to be diverted at a well located in the NE 1/4 SE 1/4 Section 18, Township 4 N, Range 60 W of the 6th P.M., Morgan County, Colorado, at a point 2,030 feet the South section line and 60 feet from the West Section line. UTM Coordinates (Meters, Zone: 13, NAD83) Easting: 573638, Northing: 4462569. 2.2. OWW Augmentation Well 3 (WDID 0110157, Well Permit No. 61035-F). 2.2.1. Location: In the SW 1/4 NE 1/4 Sec. 34, Township 4 N, Range 60 W, 6th P.M., at a point 2588 feet from the North Section Line and 2626 feet from the East section line, Morgan County, Colorado. 2.2.2. Source: Groundwater tributary to the South Platte River. 2.2.3. Appropriation Date: April 2, 2015. 2.2.4. Amount Claimed: 3,500 gpm (7.798 cfs), up to 500 acre-feet per year (conditional). 2.2.5. Uses: Augmentation and replacement of out of priority depletions from both past pumping and future pumping pursuant to the OWW Augmentation Plan, for wells included in said Plan. 2.3. Pope Well 2 (WDID No. 0108014). 2.3.1. Location: SW1/4 NW1/4 Section 27, Township 4 N, Range 60 W of the 6th PM, Morgan County, at a point 2547 feet South of the North Section line and 580 feet East of the West Section line of said Section 27 as described in the map attached to the 15CW3182 Decree as Exhibit 1. 2.3.2. Source: Groundwater tributary to the South Platte River. 2.3.3. Appropriation Date: April 2, 2015. 2.3.4. Amount Claimed: 1520 gpm (3.386 cfs) (conditional). 2.3.5. Uses: The Pope Well 2 was decreed in Case No. W-1426 with an appropriation date of April 11, 1952, Permit No. 6322-R, for the irrigation of all of the land in the NW 1/4 and W 1/2 of the SW 1/4 in Section 27, T4N, R60 W, 6th P.M., Morgan County, approximately 240 acres. Pope Well 2 will continue to be used to irrigate the originally decreed acres pursuant to the water right decreed in Case No. W-1426 and also to irrigate additional acres pursuant to the conditional water right decreed in Case No. 2015CW3182. A new water right was approved in the 15CW3182 Decree for the Pope Well 2 to irrigate an additional 80 acres located in the E1/2 of the SW1/4 of Section 27, Township 4 N, Range 60 W, 6th PM, Morgan County, Colorado. 2.4. OWW Augmentation Exchange. 2.4.1. Description of Exchange: At such times when water attributable to the sources of augmentation described in the 15CW3182 Decree, which include credits attributable to the OWW Recharge Project described therein, are delivered, directly or following recharge, to the South Platte River pursuant to the 15CW3182 Decree in excess of other replacement requirements (“Exchange Sources”), out of priority depletions from pumping the OWW Recharge Well 1 and the OWW Recharge Well 1 – APOD may be replaced with such downstream excess credits to the extent intervening senior water rights are not injured. 2.4.2. Exchange Reach. The OWW Augmentation Exchange occurs from the “exchange from” point where the recharge water is delivered to the South Platte River and accrues at the bottom of Reach 3 (Upper Platte and Beaver River Diversion). The administrative “exchange from” point is the bottom of Reach 3. Depletions from the OWW Recharge Well 1 and OWW Recharge Well 1 – APOD reach the South Platte River and slough in Reach 2 and accrue at the bottom of Reach 2 (Fort Morgan Canal River Diversion). The administrative “exchange to” point is the bottom of Reach 2. 2.4.3. Substitute Supplies. The substitute supplies for the OWW Augmentation Exchange are the sources of augmentation described in the 15CW3182 Decree to the

extent such sources are delivered to the South Platte River in excess of other replacement requirements of the 15CW3182 Decree. 2.4.4. Appropriation Date: January 29, 2016. 2.4.5. Amount: 5,000 gpm (8.3 cfs), conditional. 2.4.6. Uses: Same as for the OWW Recharge Well 1, described in paragraph 2.1.5 above. 3. Outline of What Has Been Done Toward Completion: 3.1. The 15CW3182 Decree was entered on July 16, 2018. During the applicable diligence period, OWW filed an application and was awarded a decree in Case No. 21CW3054, entered on May 22, 2023, approving the OWW Recharge Well 1 – APOD. 3.2. During the diligence period, OWW filed an application and was awarded a decree in Case No. 21CW3230, entered on May 26, 2023, approving the addition of wells to the OWW Augmentation Plan. 3.3. During the diligence period, OWW expended funds for legal costs, engineering expenses, and administration of the OWW Augmentation Plan. 3.4. During the diligence period, OWW negotiated with the Central Colorado Water Conservancy District for the right to use the well from which the OWW Recharge Well 1 – APOD water right is diverted. OWW designed, constructed, and installed a pipeline from the OWW Recharge Well 1 – APOD point of diversion to its existing pipeline. In addition, OWW performed maintenance on its recharge facilities. 3.5. On February 24, 2024, the OWW Recharge Well 1 water right was diverted at a combined rate of 5,000 gpm, at the original point of diversion for the OWW Recharge Well 1 water right described in paragraph 2.1.1 above and the OWW Recharge Well 1 – APOD described in paragraph 2.1.6 above. The combined 5,000 gpm rate was also diverted on February 16, 19, 20, and 21, all in the year 2024. The aggregate volume of water diverted at the OWW Recharge Well 1 and the OWW Recharge Well 1 – APOD was 2,976 acre-feet between April 1, 2023 and March 31, 2024. 4. Claims to Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4): From April 1, 2023 to March 31, 2024, OWW diverted a total volume of 2,976 acre-feet of the OWW Recharge Well 1 water right. In addition, OWW diverted the OWW Recharge Well 1 water right at a maximum combined rate of 5,000 gpm. OWW therefore seeks a decree (a) making absolute the entire decreed flow rate of 5,000 gpm of the OWW Recharge Well 1 water right; (b) making absolute 2,976 acre-feet of the 6,000 acre-feet decreed annual volume of the OWW Recharge Well 1 water right; (c) continuing the remaining 3,024 acre-feet of the OWW Recharge Well 1 water right as conditional; (4) maintaining all other conditional water rights decreed in 15CW3182 as conditional; and (5) such other relief as the Court shall deem proper. As described above, the conditional water rights described in this Application are part of OWW’s integrated system under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by OWW 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. WHEREFORE, OWW requests the Court enter a decree finding that OWW has satisfied the statutory standard of steady application of effort to complete the conditional appropriations described above in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the water rights, that a portion of the OWW Recharge Well 1 water right should be made absolute as described herein, and that the remaining conditional portion of such water right should continue, and the other conditional water rights described herein also be continued. This documents consists of 5 pages.

CASE NO. 2024CW3110 (2015CW3177) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, WELD, JEFFERSON, PARK AND CLEAR CREEK COUNTIES - SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT c/o Richard J. Mehren, Evan R. Weis, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 1. Name, address, and telephone number of Applicant: South Adams County Water and Sanitation District (“South Adams”), c/o Tyler Dunich, 6595 E. 70th Avenue, P. O. Box 597, Commerce City, Colorado 80022 **STORAGE WATER RIGHT** 2. Description of conditional storage water right: 2.1 Name of structure: Mann Lakes Reservoir. 2.2 Original decree: Case No. 2015CW3177, District Court, Water Division No. 1, entered on July 19, 2018 (“15CW3177 Decree”). 2.3 Previous diligence decree: N/A. 2.4 Legal description and location: Mann Lakes Reservoir is an off-channel, lined gravel pit reservoir complex consisting of three interconnected cells known as Mann Lake No. 1, Mann Lake No. 2 and Mann Lake No. 3 located in Section 34 and the SE1/4 of Section 33 all in Township 1 South, Range 67 West of the 6th P.M.

as shown on the map attached as Exhibit A. 2.5 Total capacity of reservoir: Estimated to be 3,741 acre-feet. 2.6 Source: Surface water from the South Platte River. 2.7 Appropriation date: December 30, 2015. 2.8 Name and legal description of the diversion facilities for filling Mann Lakes Reservoir: 2.8.1 Brantner Ditch: The headgate of the Brantner Ditch is located on the west bank of the South Platte River at a point in the NE1/4 of the SW1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M. at a point approximately 2,550 feet from the South section line and 2,150 feet from the West section line of said Section 4. 2.8.2 Mann Lakes South Platte River Diversion: The point of diversion for the Mann Lakes South Platte River Diversion to Mann Lakes Reservoir will be located at a point in the SE1/4 of the SW1/4 of Section 34, Township 1 South, Range 67 West of the 6th P.M., at a point approximately 787 feet from the South section line and 2,300 feet from the West section line of said Section 34. The UTM Coordinates for this location are: 510594.64mE, 441848.41mN, Zone 13 North, NAD 83. A map showing the location of the Mann Lakes South Platte River Diversion structure is attached as Exhibit A. The Mann Lakes South Platte River Diversion will not divert ground water. 2.9 Outlet for Mann Lakes Reservoir: The outlet for Mann Lakes Reservoir will be located in the SE1/4 of the NE1/4 of Section 34, Township 1 South, Range 67 West of the 6th P.M., as shown on the map attached as Exhibit A, and having the UTM Coordinates: 511179.79mE, 4419130.4mN, Zone 13 North, NAD 83. The actual location of the outlet for Mann Lakes Reservoir may change from the location identified on Exhibit A but will be located in the E1/2 of Section 34, Township 1, South, Range 67 West of the 6th P.M. The outlet will release water to the South Platte River upstream of the Henderson gage, and will have a capacity of 27.41 cfs. 2.10 Amount: One fill and one refill in each water year, equal to the lesser of (a) the actual, as-built total volume of the Mann Lakes Reservoir; (b) 3,741 acre-feet, or (c) the amount of the Mann Lakes Reservoir storage capacity that is ultimately allocated to South Adams, at the following rates: 2.10.1 Brantner Ditch: 110 cfs; 2.10.2 Mann Lakes South Platte River Diversion: 21 cfs. 2.11 Decreed uses: Use, reuse and successive use to extinction for augmentation and replacement purposes, including within the South Adams Augmentation Plan (as defined in the 15CW3177 Decree), and for all municipal purposes, including but not limited to domestic, industrial, commercial, irrigation out of South Adams' municipal system, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge, sewage treatment, mechanical, manufacturing, street sprinkling, substitution, and exchange purposes, including for all of the above-described purposes, by application to such purposes after storage in Mann Lakes Reservoir, or after storage and subsequent release from Mann Lakes Reservoir and re-diversion to storage in the following structures: 2.11.1 Wattenberg Reservoir: Located in Sections 25 and 36, Township 1 North, Range 67 West of the 6th P.M. and in Section 30, Township 1 North, Range 66 West of the 6th P.M. Water may be delivered to Wattenberg Reservoir by use of the Brighton Ditch or South Platte Diversion I. The Brighton Ditch headgate is located on the west bank of the South Platte River in the SE1/4 SE1/4, Section 11, Township 1 South, Range 67 West of the 6th P.M. South Platte Diversion I will divert only surface water from the South Platte River, at a point that is on the west bank of the South Platte River in the W1/2, Section 30, Township 1 North, Range 66 West of the 6th P.M, at UTM Coordinates: 514808mE, 4430245mN, Zone 13 North, NAD 83. 2.11.2 North Reservoir Complex: Howe-Haller, Hazeltine, Road Runner's Rest II, Brinkmann-Woodward, Tanabe and Dunes Reservoirs (referred to herein as the "North Reservoir Complex") located in portions of Sections 2, 3, 4, 9 and 10, Township 2 South, Range 67 West of the 6th P.M. Water may be delivered to the North Reservoir Complex by use of the appropriative rights of exchange described in paragraph 3, below, authorizing the exchange of the Mann Lakes Storage Right upstream to the Fulton Ditch. Use of the Mann Lakes Storage Right will occur within South Adams' service area, as it exists and as it may be modified in the future. Any use of the Mann Lakes Storage Right (as defined in the 15CW3177 Decree) outside of South Adams' service area, as it currently exists or as it may be modified in the future, shall be in conformity with the terms and conditions of the 15CW3177 Decree and will be limited to the following: (i) use on property owned or managed by South Adams (including property co-owned or co-managed by South Adams); (ii) use pursuant to water supply contracts in existence at the time the 15CW3177 Decree was entered, including but not limited to the Mann Lakes IGAs (as defined in the 15CW3177 Decree); (iii) metered treated water taps supplied by South Adams; (iv) pursuant to contracts of limited duration of 5 years or less, subject to paragraph 21.15 of the 15CW3177 Decree, for

use in decreed augmentation plans or substitute water supply plans approved by the State Engineer pursuant to § 37-92-308, C.R.S., or successor statutes; (v) use pursuant to water trade agreements whereby South Adams is obligated to deliver water to a party in return for deliveries by said party to South Adams of an equivalent amount of water from alternate sources; and (vi) use in any location in which South Adams has augmentation or water replacement obligations pursuant to South Adams' current and future water court decrees. **APPROPRIATIVE RIGHTS OF EXCHANGE** 3. Description of conditional appropriative rights of exchange: 3.1 Original decree: The subject conditional appropriative rights of exchange were originally decreed in Case No. 2015CW3177, District Court, Water Division No. 1, entered on July 19, 2018 ("SACWSD 15CW3177 Exchanges"). 3.2 Previous diligence decree: N/A. 3.3 Description of the SACWSD 15CW3177 Exchanges: The SACWSD 15CW3177 Exchanges are or will be operated to exchange fully consumable water returned to the river from downstream ditch augmentation facilities or released from downstream storage upstream to storage in Mann Lakes Reservoir, and to exchange water released from Mann Lakes Reservoir upstream to the Fulton Ditch headgate for subsequent storage in the North Reservoir Complex and/or to the Depletion Reach (as defined in the 15CW3177 Decree"). A map depicting the structures involved and the exchange reach is attached as Exhibit B. The exchange matrix attached as Exhibit C summarizes the SACWSD 15CW3177 Exchanges as described below and also includes the UTM coordinates for the exchange-to points and the exchange-from points as described below. 3.4 Description of exchange reach: The exchange reach extends from its furthest downstream terminus at the location of the confluence of Grafflin Slough and the South Platte River, as described in paragraph 3.5.1.1, below, upstream to the furthest upstream terminus at the location of the confluence of Sand Creek and the South Platte River, as described in paragraph 3.5.2.4, below. South Adams will operate two subsets of exchanges: exchanges of water into Mann Lakes Reservoir ("Exchanges To Mann Lakes"), and exchanges of water released from Mann Lakes ("Exchanges From Mann Lakes"). The Exchanges to Mann Lakes will exchange water from the exchange-from points identified in paragraph 3.5.1 below, to the exchange-to-points identified in paragraphs 3.5.2.1 and 3.5.2.2, below. The Exchanges from Mann Lakes will exchange water released from Mann Lakes Reservoir at the Mann Lakes Reservoir Outlet, described in paragraph 3.5.1.13, below, to the exchange-to points identified in paragraphs 3.5.2.3 and 3.5.2.4, below. 3.5 Name of structures involved and legal descriptions: 3.5.1 Exchange-from points: 3.5.1.1 Meadow Island No. 1 – End of Ditch Augmentation Station: Located in the E1/2 of the E1/2, Section 27, Township 3 North, Range 67 West of the 6th P.M., near the quarter section line between the NE1/4 and the SE1/4 to release water down Grafflin Slough which flows into the South Platte River in the NW1/4 of the NW1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M. 3.5.1.2 Meadow Island No. 1 – Little Dry Creek Augmentation Station: Located in the SE1/4, Section 13, Township 2 North, Range 67 West of the 6th P.M., to release water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M. 3.5.1.3 Lupton Bottom - East Lateral Augmentation Station: Located in the SE1/4 of the SE1/4, Section 12, Township 2 North, Range 67 West of the 6th P.M., to release water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M. 3.5.1.4 Lupton Bottom - West Lateral Augmentation Station: Located near the center of Section 36, Township 2 North, Range 67 West of the 6th P.M., to release water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M. 3.5.1.5 Lupton Bottom – End of West Lateral Augmentation Station: Located in the W1/2 of the E1/2, Section 27, Township 3 North, Range 67 West, near the quarter section line between the NE1/4 and the SE1/4, to release water down Grafflin Slough which flows into the South Platte River in the NW1/4 of the NW1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M. 3.5.1.6 Brighton Ditch – Big Dry Augmentation Station: Located in an existing ditch turnout in the NW1/4 of the SW1/4, Section 12, Township 1 North, Range 67 West of the 6th P.M., to release water down Big Dry Creek which flows into the South Platte River in the NW1/4 of the NW1/4, Section 7, Township 1 North, Range 66 West of the 6th P.M. 3.5.1.7 Brighton Ditch – Wattenberg Augmentation Station: Located in the SW1/4, Section 25 or NW1/4, Section 36, Township 1 North, Range 67 West of the 6th P.M., to release water to the South Platte River in the NW1/4 of the SW1/4 or SW1/4 of the NW1/4, Section 30, Township 1 North, Range 66 West

of the 6th P.M. 3.5.1.8 Fulton - County Line Augmentation Station: Located in the SW1/4 of the NE1/4, Section 5, Township 1 South, Range 66 West of the 6th P.M., to release water to the South Platte River near the north section line of Section 6, Township 1 South, Range 66 West of the 6th P.M. 3.5.1.9 Fulton – Ft. Lupton Augmentation Station: Located in the NW1/4 of the SW1/4 of Section 9, Township 1 North, Range 66 West of the 6th P.M., to release water to the South Platte River near the NW1/4 of the SE1/4 of Section 31, Township 2 North, Range 68 West of the 6th P.M. 3.5.1.10 Fulton - Gravel Lakes Augmentation Station: Located in the SE1/4 of the NE1/4, Section 9, Township 2 South, Range 67 West of the 6th P.M., to release water to the South Platte River near the north quarter corner of Section 3, Township 2 South, Range 67 West of the 6th P.M. 3.5.1.11 North Reservoir Complex Outlet: Located in the NW1/4 NE1/4 of Section 3, Township 2 South, Range 67 West of the 6th P.M. 3.5.1.12 NTP Outfall to the South Platte River: Located near the City of Brighton in Weld County at the headgate of the Brantner Ditch, as described in paragraph 2.6.1 above. 3.5.1.13 Mann Lakes Reservoir Outlet to the South Platte River: Located as described in paragraph 2.7, above, to release water to the South Platte River in the SE1/4 of the NE1/4 of Section 34, Township 1 South, Range 67 West of the 6th P.M. 3.5.2 Exchange-to points: 3.5.2.1 Brantner Ditch headgate: as described in paragraph 2.8.1, above. 3.5.2.2 Mann Lakes South Platte River Diversion: as described in paragraph 2.8.2, above. 3.5.2.3 Fulton Ditch headgate: in the NE1/4 of the NE1/4 of the SE1/4 of Section 17, Township 2 South, Range 67 West of the 6th P.M. 3.5.2.4 Depletion Reach: The locations where South Adams’ wells deplete the South Platte River (the “Depletion Reach”) as described in paragraph 36.d of the decree in Case No. 01CW258 (“01CW258 Decree”) which begins at an upstream point which is at or below the confluence of Sand Creek near the south quarter corner of Section 1, Township 3 South, Range 68 West of the 6th P.M., and extending downstream to a point in the City of Brighton at the Colorado State Highway 7 bridge at the southerly section line of Section 1, Township 1 South, Range 67 West of the 6th P.M. (“01CW258 Depletion Reach”). 3.5.2.4.1 Depletion Reach 1 is located along the South Platte River from the confluence with Sand Creek to just upstream of the Fulton Ditch headgate and is approximately 6.07 miles long. The upstream-most point of Depletion Reach 1 is on the South Platte River at the confluence with Sand Creek, near the south quarter corner of Section 1, Township 3 South, Range 68 West of the 6th P.M. The downstream-most point of Depletion Reach 1 is on the South Platte River just above the headgate of the Fulton Ditch, located Section 9, between Sections 16 and 17, Township 2 South, Range 67 West of the 6th P.M. 3.5.2.4.2 Depletion Reach 2 is located along the South Platte River from just below the Fulton Ditch headgate to just upstream of the Brantner Ditch headgate and is approximately 2.22 miles long. The upstream-most point of Depletion Reach 2 is on the South Platte River just below the headgate of the Fulton Ditch. The downstream-most point of Depletion Reach 2 is on the South Platte River just above the headgate of the Brantner Ditch, located as described in paragraph 2.8.1, above. 3.5.2.4.3 Depletion Reach 3 is located along the South Platte River from just below the Brantner Ditch headgate to just upstream of the Brighton Ditch headgate and is approximately 6.75 miles long. The upstream-most point of Depletion Reach 3 is on the South Platte River just below the headgate of the Brantner Ditch. The downstream-most point of Depletion Reach 3 is on the South Platte River just above the headgate of the Brighton Ditch, located in the SE1/4 of the SE1/4 of Section 11, Township 1 South, Range 67 West of the 6th P.M. 3.5.2.4.4 Depletion Reach 4 is located along the South Platte River from just below the Brighton Ditch headgate to the end of the Depletion Reach and is approximately 1.58 miles long. The upstream-most point of Depletion Reach 4 is on the South Platte River just below the headgate of the Brighton Ditch. The downstream-most point of Depletion Reach 4 is the end of the Depletion Reach on the South Platte River at the southerly section line of Section 1, Township 1 South, Range 67 West of the 6th P.M. Depletion Reach 4 is described herein for completeness, but it is not an Exchange-To point for the appropriate rights of exchange decreed herein. 3.6 Sources of substitute supply: 3.6.1 For the Exchanges to Mann Lakes Reservoir, which have an exchange-to point at the Brantner Ditch headgate, as described in paragraph 2.8.1, above, and at the Mann Lakes South Platte Diversion, as described in paragraph 2.8.2, above, the sources of substitute supply for the exchange include the following: 3.6.1.1 01CW258/10CW304 Water Rights, as described in paragraph 7 of the 15CW3177 decree, as each water right is available at South Adams’ augmentation stations described in paragraph 3.5, above, or after the 01CW258/10CW304 Water Rights have been put into storage and subsequently released through the

Wattenberg Reservoir augmentation station and/or through the outlet of the North Reservoir Complex; 3.6.1.2 South Adams' 5K Water, as described in paragraph 30.1 of the 15CW3177 decree, as available at the outlet of the North Reservoir Complex on the South Platte River, and/or after storage and subsequent release through the Wattenberg Reservoir augmentation station; 3.6.1.3 5K/PV Wastewater Reusable Return Flows, as described in paragraph 30.3.2 of the 15CW3177 decree, as available at the Regional Northern WWTP Outfall with the South Platte River and/or after storage and subsequent release through the Wattenberg Reservoir augmentation station and/or through the outlet of the North Reservoir Complex. 3.6.2 For the Exchanges From Mann Lakes, which have an exchange-from point at the Mann Lakes Reservoir Outlet, the sources of substitute supply for the exchange will include water stored in Mann Lakes Reservoir, which in turn includes the 01CW258/10CW304 Water Rights, as described in paragraph 7 of the 15CW3177 Decree; South Adams' 5K Water, as described in paragraph 30.1 of the 15CW3177 Decree; 5K/PV Wastewater Reusable Return Flows, as described in paragraph 30.3.2 of the 15CW3177 Decree; and the Mann Lakes Storage Right, as described in paragraphs 12 through 27 of the 15CW3177 Decree. 3.7 Date of Appropriation: December 30, 2015. 3.8 Use of exchanged water: Municipal, irrigation, augmentation, domestic, industrial, commercial, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, sewage treatment, mechanical, manufacturing, street sprinkling, substitution and exchange, and replacement including both immediate application for such purposes and storage for subsequent application for such purposes. South Adams intends to use, reuse, successively use and fully-consume the exchanged water, and subject to the terms and conditions decreed herein, the exchanged water may be used to extinction for the uses described herein either directly or after diversion or re-diversion to storage. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** 4. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use: The conditional storage water right decreed to Mann Lakes Reservoir described in paragraph 2 above and the conditional appropriative rights of exchange described in paragraph 3, above are referred to collectively herein as the "Subject Conditional Water Rights." The diligence period for the Subject Conditional Water Rights is July 2018 through July 2024 ("Diligence Period"). The Subject Conditional Water Rights are integral to South Adams' overall water supply system, and during the Diligence Period, South Adams has and will continue to pursue development and beneficial use of these water rights as growth continues and water demands increase within the District. South Adams provides water and wastewater services to more than 68,000 customers in Commerce City and Adams County. South Adams maintains a diverse portfolio of water rights – both conditional and absolute – in order to provide potable and non-potable water to its present and future customers. The Subject Conditional Water Rights are part of South Adams' integrated water supply system to supply water for municipal purposes. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown on the development of the water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). Consequently, all work and expenditures by South Adams in connection with its municipal water system directly and indirectly constitute part of South Adams' reasonable diligence in developing the Subject Conditional Water Rights. The Subject Conditional Water Rights, in conjunction with the operation of South Adams' plan for augmentation, will be used by South Adams to augment stream depletions or to exchange South Adams' fully consumable water associated with certain sources of substitute supply into storage for use within South Adams' municipal system and/or for subsequent release for augmentation purposes. During the Diligence Period, South Adams worked to develop the Subject Conditional Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures. 4.1 South Adams participated in regular meetings with Todd Creek Village Metropolitan District and Adams County regarding Mann Lakes Reservoir. The discussion topics included: (a) design and rehabilitation of the storage cells; (b) design and construction of the interconnect pipelines; and (c) design and construction of the inlet and outlet infrastructure. 4.2 Mann Lakes Reservoir is a major component of South Adams' water system. It is included in South Adams' master plan and ongoing water system operations model, which is utilized by South Adams for its augmentation plan planning. 4.3 South Adams has incurred an average of

approximately \$5.4 million per year in general costs and expenses in support of its municipal water supply system and for maintaining, protecting, and expanding this system. 4.4 Over the Diligence Period, South Adams has incurred an average of \$4.2 million per year in engineering fees for engineering work in support of its municipal supply system generally, and has incurred additional engineering fees each year associated with specific capital improvement projects. 4.5 On average during the Diligence Period, South Adams spent approximately \$28 million per year on capital improvement projects associated with its municipal supply system including without limitation: (a) completion of a water transmission main from Wells 21, 47, and 88 to South Adams' Klein Treatment Facility; and (b) construction of a state-of-the-art water softening plant at South Adams' Klein Water Treatment Facility. South Adams has an ongoing water distribution and main rehabilitation program and is currently constructing a state-of-the-art ion exchange treatment facility at South Adams' Klein Water Treatment Facility. 4.6 South Adams incurred a total of \$1.4 million in engineering fees associated with maintenance of its existing water supplies, including but not limited to such activities as accounting for South Adams' water use, operation of and accounting for South Adams' plan for augmentation, protecting South Adams' water rights from injury by opposing water court applications, and assisting South Adams with daily water operations. 4.7 South Adams paid \$1,440,323.00 in legal fees to obtain decrees for water rights that are part of South Adams' integrated water system and for participating as an opposer in various Water Court cases to protect South Adams' water rights against injury from other water users. 4.8 South Adams completed a comprehensive Water System Master Plan in 2020. South Adams has spent \$715,000 on updating its Water System Master Plan during the Diligence Period. 4.9 South Adams has and continues to work with the City of Commerce City on planning, growth projections, and water supply demand projections, as South Adams' service area is primarily within the City's boundaries. In addition to in-house staff time at South Adams, South Adams incurred \$0.75 million in consultants' fees for water supply planning-related work during the Diligence Period. 5. Names and addresses of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: 5.1 Mann Lakes South Platte River Diversion and Mann Lakes Reservoir: Adams County, 9755 Henderson Road, Brighton, Colorado 80601. 5.2 Wattenberg Reservoir: City of Westminster, c/o Director of Public Works, 4800 West 92nd Avenue, Westminster, CO 80030. 5.3 North Reservoir Complex: The City and County of Denver, acting by and through its Board of Water Commissioners, 1600 West 12th Avenue, Denver, Colorado 80204. 5.4 South Platte Diversion I: City of Westminster, 4800 West 92nd Avenue, Westminster, Colorado 80030. WHEREFORE, South Adams respectfully requests that the Court enter a decree (i) granting this application; (ii) finding that South Adams has exercised reasonable diligence in completing the appropriation of the Subject Conditional Water Rights during the Diligence Period; and (iii) continuing the Subject Conditional Water Rights in full force and effect for an additional diligence period.

CASE NO. 2024CW3111 FOX ACRES COMMUNITY SERVICES, INC., P.O. Box 38, Red Feather Lakes, CO 80545, (970) 881-2668. Please send all further pleadings to: Daniel K. Brown, Sara J.L. Irby and Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 3. Description of Conditional Water Right and Previous Decrees: 3.1. Original Decree. June 29, 1989, Case No. 1985CW232, District Court, Water Division 1. 3.2. Findings of Reasonable Diligence: 3.2.1. February 10, 1999, Case No. 95CW129, District Court, Water Division No. 1. 3.2.2. June 25, 2010, Case No. 05CW72, District Court, Water Division No. 1. 3.2.3. July 10, 2018, Case No. 16CW3088, District Court, Water Division No. 1. 3.3. Names and Locations of Structures: All of the Wells are located in Township 10 North, Range 73 West, 6th P.M., Larimer County, Colorado. 3.3.1. Fox Acres Well No. 26 ("Well No. 26"): NE1/4 NW1/4, Section 27, at a point approximately 1,250 feet from the North line and 1,510 feet from the West line, Section 27. 3.3.2. Fox Acres Well No. 27 ("Well No. 27"): SE1/4 NW1/4, Section 27, at a point approximately 1,715 feet from the North line and 1,730 feet from the West line, Section 27. 3.3.3. Fox Acres Well No. 28 ("Well No. 28"): SW1/4 SE1/4, Section 22, at a point approximately 570 feet from the South line and 2,145 feet from the East line, Section 22. 3.3.4. Fox Acres

Well No. 29 (“Well No. 29”): NE1/4 NW1/4, Section 27, at a point approximately 420 feet from the North line and 2,050 feet from the West line, Section 27. 3.3.5. Fox Acres Well No. 30 (“Well No. 30”): SE1/4 SW1/4, Section 22, at a point approximately 450 feet from the South line and 1,315 feet from the West line, Section 22. 3.4. Source: Ground water. 3.5. Dates of Appropriation: 3.5.1. Wells Nos. 26 and 27: September 1, 198 3.5.2. Wells Nos. 28, 29, and 30: February 9, 1989 3.6. Use and Depth of Wells: All of the wells are conditionally decreed for in-house domestic use, commercial use in maintenance facilities and shops, and firefighting. The Wells are to be operated in accordance with Applicant’s augmentation plan decreed in Case No. 81CW136, District Court, Water Division No. 1. 3.6.1. Well No. 26: 0.0448 c.f.s. (20 g.p.m.) CONDITIONAL; Depth: 500 feet. 3.6.2. Well No. 27: 0.0672 c.f.s. (30 g.p.m.) CONDITIONAL; Depth 400 feet. 3.6.3. Well No. 28: 0.0202 c.f.s. (9 g.p.m.) CONDITIONAL; Depth 700 feet. 3.6.4. Well No. 29: 0.0336 c.f.s. (15 g.p.m.) CONDITIONAL; Depth 300 feet. 3.6.5. Well No. 30: 0.056 c.f.s. (25 g.p.m.) CONDITIONAL; Depth 540 feet. 4. Claim to Continue Conditional Rights. Applicants have a continuing need for the water rights as development continues to occur at Fox Acres, including seven new homes that have been built and five in process. 30 of the remaining 66 lots have been purchased by developers. Applicant continues to study and test the water quality of water pumped from the wells for a drinking water supply. High concentrations of radioactivity exist in the water that is pumped by the wells, and Applicant continues to explore possible treatment options. The wells are part of an integrated domestic water supply system, and the work done and the cost expended on the whole system is applicable in showing diligence in regard to the water rights conditionally decreed to the wells. During this diligence period, Applicant continued to develop its water system, by making significant improvements including over \$300,000 in a new irrigation system and new irrigation pumps and related wiring and infrastructures. Applicants have also spent over \$20,000 on storage tank improvements, water softener system improvements and repairs, and capital reserve study and legal fees. 5. Right to Supplement and Present Additional Information. Applicant reserves the right to supplement this Application with additional information related to its claim for diligence and may present additional information related to its claim for diligence before and during trial in this matter. 6. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: No new diversion or storage structures, or modifications to any existing diversion or storage structures, are contemplated. Applicant is the owner of the land upon which the structures are located. WHEREFORE, Applicant prays that this Court issue its findings and determination that Applicant has exercised due reasonable diligence during the diligence period, Applicant further prays that this Court continue in full force and effect all such conditional water rights for an additional six year period, and for such other relief as the Court may deem proper. (5 pages).

CASE NO. 2024CW3112 FOX ACRES COMMUNITY SERVICES, INC., P.O. Box 38, Red Feather Lakes, CO 80545, (970) 881-2668 and **HIDDENLAKES GOLF AND TROUT CLUB, LLC,** P.O. Box 130, Red Feather Lakes, CO 80545, (303) 434-1782. Please send all further pleadings to: Daniel K. Brown, Sara J.L. Irby and Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 3. Description of Conditional Water Right: 3.1. Names and Locations of Structures: 3.1.1. Mitchell Ditch, also known as the North Pine Supply Ditch, owned by the Red Feather Storage and Irrigation Company. 3.1.1.1. The headgate of said ditch is at a point on the east bank of the North Branch of Lone Pine Creek from whence the northeast corner of Section 26, Township 10 North, Range 74 West of the 6th P.M. bears North 86° 45' East 2077 feet, in Larimer County, Colorado. The ditch extends from said headgate in an easterly direction in Sections 26 and 25, Township 10 North, Range 74 West, and Sections 30, 29, 28 and 27, Township 10 North, Range 73 West of the 6th P.M. 3.1.2. Mirror Lake, also known as Lake Osage. 3.1.2.1. SW 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point North 68° 13' 00" West 2089.65 feet from the SE corner, Section 22. 3.1.3. Fox Acres Reservoir No. 3, also known as Lake Nootka. 3.1.3.1. SE 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point North 50° 48' 30" West 1187.60 feet from the SE corner, Section 22. 3.1.4. Lower Fox Acres Reservoir

No. 3, also known as Lake Cayuse. 3.1.4.1. SE 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point North 12° 03' 33" West 1248.00 feet from the SE corner, Section 22. 3.1.5. Upper Fox Acres Reservoir No. 3, also known as Lake Nisqually. 3.1.5.1. SW 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point North 79° 47' 02" West 1778.63 feet from the SE corner, Section 22. 3.1.6. Robinson Draw Lake, also known as Lake Cree. 3.1.6.1. SW 1/4 SW 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point North 76° 41' 13" East 1057.93 feet from the SW corner, Section 22. 3.1.7. Lake 15, also known as Lake Yakima. 3.1.7.1. SE 1/4 SW 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point North 87° 04' 58" East 2232.39 feet from the SW corner, Section 22. 3.1.8. Fox Acres West, also known as Lake Pawnee. 3.1.8.1. SW 1/4 NE 1/4, Section 28, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point South 48° 41' 57" West 2236.92 feet from the NE corner, Section 28. 3.1.9. Middle Letitia Lake, also known as Lake Chippewa. 3.1.9.1. NE 1/4 NW 1/4, Section 27, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point South 70° 58' 52" East 2130.82 feet from the NW corner, Section 27. 3.1.10. Deer Lake No. 2, also known as Lake Black Feet. 3.1.10.1. SW 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado at a point North 81° 42' 50" West 2223.65 feet from the SE corner, Section 22. 3.1.11. Upper Letitia Lake, also known as Lake Menominee. 3.1.11.1. NE 1/4 NW 1/4, Section 27, Township 10 North, Range 73 West of the 6th P.M. Larimer County, Colorado, at a point South 64° 46' 05" East 2243.56 feet from the NW corner, Section 27. 3.1.12. Lower Letitia Lake, also known as Lake Shoshone. 3.1.12.1. NE 1/4 NW 1/4, Section 27, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado, at a point South 80° 31' 23" East 2498.60 feet from the NW corner, Section 27. 3.1.13. Fox Acres Reservoir No. 1, also known as Lake Lakota. 3.1.13.1. Situate within the SE 1/4 NE 1/4, Section 28, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado. 3.1.14. Fox Acres Reservoir No. 2, also known as Lake Arapahoe. 3.1.14.1. Situate within the W 1/2 NW 1/4, Section 27, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado. 3.1.15. South Fox Acres Lake, also known as Lake Shawnee. 3.1.15.1. Situate within the SE 1/4 NE 1/4, Section 28, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado. 3.2. Source: North Branch of Lone Pine Creek, also known as North Lone Pine Creek, tributary to the Lone Pine Creek, which is tributary to the North Fork of the Cache La Poudre River, a tributary to the Cache La Poudre River, which is tributary to the South Platte River. The Mitchell Ditch headgate is the point of diversion for all water rights applied for herein. 4. Previous Decrees: 4.1. Original Decree. December 12, 1984, Case No. 82CW408, District Court, Water Division 1. 4.2. Findings of Reasonable Diligence: 4.2.1. July 23, 1990, Case No. 88CW178, District Court, Water Division No. 1. 4.2.2. October 28, 1998, Case No. 96CW186, District Court, Water Division No. 1. 4.2.3. June 24, 2010, Case No. 04CW275, District Court, Water Division No. 1. 4.2.4. July 10, 2018, Case No. 16CW3089, District Court, Water Division No. 1. 4.3. Appropriation Date: June 15, 1982. 4.4. Case No. 88CW178 decreed as absolute decree the following amounts: For fish propagation: Mirror Lake 7.51 acre feet Fox Acres Reservoir No. 1 3.60 acre feet Fox Acres Reservoir No. 3 20.18 acre feet Lower Fox Acres Reservoir No. 3 4.10 acre feet Upper Fox Acres Reservoir No. 3 1.90 acre feet Robinson Draw Lake 3.53 acre feet Fox Acres West 1.85 acre feet Middle Letitia Lake 1.57 acre feet Upper Letitia Lake 0.30 acre feet Fox Acres Reservoir No. 2 2.90 acre feet South Fox Acres Lake 1.30 acre feet For irrigation: Fox Acres Reservoir No. 3 20.18 acre feet Lower Fox Acres Reservoir No. 3 4.10 acre feet Robinson Draw Lake 3.53 acre feet 4.5. Case No. 16CW3089 decreed as absolute decree the following amounts for all uses: Mirror Lake 7.51 acre feet Fox Acres Reservoir No. 1 13.60 acre feet Fox Acres Reservoir No. 3 20.18 acre feet Lower Fox Acres Reservoir No. 3 4.10 acre feet Upper Fox Acres Reservoir No. 3 1.90 acre feet Robinson Draw Lake 3.53 acre feet Fox Acres West 1.85 acre feet Middle Letitia Lake 1.57 acre feet Upper Letitia Lake 0.30 acre feet Fox Acres Reservoir No. 2 2.90 acre feet South Fox Acres Lake 1.30 acre feet 4.6. The remaining amounts were decreed as conditional for all uses, as follows: Mirror Lake 12.29 acre feet Fox Acres Reservoir No. 1 26.10 acre feet Fox Acres Reservoir No. 3 29.02 acre feet Upper Fox Acres Reservoir No. 3 5.00 acre feet Robinson Draw Lake 11.77 acre feet Lake 15 2.4 acre feet Fox Acres West 4.35 acre feet Middle Letitia Lake 2.43 acre feet Deer Lake No. 2 9.50 acre feet Upper Letitia Lake 6.10 acre feet Lower Letitia Lake

6.56 acre feet Fox Acres Reservoir No. 2 61.60 acre feet South Fox Acres Lake 3.90 acre feet. 4.7. Uses: For all of the reservoirs—Irrigation, fish propagation and augmentation. In addition, domestic use for Fox Acres Reservoir No. 1, Fox Acres Reservoir No. 3, Lower Fox Acres Reservoir No. 3 and Fox Acres Reservoir No. 2. 5. Claim to Continue Conditional Right. Applicants request that the Court continue the water rights described in paragraph 4.6 above as conditional and further provide the following outline of what has been done toward completion of the conditional appropriations: Applicants have a continuing need for the water rights as development continues to occur at Fox Acres, including seven new homes that have been built and five in process. Thirty of the remaining sixty-six lots have been purchased by developers. The reservoirs and the water stored in the reservoirs are part of an integrated domestic water supply system, and the work done on the total system is applicable in showing diligence in regard to the conditionally decreed rights. During this diligence period, Applicants continued to develop its integrated water system, by making improvements designed to increase maximum efficiency and conserve water throughout its system. In particular, Applicants have made significant improvements including over \$300,000 in a new irrigation system, new irrigation pumps and related wiring and infrastructures. Applicants have also spent over \$20,000 on storage tank improvements, water softener system improvements and repairs, and capital reserve study and legal fees. The described reservoirs, together with appropriate diversion facilities, are in place; however, due to the either the unavailability of either water in the North Lone Pine or capacity in the Mitchell Ditch for the carriage of such water to the reservoirs, or because when water was available it was available from local sources (e.g. Wildcat Creek and runoff and seepage) or South Lone Pine Creek, it has not been practical for Applicants to store the amount conditionally decreed during this diligence period. 6. Right to Supplement and Present Additional Information. Applicants reserve the right to supplement this Application with additional information related to their claim for diligence and may present additional information related to their claim for diligence before and during trial in this matter. 7. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: There are no new diversion or storage structures, or modification to any existing diversion or storage structures. WHEREFORE, Applicants request that the Court continue the remaining portion of the conditional water rights. (9 pages).

CASE NO. 2024CW3113 Applicant: **FRONT RANGE FEED LOTS, LLC**, P.O. Box 517 Eaton, CO 80615. 970-454-2975 with all correspondence connected herewith being sent to Applicant’s counsel, David P. Jones, 5245 Ronald Reagan Blvd, Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION TO MAKE WATER RIGHT ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN LARIMER AND WELD COUNTIES**. 2. Conditional Water Right. 2.1. Name of Water Right. FRF Return Flow Appropriation. 2.2. Previous Decree. Case no. 08CW178, Water Division No. 1, dated July 5, 2018. 2.3. Description. The return flow component of the Subject Water Rights being changed herein will be diverted under the change of water rights described above with the consumptive use component and will be delivered to the locations described in Paragraph 9 of 08CW178 Decree. When the return flow component of the Subject Water Rights are in priority, the water will be retained by Applicant for Augmentation and replacement uses together with the consumptive use component of the Subject Water Rights. When the return flow component is not in priority, it will be replaced at the Cache La Poudre River under the terms and conditions for the change of water rights described in the 08CW178 Decree. 2.4. Use. For use as a source of substitute and replacement supply in the augmentation plan decreed in Case No. 06CW114, or in other plans for augmentation if approved for such use by the water court or by the state engineer under a substitute supply plan. The water may be used to extinction, either directly, or after recharge or storage, or by exchange. See also paragraph 8 of the 08CW178 Decree. 2.5. Source. The Cache La Poudre River and its tributaries. 2.6. Appropriation Date. August 22, 2008. 2.7. Amount. 2.0 c.f.s, conditional. The right is subject to the diversion and volumetric limitations set forth in paragraph 23 of the 08CW177 Decree. 2.8. Remarks: The “Subject Water Rights” referred to herein are the 33 shares of New Cache la Poudre Irrigation Company (“NCLPIC”) and 38 shares in the Cache la Poudre Reservoir Company (“CLPRC”) changed in Case No. 08CW178. The point of diversion of the 33 NCLPIC shares is the

Southeast quarter of the Northeast quarter, Section 11, Township 6 North, Range 68 West of the 6th P.M. in Larimer County. The points of diversion for the 38 CLPRC shares are the following: Water is diverted from the Cache la Poudre River for storage in the Cache la Poudre Reservoir by an inlet ditch (the Cache la Poudre Reservoir Inlet Ditch) with a point of diversion described as located on the Northeast bank of the Cache la Poudre River in Larimer County, Colorado below the tail race of that certain mill race known as the Mason and Hottel mill race, the headgate of which is 1618 feet south and 35 feet east of the quarter corner between section 7 and 18, Township 7 North, Range 68 West, 6th P.M. There are two additional decreed points of diversion for the Cache la Poudre Reservoir, the “First Diversion”, located in the NE 1/4 of Section 25, Township 7 North, Range 68 West, and the “Second Diversion” located in the SW 1/4 of Section 36, Township 7 North, Range 68 West, 6th P.M. which diverts water directly into the Cache la Poudre Reservoir Outlet Ditch. Water is also diverted into the Cache la Poudre Reservoir from drainage and seepage from the “West Drainage” located 2,030 feet North and 1,400 feet East of the SW corner of Section 24, Township 7 North, Range 68 West, the “Middle Drainage” located 1,350 feet North and 3,290 feet East of said SW corner, and the “East Drainage” located 1,340 feet South and 60 feet West of the NE corner of Section 25, same Township and Range. 3. Outline of What Has Been Done Toward Completion. During the diligence period, the conditional return flow appropriation was diverted in priority at a maximum rate of .11 c.f.s. and delivered to the Swanson Recharge Site. The water was used as a source of replacement water in the 06CW114 plan for augmentation. 4. Claim to Make Water Right Absolute in Part and to Maintain the Balance of the Conditional Right. Applicant seeks entry of a decree making the water right absolute for 0.11 c.f.s. and to maintain the remainder of the right as conditional for the statutory period. The original application consists of 4 pages.

CASE NO. 2024CW3114 (2016CW3116, 2012CW171, 2001CW258) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND/OR TO MAKE ABSOLUTE IN ADAMS COUNTY - SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT c/o Richard J. Mehren, Evan R. Weis, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 240, Boulder, CO 80302 1. Name, address, and telephone number of Applicant: South Adams County Water and Sanitation District, c/o Tyler Dunich, 6595 E. 70th Avenue, P. O. Box 597, Commerce City, CO 80022 **GROUND WATER RIGHTS** 2. Name of structures: SACWSD Wells Nos. 31, 35, 81 through 94, and 96 through 112 (“SACWSD Alluvial Wells”). 3. Description of conditional water rights for the SACWSD Alluvial Wells: 3.1 Original decree: Conditional water rights for the SACWSD Alluvial Wells were originally decreed by this Court in Case No. 2001CW258 on September 15, 2010 (“01CW258 Decree”). 3.2 Subsequent decree: The pumping rates and annual volumetric limits of the conditional water rights for SACWSD Wells Nos. 31, 35, 81, 82, 85 and 89 were reallocated among wells included in the Northeast Well Field in Case No. 2012CW171, by a decree dated April 2, 2014 (“12CW171 Decree”). The 12CW171 Decree also changed the decreed location of SACWSD Wells Nos. 31, 35, 81, 82, 85 and 89 to reflect the as-built location of the wells. 3.3 Previous diligence decree: Case No. 2016CW3116 entered by this court on July 30, 2018. 3.4 Location of structures and description of conditional water rights: The locations of the SACWSD Alluvial Wells are shown on **Exhibit A**. The tables below describe the decreed location of the SACWSD Alluvial Wells, well permit number, the decreed pumping rate and volumetric limit associated with each well, and the portion of the decreed pumping rate and volumetric limit that remains conditional:

Northeast Well Field

Well No. (Permit No.)	Legal Description	Decreed Pumping Rate (gpm)	Remaining Pumping Rate – Conditional (gpm)	Decreed Annual Volume (af/y)	Remaining Annual Volume – Conditional (af/y)	Appropriation Date
31 (76305-F)	NW1/4 SW1/4, Sec. 5, T2S, R66W, 2620 feet	500	0	600	246.8	Dec. 11, 2002

	from the south section line and 1080 feet from the west section line					
35 (76306-F)	NE1/4 SW1/4, Sec. 33, T1S, R66W, 2600 feet from the south section line and 1950 feet from the west section line	1,100	0	1,320	1,049.1	Dec. 12, 2001
81 (76307-F)	SE1/4 SW1/4, Sec. 32, T1S, R66W, 450 feet from the south section line and 2450 feet from the west section line	500	168	600	207.6	Dec. 11, 2002
82 (76308-F)	SW1/4 SW1/4, Sec. 33, T1S, R66W, 1000 feet from the south section line and 70 feet from the west section line	1,500	17	1,800	1,461.6	July 9, 2002
84 (64768-F)	NE1/4 NW1/4, Sec. 5, T2S, R66W, 750 feet from the north section line and 2490 feet from the west section line	1,000	1,000	1,200	1,200	Dec. 12, 2001
85 (76309-F)	NW1/4 SW1/4, Sec. 33, T1S, R66W, 2600 feet from the south section line and 1310 feet from the west section line	800	0	960	606.8	Dec. 12, 2001
89 (278032)	NE1/4 NE1/4, Sec. 32, T1S, R66W, 700 feet from the north section line and 210 feet from the east section line	350	350	420	420	Dec. 11, 2002
90 (N/A)	SE1/4 NE1/4, Sec. 32, T1S, R66W, 2250 feet from the north section line	700	700	840	840	Dec. 11, 2002

	and 50 feet from the east section line					
91 (66680-F)	NW1/4 SE1/4, Sec. 33, T1S, R66W, 2600 feet from the south section line and 1780 feet from the east section line	750	334	900	685.1	July 9, 2002
Northeast Well Field TOTALS		7,200	2,569	8,640	7,255.4	

Northwest Well Field

Well No. (Permit No.)	Legal Description	Decreed Pumping Rate (gpm)	Remaining Pumping Rate – Conditional (gpm)	Decreed Annual Volume (af/y)	Remaining Annual Volume – Conditional (af/y)	Appropriation Date
83 (80929-F)	NE1/4 SW1/4, Sec. 2, T2S, R67W, 2600 feet from the south section line and 1500 feet from the west section line	1,500	1,500	1,800	1,800	Dec. 12, 2001
86 (80930-F)	SW1/4 SW1/4, Sec. 2, T2S, R67W, 1300 feet from the south section line and 450 feet from the west section line	1,500	1,500	1,800	1,800	Dec. 11, 2002
87 (N/A)	SE1/4 NW1/4, Sec. 10, T2S, R67W, 1700 feet from the north section line and 1500 feet from the west section line	300	300	360	360	Dec. 12, 2001
92 (N/A)	NW1/4 SE1/4, Sec. 2, T2S, R67W, 1890 feet from the south section line and 1420 feet from the east section line	600	600	720	720	Dec. 11, 2002
93 (64937-F)	SE1/4 NW1/4, Sec. 2, T2S,	1,500	1,287	1,800	1,714.3	Dec. 11, 2002

	R67W, 1450 feet from the north section line and 1875 feet from the west section line					
94 (80928-F)	NW1/4 SW1/4, Sec. 2, T2S, R67W, 2250 feet from the south section line and 950 feet from the west section line	1,500	1,500	1,800	1,800	Dec. 11, 2002
96 (278033)	SE1/4 SE1/4, Sec. 3, T2S, R67W, 1150 feet from the south section line and 500 feet from the east section line	1,500	1,500	1,800	1,800	Dec. 11, 2002
97 (N/A)	NE1/4 SW1/4, Sec. 11, T2S, R67W, 2130 feet from the south section line and 2465 feet from the west section line	750	750	900	900	Dec. 11, 2002
98 (N/A)	NE1/4 NW1/4, Sec. 11, T2S, R67W, 900 feet from the north section line and 1500 feet from the west section line	700	700	840	840	Dec. 11, 2002
99 (N/A)	SE1/4 SW1/4, Sec. 10, T2S, R67W, 600 feet from the south section line and 2270 feet from the west section line	1,800	1,800	2,160	2,160	Dec. 11, 2002
100 (286768)	NE1/4 SE1/4, Sec. 9, T2S, R67W, 1450 feet from the south section line and 1245 feet from the east section line	3,000	3,000	3,600	3,600	Dec. 11, 2002
Northwest Well Field TOTALS		14,650	14,437	17,580	17,494.3	

Southwest Well Field

Well No. (Permit No.)	Legal Description	Decreed Pumping Rate (gpm)	Remaining Pumping Rate – Conditional (gpm)	Decreed Annual Volume (af/y)	Remaining Annual Volume – Conditional (af/y)	Appropriation Date
88 (65910-F)	NE1/4 NE1/4, Sec. 29, T2S, R67W, 1320 feet from the north section line and 10 feet from the east section line	2,000	352	2,000	406.4	Dec. 12, 2001
101 (N/A)	SE1/4 NW1/4, Sec. 15, T2S, R67W, 1580 feet from the north section line and 2600 feet from the west section line	1,500	1,500	1,800	1,800	Dec. 11, 2002
102 (N/A)	SW1/4 SW1/4, Sec. 15, T2S, R67W, 700 feet from the south section line and 425 feet from the west section line	850	850	1,020	1,020	Dec. 11, 2002
103 (N/A)	NW1/4 NE1/4, Sec. 16, T2S, R67W, 670 feet from the north section line and 2650 feet from the west section line	2,500	2,500	3,000	3,000	Dec. 11, 2002
104 (N/A)	SW1/4 SW1/4, Sec. 16, T2S, R67W, 1000 feet from the south section line and 850 feet from the west section line	500	500	600	600	Dec. 11, 2002
105 (287810)	SE1/4 NW1/4, Sec. 21, T2S,	2,500	2,500	3,000	3,000	Dec. 11, 2002

	R67W, 2450 feet from the north section line and 2350 feet from the west section line					
106 (N/A)	NE1/4 NW1/4, Sec. 21, T2S, R67W, 435 feet from the north section line and 1750 feet from the west section line	1,000	1,000	1,200	1,200	Dec. 11, 2002
107 (N/A)	NW1/4 NW1/4, Sec. 21, T2S, R67W, 305 feet from the north section line and 1000 feet from the west section line	2,500	2,500	3,000	3,000	Dec. 11, 2002
108 (N/A)	NW1/4 SW1/4, Sec. 21, T2S, R67W, 2215 feet from the south section line and 175 feet from the west section line	1,500	1,500	1,800	1,800	Dec. 11, 2002
109 (N/A)	NE1/4 NE1/4, Sec. 20, T2S, R67W, 800 feet from the north section line and 575 feet from the east section line	250	250	300	300	Dec. 11, 2002
110 (N/A)	NE1/4 SW1/4, Sec. 16, T2S, R67W, 2200 feet from the south section line and 1750 feet from the west section line	600	600	720	720	Dec. 11, 2002

111 (N/A)	SW1/4 NE1/4, Sec. 20, T2S, R67W, 1950 feet from the north section line and 2100 feet from the east section line	300	300	360	360	Dec. 11, 2002
112 (N/A)	SW1/4 SE1/4, Sec. 20, T2S, R67W, 1100 feet from the south section line and 2050 feet from the east section line	250	250	300	300	Dec. 11, 2002
Southwest Well Field TOTALS		16,250	14,602	19,100	17,506.4	

SACWSD Well Field TOTALS	Decreed Annual Volume (af/yr) 30,190	Remaining Annual Volume – Conditional (af/y) 27,361.4
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3.5 Annual volumetric limits: The 01CW258 Decree grouped the SACWSD Alluvial Wells into three well fields - Northwest Well Field, Northeast Well Field and Southeast Well Field, as shown in the tables above. Each well field is authorized to pump up to a maximum cumulative rate for all wells in the well field, and up to a maximum volume of water from all wells in the well field, as follows: the Northeast Well Field may pump up to 8,640 acre-feet/year, at a maximum cumulative rate of 7,200 gpm; the Northwest Well Field may pump up to 17,580 acre-feet/year, at a maximum cumulative rate of 14,650 gpm; and the Southwest Well Field may pump up to 19,100 acre-feet/year, at a maximum cumulative rate of 16,250 gpm. In addition to the volumetric limits for individual SACWSD Alluvial Wells and for the Northeast, Northwest and Southwest Well Fields, respectively, the water rights for the SACWSD Alluvial Wells are limited to total annual pumping of 30,190 acre-feet/year. 3.6 Source: Ground water tributary to the South Platte River. 3.7 Use: Water supply (potable and non-potable) for South Adams County Water and Sanitation District (the “District”) for municipal, irrigation, augmentation, domestic, industrial, commercial, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, sewage treatment, mechanical, manufacturing, street sprinkling, substitution and exchange and replacement including both immediate application for such purposes and storage for subsequent application for such purposes. **APPROPRIATIVE RIGHTS OF EXCHANGE** 4. Description of conditional appropriative rights of exchange: 4.1 Original decree: The subject conditional appropriative rights of exchange were originally decreed by this Court in Case No. 2001CW258 on September 15, 2010 (“SACWSD 01CW258 Exchanges”). 4.2 Previous diligence decree: Case No. 2016CW3116 entered by this court on July 30, 2018. 4.3 Description of the SACWSD 01CW258 Exchanges: The SACWSD 01CW258 Exchanges authorize the exchange of certain sources of fully consumable water to allow the District to replace stream depletions occurring within the District’s well depletion reach defined in the 01CW258 Decree or for delivery of water to storage in Wattenberg Reservoir, by use of the Brighton Ditch, or in Howe-Haller, Hazeltine, Road Runner’s Rest II, Brinkmann-Woodward,

Tanabe and Dunes Reservoirs (collectively, the “Joint Denver Gravel Pit Lakes”), by use of the Fulton Ditch. The reach of the South Platte River within which flows will be depleted by the District’s wells begins at an upstream point which is at or below the confluence of Sand Creek near the south quarter corner of Section 1, Township 3 South, Range 68 West of the 6th P.M., and extends downstream to a point in the City of Brighton at the Colorado State Highway 7 bridge at the southerly section line of Section 1, Township 1 South, Range 67 West of the 6th P.M. (“Depletion Reach”). The overall exchange reach and the structures involved in the SACWSD 01CW258 Exchanges are shown in **Exhibit B**. Each exchange is more particularly described, as follows: 4.3.1 Description of exchange reaches and rates of exchange: 4.3.1.1 Meadow Island No. 1 Exchange: from the location where the Meadow Island No. 1 - Little Dry augmentation station, located in the SE1/4, Section 13, Township 2 North, Range 67 West of the 6th P.M., releases water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M., for subsequent exchange to the Depletion Reach; or to the Brighton Ditch headgate, located on the west bank of the South Platte River in the SE1/4 SE1/4, Section 11, Township 1 South, Range 67 West, 6th P.M. (“Brighton Ditch Headgate”) for storage in Wattenberg Reservoir; or to the Fulton Ditch headgate, located in the NE1/4 of the NE1/4 of the SE1/4 of Section 17, Township 2 South, Range 67 West of the 6th P.M. (“Fulton Ditch Headgate”) for storage in the Joint Denver Gravel Pit Lakes; at the rate of 3.93 cfs, conditional. 4.3.1.2 Lupton Bottom Exchange: from the locations where the Lupton Bottom - East Lateral augmentation station, located in the SE1/4 of the SE1/4, Section 12, Township 2 North, Range 67 West of the 6th P.M., releases water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M.; the Lupton Bottom - West Lateral augmentation station, located near the center of Section 36, Township 2 North, Range 67 West of the 6th P.M., which releases water down Little Dry Creek which flows into the South Platte River in the SE1/4 of the NE1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M.; or the Lupton Bottom - End of West Lateral augmentation station, located in the W1/2 of the E1/2, Section 27, Township 3 North, Range 67 West, near the quarter section line between the NE1/4 and the SE1/4, which releases water down Grafflin Slough which flows into the South Platte River in the NW1/4 of the NW1/4 of Section 24, Township 3 North, Range 67 West of the 6th P.M. for subsequent exchange to the Depletion Reach, or to the Brighton Ditch Headgate for storage in Wattenberg Reservoir, or to the Fulton Ditch Headgate for storage in the Joint Denver Gravel Pit Lakes; at the rate of 13.80 cfs, conditional. 4.3.1.3 Brighton Ditch Exchange: from the locations where the Brighton Ditch - Big Dry augmentation station, located in an existing ditch turnout in the NW1/4 of the SW1/4, Section 12, Township 1 North, Range 67 West of the 6th P.M., which releases water down Big Dry Creek to the confluence of the South Platte River in the NW1/4 of the NW1/4, Section 7, Township 1 North, Range 66 West of the 6th P.M., or the Brighton Ditch - Wattenberg augmentation station, located in the SW1/4, Section 25, or NW1/4, Section 36, Township 1 North, Range 67 West of the 6th P.M., which releases water to the South Platte River in the NW1/4 of the SW1/4 or SW1/4 of the NW1/4, Section 30, Township 1 North, Range 66 West of the 6th P.M. (“Brighton Ditch – Wattenberg Augmentation Station”), for subsequent exchange to the Depletion Reach; or the Fulton Ditch Headgate for storage in the Joint Denver Gravel Pit Lakes; at the rate of 2.48 cfs, conditional. 4.3.1.4 Fulton Ditch Exchange: from the locations where the Fulton - County Line augmentation station, located in the SW1/4 of the NE1/4, Section 5, Township 1 South, Range 66 West of the 6th P.M., which releases water to the South Platte River near the north section line of Section 6, Township 1 South, Range 66 West of the 6th P.M.; the Fulton - Gravel Lakes augmentation station, located in the SE1/4 of the NE1/4, Section 9, Township 2 South, Range 67 West of the 6th P.M., which releases water to the South Platte River at any of three locations: NW1/4, Section 9; SW1/4, Section 4, above the headgate of the Brantner Ditch; or near the north quarter corner of Section 3, Township 2 South, Range 67 West of the 6th P.M.; or the Fulton - Headgate augmentation station, located in the NW1/4, Section 16, Township 2 South, Range 67 West, at or upditch from 104th Avenue, which releases water to the South Platte River near the east section line of Section 17, Township 2 South, Range 67 West of the 6th P.M., for subsequent exchange to the Depletion Reach; at the rate of 12.68 cfs, conditional. 4.3.1.5 Wattenberg Storage Exchange: from the locations where the Brighton Ditch - Wattenberg Augmentation Station or Wattenberg Storage Reservoir outlet, located in the NW1/4 SW1/4 or

the SW1/4 NW1/4 of Section 30, Township 1 North, Ranch 66 West of the 6th P.M., which delivers water to the South Platte River for subsequent exchange to the Fulton Ditch Headgate for storage in the Joint Denver Gravel Pit Lakes; at the rate of 50 cfs, conditional. 4.4 Sources of exchange water: The water rights and sources of water described in paragraph 34 of the 01CW258 Decree. 4.5 Date of appropriation: December 12, 2001. 4.6 Use of exchanged water: The exchanged water will be used for municipal, irrigation, augmentation, domestic, industrial, commercial, stock watering, recreation, fish and wildlife preservation and propagation, fire protection, aquifer recharge purposes, sewage treatment, mechanical, manufacturing, street sprinkling, substitution and exchange, and replacement including both immediate application for such purposes and storage for subsequent application for such purposes. The District intends to fully consume the exchanged water, and subject to the terms and conditions in the 01CW258 Decree, the exchanged water may be used to extinction for the uses described herein either directly or after diversion or re-diversion to storage. **CLAIM FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE** 5. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use: The District provides water and wastewater services to nearly 68,000 customers in Commerce City and Adams County. The District maintains a diverse portfolio of water rights – both conditional and absolute – in order to provide potable and non-potable water to its present and future customers. The conditional ground water rights for the SACWSD Alluvial Wells and the SACWSD 01CW258 Exchanges (collectively the “Subject Conditional Water Rights”) are integral to the District’s overall water supply system, and the District has during the diligence period and will continue to pursue development and beneficial use of these water rights as growth continues and water demands increase within District. The diligence period for the Subject Conditional Water Rights is July 30, 2018 through July 31, 2024 (“Diligence Period”). The District’s 2020 Water System Master Plan anticipates that, at build out, the District will require a municipal water supply of 35,259 acre-feet of water per year. To meet this demand, the District has and will continue to construct and put into production the SACWSD Alluvial Wells. At present, the District has completed and put into production Wells 31, 35, 81, 82, 84, 85 and 91 in the Northeast Well Field; Wells 83, 86, 93, and 94 in the Northwest Well Field; Wells 83, 86, 93 and 94 in the Northwest Well Field; and Well 88 in the Southwest Well Field. Well 89 in the Northeast Well Field and Well 96 in the Northwest Well Field have been drilled and are permitted as monitoring wells, and will be put into production when necessary. The SACWSD Alluvial Wells are included in the District’s plan for augmentation, as decreed in Consolidated Cases Nos. W-8440-76 and W-8517-77 and subsequent Case Nos. W-8440-76A-D, and as expanded in Cases Nos. 1997CW353, 2000CW102, 2001CW258 (“01CW258 Decree”), 2005CW115 (“05CW115 Decree”), 2006CW285 (“06CW285 Decree”), 2007CW303, 2010CW304, and 2015CW3177, and pending Case Nos. 2022CW3063, 23CW3068, and 23CW3089. The SACWSD 01CW258 Exchanges, in conjunction with the operation of the District’s plan for augmentation, are and will be used by the District to augment stream depletions associated with the SACWSD Alluvial Wells or to exchange the District’s fully consumable water associated with certain sources of substitute supply into storage for use within the District’s municipal system and/or for subsequent release for augmentation purposes. The Subject Conditional Water Rights are part of the District’s integrated water supply system to supply water for municipal purposes. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown on the development of the water rights for all features of the entire project or system.” C.R.S. §37-92 301(4)(b). Consequently, all work and expenditures by the District in connection with its municipal water system directly and indirectly constitute part of the District’s reasonable diligence in developing the Subject Conditional Water Rights. During the Diligence Period, the District has engaged in the following activities and incurred the following costs in its efforts to develop, operate and maintain its municipal water supply system and develop the Subject Conditional Water Rights, to complete the appropriation, and place the water to beneficial use: 5.1 The District has incurred an average of approximately \$5.4 million per year in general costs and expenses in support of its municipal water supply system and for maintaining, protecting and expanding its system. 5.2 Over the Diligence Period, the District has incurred an average of \$4.2 million per year in engineering fees for engineering work in support of its municipal supply system generally, and has incurred additional

engineering fees each year associated with specific capital improvement projects. 5.3 On average during the Diligence Period, the District spent approximately \$28 million per year on capital improvement projects associated with its municipal supply system including without limitation: (a) completion of a water transmission main from Wells 21, 47, and 88 to the District’s Klein Water Treatment Facility; and (b) construction of a state-of-the-art water softening plat at the District’s Klein Water Treatment Facility. The District has an ongoing water distribution and main rehabilitation program and is currently constructing a state-of-the-art ion exchange treatment facility at the District’s Klein Water Treatment Facility. 5.4 The District incurred a total of \$1.4 million in engineering fees associated with maintenance of its existing water supplies, including but not limited to such activities as accounting for the District’s water use, operation of and accounting for the District’s plan for augmentation, protecting the District’s water rights from injury by opposing water court applications, and assisting the District with daily water operations. 5.5 The District paid \$1,440,323.00 in legal fees to obtain decrees for water rights that are part of the District’s integrated water system and for participating as an opposer in various Water Court cases to protect the District’s water rights against injury from other water users. 5.6 The District completed a comprehensive Water System Master Plan in 2011, which includes planning specific to the SACWSD Alluvial Wells. South Adams has spent \$715,000 on updating its Water System Master Plan during the Diligence Period. 5.7 The District has and continues to work with the City of Commerce City on planning, growth projections and water supply demand projections, as the District’s service area is primarily within the City’s boundaries. In addition to in-house staff time at the District, the District incurred \$0.75 million in consultants’ fees for planning-related work during the Diligence Period. 6. Claim to make all or portions of the ground water rights decreed to the SACWSD Alluvial Wells absolute: The District has completed its appropriation of a portion or all of the remaining conditional ground water rights associated with certain of the SACWSD Alluvial Wells, by pumping water from a well and delivering the water to beneficial use within its municipal system. The District seeks to make the remaining conditional ground water rights decreed to the SACWSD Alluvial Wells absolute in the amounts and at the rates described in the table below:

Northeast Well Field

Well No. (Permit No.)	Maximum Pumping Rate (gpm)	Most Recent Date on which Maximum Pumping Rate Occurred*	Additional Pumping Rate Claimed Absolute (gpm)	Maximum Annual Volume (af/y)	Year in Which Maximum Annual Volume was Pumped	Additional Annual Volume Claimed Absolute (af/y)
35 (76306-F)	N/A – all absolute	N/A – all absolute	N/A – all absolute	388.5	2020	117.6
82 (76308- F)	N/A – not in excess of existing absolute rate	N/A – not in excess of existing absolute rate	N/A – not in excess of existing absolute rate	579.2	2021	240.8
84 (81699- F)	847.0	5/23/2024	N/A – not in excess of existing absolute rate	623.3	2023	623.3
Northeast Well Field	5478	N/A	847	1,524.6	2021	140.0

Pumping TOTALS						
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Northwest Well Field

Well No. (Permit No.)	Max Pumping Rate (gpm)	Most Recent Date on which Maximum Pumping Rate Occurred*	Additional Pumping Rate Claimed Absolute (gpm)	Maximum Annual Volume (af/y)	Year in which Maximum Annual Volume was Pumped	Additional Annual Volume Claimed Absolute (af/y)
83 (80929-F)	58.2	June 2021	58.2	7.7	2021	7.7
86 (80930-F)	227.7	May 2020	227.7	78.9	2018	78.9
93 (64937-F)	231.0	5/30/2024	18	86.1	2019	0.4
94 (80928-F)	256.3	May 2022	256.3	117.7	2021	117.7
Northwest Well Field Pumping TOTALS	773.2	N/A	560.2	86.1	2019	0.4

Southwest Well Field

Well No. (Permit No.)	Maximum Pumping Rate (gpm)	Most Recent Date on which Maximum Pumping Rate Occurred*	Additional Pumping Rate Claimed Absolute (gpm)	Maximum Annual Volume (af/y)	Year in which Maximum Annual Volume was Pumped	Additional Annual Volume Claimed Absolute (af/y)
88 (65910-F)	N/A – not in excess of existing absolute rate	N/A – not in excess of existing absolute rate	N/A – not in excess of existing absolute rate	1,956.3	2021	362.7
Southwest Well Field Pumping TOTALS	N/A – not in excess of existing absolute rate	N/A – not in excess of existing absolute rate]]	N/A – not in excess of existing absolute rate	1,956.3	2021	362.7

***Wells may have pumped at the claimed maximum pumping rate on numerous occasions. As part of this Application, the District may provide evidence that the maximum pumping rate was achieved on the date identified in this Application or on another date.**

7. Total annual well pumping from all SACWSD Alluvial Wells: In 2021, the District pumped a total annual volume of 3,544.3 acre-feet from all SACWSD Alluvial Wells. In Case No. 16CW3116 the District made absolute 2,828.6 acre-feet of the 30,190 acre-foot total annual volumetric limit originally decreed in Case No. 01CW258 for all of the SACWSD Alluvial Wells (“01CW258 Maximum Annual SACWSD Alluvial Well Pumping Limit”) leaving 27,361.4 acre-feet of the 01CW258 Maximum Annual SACWSD Alluvial Well Pumping Limit as conditional. Accordingly, this application seeks to make an additional 715.7 acre-feet of the 01CW258 Maximum Annual SACWSD Alluvial Well Pumping Limit absolute. 8.

Diversion of water rights while application is pending: The District will continue to divert the water rights decreed to the SACWSD Alluvial Wells while this Application is pending. Accordingly, as part of this Application, the District may seek to make absolute additional portions of the conditional water rights decreed to the SACWSD Alluvial Wells without the need to amend this Application to the extent the District diverts rates and volumes in excess of the rates and volumes described above during the pendency of this Application. 9. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: 9.1 Wattenberg Reservoir: City of Westminster, c/o Director of Public Works, 4800 West 92nd Avenue, Westminster, CO 80030. 9.2 Joint Denver Gravel Pit Lakes: The City and County of Denver, acting by and through its Board of Water Commissioners, 1600 West 12th Avenue, Denver, Colorado 80204. WHEREFORE, the District respectfully requests that the Court enter a decree making the Subject Conditional Water Rights absolute, as described above, and/or finding that the District has proceeded with reasonable diligence toward the completion of the appropriation of the Subject Conditional Water Rights, and continuing in full force and effect for an additional diligence period the portions of the Subject Conditional Water Rights that remain conditional.

CASE NO. 2024CW3115 KENNETH J. MAYER. 14534 Weld County Road 19, Platteville, CO, 8065, 970-785-6067 (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). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY.** **MAYER JUNIOR RIGHT.** 2. Name of Water Right. Mayer Junior Right. 3. Source. South Platte River. 4. Points of Diversion. The Mayer Junior Right will be diverted from the following points of diversion: 4.1 Beeman Ditch. The river headgate shared by the Beeman Ditch and the Meadow Island No. 2 Ditch, located in the NW 1/4 of Section 1, Township 2 North, Range 67 West of the 6th P.M. (“Beeman Ditch”). 4.2 Meadow Island No. 1 Ditch. The decreed point of diversion of the Meadow Island No. 1 (Side Hill Ditch) located in the SE 1/4 of Section 12, Township 2 North, Range 67 West of the 6th P.M. The river headgate is located in the SW 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M. 5. Appropriation Date. December 20, 2013. 6. Amount Claimed. 6.1 A total of 10 c.f.s. (Conditional) may be diverted pursuant to the Mayer Junior Right. Of this 10 c.f.s., a maximum of 5 c.f.s. (Conditional) may be diverted at the Beeman Ditch, and a maximum of 5 c.f.s. (Conditional) may be diverted at the Meadow Island No. 1 Ditch. The flow rate for each point of diversion for the Mayer Junior Right shall be measured at the Beeman Ditch and the Meadow Island No. 1 Ditch River headgates, described in ¶¶10.1 and 10.2, respectively. 7. Uses. Augmentation and replacement, by storage, recharge and/or exchange in the plan for augmentation and change of water rights approved in this Decree. Augmentation uses may also include assignment to the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District for use in the augmentation plan decreed in 03CW99 to support diversions of the Nishimoto Well 3-12015 and Nishimoto Well 3-12015 West Half water rights. 8. Description of Recharge. Water diverted under the Mayer Junior Right will be delivered into the Mayer Recharge Pond described in ¶15 of this Decree and will be allowed to seep into the underlying alluvial aquifer of the St. Vrain Creek and South Platte River to generate accretions to the South Platte River and St. Vrain Creek. Applicant does not claim and shall not be entitled to claim accretions to the South Platte River or its tributaries from seepage, if any, from the Beeman Ditch or the Meadow Island No. 1 Ditch from the carriage of the Mayer Junior Right in said facilities. 9. Recharge. The Mayer Junior Right will be diverted into and delivered via the Beeman Ditch and Meadow Island No.1 Ditch to the following recharge pond, either directly or via the Mayer Reservoir: 9.1 Mayer Recharge Pond. 9.1.1 Legal Description of Location of Mayer Recharge Pond: SE 1/4 of the NW 1/4 of Section 22, Township 3 North, Range 67 West of the 6th P.M. 9.1.2 Surface Area at High Water Line: 1.5 acres. 9.1.3 Capacity: 30 acre-feet. 9.1.4 Location of Accretions: Accretions from the Mayer Recharge Pond accrue to both St. Vrain Creek and the South Platte River upstream of the confluence of these two streams, located in Section 34, T4N, R67W. Forty-three percent (43%) of total accretions accrue to St. Vrain Creek between Section 29, T3N, R67W and the St. Vrain/South Platte confluence. Thirty-six

percent (36%) of total accretions accrue to the South Platte River between the Western Mutual Ditch headgate, located in Section 11, T3N, R67W and the St. Vrain/ South Platte confluence. Twenty-one percent (21%) of total accretions accrue above the Western Mutual Ditch headgate, located on the South Platte River in the Section 11, T3N, R67W, and for purposes of administration of this Decree shall be deemed to accrue immediately upstream of the Western Mutual Ditch headgate. 9.1.5 Timing of Accretions: Timing of accretions shall be calculated using the Unit Response Function factors (“URF Factors”) in the table below. Each factor represents the portion of a specified amount of recharged water delivered to the aquifer in a given month that is expected to accrue to St. Vrain Creek and the South Platte River in that month and in the subsequent 43 months.

Monthly URFs for the Mayer Recharge Pond			
Month	URF	Month	URF
1	0.0024	23	0.0137
2	0.0326	24	0.0126
3	0.0707	25	0.0116
4	0.0768	26	0.0107
5	0.0741	27	0.0099
6	0.0686	28	0.0091
7	0.0627	29	0.0085
8	0.0567	30	0.0079
9	0.0511	31	0.0072
10	0.0461	32	0.0068
11	0.0416	33	0.0063
12	0.0374	34	0.0058
13	0.0334	35	0.0056
14	0.0302	36	0.0051
15	0.0275	37	0.0048
16	0.0252	38	0.0045
17	0.0229	39	0.0042
18	0.0210	40	0.0039
19	0.0191	41	0.0037
20	0.0175	42	0.0035
21	0.0160	43	0.0032
22	0.0147	44	0.0031

9.1.6 Amount of Accretions: Monthly amounts accruing to St. Vrain Creek and the South Platte River shall be calculated by multiplying the monthly amounts credited to recharge (¶16.2) by the percentages identified in 15.1.4 above, by the URF Factors. Daily amounts shall be calculated by dividing the monthly amounts by the number of days in a given month. 10. Storage - Mayer Reservoir. Water stored in Mayer Reservoir will be diverted under (1) the Mayer Junior Right; (2) water available to the Meadow Island Shares, as defined in ¶28 below; (3) Excess Accretions, as defined in ¶20 below, delivered pursuant to the Mayer Exchange Right; (4) water delivered under free river conditions; and (5) any additional or alternative supplies added to the Augmentation Plan pursuant to ¶39. The Mayer Reservoir will be lined and approved in accordance with the State Engineer’s Guidelines as they exist at the time of the Mayer Reservoir construction. In the event that a liner failure is occurring or has occurred, Applicant shall repair the liner in

accordance with the State Engineer's Guidelines for Lining Criteria. Mayer shall provide notice to the State and Division Engineer and to all Opposers in this case within 60 days after the failure occurred, and Applicant and the State or Division Engineer shall meet regarding the probable cause of the unregulated groundwater inflow, if any, and shall reach agreement as to the appropriate actions to be taken by Applicant in response thereto. Applicant shall notify all opposers of the date of such meeting. If the State or Division Engineer and Applicant cannot reach an agreement on the appropriate actions to reduce the unregulated groundwater inflow to less than the Performance Standard within nine (9) months of the date Applicant provided notice of such failure to the State and Division Engineer, the State or Division Engineer shall provide written notice to Applicant of their determination regarding how to correct this problem. Applicant shall then have two (2) years from the date of such written notice to repair the liner to prevent inflow in the amount greater than the limit allowed under the Performance Standard. If satisfactory repairs are not completed within the two (2) year period, no additional water shall be stored in Mayer Reservoir until either (1) the liner is satisfactorily repaired to perform under the Performance Standard; or (2) the issue is decided by the Water Court in a separate action. If the liner for Mayer Reservoir is not satisfactorily repaired, the State or Division Engineer may declare Mayer Reservoir to be a well requiring a well permit. 11. Physical Description of Mayer Reservoir: 11.1 Legal Description of Location of Mayer Reservoir. SE 1/4 of the NW 1/4 of Section 22, Township 3 North, Range 67 West of the 6th P.M. 11.2 Surface Area at High Water Line: 2 acres. 11.3 Capacity: 20 acre-feet, with the right to fill and refill in priority, pursuant to the priority of the Mayer Junior Right decreed herein, subject to the volumetric limit set forth in ¶16.4.1. 11.4 Outlet: Releases of water stored in Mayer Reservoir will be made to: (1) the Mayer Recharge Pond and/or (2) St. Vrain Creek via the Mayer Augmentation Ditch Branch A, or Mayer Augmentation Ditch Branch B. NISHIMOTO WELL 3-12015 - WEST HALF RIGHT. 12. Name of Water Right: Nishimoto Well 3-12015 West Half Right. 13. Source and Point of Diversion. The Nishimoto Well 3, WDID No. 0207458 ("Nishimoto Well 3"), is located in the SE ¼ of the NW 1/4 of Section 22, Township 3 North, Range 67 West of the 6th P.M., at a point 2,608 feet from the west section line and 20 feet from the south section line of the NW 1/4 of said Section 22. The source of supply of the Nishimoto Well 3 is the alluvium of the South Platte River. 14. Date of appropriation: December 20, 2013. 15. How appropriation was initiated: Formation of intent to appropriate water to a beneficial use, engineering analysis, filing of this application. 16. Amount: 2.0 c.f.s., conditional. 17. Uses: Water diverted pursuant to the Nishimoto Well 3-12015 West Half Right will be used for irrigation of 80 acres located in the W 1/2 of the NW 1/4 of Section 22, Township 3 North, Range 67 West of the 6th P.M. 18. Location of Depletions. Depletions from pumping of the Nishimoto Well 3-12015 West Half Right affect both St. Vrain Creek and the South Platte River upstream of the confluence of these two streams, which is located in Section 34, T4N, R67W. Thirty-eight percent (38%) of total depletions affect St. Vrain Creek between Section 29, T3N, R67W and the St. Vrain/South Platte confluence. Thirty-nine percent (39%) of total depletions affect the South Platte River between the Western Mutual Ditch headgate, located Section 11, T3N, R67W and the St. Vrain/South Platte confluence. Twenty-three percent (23%) of total depletions affect the South Platte River above the Western Mutual Ditch headgate, located on the South Platte River in Section 11, T3N, R67W, and for purposes of administration of this Decree shall be deemed to occur immediately upstream of the Western Mutual Ditch headgate. MAYER EXCHANGE RIGHT. 19. General Description of Mayer Exchange Right. Applicant claims the following right of substitution and exchange pursuant to C.R.S. §§ 37-82-106, 37-83-104, and 37-92-101 *et seq.* Applicant seeks to exchange Excess Accretions accruing to the St. Vrain Creek at its confluence with the South Platte River downstream of the river headgate shared by the Beeman Ditch and Meadow Island No. 2 Ditch Company and also downstream of the Meadow Island No. 1 Ditch Company river headgate to points upstream of such headgates for re-diversion and delivery to the Mayer Recharge Pond identified herein or for use for storage in the Mayer Reservoir. 20. Sources of Substitute Supply. Excess Accretions resulting from the delivery of the Meadow Island Shares and the Mayer Junior Right to the Mayer Recharge Pond. 21. Exchange From Location. Confluence of the St. Vrain Creek and the South Platte River in Section 34, Township 4 North, Range 67 West of the 6th P.M. 22. Exchange To Locations. 22.1 The headgate shared by the Beeman Ditch Company and the Meadow Island No. 2 Ditch Company, located in NW 1/4 of Section 1, Township 2 North, Range 67 West of the 6th P.M. 22.3 The headgate of

the Meadow Island No. 1 Ditch Company located in Section 12, Township 2 North, Range 67 West of the 6th P.M. 23. Amount. 2.0 c.f.s., conditional, measured at the river headgates of the Meadow Island No. 1 and/or Beeman Ditches. The exchange rate of 2.0 c.f.s. is the combined maximum that can be diverted by exchange at any one or both of the exchange-to locations. 24. Appropriation Date. December 20, 2013. 25. Use. The waters will be used for the purposes decreed for each source of substitute supply. 26. Outline of work done in furtherance of perfecting the Mayer Junior Right, Nishimoto Well 12015 – West Half Right and Mayer Exchange Right: 26.1 Paragraph 68 of the 2103CW3153 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. 26.2 Applicant consistently diverted the Nishimoto Well 3-12015 – West Half Right and applied it to the decreed use of irrigation. 26.3 Applicant has consulted with legal counsel regarding the legal aspects of the rights and water rights applications, filing of notices required under the 13CW3153 Decree, and monitoring developments potentially affecting the water rights. Since the 13CW3153 decree, Applicant has expended more than \$3260 in legal fees. 26.4 Applicant has maintained infrastructure associated with the conditional water rights decreed in 13CW3153 and its integrated system. Since the entry of the 13CW3153 Decree, Applicant has spent more than \$6500 on maintenance of ditches and reconstruction of a ditch headgate. 27. Claim to Make Absolute: Applicant seeks a decree confirming the Nishimoto Well 3-1205 – West Half Right as absolute. 28. Claim for Finding of Diligence: Applicant seeks a finding of diligence on the Mayer Junior Right and the Mayer Exchange Right. 29. Remarks: The structures referenced in this Application include the river headgates and ditches of the Beeman Ditch and the Meadow Island No.1 Ditch. The other structures described are located on lands owned by Applicant. Respectfully submitted this 31st day of July, 2024.

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