

**DISTRICT COURT, WATER DIVISION 1, COLORADO
 SEPTEMBER 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 **SEPTEMBER 2024** for each County affected. (This publication can be viewed in its entirety on the state court website at: www.coloradojudicial.gov)

CASE NUMBER 2024CW3126 ROGER D. WILLIAMS AND DIANNE M. WILLIAMS, 6180 Morrow Point, Colorado Springs, CO 80908. Please address all pleadings and documents to Chris D. Cummins and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND ADJUDICATION OF DENVER BASIN GROUNDWATER IN EL PASO COUNTY**. Roger D. Williams and Dianne M. Williams (“Applicants”) seek to adjudicate and quantify the Denver Basin groundwater underlying their properties, as defined below. Application for Underground Water Rights. Property Description. Applicants own two adjacent parcels in El Paso County, Colorado. Both parcels are located in the SE1/4 of the NW1/4 of Section 19, Township 11 South, Range 65 West of the 6th P.M., recorded as Parcel Nos. 5119002014 (“Parcel No. 1”) and 5119002012 (“Parcel No. 2”). Parcel No. 1 is approximately 7.88 acres, and Parcel No. 2 is approximately 7.9 acres. Together these two parcels are approximately 15.78 acres (“Applicants’ Properties”). Applicants’ Properties are depicted on the attached **Exhibit A** map. Existing Well. There is one existing well on Applicants’ Properties (“Williams Well No. 1”), the approximate location of which is depicted on attached **Exhibit A**. Williams Well No. 1 is located on Parcel No. 2, and is an exempt domestic well pursuant to C.R.S. § 37-92-602(3)(b)(II)(A) with Division of Water Resources Permit No. 226960 for the Denver aquifer, permit attached as **Exhibit B**. Williams Well No. 1 is drilled to a total depth of approximately 1,340 feet, and is located 2,050 feet from the north section line, and 2,630 feet from the west section line. Applicant intends for this well and any replacement wells to remain exempt. Water Source. Not-Nontributary. The groundwater that will be withdrawn from the Dawson aquifer underlying Applicants’ Properties is not-nontributary as described in C.R.S. § 37-90-103(10.7). Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants’ Properties is nontributary as described in C.R.S. § 37-90-103(10.5). Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities and any limitations pursuant to a subsequently entered augmentation plan. The Applicants request the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Groundwater Available. Applicants request a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicants’ Properties. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Subdivision Regulations, which is more stringent than the State of Colorado’s 100-year life requirement pursuant to C.R.S. § 37-90-137(4), or over said 100-year life. Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants’ Properties:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
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Dawson (NNT)	487.4	1,538	15.38	5.12
Denver (NT)	502.5	1,048 ¹	10.48	3.49
Arapahoe (NT)	245.7	659	6.59	2.19
Laramie Fox Hills (NT)	200.9	476	4.76	1.58

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicants further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicants request the right to use the groundwater for beneficial uses upon the Applicants’ Properties consisting of domestic, irrigation, domestic animal and stock watering, dust suppression, equestrian facilities, agricultural, commercial, fire protection, recreation, fish and wildlife, aesthetic, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants’ Properties subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicants shall only be entitled to construct wells that are not exempt or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants’ Properties through any combination of wells. Applicants request that these wells on Parcel Nos. 1 and 2, as described above, be treated as a well field. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicants’ Properties, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants’ Properties. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located, as well as the underlying groundwater, is owned by the Applicants. Application is 7 pages.

CASE NUMBER 2024CW3127 (Prior Case No.: 22CW3112). **BRITTNEY A. FRANSIOLI AND NICHOLAS J. FRANSIOLI**, 7944 Lightwood Way, Castle Rock, CO 80908. (Please direct all pleadings and correspondence to Chris D. Cummins and W. James Tilton of Monson, Cummins, Shoet & Farr, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). **APPLICATION FOR AMENDMENT OF DECREE DETERMINING GROUNDWATER RIGHTS IN EL PASO COUNTY.** Applicants seek to amend the decree entered in Case No. 22CW3112, District Court, Water Division 1, dated February 14, 2023 (“22CW3112 Decree”) to remove their interest in the not-nontributary Dawson aquifer water in order to supply ONE (1) exempt well for their property. The 22CW3112 Decree adjudicated groundwater rights underlying approximately 292.35 acres located in the NE1/4, the N1/2 of the SE1/4, the N1/2 of the SW1/4 except the west 990 feet, and that part of the S1/2 of the S1/2 lying north of Walker Road, all in Section 10, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado, as shown on **Exhibit A** (“Decree Property”). The 22CW3112 Decree adjudicated the Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifer water underlying the Decree Property. The adjudication of the Dawson aquifer eliminated the ability of utilizing any of the Dawson aquifer water for additional exempt well permits pursuant to § 37-92-602, C.R.S. On July 13, 2023, Applicants purchased a 35+ acre parcel of land that was a part of the Decree Property, being Parcel B on the attached Land Survey Plat.

¹ Applicants will reserve 300 acre feet of Denver aquifer water to be utilized by existing Williams Well No. 1, reducing the total amount available in the Denver aquifer to the amounts estimated above.

Exhibit B. This parcel is located in the SE1/4 NE1/4 of Section 10, Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado, also known as 0002 Walker Road Parcel B, Colorado Springs, CO 80908, or 19155 Fransioli View, Colorado Springs, CO 80908, as specifically described on the attached deed, recorded at El Paso County Reception No. 223059226 (“Applicants’ Property”). **Exhibit C.** Included with the purchase of the Applicants’ Property was a portion of the groundwater rights in the not-nontributary Dawson and nontributary Denver aquifers subject of the 22CW3112 Decree, as detailed by the Special Warranty Deed recorded at El Paso County Reception No. 223059227. **Exhibit D.** Requested Amendment to 22CW3112 Decree. Applicants seek to remove and vacate a total of 200 acre feet, or two (2) annual acre-feet, of not-nontributary Dawson aquifer water underlying the Applicants’ Property from the 233 annual acre-feet adjudicated in the 22CW3112 Decree in order to be able to qualify for the issuance of exempt well permits for Applicants’ Property pursuant to § 37-92-602(1)(b), C.R.S. In order for an exempt well permit to be issued, sufficient water has to be made available to supply such well. As all the water is currently locked up in the adjudication of the 22CW3112 Decree, Applicants seek to remove the not-nontributary Dawson aquifer water deeded to them so that they may use it to supply an exempt well. Pursuant to C.R.C.P. 121, Section 1-15(8), the undersigned counsel certifies that there were no opposers to the underlying Case No. 22CW3112. Applicants were also deeded, as evidenced by **Exhibit D**, two annual acre-feet of nontributary Denver aquifer water. Applicants do not seek to amend the 22CW3112 Decree in regards to the two annual acre feet of nontributary Denver aquifer water acquired. Applicants seek no other amendments to the 22CW3112 Decree. Applicants shall comply with any lienholder notice provisions set forth in § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(I), C.R.S., and such notice will be sent within 10 days of the filing of this application. (Application 3 pages)

CASE NUMBER 2024CW3128 GENE W. DUNSTON, JR. AND MATTHEW W. DUNSTON, 1230 Scarsbrook Ct, Monument, CO, 80132-8487. Eric K Trout, McGeady Becher Cortese Williams, P.C., 450 E. 17th Avenue, Suite 400, Denver, CO, 80203. APPLICATION FOR AMENDMENT OF A PLAN FOR AUGMENTATION IN THE NONTRIBUTARY DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DAWSON AQUIFER IN EL PASO COUNTY. Subject Property: A parcel totaling approximately 19.83 acres generally located in the NE1/4 of the NE1/4 of Section 25, Township 11 South, Range 65 West of the 6th P.M., Lot 1 Thal Subdivision, also known as 5525 Hodgen Road, Colorado Springs, CO, 80908, as shown on **Exhibit A** (the “**Subject Property**”). Multi-Jurisdiction Consolidation: This application is being filed concurrently in Water Division 1 and Water Division 2. It is the Applicant’s intention to consolidate both cases into Water Division 1 once the statutory objection period is completed. Lien Holder Certification: Applicants attest that there are no mortgage or lien holders, therefore no notice is required under C.R.S. § 37-92-302(2)(b). The deed for the Subject Property is attached as **Exhibit B**. Well Permits: There are two wells on the Subject Property as follows. Additional well permits will be applied for prior to construction of additional wells: Well Permit No. 49431-F is a nontributary Denver Aquifer well, which will continue operating under its existing permit. Well Permit No. 59967-F is a not-nontributary Dawson Aquifer well, which is augmented under the approved augmentation plan in Case No. 2000CW191, Div. 1 (Case No. 2000CW98, Div. 2). This well will be re-permitted under the amended plan for augmentation requested in this application. Source of Water Rights: The Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Decree for Which Amendment is Sought: Case No. 2000CW191, District Court, Water Division 1, and Case No. 200CW98, District Court, Water Division 2, decreed on April 26, 2002 (the “**Original Decree**”). Decreed Uses: All beneficial uses, including augmentation and exchange. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation in the Original Decree (the “**Original Aug Pan**”): Groundwater to be Augmented: 3 acre-feet per year for 100 years of not-nontributary Dawson Aquifer groundwater. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Original Plan for Augmentation: The Dawson Aquifer groundwater will be used to serve up to three wells.

The well(s) will serve an equine facility (1 acre-foot per year), and up to two (2) single-family residences for domestic use (1 acre-foot per year each, 2 acre-feet total). Summary of Amended Plan for Augmentation (the “Amended Aug Plan”): Groundwater to be Augmented: 5.6 acre-feet per year of not-nontributary Dawson Aquifer groundwater for 300 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Dawson Aquifer groundwater will be used in up to seven (7) wells. Each well will provide up to 0.8 acre-feet per year for in-house use in one (1) single-family dwelling (0.3 acre-feet per year), outdoor irrigation of home lawn, garden, and pasture of 9,000 square-feet (0.45 acre-feet per year), watering of up to 4 large domestic animals (0.05 acre-feet per year), fire protection, and storage anywhere on the Subject Property. Applicants reserve the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. The proposed Amended Aug Plan is intended to replace the Original Aug Plan in its entirety. Applicants request the Court approve the above requested amended augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

CASE NUMBER 2024CW3129 ANTHONY E VERUCGI, 36375 East County Road 10, Watkins, Colorado 80137. Maria Massaro Petrocco, Law Offices of Maria Petrocco LLC, 5347 S. Valentia Way, #335, Greenwood Village, CO 80111. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ARAPAHOE COUNTY**. A parcel totaling 317.46 acres generally located in the W1/2 of Section 9, Township 4 South, Range 64 West of the 6th P.M., also identified by the street address 36375 County Road 10, Watkins, Colorado 80137. The claim of Applicant to the water underlying the Subject Lands is based upon ownership of the Subject Parcel. This application seeks a decree adjudicating all the nontributary and not-nontributary ground water in the Denver Basin Aquifers underlying the Subject Parcel. Such Aquifers include the Denver, Upper Arapahoe, Lower Arapahoe and Laramie-Fox Hills Aquifers; the actual Aquifers will be those determined to be available underlying the Subject Parcel in accordance with the Denver Basin Rules (2CCR 402-6). There is one exempt well located on the Subject Parcel, permitted under well permit no. 312124. The source of water for this well is the Upper Arapahoe Aquifer. Applicant seeks to adjudicate the water in the Upper Arapahoe Aquifer that may be withdrawn through this exempt well. Applicant estimates the following amounts may be available for withdrawal on an annual basis, based on a 100-year withdrawal period, is as follows: Denver (NNT):117.92 acre-feet; Upper Arapahoe (NT) 69.57 acre-feet; Lower Arapahoe (NT) 39.50 acre-feet; Laramie-Fox Hills (NT) 76.00 acre-feet. The final decreed amounts may vary from the above to conform to the State’s Determination of Facts. Requested uses: Applicant requests that the groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-

203(1), 37-92-302(2). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate.

CASE NUMBER 2024CW3130 (16CW3181; 09CW148; 01CW217; 94CW212; 83CW318) CITY OF LOUISVILLE, a Colorado home rule municipal corporation (“Louisville”), 749 Main Street, Louisville, Colorado, 80027 Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys for City of Louisville, Ashley P. Zahedi, #39795, Alan G. Hill, #11343, Nicoli R. Bowley, #58709, Bryan T. Stacy, #59538, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado, 80234. Tele: (303) 595-9441, ashelyz@cjzwaterlaw.com, alanh@cjzwaterlaw.com, nicolib@cjzwaterlaw.com, bryans@cjzwaterlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY**. 2. Summary of Application. Louisville seeks a finding of reasonable diligence for the remaining conditional portion of the water right decreed to the City of Louisville Pipeline in Case No. 83CW218, Water Division 1 (“Louisville Pipeline Water Right”). The portion of the Louisville Pipeline Water Right previously decreed absolute is not at issue in this Application. 3. Description of Louisville Pipeline Water Right. a. Name of Structure. City of Louisville Pipeline. b. Original Decree. December 14, 1998, Case No. 83CW218, Water Court Division 1 (“Original Decree”). c. Subsequent Diligence Decrees. November 17, 1995, Case No. 94CW212; October 16, 2003, Case No. 01CW217; December 14, 2010, Case No. 09CW148; and September 5, 2018, Case No. 16CW3181, Water Court Division 1. d. Legal Description. The intake is located on the south bank of South Boulder Creek at a point derived by beginning at the southeast corner of Section 25, T1S, R71W of the 6th P.M., Boulder County, Colorado and running thence north along the east line of said section 25, a distance of 1,264.5 feet and thence westerly at an angle of 90°, a distance of 1,515 feet and terminates at Louisville Reservoir which is located in the S1/2 of Section 6, T1S, R69W of the 6th P.M., Boulder County, Colorado, as depicted on the map attached hereto as Exhibit A. e. Source. South Boulder Creek. f. Appropriation Date. June 13, 1983. g. Amount. 1.12 cfs, conditional [this amount is in addition to the 6.615 cfs, previously decreed as absolute for the Louisville Pipeline]. h. Use. All municipal purposes, including irrigation, domestic, commercial, and industrial. When not needed for immediate use, water diverted under this priority will be stored in Louisville Reservoir. 4. Integrated System. The Louisville Pipeline Water Right is part of Louisville’s integrated municipal water system. Pursuant to C.R.S. § 37-92-301(4)(b), work on one part of an integrated water system is evidence of diligence toward completion of all water rights within the entire water system, including the Louisville Pipeline Water Right. 5. Diligence Claim. a. Diligence Period. The most recent diligence period of the Louisville Pipeline Water Right is from September 5, 2018 through September 31, 2024 (“Diligence Period”). b. Activities and Expenditures. The Louisville Pipeline Water Right is a part of Louisville’s municipal water system. Louisville is a growing city and during the last six years has done significant work on its water system. This work included the following items: i. Louisville has continued to obtain additional water resources to meet current and future demands. ii. Louisville has improved its water and wastewater treatment facilities, including its Sid Copeland Water Treatment Plant, its Howard Berry Water Treatment Plant, and its wastewater treatment plant, and improved its water storage facilities, water supply facilities, water distribution system, and collection system. iii. Louisville is a participant in the Windy Gap Firming Project and has expended funds for the completion of the Firming Project. iv. During the diligence period Louisville obtained decrees finding reasonable diligence for conditional rights in Case Nos. 17CW3095 and 23CW3028. v. In addition, during the diligence period, Louisville appeared in several Water Court cases as an opposer in order to protect its water rights from injury from others, including these conditional water rights. These cases include: 20CW3145, 20CW3216, 22CW3176, and 23CW3154. vi. Louisville’s estimated total expenditures for the activities

listed above to date exceed \$46,400,000. 6. Requested Ruling and Decree. Based on the foregoing, Louisville respectfully requests the Water Court enter a decree finding that Louisville has exercised reasonable diligence in the development of the Louisville Pipeline Water Right and continuing such right in full force and effect for a period of six years after the Court's entry of a decree herein. (4 pages, 1 exhibit)

CASE NUMBER 2024CW3131 (16CW3182; 09CW149; 01CW219; 94CW076; 80CW451) CITY OF LOUISVILLE, a Colorado home rule municipal corporation ("Louisville"), 749 Main Street, Louisville, Colorado, 80027 Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys for City of Louisville, Ashley P. Zahedi, #39795, Alan G. Hill, #11343, Nicoli R. Bowley, #58709, Bryan T. Stacy, #59538, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado, 80234. Tele: (303) 595-9441, ashelyz@cjzwaterlaw.com, alanh@cjzwaterlaw.com, nicolib@cjzwaterlaw.com, bryans@cjzwaterlaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN BOULDER COUNTY.** 2. Summary of Application. Louisville seeks a finding of reasonable diligence for the remaining conditional water right decreed to the Baseline Reservoir Exchange in Case No. 80CW451, Water Division 1 ("Baseline Reservoir Water Right"). The portion of the Baseline Reservoir Water Right previously decreed absolute is not at issue in this Application. 3. Description of Conditional Baseline Reservoir Water Right. a. Name of Structure. Baseline Reservoir Exchange. b. Original Decree. May 10, 1988, Case No. 80CW451, Water Court Division 1 ("Original Decree"). c. Subsequent Diligence Decrees. November 28, 1995, Case No. 94CW76; October 16, 2003, Case No. 01CW219; December 14, 2010, Case No. 09CW149, September 5, 2018, Case No. 16CW3182, Water Court Division 1. d. Legal description from the most recent decree. An exchange of water stored in Baseline Reservoir up Dry Creek to its divergence from South Boulder Creek, and up South Boulder Creek to Louisville's alternate points of diversion. Baseline Reservoir is located in Sections 2 and 3, T1S, R70W, and Sections 34 and 35, T1N, R70W of the 6th P.M., Boulder County, Colorado. Water from South Boulder Creek is delivered from Dry Creek (the New Dry Creek Carrier) with its headgate located at a point on the east bank of South Boulder Creek in the SW1/4 of the SW1/4 of Section 3, T1S, R70W of the 6th P.M. Louisville's alternate points of diversion are the Community Ditch and the Louisville Pipeline, which are described in more detail in the Original Decree. i. Downstream Exchange Point: (1) NAD 83 UTM Zone 13N, Easting 483355.72, Northing 4427663.50 (Source: Aquamap, 2016). (2) PLSS: NE1/4 of the NW1/4 of Section 2, T1S, R70W of the 6th P.M., 425 feet from the North Section line and 2377 Feet from the West Section line. ii. Upstream Exchange Point, Community Ditch: (1) NAD 83 UTM Zone 13N, Easting 476018, Northing 4420291 (Source: Aquamap, 2016). (2) SE1/4 of the NE1/4 of Section 25, T1S, R70W of the 6th P.M., 1558 Feet from the South Section line and 1154 Feet from the East Section line. iii. Upstream Exchange Point Louisville Pipeline: (1) NAD 83 UTM Zone 13N, Easting 475911.97, Northing 4420200.0 (Source: Aquamap, 2016). (2) SW1/4 of the SE1/4 of Section 25, T1S, R70W of the 6th P.M., 1257 Feet from the South Section line, and 1502 Feet from the East Section line. e. Source. South Boulder Creek. f. Appropriation Date. October 4, 1978. g. Amount. 80.0 cfs, conditional [this amount is in addition to the 20.0 cfs previously decreed as absolute in Case No. 94CW76]. h. Uses. All municipal purposes in the present and future service area of Louisville and for irrigation. This use includes storage in Marshall Lake through Community Ditch, storage in Louisville Reservoir and/or Harper Reservoir, and direct flow diversions through the Community Ditch and/or the Louisville Pipeline. The uses are described in more detail in the original decree entered in Case No. 80CW451 on May 10, 1988. 4. Integrated System. The Baseline Reservoir Water Right is part of Louisville's integrated municipal water system. Pursuant to C.R.S. § 37-92-301(4)(b), work on one part of an integrated water system is evidence of diligence toward completion of all water rights within the entire water system, including the Baseline Reservoir Water Right. 5. Diligence Claim. a. Diligence Period. The most recent diligence period for the Baseline Reservoir Water Right is from September 5, 2018 through September 31, 2024 ("Diligence Period"). b. Activities and Expenditures. The Baseline Reservoir Water Right is part of Louisville's municipal water system. Louisville is a growing city and during the Diligence Period has done significant work on its water system, including: i. Louisville has continued to obtain additional water resources to meet current and future demands. ii. Louisville has improved its water and wastewater treatment facilities, including its Sid

Copeland Water Treatment Plant, its Howard Berry Water Treatment Plant, and its wastewater treatment plant, and improved its water storage facilities, water supply facilities, water distribution system, and collection system. iii. Louisville is a participant in the Windy Gap Firming Project and has expended funds for the completion of the Firming Project. iv. During the diligence period Louisville obtained decrees finding reasonable diligence for conditional rights in Case Nos. 17CW3095 and 23CW3028. v. In addition, during the diligence period, Louisville appeared in several Water Court cases as an opposer in order to protect its water rights from injury from others, including these conditional water rights. These cases include: 20CW3145, 20CW3216, 22CW3176, and 23CW3154. vi. Louisville's estimated total expenditures for the activities listed above to date exceed \$46,400,000. 6. Requested Ruling and Decree. Based on the foregoing, Louisville respectfully requests the Water Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the remaining conditional water right for the Baseline Reservoir Water Right and continuing such right in full force and effect for a period of six years after the Courts entry of a decree herein. (5 pages, 1 exhibit)

CASE NUMBER 2024CW3132 Applicant: **LEFT HAND WATER DISTRICT** ("District"), c/o Christopher 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@lyongsgaddis.com, agorsevski@lyongsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY**. 2. Summary of the Application. The Court entered a decree in Case No. 18CW3046 on September 10, 2018 for the District's conditional water storage right for Behrmann Reservoir. In this application, the District seeks a finding that it has been diligent with respect to completing the appropriation of the conditional water storage right described herein, and that it is entitled to continue the conditional water storage right for another six-year diligence period. 3. Conditional Water Storage Right and Descriptions of Structures for Behrmann Reservoir and Points of Diversion. A. **Previous Decrees**. The conditional water storage right for Behrmann Reservoir was originally decreed in Case No. 89CW239, District Court, Water Division No. 1 on November 15, 1991. Subsequent diligence decrees were entered in Case Nos. 97CW291, 04CW150, 11CW127, and 18CW3046. B. **Legal Description of Dam**. The dam for Behrmann Reservoir will be located in the SW 1/4 of the SW 1/4 of Section 22, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. The outlet will be on the dam at a point N 79°00'E at 1185' from the SW corner of Section 22, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. C. **Legal Description of Points of Diversion**. (1) The Table Mountain Ditch, the headgate of which is 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. (2) The Williamson Ditch, the headgate of which is situated on the south side of Left Hand Creek on the SE 1/4 of the SE 1/4 of Section 27, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. D. **Source**: Left Hand Creek. E. **Appropriation Date**: July 28, 1989. F. **Amount**: 1,400 acre-feet, conditional, at a maximum filing rate of 40 c.f.s. G. **Amount Claimed Absolute**: Not applicable. H. **Uses of Water**. Municipal, domestic, irrigation, recreation, exchange, replacement, and augmentation. I. **Locations of All Structures**. The location of each structure identified in ¶3 herein is identified on **Exhibit A** attached hereto. 4. Integrated Water Supply System. The conditional water storage right for Behrmann Reservoir is a component part of Applicant's integrated water supply system, pursuant to § 37-92-301(4)(b), C.R.S. 5. 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 this CONDITIONAL water storage right for another six-year diligence period. In support of its claim for diligence, the District completed the following activities during the period from September 10, 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. 6. 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. **Behrmann Reservoir.** Applicant. B. **Table Mountain Ditch.** The New Table Mountain Ditch Company, c/o Steven Meyrich, PO Box 1102, Niwot, Colorado 80544. C. **Williamson Ditch.** The Williamson Ditch Company, c/o John Schlagel, 8994 Ogallala Rd., Longmont, Colorado 80503.

CASE NUMBER 2024CW3133 1. Name, address, and telephone number of the Applicant: **REPUBLICAN RIVER WATER CONSERVATION DISTRICT**, 410 Main Street, Suite 8, Wray, Colorado 80758, Telephone: (970) 332-3552. David W. Robbins, Peter J. Ampe, and Matthew Montgomery, Hill & Robbins, P.C. 3401 Quebec St., Suite 3400, Denver, CO, 80207, 303-296-8100. **APPLICATION FOR CHANGE OF WATER RIGHTS IN YUMA COUNTY, COLORADO.** 2. Summary of Purposes of the Requested Change: The Colorado General Assembly created the Republican River Water Conservation District (“RRWCD”) in 2004 “for the conservation, use, and development of the water resources of the Republican river, its tributaries, and that portion of the Ogallala aquifer underlying the district to cooperate with and assist this state to carry out the state’s duty to comply with the limitations and duties imposed upon the state by the Republican river compact...” § 37-50-104, C.R.S. The RRWCD has taken many actions since 2004 to assist the State in Compact Compliance. These include acting as the local sponsor for Federal conservation programs such as the Conservation Reserve Enhancement Program,

purchase, and retirement of groundwater rights, operating the Compact Compliance Pipeline to augment the flows of the North Fork of the Republican River, and the purchase of surface water rights and holding those rights as part of the RRWCD's conservation program. In furtherance of its statutory mandate, the RRWCD now desires to change the use of the Rosenkrans Ditch from its previously decreed purposes to a Compact compliance instream flow use. The availability of the water under the changed right will be determined at the historical point of diversion and the water will then be delivered downstream to the State line, less reasonable evaporation losses. The use of the Rosenkrans water right in this manner is intended to increase the Virgin Water Supply, as that term is used in the Republican River Compact and as determined through the Republican River Compact Administration Accounting. Increasing the Virgin Water Supply will then increase Colorado's Compact allocation, resulting in less groundwater withdrawals by the Compact Compliance Pipeline.

3. General Description of Water Rights to be Changed: The original claimant of the Rosenkrans Water Right was Mr. J.H. Rosenkrans for irrigation of land under the ditch. Construction of the ditch and reservoir began on September 15, 1893, and was decreed an appropriation of 20.0 cfs for the ditch and 20,000,000 cubic feet of water (459.13 ac-ft) for the reservoir with the same priority date. The Rosenkrans Ditch and Reservoir were used from time to time to irrigate approximately 660 acres located west of the Arikaree River in Sections 21, 22, 27, 28 and 29, of Township 1 South, Range 42 West of the 6th P.M. Rosenkrans Reservoir washed out in a flood some time prior to 1954, possibly during the 1935 flood. In 1979, the owners of the Rosenkrans Water Rights applied to the Water Court in Case No. W-8420-76 to move the Rosenkrans Ditch water right to 6 irrigation wells (WDID Nos. 6505007, 6505008, 6505009, 6505010, 6505011, and 6505012) as alternate points of diversion at a rate of 3.33 cfs per well to irrigate approximately 1,310 acres as shown on Figure A. The RRWCD Water Activity Enterprise acquired 10 cfs of the 20 cfs water right in the Rosenkrans Ditch, presumably the corresponding 229.57 ac-ft of the 459.13 ac-ft storage right in the Rosenkrans Reservoir, and wells SEO ID Nos. 6502007, 6505009, and 6505011.

4. Decreed Water Right for which Change is Sought: Rosenkrans Ditch and Reservoir.

4.1 Rosenkrans Ditch.

4.1.1 Name of Structure: Rosenkrans Ditch.

4.1.2 Date of original and all relevant subsequent decrees: Decree, In the Matter of the Adjudication of Priorities of Right to the Use of Water for Irrigation and Other Beneficial Purposes in Water District No. 65 in Water Division No. 1 of the State of Colorado, District Court, Phillips County, Case No. 872 (July 3, 1912); Findings of Fact, Conclusions of Law and Decree, In the Matter of the Application for Water Rights of Robert B. Jones, Jr., Barbara Jane Jones and Willow Creek Ranch, Inc., A Colorado Corporation, District Court, in and for Water Division No. 1, Case No. W-8420-76 (September 21, 1979).

4.1.3 Legal Description of Structure as Described in Most Recent Decree that Adjudicated its Location: SE1/4NW1/4 of Section 29, T01S, R42W of the 6th P.M.

4.1.4 Decreed Source of Water: Willow Creek.

4.1.5 Appropriation Date: September 15, 1893.

4.1.6 Decreed Amount: 20 cfs.

4.1.7 Decreed Use: Irrigation.

4.1.8 Amount of Water that Applicant Intends to Change: 10 cfs.

4.2 Rosenkrans Reservoir.

4.2.1 Name of Structure: Rosenkrans Reservoir.

4.2.2 Date of original and all relevant subsequent decrees: Decree, In the Matter of the Adjudication of Priorities of Right to the Use of Water for Irrigation and Other Beneficial Purposes in Water District No. 65 in Water Division No. 1 of the State of Colorado, District Court, Phillips County, Case No. 872 (July 3, 1912); Findings of Fact, Conclusions of Law and Decree, In the Matter of the Application for Water Rights of Robert B. Jones, Jr., Barbara Jane Jones and Willow Creek Ranch, Inc., A Colorado Corporation, District Court, in and for Water Division No. 1, Case No. W-8420-76 (September 21, 1979).

4.2.3 Legal Description of Structure as Described in Most Recent Decree that Adjudicated its Location: S1/2NW1/4 of Section 29, T02S, R42W of the 6th P.M.

4.2.4 Decreed Source of Water: Willow Creek.

4.2.5 Appropriation Date: September 15, 1893.

4.2.6 Decreed Amount: 459 acre-feet.

4.2.6 Decreed Use: Irrigation.

4.2.7 Amount of Water that Applicant Intends to Change: 229.57 acre-feet.

5. Historical Use: The Rosenkrans Ditch and Reservoir were historically used for the irrigation of between 330 acres and 660 acres, with an average irrigated area of 423 acres.

6. Nature of the proposed changes: When water is physically and legally available at the original point of diversion on Willow Creek, the historical consumptive use of the portion of the Rosenkrans Ditch and Reservoir owned by the RRWCD will be shepherded from that point to the Arikaree River and then to the State Line to assist the State of Colorado in carrying out its duty to comply with the limitations and duties imposed upon the State under the

Republican River Compact. 7. In order to prevent material injury to owners of or persons entitled to use water under vested water rights and decreed conditional water rights, Applicant proposes the following: 7.1 The RRWCD will be entitled to no more than its pro rata interest in the water legally and physically available to the Rosenkrans Ditch and Reservoir. 7.2 The RRWCD will divert the Rosenkrans Ditch and Reservoir only during the times the right is in priority and the RRWCD's future diversions will be limited to the historical irrigation and storage seasons. 8. The RRWCD does not propose to construct any new structures as part of this change application. 9. Parties with additional interest in the Rosenkrans Ditch and Reservoir: The RRWCD will also provide notice to the parties below that, based upon information and belief, may own different interests in the Rosenkrans Ditch and Reservoir: A. Ronald C. & Paula A Ruff, 5117 SO CO RD 9, Fort Collins, CO, 80528. B. Richard Bannister, HC 67, Box 52, Haigler, NE 69030. 6 pages.

CASE NUMBER 2024CW3134 District Court, Water Division No. 1, State of Colorado, 901 9th Avenue, Room 418, P.O. Box 2038, Greeley, CO 80631. CONCERNING THE APPLICATION FOR WATER RIGHTS OF PARK COUNTY BOARD OF COUNTY COMMISSIONERS. APPLICANT 1. **PARK COUNTY BOARD OF COUNTY COMMISSIONERS**, 856 Castello Avenue, Fairplay, CO 80440. Attorneys for Applicant: Mark D. Detsky, Atty. Reg. No. 35276. S. Daniel Rubin, Atty. Reg. No. 58158. Dietze and Davis, P.C. 2060 Broadway, Suite 400, Boulder, CO 80302. Email: mdetsky@dietzedavis.com; drubin@dietzedavis.com. Phone: (303) 447-1375. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE IN PART IN PARK COUNTY**. 2. Background. The decree in Case No. 08CW268, Water Division No. 1, entered September 11, 2018 (the “08CW268 Decree”) granted conditional and absolute water rights for the benefit of the Applicant’s 22 surface diversions on the South Platte River and its tributaries within Park County, Colorado. These diversions are pumps used by the Park County Road and Bridge Department for the beneficial uses listed in paragraph 5.3, below. Second, the 08CW268 Decree approved nine (9) appropriative rights of exchange that operate pursuant to the plan for augmentation decreed in that matter. Third, the 08CW268 Decree approved a conditional water storage right in Spinney Mountain Reservoir. Finally, the 08CW268 Decree changed the type and place of use of certain senior water rights which are used as sources for augmentation and exchange. 3. Information Common to Surface Water Rights, Storage Water Right, and Appropriative Rights of Exchange. 3.1 Original Decree: For each water right, the original decree was the 08CW268 Decree, entered September 11, 2018. 3.2 Subsequent Decrees: This is the first sexennial application for findings of diligence pursuant to C.R.S §37-92-301(4)(a)(I). 3.3 Map: A map showing the twenty-two (22) Surface Water Rights, the Water Storage Right, as well as the exchange reaches awarded in the 08CW268 Decree is attached as **FIGURE 1** in **EXHIBIT A**, the letter report from Applicant’s engineer, and incorporated by reference. I. CLAIMS FOR SURFACE WATER RIGHTS. 4. Names, Sources, and Legal Descriptions of Surface Water Rights. A list of the Surface Water Rights awarded in the 08CW268 Decree is provided as **TABLE 1** with legal descriptions in UTM format. All sources are tributary to the South Platte River.

Table 1: Park County Surface Water Rights Diversion Locations

*all UTM Zone 13N				
ID#	Structure	Source	UTM X [m]	UTM Y [m]
1	Hi Meadow CR 72 Pump	Deer Creek	464417	4364012
2	KZ Ranch Rock Rd Pump	Deer Creek	455459	4371433
3	CR 90A Pump	South Platte River	468501	4315333
4	Middle Fork CR 59 Pump	Middle Fork South Platte	434554	4319051
5	Tarryall Creek CR 33 Pump	Tarryall Creek	421454	4354866

6	Sacramento Creek Gold Pan Ln Pump	Sacramento Creek	406032	4342352
7	Mosquito Creek Park City Rd Pump	Mosquito Creek	406184	4348160
8	Middle Fork CR 14 Pump	Middle Fork South Platte	411234	4343471
9	North Fork CR 68 Pump	North Fork South Platte	462257	4359659
10	Middle Fork SH 285 Pump	Middle Fork South Platte	414238	4341572
11	Middle Fork Beresford Crossing Pump	Middle Fork South Platte	408621	4354708
12	South Fork CR 22 Pump	South Fork South Platte	409382	4326473
13	Michigan Creek SH 285 Pump	Michigan Creek	428339	4356020
14	Middle Fork CR 12 Pump	Middle Fork South Platte	409393	4347265
15	Michigan Creek CR 77 Pump	Michigan Creek	436708	4350197
16	Tarryall Creek CR 211 Pump	Tarryall Creek	464029	4325750
17	South Platte River CR 59 Pump	South Platte River	449570	4313394
18	South Fork SH 9 Pump	South Fork South Platte	431424	4319279
19	Tarryall Creek Stagestop Rd Pump	Tarryall Creek	438109	4349676
20	South Platte River CR 112 Pump	South Platte River	468484	4317885
21	Antero Reservoir South Boat Ramp Pump	South Fork South Platte	422399	4314707
22	Eleven Mile Reservoir Witcher's Cove Pump	South Platte River	457227	4306387

5. Appropriation information for Surface Water Rights. **TABLE 2**, below, provides the appropriation date and the rate of diversion at each point of diversion for the Surface Water Rights as listed in Table 1, *supra*.

TABLE 2: Surface Diversion Appropriation Dates and Rates of Diversion

ID #	Structure	December 11, 2008 Appropriation	October 3, 2013 Appropriation	February 5, 2016 Appropriation
1	Hi Meadow CR 72 Pump	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)	n/a
2	KZ Ranch Rock Rd Pump	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)	n/a
3	CR 90A Pump	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)	n/a
4	Middle Fork CR 59 Pump	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)	n/a
5	Tarryall Creek CR 33 Pump	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)	n/a
6	Sacramento Creek Gold Pan Ln Pump	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)	n/a

ID #	Structure	December 11, 2008 Appropriation	October 3, 2013 Appropriation	February 5, 2016 Appropriation
7	Mosquito Creek Park City Rd Pump	n/a	4 cfs (1,796 gpm)	n/a
8	Middle Fork CR 14 Pump	n/a	4 cfs (1,796 gpm)	n/a
9	North Fork CR 68 Pump	n/a	4 cfs (1,796 gpm)	n/a
10	Middle Fork SH 285 Pump	n/a	4 cfs (1,796 gpm)	n/a
11	Middle Fork Beresford Crossing Pump	n/a	4 cfs (1,796 gpm)	n/a
12	South Fork CR 22 Pump	n/a	4 cfs (1,796 gpm)	n/a
13	Michigan Creek SH 285 Pump	n/a	4 cfs (1,796 gpm)	n/a
14	Middle Fork CR 12 Pump	n/a	4 cfs (1,796 gpm)	n/a
15	Michigan Creek CR 77 Pump	n/a	4 cfs (1,796 gpm)	n/a
16	Tarryall Creek CR 211 Pump	n/a	4 cfs (1,796 gpm)	n/a
17	South Platte River CR 59 Pump	n/a	4 cfs (1,796 gpm)	n/a
18	South Fork SH 9 Pump	n/a	4 cfs (1,796 gpm)	n/a
19	Tarryall Creek Stagesop Rd Pump	n/a	n/a	4 cfs (1,796 gpm)
20	South Platte River CR 112 Pump	n/a	n/a	4 cfs (1,796 gpm)
21	Antero Reservoir South Boat Ramp Pump	n/a	n/a	4 cfs (1,796 gpm)
22	Eleven Mile Reservoir Witcher's Cove Pump	n/a	n/a	3 cfs (1,796 gpm)

Total decreed rate of diversion for each Surface Water Right: 4 cubic feet per second (cfs). 5.2 Amount: The total annual combined volume of diversions for all Surface Water Rights listed in Tables 1 - 2 is 25.0 acre-feet (AF). 5.3 Uses: Dust suppression and road construction. 5.4 Names and addresses of owners of the land: The points of diversion in Tables 1 – 2 are located within Park County road rights-of-way owned and maintained by the Applicant, with the exception of the Antero Reservoir South Boat Ramp Pump and the Eleven Mile Reservoir Witcher's Cove Pump which are owned by Denver Water, 1600 West 12th Ave., Denver, CO 80204-3412. II. CLAIM FOR WATER STORAGE RIGHT. 6. Park County Spinney Mountain Diversion. This Water Storage Right is diverted directly from the South Platte River into storage at Spinney Mountain Reservoir, an on-channel reservoir owned by the City of Aurora, acting by and through its Utility Enterprise (“City of Aurora”). Water is stored under an Intergovernmental Agreement, dated August 23, 2017, between Applicant and the City of Aurora for up to 20 AF of storage in Spinney Mountain Reservoir with a right of carry-over to allow for the perfection of this water right (the “Spinney Mountain Lease”). This right is among the sources available for the plan for augmentation approved in the 08CW268 Decree.

6.1 Legal Description: Spinney Mountain Reservoir is located in the S ½ Section 25, Township 12 South, Range 74 West of the 6th P.M. in Park County, Colorado. The left abutment of said dam is located at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West of the 6th P.M. bears South 23°26' West 8314.3 feet, in Park County, Colorado. 6.2 Source: Middle Fork South Platte River. 6.3 Amount: 20 AF. 6.4 Rate of Fill: 5 cfs. 6.5 Date of Appropriation: October 3, 2013. 6.6 Uses: Augmentation, substitution and exchange, dust suppression, road construction. 6.7 Name and address of owner of Spinney Mountain Reservoir: City of Aurora Utilities, 15151 E. Alameda Parkway, Aurora, Colorado 80012. III. CLAIM FOR APPROPRIATIVE RIGHTS OF EXCHANGE. 7. Decreed exchanges. The 08CW268 Decree granted the Applicant nine appropriative rights of exchange, referred to as the Park County Exchanges. **TABLE 3** lists the decreed exchange reaches:

Table 3: Appropriative Rights of Exchange and Reaches

ID#	Exchange	Upstream Terminus	Downstream Terminus
1	Park County South Platte River ²	Confluence of the South Platte River Mainstem with the Middle and South Forks of the South Platte River in the NE 1/4 of the NE 1/4 of Section 14, T12S, R75W of the 6 th P.M. in Park County, Colorado.	Confluence of South Platte River Mainstem with the North Fork South Platte River in the SW 1/4 of the SE 1/4 of Section 25, T7S, R70W of the 6th P.M. in Park County, Colorado.
2	Park County Tarryall Creek	Tarryall Creek CR 33 Pump point of diversion described in paragraph 8(E) above.	Confluence of Tarryall Creek and the South Platte River in the NE 1/4 of the NW 1/4 of Section 16, T11S, R71W of the 6th P.M. in Park County, Colorado.
3	Park County Sacramento Creek	Sacramento Creek Gold Pan Lane Pump point of diversion described in paragraph 8(F) above.	Confluence of the Middle Fork South Platte River and Sacramento Creek in the SE 1/4 of the SW 1/4 of Section 29, T9S, R77W of the 6th P.M. in Park County, Colorado.
4	Park County Deer Creek	KZ Ranch-Rock Road Pump point of diversion described in paragraph 8(B) above.	Confluence of the North Fork South Platte River and Deer Creek in the NW 1/4 of the NE 1/4 of Section 36, T7S, R72W of the 6th P.M. in Park County, Colorado.
5	Park County North Fork South Platte River	North Fork CR 68 Pump point of diversion described in paragraph 10(C) above.	Confluence of South Platte River Mainstem with the North Fork South Platte River in the SW 1/4 of the SE 1/4 of Section 25, T7S, R70W of the 6th P.M. in Park County, Colorado.
6	Park County Michigan Creek	Michigan Creek SH 285 Pump point of diversion described in paragraph 10(G) above.	Confluence of Michigan Creek and Tarryall Creek in the NE 1/4 of the SW 1/4 of Section 1, T9S, R75W of the 6th P.M. in Park County, Colorado.

² The exchange reach for the Park County South Platte River exchange encompasses Spinney Mountain Reservoir, with an alternate Upstream Terminus of Spinney Mountain Reservoir, located in the South half of Section 25, Township 12 South, Range 74 West, 6th PM; the left abutment of said dam located at a point whence the Southwest corner of Section 36, Township 12 South, Range 74 West, 6th PM, bears South 23° 26" West 8,314.3 feet in Park County, Colorado.

7	Park County Mosquito Creek	Mosquito Creek Park City Road Pump point of diversion described in paragraph 10(A) above.	Confluence of the Middle Fork South Platte River and Mosquito Creek in the SE 1/4 of the NE 1/4 of Section 13, T9S, R78W of the 6th P.M. in Park County, Colorado.
8	Park County Middle Fork South Platte River	Montgomery Reservoir, located in Sections 13 and 14, T8S, R78W ³	Confluence of the South Platte River Mainstem with the Middle and South Forks of the South Platte River in the NE 1/4 of the NE 1/4 of Section 14, T12S, R75W of the 6th P.M. in Park County, Colorado.
9	Park County South Fork South Platte River	South Fork CR 22 Pump point of diversion described in paragraph 10(F) above.	Confluence of the South Platte River Mainstem with the Middle and South Forks of the South Platte River in the NE 1/4 of the NE 1/4 of Section 14, T12S, R75W of the 6th P.M. in Park County, Colorado.

8. Information on appropriations for Park County Exchanges. 8.1 Rate Per Exchange: 4 cfs. 8.2 Appropriation Date: **TABLE 4**, below, shows the appropriation dates of each exchange.

Table 4: Park County Exchange Appropriation Dates

ID #	Stream	December 11, 2008 Appropriation	October 3, 2013 Appropriation
1	Park County South Platte River	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)
2	Park County Tarryall Creek	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)
3	Park County Sacramento Creek	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)
4	Park County Deer Creek	0.67 cfs (300 gpm)	3.33 cfs (1,496 gpm)
5	Park County North Fork South Platte River	n/a	4 cfs (1,796 gpm)
6	Park County Michigan Creek	n/a	4 cfs (1,796 gpm)
7	Park County Mosquito Creek	n/a	4 cfs (1,796 gpm)
8	Park County Middle Fork South Platte River	n/a	4 cfs (1,796 gpm)
9	Park County South Fork South Platte River	n/a	3 cfs (1,796 gpm)

9. Exchanges to Storage. The plan for augmentation approved in the 08CW268 Decree identifies augmentation sources, summarized as follows: (1) 5.435 AF of quantified historical consumptive use (HCU) credits from the Parmalee Ditches and Flume Ditch water rights changed in the 08CW268 Decree, (2) the right to delivery of 5.0 AF/year of HCU quantified under the Randall Ditch decreed Case No. 05CW111, Water Division No. 1, (3) the Park County Spinney Mountain Diversion, *supra*, or (4) additional water rights lawfully added as replacement sources under the 08CW268 Decree's approved procedures. These rights may be used as substitute or replacement supplies, including in the operation of the Park County Exchanges. These sources may be exchanged into storage in Spinney Mountain Reservoir as the upstream terminus of the Middle Fork South Platte River exchange, or into Montgomery Reservoir as the upstream terminus of the Middle Fork South Platte River exchange. Water stored in Spinney Mountain Reservoir or Montgomery Reservoir is released for uses authorized by the 08CW268 Decree. IV. **DETAILED OUTLINE ESTABLISHING DILIGENCE.** 10. Detailed outline of what has been done toward completion of the appropriations. During the diligence period, Park County expended approximately \$386,000 in developing its integrated system of water rights and perfecting the conditional rights of the

³ The legal description from Montgomery Reservoir comes from Case No. CA3286, which was an enlargement application on that reservoir. Currently, the reservoir is only located in Section 14.

08CW268 Decree, as follows: 10.1 Integrated System: Park County operates an integrated water system of surface water rights, storage water rights, appropriative rights of exchange, and contracts for use of various structures that allow for Road and Bridge operations around the County, as well as the Applicant’s decreed plan for augmentation in the 08CW268 Decree under C.R.S. §37-92-301(4)(b). 10.2 Agreement with City of Colorado Springs, acting through its Enterprise, Colorado Springs Utilities (“Springs Utilities”): Park County negotiated with Springs Utilities and entered into an agreement dated January 5, 2020. The Springs Utilities agreement provides the County with the right to store water in a storage account in Montgomery Reservoir that can be filled via the Park County Middle Fork South Platte River exchange. 10.3 Deer Creek Stream Gage: The County engaged in water court actions and subsequently entered into a multi-party agreement dated March 16, 2021, to construct and maintain a stream gage on Deer Creek, for which the County provided a license to use its property. The County granted a Revocable License for this purpose, dated March 16, 2021. The gage is used by the Division of Water Resources to administer the County’s rights, among others, on that stream. 10.4 Water Court: The County defended its water rights from potential injury by opposing water court applications, including Case Nos. 18CW3100, 19CW3154, 20CW3118, 22CW3162, and 22CW3200. 10.5 Operations and Maintenance: The integrated structures associated with the 08CW268 Decree involve annual operations and maintenance, of which expenditures have totaled approximately \$22,500 annually. 10.6 Storage expenses: The Applicant has paid annual fees for storage operations and maintenance expenses for its water stored in Spinney Mountain Reservoir in the amount of \$6000. 10.7 Legal and engineering expenses: The Applicant has expended, in addition to the operation and maintenance of the structures, approximately \$45,000 on water engineering services and approximately \$200,000 in legal expenses to accomplish the diligence activities described above during this initial diligence period. V. CLAIMS TO MAKE ABSOLUTE IN PART. 11. Prior absolute claims. The 08CW268 Decree found several of the Surface Water Rights had been made absolute in part, as shown in **TABLE 5**, below:

Table 5: Surface Water Rights Decreed Absolute in Part in 08CW268 Decree

ID # (See, Table 1)	Water District	Structure	Amount Claimed	Amount Made Absolute	Amount Remaining Conditional	Date Applied to Beneficial Use
1	80	Hi Meadow CR 72 Pump Station	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	6/9/2014
2	80	KZ Ranch- Rock Road Pump Station	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	10/13/2015
3	80	CR 90A Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	6/9/2014
5	23	Tarryall Creek CR 33 Pump Station	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	6/17/2014
9	80	North Fork CR 68 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	6/9/2014
11	23	Middle Fork Beresford Crossing Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	9/30/2014

ID # (See, Table 1)	Water District	Structure	Amount Claimed	Amount Made Absolute	Amount Remaining Conditional	Date Applied to Beneficial Use
12	23	South Fork CR 22 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	8/7/2014
14	23	Middle Fork CR 12 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	10/13/2015
15	23	Michigan Creek CR 77 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	9/30/2015
16	23	Tarryall Creek CR 211 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	5/14/2014
17	23	South Platte River CR 59 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	4/21/2015
18	23	South Fork SH 9 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	4/4/2016

12. Surface Water Rights. During the diligence period, the Applicant diverted and used additional Surface Water Rights either in priority or under the plan for augmentation that should be decreed absolute in part. **TABLE 6**, below, shows the date water was applied to beneficial use, the amount, and uses claimed. **Table 6: Surface Water Rights Made Absolute in Part During Diligence Period**

ID # (Ref. Table 1)	Water District	Structure	Amount Claimed	Amount Made Absolute	Amount Remaining Conditional	Date Applied to Beneficial Use
4	23	Middle Fork CR 59 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	05/19/2022
20	23	South Platte River CR 112 Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	06/22/2020
21	23	Antero Reservoir South Boat Ramp Pump	4 cfs	1,300 gpm/ 2.9 cfs	1.1 cfs	08/26/2024

13. Supporting evidence that Applicant diverted Surface Water Rights in-priority and applied water to the beneficial uses and in the amounts claimed. The Applicant's water engineer has provided a letter report, provided as **EXHIBIT A**, detailing the Applicant's diversion records supporting the claims for additional absolute amounts of the Surface Water Rights shown in Table 6. 14. Description of place of use where water is applied to beneficial use. The places of use include roads, facilities, and construction sites in the vicinity of the pump locations shown on Exhibit A. 15. Claim to make Water Storage Right absolute in part: 15.1 Date water applied to beneficial use: June 6 and December 28, 2023. 15.2 Amount: 8.15 AF (6.65

AF and 1.5 AF, respectively). 15.3 Use: augmentation, with storage before use. 15.4 Supporting evidence that applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed: The Applicant’s water engineer has provided a letter report, provided as EXHIBIT A detailing the diversion records supporting the claims for additional absolute amounts of the Water Storage Right during stream conditions when the Spinney Mountain Storage Right was in priority. 15.5 Description of place of use where water is applied to beneficial use: The water, once released, was used for augmentation purposes for the water rights listed in Tables 1-2, above, including in the Park County Exchanges that were made absolute, which structures and exchange reaches are shown in Exhibit A. 16. Claim to make Appropriative Rights of Exchange absolute in part. Over the past six years, several of the Park County Exchanges were successfully operated. **TABLE 7**, below, shows the maximum rate of exchange that has operated, the support for which support is detailed in Exhibit A.

Table 7: Authorized Use of Park County Exchanges to Make Absolute in Part

Exchange	Exchange from point	Exchange to point	Date operated	Rate
Park County South Platte River Exchange	Spinney Mountain Reservoir	Middle Fork CR 59 Pump	July 17, 2024	0.22 cfs
Park County Middle Fork South Platte River Exchange	Confluence of the South Platte River and the Middle Fork South Platte River	Middle Fork CR 59 Pump Station	July 17, 2024	0.22 cfs
Park County North Fork South Platte River Exchange	Confluence of Deer Creek and North Fork South Platte River	North Fork CR 68 Pump Station	June 5, 2024	0.04 cfs
Park County Tarryall Creek Exchange	Randall Ditch headgate	Tarryall Creek CR 33 Pump Station	June 23, 2021	0.17 cfs
Park County Deer Creek Exchange	Parmalee Ditch headgate Deer Creek	KZ Ranch Rock Rd Pump Station	July 20, 2022	0.03 cfs
Park County Michigan Creek Exchange	Confluence of Tarryall Creek and Michigan Creek	Michigan Creek CR 77 Pump Station	June 30, 2020	0.04 cfs
Park County South Fork South Platte River Exchange	Confluence of the South Platte River and the South Fork South Platte River	South Fork CR 22 Pump Station	September 20, 2023	0.07 cfs

16.1 Supporting evidence that Applicant diverted water in-priority and applied such water to the beneficial uses claimed in the amounts claimed: The Applicant’s water engineer has provided a letter report, provided as Exhibit A, detailing the diversion records supporting the claims for additional absolute amounts of the Park County Exchange Rights that were authorized by the Water Commissioners during live stream conditions. 16.2 Description of place of use where water is applied to beneficial use: The exchanged water is used pursuant to the plan for augmentation. 17. Remarks. The 08CW268 Decree included changes of water rights in addition to the plan for augmentation and conditional and absolute water rights discussed herein. As discussed above, the changed water rights are among the sources of replacement water in the decreed plan for augmentation. WHEREFORE, Applicant requests that the Court find that certain of the

appropriations have been made absolute for the beneficial uses as detailed above or, in the alternative, finding that Applicant is entitled to findings of reasonable diligence toward the perfection of the water rights. The Applicant further requests a decree continuing the balance of conditional water rights for an additional six-year period. The Application consists of fourteen pages.

CASE NUMBER 2024CW3135 LOWER LOGAN WELL USERS, INC, P.O. Box 1065, Sterling, Colorado, 8075, Lawrence Custer Grasmick Jones & Donovan, LLP Attorneys for Applicant, Lower Logan Well Users, Inc., Ryan M. Donovan, #44435, Nicholas P. Espenan, #59333 **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE, FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN LOGAN, MORGAN, WASHINGTON, AND SEDGWICK COUNTIES**. 2. Previous Decrees: Case No. 03CW208, Water Division No. 1, decree entered January 19, 2005; Case No. 11CW12, Water Division No. 1, decree entered December 7, 2011; and Case No. 17CW3208, Water Division No. 1, decree entered September 5, 2018. 3. Conditional Water Rights: The following conditional water rights were decreed in Case No. 03CW208 (“Original Decree”) and made absolute or continued conditional in Case No. 11CW12 and 17CW3208. The water rights described in this Application are part of Applicant’s integrated system, as that term is defined in C.R.S. § 37-92-301(4)(b), which integrated system is generally referred to as the “LLWU Augmentation Plan,” which was decreed in the Original Decree. RECHARGE PROJECTS 4. Name of Structure. Iliff and Platte Valley Ditch Recharge Project (IPV). 4.1. Diversion Points. 4.1.1. Ditch Headgate. In the NE1/4 SW1/4 of Section 25, Township 9 North, Range 52 West of the 6th P.M., Logan County, Colorado at the diversion works of the Iliff and Platte Valley Ditch. 4.1.2. Sevenmile Creek. In the SE1/4 SW1/4 of Section 18, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado where Sevenmile Creek is intercepted by the ditch. 4.1.3. Trap Draw. In the NW1/4 NE1/4 of Section 18, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado where Trap Draw is intercepted by the ditch. 4.1.4. Korrey Draw. In the NE1/4 NE1/4 of Section 8, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado where Korrey Draw is intercepted by the ditch. 4.1.5. Lewis Creek. In the SW1/4 NE1/4 of Section 35, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado, where Lewis Creek is intercepted by the ditch. 4.1.6. Schuppe Draw. In the SW1/4 NE1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado where Schuppe Draw is intercepted by the ditch. 4.1.7. Simpson Draw. In the SE1/4 NE1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, where Simpson Draw is intercepted by the ditch. 4.2. Source. The South Platte River and its tributaries. 4.3. Dates of Appropriation. 4.3.1. Ditch Headgate. December 23, 2002. 4.3.2. Sevenmile Creek. March 12, 2002. 4.3.3. Trap Draw. March 12, 2002. 4.3.4. Korrey Draw. March 12, 2002. 4.3.5. Lewis Creek. March 12, 2002. 4.3.6. Schuppe Draw. March 12, 2002. 4.3.7. Simpson Draw. March 12, 2002. 4.4. Description of Recharge. Water is diverted at the points described in ¶4.1 and is allowed to percolate from the ditch into the underground aquifer for Applicant’s stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right described in this paragraph 4. The water so diverted may also be delivered either above or below the ditch to facilities proximate to the ditch for the same purposes. The following initial sites have been identified. These sites may be modified, and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 4.4.1. IPV Recharge/Reservoir Site No. 1 (Shuppe No. 1). In the SW1/4 NE1/4 of Section 29, Township 10, North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 4 acres. Total active capacity in acre feet: 16 acre-feet with 0 dead storage. 4.4.2. IPV Recharge/Reservoir Site No. 2 (Kielian No. 1). In the SW1/4 SW1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 3 acres. Total active capacity in acre feet: 12

acre-feet with 0 dead storage. 4.4.3. IPV Recharge/Reservoir Site No. 3 (Kielian No. 2). In the SW1/4 SE1/4 of Section 30, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 3 acres. Total active capacity in acre feet: 12 acre-feet with 0 dead storage. 4.4.4. IPV Recharge/Reservoir Site No. 4 (No. 1). In the SW1/4 NW1/2 of Section 34, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 4 acres. Total active capacity in acre feet: 40 acre-feet with 0 dead storage. 4.4.5. IPV Recharge/Reservoir Site No. 5 (No. 2). In the SW1/4 SE1/4 of Section 33, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 4 acres. Total active capacity in acre feet: 40 acre-feet with 0 dead storage. 4.4.6. IPV Recharge/Reservoir Site No. 6 (No. 3). In the SE1/4 SE 1/4 of Section 33, Township 10 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 2 acres. Total active capacity in acre feet: 20 acre-feet with 0 dead storage. 4.5. Amounts. 4.5.1. Ditch Headgate. 48.66 c.f.s., absolute and 103.34. 4.5.2. Sevenmile Creek. 1.2. c.f.s., absolute and 3.8. c.f.s., conditional. 4.5.3. Trap Draw. 1.9. c.f.s., absolute and 3.1. c.f.s., conditional. 4.5.4. Korrey Draw. 2.2 c.f.s., absolute and 2.8 c.f.s., conditional. 4.5.5. Lewis Creek. 0.8 c.f.s., absolute and 4.2. c.f.s., conditional. 4.5.6. Schuppe Draw. 5.0 c.f.s., conditional. 4.5.7. Simpson Draw. 5.0. c.f.s., conditional. 4.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 5. Name of Structure. Upper Harmony Ditch Recharge Project (UHD). 5.1. Diversion Points. 5.1.1. Ditch Headgate. In the SE1/4 NE1/4 of Section 1, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at the diversion works of the Harmony No. 2 Ditch. 5.1.2. Corral Creek No. 1. In the SW 1/4 NE 1/4 of Section 15, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado at the site in ¶5.4.7. 5.1.3. Corral Creek No. 2. In the NE1/4 SW1/4 of Section 10, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado at the site in ¶5.4.8. 5.1.4. Corral Creek No. 3. In the SW1/4 SW1/4 of Section 14, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado where Corral Creek is intercepted by the Harmony No. 2 Ditch. 5.1.5. Spring Canyon Draw No. 1. In the NE1/4 SE1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado at the site in ¶5.4.9. 5.1.6. Spring Canyon Draw No. 2. In the SE1/4 SE1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado where Spring Canyon Draw is intercepted by the Harmony No. 2 Ditch. 5.1.7. Ramsey Draw No. 1. In the SE1/4 NW1/4 of Section 12, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, at the site in ¶5.4.10. 5.1.8. Ramsey Draw No. 2. In the NE1/4 NE1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado where Ramsey Draw is intercepted by the Harmony No. 2 Ditch. 5.2. Source. The South Platte River and its tributaries. 5.3. Appropriation. April 23, 2003. 5.4. Description of Recharge. Water is diverted at the points described in ¶5.1 and is allowed to percolate from the ditch or ponds into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion described in this paragraph 5. The water so diverted may also be delivered either above or below the ditch to facilities proximate to the ditch for the same purposes. The following initial sites have been identified. These sites may be modified, and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 5.4.1. UHD Recharge/Reservoir Site No. 1 (Monheiser No. 1). In the S1/2 NE1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 0.5 acres. Total active capacity in acre feet: 2 acre-feet with 0 dead storage. 5.4.2. UHD Recharge/Reservoir Site No. 2 (Monheiser No. 2). In the NE1/4 SE1/4 of Section 13, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high water line: 2.5 acres. Total active capacity in acre feet: 10 acre-feet with 0 dead storage. 5.4.3. UHD Recharge/Reservoir Site No. 3

(Mowery No. 1). In the SW1/4 NE1/4 of Section 18, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 6.5 acres. Total active capacity in acre feet: 26 acre-feet with 0 dead storage. 5.4.4. UHD Recharge/Reservoir Site No. 4 (George No. 1). In the SW 1/4 SW1/4 of Section 8, Township 10 North, Range 49 West of the 6th P.M. Logan County, Colorado. Surface area of high-water line: 4 acres. Total active capacity in acre feet: 16 acre-feet with 0 dead storage. 5.4.5. UHD Recharge/Reservoir Site No. 5 (George No. 2). In the SW1/4 NE1/4 of Section 8, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 4 acres. Total active capacity in acre feet: 16 acre-feet with 0 dead storage. 5.4.6. UHD Recharge/Reservoir Site No. 6 (Coy No. 1). In the NE1/4 SW1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 4.2 acres. Total active capacity in acre feet: 8.4 acre-feet with 0 dead storage. 5.4.7. UHD Recharge/Reservoir Site No. 7 (Rudy No. 1). In the SW1/4 NE1/4 of Section 15, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 4 acres. Total active capacity in acre feet: 16 acre-feet with 0 dead storage. 5.4.8. UHD Recharge/Reservoir Site No. 8 (Rudy No. 2). In the NE1/4 SW1/4 of Section 10, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 2.3 acres. Total active capacity in acre feet: 9.2 acre-feet with 0 dead storage. 5.4.9. UHD Recharge/Reservoir Site No. 9 (Coy No. 2). In the NE1/4 SE1/4 of Section 7, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 3 acres. Total active capacity in acre feet: 6 acre-feet with 0 dead storage. 5.4.10. UHD Recharge/Reservoir Site No. 10 (Coy No. 3). In the SE1/4 NW1/4 of Section 12, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 3 acres. Total active capacity in acre feet: 6 acre-feet with 0 dead storage. 5.5. Amounts. 5.5.1. Headgate Diversion. 9.89 c.f.s., absolute and 80.11 c.f.s., conditional. 5.5.2. Diversion Points. At each point of diversion in ¶5.1.2. through ¶5.1.8., 5.0 c.f.s., conditional. 5.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. 6. Name of Structure. Proctor Water Company Recharge Project (PWC). 6.1. Diversion Points. 6.1.1. Powell & Blair Ditch. In the SE1/4 NE1/4 of Section 1, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at the diversion works of the Powell and Blair Ditch. 6.1.2. Corral Creek: In the SW1/4 SW1/4 of Section 14, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. 6.1.3. Unnamed Draw: In the SW1/4 SE1/4 of Section 15, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. 6.1.4. Skinner Draw: In the SE1/4 SW1/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. 6.2. Source. The South Platte River and its tributaries. 6.3. Appropriation. April 23, 2003. 6.4. Description of Recharge. Water is diverted at the points described in ¶6.1 and is allowed to percolate from the ditch into the underground aquifer for Applicant's stated beneficial uses. To avoid loss of water to the stockholders during the irrigation season, no action shall be taken by any person to increase the seepage or percolation from the ditch, and nothing in the Decree shall be construed to prevent or restrict work on the ditch to decrease seepage losses. Recharge credit may not be claimed from ditch seepage that occurs whenever any water is being diverted by the ditch under a water right senior to the recharge diversion water right described in this paragraph 6. The water so diverted may also be delivered either above or below the ditch to facilities proximate to the ditch for the same purposes. The following initial sites have been identified. These sites may be modified, and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 6.4.1. PWC Recharge/Reservoir Site No. 1 (Parker No. 1). In the NW1/4 NW1/4 of Section 32, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 15 acre-feet with 0 dead storage. 6.4.2. PWC Recharge/Reservoir Site No. 2 (Parker No. 2). In the SW/4SW/4 of Section 14, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.3. PWC Recharge/Reservoir Site No. 3 (Parker No. 3). In the SE/4SW/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active

capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.4. PWC Recharge/Reservoir Site No. 4 (Parker No. 4). In the SW/4SE/4 of Section 21, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.5. PWC Recharge/Reservoir Site No. 5 (Parker No. 5). In the NE/4SE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.6. PWC Recharge/Reservoir Site No. 6 (Parker No. 6). In the NW/4SW/4 of Section 23, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.7. PWC Recharge/Reservoir Site No. 7 (Parker No. 7). In the NW/4NW/4 of Section 26, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.8. PWC Recharge/Reservoir Site No. 8 (Parker No. 8). In the NW/4NE/4 of Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.9. PWC Recharge/Reservoir Site No. 9 (Parker No. 9). In the NE/4NW/4 of Section 28, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.10. PWC Recharge/Reservoir Site No. 10 (Parker No. 10). In the NE/4NE/4 of Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.11. PWC Recharge/Reservoir Site No. 11 (Schuppe No. 1). In the SE/4NE/4 of Section 29, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.12. PWC Recharge/Reservoir Site No. 12 (Schuppe No. 2). In the SW/4NE/4 of Section 29, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.13. PWC Recharge/Reservoir Site No. 13 (Lueck No. 1). In the NW/4NE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.14. PWC Recharge/Reservoir Site No. 14. In the NE/4SE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.15. PWC Recharge/Reservoir Site No. 15. In the NW/4SE/4 of Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.16. PWC Recharge/Reservoir Site No. 16. In the SW/4SE/4 Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.17. PWC Recharge/Reservoir Site No. 17. In the SE/4SE/4 Section 22, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.18. PWC Recharge/Reservoir Site No. 18. In the SW/4SW/4 Section 23, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.19. PWC Recharge/Reservoir Site No. 19. In the NE/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.20. PWC Recharge/Reservoir Site No. 20. In the NW/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.21. PWC Recharge/Reservoir Site No. 21. In the SW/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.4.22. PWC Recharge/Reservoir Site No. 22. In the SE/4NE/4 Section 27, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area at high water line: 5 acres. Total active capacity in acre feet: 25 acre-feet with 0 dead storage. 6.5. Amounts. 6.5.1. Headgate Diversion. 90 c.f.s., conditional. 6.5.2. Corral Creek, Unnamed Draw and Skinner Draw.

20.0 c.f.s. each, conditional. 6.6. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. 7. Name of Structure. Stromberger Land and Cattle LLC Recharge Project (SLC). 7.1. Points of Diversion 7.1.1. Stromberger Recharge Well No. 58700-F. 7.1.1.1. In the NE1/4 SE1/4, Section 6, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2422 feet north and 862 feet west from the southeast corner of said section. 7.1.1.2. Appropriation. November 22, 2002. 7.1.1.3. Amount. 6.66 c.f.s., 3,000 acre-feet, conditional. 7.1.2. Stromberger Recharge Well No. 58701-F. 7.1.2.1. In the NW1/4 SE1/4, Section 6, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2442 feet north and 1483 feet west from the southeast corner of said section. 7.1.2.2. Appropriation. November 22, 2002. 7.1.2.3. Amount. 6.66 c.f.s., 3000 acre-feet, conditional. 7.1.3. Stromberger Recharge Well No. 58702-F. 7.1.3.1. In the NW1/4 SE1/4, Section 6, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2139 feet north and 2295 feet west from the southeast corner of said section. 7.1.3.2. Appropriation. November 22, 2002. 7.1.3.3. Amount. 6.66 c.f.s., 3000 acre-feet, conditional. 7.1.4. Stromberger Recharge Well No. 58703-F. 7.1.4.1. In the NW1/4 SW1/4, Section 12, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2391 feet north and 352 feet east from the southwest corner of said section. 7.1.4.2. Appropriation. November 22, 2002. 7.1.4.3. Amount. 6.44 c.f.s. absolute; 1377.3 acre-feet, absolute, 1622.7 acre-feet, conditional. 7.1.5. Stromberger Recharge Well No. 58704-F. 7.1.5.1. In the NE1/4 SE1/4, Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1786 feet north and 36 feet west from the southeast corner of said section. 7.1.5.2. Appropriation. November 22, 2002. 7.1.5.3. Amount. 8.06 c.f.s absolute; 0.82 conditional; 1980.3 acre-feet, absolute, 1019.7 acre-feet, conditional. 7.1.6. Stromberger Recharge Well No. 58705-F. 7.1.6.1. In the SE1/4 SE1/4, Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1287 feet north and 373 feet west from the northwest corner of said section. 7.1.6.2. Appropriation. November 22, 2002. 7.1.6.3. Amount. 8.88 c.f.s. absolute; 2891.0 acre-feet, absolute, 109.0 acre-feet, conditional. 7.1.7. Stromberger Recharge Well No. 58832-F. 7.1.7.1. In the NW1/4 SE1/4, Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1380 feet north and 2320 feet west from the southeast corner of said section. 7.1.7.2. Appropriation. December 24, 2002. 7.1.7.3. Amount. 6.66 c.f.s. conditional; 3000 acre-feet, conditional. 7.1.8. Stromberger Recharge Well No. 58837-F. 7.1.8.1. In the NW1/4 SE1/4, Section 11, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1380 feet north and 1640 feet west from the southeast corner of said section. 7.1.8.2. Appropriation, December 27, 2002. 7.1.8.3. Amount. 4.94. c.f.s., absolute; 1.72 c.f.s. conditional; 1388.1 acre-feet absolute and 1611.9 acre-feet, conditional. 7.2. Source. The South Platte River and its tributaries. 7.3. Description of Recharge. Water is diverted at the recharge wells and is allowed to percolate into SLC Recharge/Reservoir Sites No. 1-7 for Applicant's stated beneficial uses. The following initial sites have been previously decreed. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 7.3.1. SLC Recharge/Reservoir Site No. 1: In the SE1/4 NW1/4 of Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 2.1 acres. Total active capacity in acre feet: 6.3 acre-feet. with 0 dead storage. 7.3.2. SLC Recharge/Reservoir Site No. 2: In the N1/2 SE1/4 of Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 2.8 acres. Total active capacity in acre feet: 14 acre-feet with 0 dead storage. 7.3.3. SLC Recharge/Reservoir Site No. 3: In the NW1/4 SE1/4 of Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 3.3 acres. Total active capacity in acre feet: 13.2 acre-feet with 0 dead storage. 7.3.4. SLC Recharge/Reservoir Site No. 4: In the NE1/4 SE1/4 of Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 2.8 acres. Total active capacity in acre feet: 22.4 acre-feet. with 0 dead storage. 7.3.5. SLC Recharge/Reservoir Site No. 5: In the NW1/4 NW1/4 of Section 19, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 4.7 acres. Total

active capacity in acre feet: 14.1 acre-feet with 0 dead storage. 7.3.6. SLC Recharge/Reservoir Site No. 6: In the NW1/4 NW1/4 of Section 24, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 3.2 acres. Total active capacity in acre feet: 9.6 acre-feet with 0 dead storage. 7.3.7. SLC Recharge/Reservoir Site No. 7: In the NW1/4 SW1/4 of Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 2.2 acres. Total active capacity in acre feet: 4.4 acre-feet. with 0 dead storage. 7.4. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 8. Name of Structure. Svoboda/Stromberger Land and Cattle LLC Recharge Project (SSLC). 8.1. Points of Diversion 8.1.1. Svoboda Recharge Well No. 58835-F. 8.1.1.1. In the SE1/4 SE1/4, Section 33, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1280 feet north and 280 feet west from the southeast corner of said section. 8.1.1.2. Amount. 5.78 c.f.s., absolute; 1376.6 acre-feet, absolute, .89 c.f.s., conditional; 623.4 acre feet, conditional. 8.1.2. Svoboda Recharge Well No. 58836-F. 8.1.2.1. In the SE1/4 SE1/4, Section 33, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1200 feet north and 500 feet west from the southwest corner of said section. 8.1.2.2. Amount. 5.72 c.f.s., absolute; 1429.4 acre-feet, absolute, 570.6 acre-feet, conditional.; 0.89 c.f.s., conditional; 8.2. Appropriation Date. December 27, 2002. 8.3. Source. The South Platte River and its tributaries. 8.4. Description of Recharge. Water is diverted at the recharge wells and is allowed to percolate in SSLC Recharge/Reservoir Sites No. 1-3 for Applicant's stated beneficial uses. The following initial sites have been previously decreed. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 8.4.1. SSLC Recharge/Reservoir Site No. 1: In the SE1/4 NE1/4 of Section 4, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 2.1 acres. Total active capacity in acre feet: 21 acre-feet with 0 dead storage. 8.4.2. SSLC Recharge/Reservoir Site No. 2: In the SW1/4 SE1/4 of Section 3, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5.2 acres. Total active capacity in acre feet: 20.8 acre-feet with 0 dead storage. 8.4.3. SSLC Recharge/Reservoir Site No. 3: In the NW1/4 NE1/4 of Section 10, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 1.3 acres. Total active capacity in acre feet: 5.2 acre-feet with 0 dead storage. 8.5. Use: Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 9. Name of Structure. Stieb Land Company Recharge Project (StLC). 9.1. Points of Diversion 9.1.1. Stieb Land Recharge Well No. 58771-F. 9.1.1.1. In the SE1/4 SE1/4, Section 20, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado approximately 1160 feet north and 380 feet west from the southeast corner of said section. 9.1.1.2. Appropriation. December 10, 2002. 9.1.1.3. Amount. 6.66 c.f.s., absolute; 1262.0 acre-feet, absolute, 1738.0 acre-feet, conditional. 9.1.2. Stieb Land Recharge Well No. 59187-F. 9.1.2.1. In the SE1/4 SE1/4, Section 20, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1100 feet north and 1020 feet west from the southeast corner of said section. 9.1.2.2. Appropriation. March 3, 2003. 9.1.2.3. Amount. 6.66 c.f.s., absolute; 1581.5 acre-feet absolute and 1418.5 acre-feet, conditional. 9.2. Source. The South Platte River and its tributaries. 9.3. Description of Recharge. Water is diverted at the recharge wells and is allowed to percolate in StLC Recharge/Reservoir Sites No. 1 and 2 for Applicant's stated beneficial uses. The following initial sites have been previously decreed. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 9.3.1. StLC Recharge/Reservoir Site No. 1: In the SW1/4 SW1/4 of Section 28, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 5.8 acres. Total Active capacity in

acre feet: 23.2 acre-feet with 0 dead storage. 9.3.2. StLC Recharge/Reservoir Site No. 2: In the NE1/4 NW1/4 of Section 33, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 1.4 acres. Total Active capacity in acre feet: 5.6 acre-feet with 0 dead storage. 9.4. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial, recharge and replacement. All other uses are conditional. 10. Name of Structure. Liberal Colorado LLC Recharge Project (LC). 10.1. Points of Diversion 10.1.1. Liberal Colorado Recharge Well No. 2-61853-F. 10.1.1.1. In the NE1/4 NW1/4, Section 4, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1280 feet south and 2340 feet east from the northwest corner of said section. 10.1.1.2. Amount. 11.11 c.f.s., 8050 acre-feet, conditional. 10.1.2. Liberal Colorado Recharge Well No. 3-61270-F. 10.1.2.1. In the SE1/4 SE1/4, Section 33, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 90 feet north and 1240 feet west from the southeast corner of said section. 10.1.2.2. Amount. 6.69 c.f.s., absolute; 1679.9 acre-feet, absolute and 3120.1 acre-feet, conditional. 10.2. Source. The South Platte River and its tributaries. 10.3. Appropriation Date. April 30, 2003. 10.4. Description of Recharge. Water is diverted at recharge wells and is allowed to percolate in LC Recharge/Reservoir Sites No. 1-5 for Applicant's stated beneficial uses. The following initial sites have been previously decreed. These sites may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 10.4.1. LC Recharge/Reservoir Site No. 1: In the SE1/4 NW1/4, NE1/4 SW1/4, NW1/4 SE1/4 of Section 9, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 56 acres. Total Active capacity in acre feet: 168 acre-feet with 0 dead storage. 10.4.2. LC Recharge/Reservoir Site No. 2: In the SE1/4 NE1/4 of Section 9, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 7.9 acres. Total Active capacity in acre feet: 23.7 acre-feet with 0 dead storage. 10.4.3. LC Recharge/Reservoir Site No. 3: In the SE1/4 SE1/4 of Section 4, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 8.7 acres. Total active capacity in acre feet: 26.1 acre-feet with 0 dead storage. 10.4.4. LC Recharge/Reservoir Site No. 4: In the SE1/4 NE1/4, NE1/4 SE1/4 of Section 4, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 19.3 acres. Total active capacity in acre feet: 57.9 acre-feet with 0 dead storage. 10.4.5. LC Recharge/Reservoir Site No. 5: In the SE1/4 NW1/4, NE1/4 SW1/4, NW1/4, SE1/4 SW ¼ NE1/4 of Section 4, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 7.4 acres. Total active capacity in acre feet: 22.2 acre-feet with 0 dead storage. 10.5. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. 11. Name of Structure. Ken Freeman Recharge Project (KF) 11.1. Point of Diversion. Freeman Recharge Well No. 59194-F. 11.1.1. In the SW1/4 NE1/4, Section 21, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado approximately 2652 feet south and 2470 feet west from the northeast corner of said section. 11.1.2. Amount Claimed: 4.44 c.f.s. absolute, 0.01 c.f.s., conditional; 71.4 acre-feet, absolute, 1928.6, conditional. 11.2. Source. The South Platte River and its Tributaries. 11.3. Appropriation. March 4, 2003. 11.4. Description of Recharge. Water is diverted at the recharge well and is allowed to percolate in a Recharge/Reservoir site for Applicant's stated beneficial uses. The following initial site has been decreed. This site may be modified and other sites added as long as the source of water is from the same diversion points described above, Applicant provides notice to the objectors and the Division Engineer, pursuant to ¶16 of the Original Decree, and the Division Engineer approves the modification of the existing site or use of the new site. 11.4.1. KF Recharge/Reservoir Site No. 1: In the SE1/4 SE1/4 of Section 21, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. Surface area of high-water line: 3 acres. Total Active capacity in acre feet: 9 acre-feet with 0 dead storage. 11.5. Use. Augmentation, directly and by exchange, of water rights used for irrigation, municipal, commercial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Absolute amounts are for direct augmentation of water rights used for irrigation, livestock, commercial,

recharge and replacement. All other uses are conditional. AUGMENTATION WELLS 12. Debus Augmentation Well No. 1-58027-F. 12.1. Location: In the NW1/4 NE1/4, Section 10, Township 9 North, Range 51 West of the 6th p.m., Logan County, Colorado, approximately 150 feet south and 2200 feet west from the northeast corner of said section. 12.2. Appropriation: August 16, 2002. 12.3. Amount: 1.77 c.f.s., absolute, 1.55 c.f.s., conditional. 13. Debus Augmentation Well No. 2-58028-F. 13.1. Location: In the NW1/4 NE1/4, Section 10, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 300 feet south and 1750 feet west from the northeast corner of said section. 13.2. Appropriation: August 16, 2002. 13.3. Amount: 1.77 c.f.s. absolute, 1.55 c.f.s., conditional. 14. Hernandez Augmentation Well No. 60461-F. 14.1. Location: In the SW1/4 SW1/4, Section 8, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado, approximately 1150 feet north and 70 feet east from the southwest corner of said section. 14.2. Appropriation: April 30, 2003. 14.3. Amount: 1.09 c.f.s. absolute and 2.25 c.f.s., conditional. 15. Liberal Colorado 49 Augmentation Well No. 60836-F. 15.1. Location: In the SW1/4 NE1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1880 feet south and 2590 feet west from the northeast corner of said section. 15.2. Appropriation: April 30, 2003. 15.3. Amount: 4.45 c.f.s., conditional. 16. Liberal Colorado 50 Augmentation Well No. 60829-F. 16.1. Location: In the SW1/4 NW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2047 feet south and 1024 feet east from the northwest corner of said section. 16.2. Appropriation: April 30, 2003. 16.3. Amount: 4.45 c.f.s., conditional. 17. Manuello Brothers Augmentation Well No. 1-58031-F. 17.1. Location: In the SW1/4 NW1/4, Section 29, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2650 feet north and 100 feet east from the southeast corner of said section. 17.2. Appropriation: August 16, 2002. 17.3. Amount: 5.44 c.f.s., absolute, 1.23 c.f.s. conditional. 18. Manuello Brothers Augmentation Well No. 2-58032-F. 18.1. Location: In the NW1/4 NW1/4, Section 31, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 850 feet south and 50 feet east from the northwest corner of said section. 18.2. Appropriation: August 16, 2002. 18.3. Amount: 6.11 c.f.s., absolute, 0.92 c.f.s., conditional. 19. Manuello Brothers Augmentation Well No. 3-58033-F. 19.1. Location: In the SE1/4 NW1/4, Section 32, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2200 feet south and 1000 feet east from the northwest corner of said section. 19.2. Appropriation: August 16, 2002. 19.3. Amount: 3.00 c.f.s., absolute, 2.55 c.f.s., conditional. 20. Manuello Brothers Augmentation Well No. 4-58034 F. 20.1. Location: In the SE1/4 SE1/4, Section 31, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1050 feet north and 1000 feet west from the southeast corner of said section. 20.2. Appropriation: August 16, 2002. 20.3. Amount: 3.18 c.f.s., absolute, 3.48 c.f.s., conditional. 21. 2000 Ranch, LLC Well No. 1-59285 F. 21.1. Location: In the SW1/4 SW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 200 feet north and 1250 feet east from the southwest corner of said section. 21.2. Appropriation: March 26, 2003. 21.3. Amount: 5.56 c.f.s., conditional. 22. 2000 Ranch, LLC Well No. 2-59286-F. 22.1. Location: In the NE1/4 SW1/4, Section 3, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1550 feet north and 1450 feet from the southwest corner of said section. 22.2. Appropriation: March 26, 2003. 22.3. Amount: 2.77 c.f.s. absolute, 2.79 c.f.s. conditional. 23. 2000 Ranch, LLC Well No. 3-59297 F. 23.1. Location: In the NE1/4 SW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2000 feet north and 1770 feet east from the southwest corner of said section. 23.2. Appropriation: March 26, 2003. 23.3. Amount: 5.56 c.f.s., conditional. 24. 2000 Ranch Well, LLC No. 4-59298 F. 24.1. Location: In the NW1/4 SW1/4, Section 18, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 1840 feet north and 1200 feet east from the southwest corner of said section. 24.2. Appropriation: March 26, 2003. 24.3. Amount: 5.56 c.f.s., conditional. 25. Stieb Land Co., Augmentation Well No. 1-58029 F. 25.1. Location: In the SW1/4 SW1/4, Section 10, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 650 feet north and 100 feet east from the southwest corner of said section. 25.2. Appropriation: August 16, 2002. 25.3. Amount: 3.67 c.f.s., absolute; 0.78 c.f.s., conditional. 26. Stieb Land Co., Augmentation Well No. 2-59325 F. 26.1. Location: In the NW1/4 SW1/4, Section 28, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately

2603 feet north and 195 feet east from the southwest corner of said section. 26.2. Appropriation: February 28, 2003. 26.3. Amount: 2.93 c.f.s., absolute; 3.73 c.f.s., conditional. 27. Stieb Land Co., Augmentation Well No. 3-60623 F. 27.1. Location: In the SW1/4 SW1/4, Section 10, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1290 feet north and 910 feet east from the southwest corner of said section. 27.2. Appropriation: February 26, 2003. 27.3. Amount: 6.66 c.f.s., conditional. 28. Stromberger Land Co., Augmentation Well No. 1-59294 F. 28.1. Location: In the NW1/4 SE1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 2630 feet north and 2370 feet west from the southeast corner of said section. 28.2. Appropriation: March 26, 2003. 28.3. Amount: 5.56 c.f.s., conditional. 29. Stromberger Land Co., Augmentation Well No. 2-59295 F. 29.1. Location: In the NE1/4 SW1/4, Section 8, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 2540 feet north and 2440 feet east from the southwest corner of said section. 29.2. Appropriation: March 26, 2003. 29.3. Amount: 5.56 c.f.s., conditional. 30. Stromberger Land Co., Augmentation Well No. 3-59296 F. 30.1. Location: In the SE1/4 SW1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 1070 feet north and 1710 feet east from the southwest corner of said section. 30.2. Appropriation: March 26, 2003. 30.3. Amount: 5.56 c.f.s., conditional. 31. P & B 1, Augmentation Well No. 21085 F. 31.1. Location: In the NW1/4 NW1/4, Section 32, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 850 feet south and 25 feet east from the northwest corner of said section. 31.2. Appropriation: April 30, 2003. 31.3. Amount: 4.45 c.f.s., conditional. 32. Svoboda Augmentation Well No. 59883-F. 32.1. Location: In the NE1/4 SE1/4, Section 35, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, approximately 3000 feet south and 0 feet west from the northeast corner of said section. 32.2. Appropriation: November 12, 2002. 32.3. Amount 5.56 c.f.s., absolute. 33. Parker Augmentation Well No. 2-13930. 33.1. Location: In the SW1/4 SW1/4, Section 2, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, approximately 600 feet north and 100 feet east from the southwest corner of said section. 33.2. Appropriation: April 30, 2003. 33.3. Amount: 4.45 c.f.s., conditional. 34. Stromberger Land Co. Augmentation Well No. 4(6831-F). 34.1. Location: In the NW1/4 NW1/4, Section 3, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, at a point approximately 821 feet south and 617 feet east from the northwest corner of said Section 3. 34.2. Appropriation: June 15, 2004. 34.3. Amount: 2.67 c.f.s., conditional. 35. Stromberger Land Co. Augmentation Well No. 5(14711-F). 35.1. Location: In the SE1/4 SE1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 390 feet north and 1160 feet west from the southeast corner of said section. 35.2. Appropriation: June 15, 2004. 35.3. Amount: 2.67 c.f.s., conditional. 36. Stromberger Land Co. Augmentation Well No. 6(14713). 36.1. Location: In the NE1/4 NE1/4, Section 13, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1275 feet south and 1160 feet west from the northeast corner of said section. 36.2. Appropriation: June 15, 2004. 36.3. Amount: 3.91 c.f.s., conditional. 37. Stromberger Land Co. Augmentation Well No. 7(14714-R). 37.1. Location: In the NE1/4 NW1/4, Section 24, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1300 feet south and 1500 feet east from the northwest corner of said section. 37.2. Appropriation: June 15, 2004. 37.3. Amount: 4.23 c.f.s., conditional. 38. Cullip Augmentation Well No. 1 (2931-F). 38.1. Location: In the NW1/4 SW1/4, Section 19, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 2036 feet north and 476 feet east from the southwest corner of said section. 38.2. Appropriation: June 15, 2004. 38.3. Amount: 1.66 c.f.s., conditional. 39. Cullip Augmentation Well No. 2(RF-113-7047). 39.1. Location: In the SW1/4 NW1/4, Section 19, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1594 feet south and 434 feet east from the northwest corner of said section. 39.2. Appropriation: June 15, 2004. 39.3. Amount: 1.85 c.f.s., conditional. 40. Wagner Augmentation Well No. 1(10011). 40.1. Location: South 19°21'20" West a distance of 1719 feet from the NE corner of section 18, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. 40.2. Appropriation: June 15, 2004. 40.3. Amount: 1.67 c.f.s., conditional. 41. Wagner Augmentation Well No. 2(23051-F). 41.1. Location: In the NE1/4 NW1/4, Section 17, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado, at a point 1050 feet south and 1600 feet east from the northwest corner of said section. 41.2. Appropriation: June 15, 2004.

41.3. Amount: 5.56 c.f.s., conditional. 42. Wagner Augmentation Well No. 3(9451-F). 42.1. Location: South 36°41'30" East a distance of 1645 feet from the NW corner of section 17, Township 9 North, Range 51 West of the 6th P.M., Logan County, Colorado. 42.2. Appropriation: June 15, 2004. 42.3. Amount: 1.33 c.f.s., conditional. 43. 2000 Ranch, LLC Augmentation Well No. 4(6673-F). 43.1. Location: In the SW1/4 SE1/4, Section 3, Township 9 North, Range 50 West of the 6th P.M., Logan County, Colorado, at a point 1000 feet east of the north south center line and 375 feet north of the east west center section line. 43.2. Appropriation: June 15, 2004. 43.3. Amount: 2.67 c.f.s., conditional. EXCHANGE 44. Exchange. The following right of exchange was decreed in the Original Decree. 44.1. Legal Description of Points of Diversion. The points of diversion are the headgates of the Iliff and Platte Valley Ditch; the Upper Harmony Ditch; the Proctor Water Company; the Bravo Ditch, and the Recharge Wells all described in the Decree. 44.2. Legal Description of the Reach of the South Platte River Within the Substitution and Exchange. The recharge water delivered to the South Platte River will be delivered within a reach of the South Platte River, consisting of an upstream point at the Bravo Ditch headgate, described in ¶45.1 of the Decree, and a downstream point at the east line of Section 15, Township 10 North, Range 49 West of the 6th P.M., Logan County, Colorado. 44.3. Appropriation: April 30, 2003. 44.4. Amount. 65 c.f.s., conditional. 44.5. Use. Augmentation of water rights used for irrigation, municipal, commercial, livestock, fire protection recharge, and replacement. 45. Outline of What Has Been Done Toward Completion. 45.1. The Diligence period for the conditional rights that are the subject of this Application is September 5, 2018 to September 30, 2024. 45.2. During the diligence period, LLWU made annual projections and conducted annual accounting for the LLWU Augmentation Plan pursuant to the terms of the Original Decree. 45.3. During the diligence period, LLWU filed statements of opposition in the following cases: Dixie Water, LLC, 18CW3237; Lower South Platte Water Conservancy District and Parker Water and Sanitation District, 19CW3253; BennT Creek Regional Water Authority and SP Regional Water Company, LLC, 20CW3215, and The Town of Castle Rock, 21CW3185. 45.4. During the diligence period, LLWU filed a water court application in case No. 21CW3084. 45.5. During the diligence period LLWU expended funds for contract labor totaling \$72,596 which includes expenses related to ditch maintenance, meter reading, meter certification and monitoring. Additionally, LLWU expended \$17,600.00 on bookkeeping and accounting, \$13,382 on engineering expenses, and \$5,969 on insurance expenses during the diligence period. In addition, LLWU has expended approximately \$39,586 in legal services during the diligence period. 46. Claims To Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4). The Original Decree at ¶59 states the following: "Integrated System: Applicant's water rights and recharge system and each of the water rights and structures which will provide augmentation, substitution, replacement and exchange supplies under this decree collectively comprise an integrated system of water rights and structures under §37 92 301(4)(b) C.R.S. 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 finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in §37-92-301(4)(b), C.R.S." Applicant has reviewed the State Engineer Diversion Records and Applicant's records to determine the diversions made pursuant the conditional water rights described above. Applicant claims the following amounts of each water right should be decreed absolute. The conditional water rights rates amounts set out in ¶¶4-44 herein and not made absolute in this Application should remain conditional. 46.1. Stieb Land Recharge Well No. 59187-F. An additional 77.46 was diverted during the diligence period (2021) above the already absolute amount of 1581.5 acre-feet, and therefore a total of 1658.96 acre-feet should be made absolute, and 1341.04 acre-feet should remain conditional. 46.2. 2000 Ranch, LLC Well No. 2-59286-F. An additional 0.14 cfs was diverted during the diligence period (2022) above the already absolute amount of 2.77 cfs, and therefore a total of 2.77 cfs should be made absolute, and 2.65 cfs should remain conditional. 46.3. Stromberger Land Co. Augmentation Well No. 7(14714-R). 3.14 cfs was diverted during the diligence period (2022) and should be made absolute, and 1.09 cfs should remain conditional. 47. Names and addresses of owners of the Structures. The names and addresses of the owners of the structures are set out above. 48. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant has satisfied the statutory standard of steady application of effort to complete the appropriations described above in a reasonably expedient and

efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the conditional water rights, that a portion of the water rights should be made absolute as described herein, and that the remaining conditional portion of the water rights, or the full amount of the water rights as the case may be, should continue. This application consists of 25 pages.

CASE NUMBER 2024CW3136 NORTH FORK ASSOCIATES, LLC, MOUNTAIN MUTUAL RESERVOIR COMPANY, FOXTAIL PINES OWNERS ASSOCIATION, FOXTAIL PINES HEIGHTS OWNER'S ASSOCIATION, HOWARD E. SHAWCROSS, AND LOWER SACRAMENTO CREEK RESERVOIR COMPANY; a. Foxtail Pines Owners Association ("Foxtail Pines"), P.O. Box 516, Fairplay, CO 80440, Email: Jerryenoownersassociation@gmail.com, Telephone: 720-724-0928; b. Foxtail Pines Heights Owner's Association ("Foxtail Heights"), P.O. Box 1455, Fairplay, CO 80440, Email: wbresnahan@gmail.com, Telephone: 970-389-1849; c. Howard E. Shawcross ("Shawcross"), 6496 S. Forest St., Centennial, CO 80121, Email: CPAShawcross@msn.com, Telephone: 303-902-0981; d. North Fork Associates, LLC ("NFA"), 2686 S. Yukon Ct., Denver, CO 80227, Email: 613blatch@gmail.com, Telephone: 303-916-5115; e. Mountain Mutual Reservoir Company, ("MMRC"), 6949 Highway 73, Suite 15, Evergreen, CO 80439, Email: norm@hch20.com, Telephone: 303-989-6932; f. Lower Sacramento Creek Reservoir Company ("LSCR Company"), 2686 S. Yukon Ct., Denver, CO 80227, Email: 613blatch@gmail.com, Telephone: 303-916-5115; and g. Please address correspondence of Applicants NFA and MMRC in this matter to: Aaron S. Ladd, Esq. and Rachel L. Bolt, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301, Email: asl@vrlaw.com; rlb@vrlaw.com, Telephone: 303-443-6151. **APPLICATION TO AMEND AUGMENTATION PLAN AND FOR CHANGE OF WATER RIGHT INCLUDING EXCHANGE IN PARK AND JEFFERSON COUNTIES.**

2. Overview of Claims: Foxtail Pines and Foxtail Heights (collectively, the "Subdivisions") are two adjacent subdivisions located near Fairplay in Park County, Colorado, the general location of which are shown on the map attached as **Exhibit A**. The water supply for the Subdivisions is supplied by individual wells on each lot, which are augmented pursuant to a plan for augmentation originally decreed in Case No. W-8480-77, as amended in Case No. 84CW250. Pursuant to this augmentation plan, out-of-priority depletions are replaced by leaving changed Guiraud 3T Ditch water rights in the stream to augment irrigation season depletions and by storing water in Lower Sacramento Creek Reservoir No. 1 for later release to replace non-irrigation season depletions. The augmentation plan originally contemplated and provided sufficient augmentation water for in-house use at 401 single-family homes. However, the Subdivisions did not receive County plat approval for all 401 lots, resulting in excess augmentation water, which was retained by the original developer and its successor-in-interest, Shawcross. In this Application, Applicants wish to: (1) remove from the Subdivisions' augmentation plan 0.08 cfs of the Guiraud 3T Ditch water right yielding 1.746 acre-feet, the equivalent replacement supply for 50 single-family homes which were not approved by the County plats for the Subdivisions; and (2) change the 0.08 cfs of the Guiraud 3T Ditch water right for augmentation, replacement, and exchange purposes for MMRC's shareholders and add an additional place of storage in Maddox Reservoir. **CLAIM NO 1: APPLICATION TO AMEND AUGMENTATION PLAN**

3. In Case No. W-8480-77, Water Division 1, 0.64 cfs of the Guiraud 3T Ditch right described in more detail below, yielding 13.97 acre-feet of annual consumptive use credit was quantified and changed from irrigation to use for augmentation to replace depletions from individual wells for indoor use at up to 401 single family homes within what became the Foxtail Pines and Foxtail Heights subdivisions in Sections 4, 5, 6, 7, 8, and 9, Township 10 South, Range 77 West, 6th P.M., Park County, Colorado. Pursuant to this augmentation plan, depletions are generally replaced to the stream by: (1) leaving Guiraud 3T Ditch water in the Middle Fork of the South Platte River at the historic location of the Guiraud 3T Ditch headgate to augment irrigation season depletions; and (2) storing water in a reservoir to replace non-irrigation season depletions or when the Guiraud 3T Ditch is not in priority. The irrigation season is May through September and the non-irrigation season is October through April. The plan also allocated an estimated 1.39 acre-feet of the 13.97 acre-feet to replace evaporative losses from reservoir storage.

4. The W-8480-77 decree did not specify the storage structure and instead allowed a portion of the changed Guiraud 3T Ditch right to be stored in any suitable facility approved the Division Engineer. In Case No.

84CW250, the Division 1 Water Court confirmed the place of storage in the Lower Sacramento Creek Reservoir No. 1, described in more detail below, and approved terms and conditions for accounting and operation of the reservoir. 5. The development plans for the Subdivisions have subsequently changed. As relevant here, the developer retained the water rights for 50 of the originally contemplated 401 single-family homes, which 50 homes will no longer be developed. Accordingly, by this Application, Applicants seek to reduce the augmentation supply in the Subdivisions' augmentation plan by 0.08 cfs of the Guiraud 3T Ditch right yielding 1.746 acre-feet annual consumptive use credit from the originally decreed 0.64 cfs yielding 13.97 acre-feet of annual consumptive use credit. This amount represents the replacement supply for the 50 single-family homes that will not be developed. The remaining 0.56 cfs of the Guiraud 3T Ditch right yielding 12.224 acre-feet of annual consumptive use credit in the Subdivisions' augmentation plan is more than sufficient to replace depletions from present and future anticipated build out of the Subdivisions. Following entry of a decree in this case, the Subdivisions' buildout will be limited to 351 single-family lots. 6. The Subdivisions' augmentation plan will continue to replace all out of priority diversions from the in-house use for the reduced number of lots by: (1) leaving a portion of the remaining 0.56 cfs of the Guiraud 3T Ditch right in the stream to replace irrigation season depletions; and (2) by storing a portion of the Guiraud 3T Ditch right in Lower Sacramento Creek Reservoir No. 1 to replace non-irrigation season depletions and at times when the Guiraud 3T Ditch right is not in priority. Releases and accounting of the water stored in Lower Sacramento Creek Reservoir No. 1 will continue to be made in accordance with the decree entered in Case No. 84CW250. All other terms and conditions of the augmentation plan decreed in Case No. W-8480-77, and subsequently amended by Case No. 84CW250 will remain in full force and effect after entry of a decree in this case. **CLAIM NO 2: APPLICATION FOR CHANGE OF WATER RIGHT INCLUDING EXCHANGE**

7. Decreed Water Right Subject to this Application: 0.08 cfs of the Guiraud 3T Ditch right, yielding 1.746 acre-feet of annual consumptive use credit which was previously changed and quantified in W-8480-77. a. The Guiraud 3T Ditch has an appropriation date of July 1, 1867. The headgate for the ditch is located on the South bank of the Middle Fork of the South Platte River in the NE1/4 of the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE1/4 of said Section 8 bears North 63°35" East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees, including W-8480-77, have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre-feet per year per 1.0 cfs. b. As set forth above, 0.08 cfs of the Guiraud 3T Ditch right, yielding 1.746 acre-feet of annual consumptive use credit that is the subject of this change is a portion of the Guiraud 3T Ditch right previously quantified and changed from irrigation to augmentation purposes in Case Nos. W-8480-77 and 84CW250. In Case No. 84CW250, the Water Court confirmed that this water right could be stored in Lower Sacramento Creek Reservoir No. 1. c. Applicant NFA is under contract with Shawcross, the successor in interest to the original developer, to purchase the 0.08 cfs of the Guiraud 3T Ditch right and 120 shares in the Lower Sacramento Creek Reservoir Company. Once a final decree is entered in this case, this water right will be converted to shares of MMRC stock and used to replace out-of-priority depletions of MMRC's shareholders. d. **Source of water:** South Platte River. 8. **Proposed Change:** a. Applicants request 0.08 cfs of the Guiraud 3T Ditch right, yielding 1.746 acre-feet of annual consumptive use credit be changed from use in the Subdivisions' augmentation plan to be used for augmentation, replacement, exchange and storage purposes for MMRC's shareholders. b. Applicants also seek approval to leave the subject water right in the stream to replace MMRC's shareholder's irrigation season depletions at the historic headgate of the Guiraud 3T Ditch as described above in Paragraph 7. c. Applicants also seek approval to store the full amount of the subject water right in any of the following structures for later release to augment (including by exchange as applicable) MMRC's shareholders' depletions during the non-irrigation season or when the Guiraud 3T Ditch right is not in priority: i. **Lower Sacramento Creek Reservoir No. 1.** (1) The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. (2) **Point of Diversion/Fill:** The point of diversion is the Platte City Placer Mine Ditch headgate located in the NW1/4 NW1/4, Section 32, Township 9 South, Range 77 West, 6th P.M. on Sacramento Creek, tributary to the Middle Fork of the

South Platte River. (3) The reservoir has been constructed and is also entitled to store water under the following decrees:

Adjudication Date	Appropriation Date	Amount
Case No. W-7741-74	July 25, 1974	40 a.f.
Case No. 84CW250	Use of Res. as Recharge Facility	
Case No. 85CW465	Use of Res. as Recharge Facility	

(4) The Guiraud 3T Ditch may be stored upstream in Lower Sacramento Creek Reservoir No. 1 pursuant to an exchange decreed in Case No. 96CW287. ii. Maddox Reservoir. (1) Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., Park County Colorado. (2) Point of Diversion/ Fill: It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. 9. Appropriative Right of Exchange. Because Maddox Reservoir is located in the North Fork basin of the South Platte, Applicants assert an appropriative right of exchange pursuant to Sections 37-80-120 and 37-83-104, C.R.S. The reach of the exchange shall extend from the confluence of South Platte and the North Fork of the South Platte in the SW1/4 SE1/4, Section 25, Township 7 South, Range 70 West, 6th P.M, thence up the North Fork of the South Platte River to the headgate for the Maddox Reservoir Feeder Ditch in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. The appropriative right of exchange will be operated and administered with a priority date of September 30, 2024, at a maximum flow rate of 0.08 cfs. 10. The use of the changed subject water rights within the Mountain Mutual system by Mountain Mutual shareholders will require the filing a new application seeking approval of an augmentation plan; however, this Application is required before a specific plan for augmentation in order for Mountain Mutual to accept this water into its system in exchange for issuance of shares to North Fork. 11. 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: Applicants. WHEREFORE, Applicants request entry of a decree approving this Application, specifically (1) approving the amendment to the Subdivisions' existing augmentation plan previously decreed in Case Nos. W-8480-77 and 84CW250; (2) approving the change of 0.08 cfs of the Guiraud 3T Ditch right for augmentation, replacement, exchange, and storage purposes for MMRC's shareholders and to add an additional place of storage in Maddox Reservoir in addition to Lower Sacramento Creek Reservoir No. 1; (3) granting the appropriations sought in this Application; and (4) such other relief as the Court deems appropriate. (19 pgs., 1 Exhibit)

CASE NUMBER 2024CW3137 CONCERNING THE APPLICATION FOR WATER RIGHTS OF COUNTY OF BOULDER. APPLICATION TO MAKE ABSOLUTE OR IN THE ALTERNATIVE FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY. Attorneys for applicant: Andrea L. Benson, Esq., Reg. No. 33176 Gilbert Y. Marchand, Jr., Esq., Reg. No. 19870 Alperstein & Covell, P.C. 2299 Pearl Street, Suite 400-C Boulder, CO 80302 Phone: (303) 894-8191 Fax: (303) 861-0420 alb@alpersteincovell.com; gym@alpersteincovell.com. **1. Name, mailing address, e-mail address, and telephone number of applicant:** County of Boulder, a body corporate and politic, Parks and Open Space Department, c/o Darren Beck, Water Resources Program Manager, 5201 St. Vrain Road, Longmont, Colorado 80503, (303) 678-6230; dbeck@bouldercounty.gov. **2. Name of water right:** Walden Ponds Storage Water Right. **3. Names of structures:** Walden Ponds and Sawhill Ponds. **4.** The decree for the Walden Ponds Storage Water Right was entered on November 16, 2010 by the District Court, Water Division No. 1, in Case No. 02CW359. A subsequent decree was entered by the same Court on September 10, 2018 in Case No. 16CW3148 making absolute the following amounts: 3.3 cfs, in a volumetric amount of 90.88 acre-feet. The 16CW3148 decree also granted a finding of diligence with respect to the remaining conditional portions of the water right in the amount of 109.12 acre-feet and at the rate of 4.7 cfs. **5. Legal description of place of storage and points of diversion as decreed in Case No. 02CW359:** 5.1 Walden Ponds and Sawhill Ponds consist of a series of unlined gravel pits located in all or some portions of the

northwest quarter of the southeast quarter, the northwest quarter of the southwest quarter, the northeast quarter of the southeast quarter of the northwest quarter of Section 23, the west half of the northwest quarter of Section 24, the south half of the southwest quarter of Section 13, the south half of the southeast quarter of Section 14, Township 1 North, Range 70 West of the 6th P.M. The excavation of the gravel pits exposed groundwater. The groundwater that was exposed to the atmosphere in connection with the extraction of sand and gravel, and which resulted in the creation of the Walden Ponds and Sawhill Ponds, took place prior to January 1, 1981, for all but three of the ponds. Thus, pursuant to Section 37-90-137(11)(b), C.R.S., no well permit, plan for augmentation, or plan of substitute supply is required to replace out-of-priority evaporative depletions of such groundwater for the pre-1981 portion of the Walden Ponds and Sawhill Ponds. In Case No. 91CW38, District Court, Water Division No. 1, a decree was granted for a water storage right for 51 acre-feet and a decreed plan for augmentation to replace 51 acre-feet of evaporative losses associated with the then-current and then-planned development of the three post-1980 ponds, located in the southeast quarter of the southeast quarter of Section 14, Township 1 North, Range 70 West, of the 6th P.M. The water needs of Walden Ponds and Sawhill Ponds are not always fully satisfied by the exposed groundwater. To provide supplemental water supplies, Applicant diverts water from Boulder Creek at the headgates of the Walden-Sawhill North Ditch, Walden-Sawhill South Ditch, or Green Ditch, described below, and stores it in Walden Ponds and Sawhill Ponds for the beneficial uses described below. The storage water right decreed in Case No. 91CW38 was made fully absolute in Case Nos. 99CW123 and 10CW53. **5.2 Walden-Sawhill North Ditch:** Point of diversion located on the Boulder Creek at a point in the northwest quarter of the northeast quarter of Section 23, Township 1 North, Range 70 West, 586 feet from the North Section Line and 2,496 feet from the East Section Line. **5.3 Walden-Sawhill South Ditch:** Point of diversion located on the Boulder Creek at a point in the northeast quarter of the northwest quarter of Section 23, Township 1 North, Range 70 West, 1,092 feet from the North Section Line and 2,242 feet from the West Section Line. **5.4 Green Ditch Diversion:** Point of diversion located on the Boulder Creek at a point in the southwest quarter of the northwest quarter of Section 23, Township 1 North, Range 70 West, 2,636 feet from the North Section Line and 726 feet from the West Section Line. **5.5** Attached to the application is a map illustrating the location of the places of storage and points of diversion. **6. Source:** Boulder Creek. **7. Date of appropriation:** November 6, 2002. **8. Amount:** 200 acre-feet per year, of which 90.88 acre-feet has been made absolute, to be diverted at a total combined rate of 8 cubic feet per second (“cfs”), of which 3.3 cfs has been made absolute. The amount of 109.12 acre-feet at the rate of 4.7 cfs remains conditional. **9. Uses:** Wildlife habitat, piscatorial, and recreational purposes. The water right is used to provide supplemental water to all or parts of the Walden Ponds and the Sawhill Ponds located in all or some portions of the northwest quarter of the southeast quarter, the northwest quarter of the southwest quarter, the northeast quarter of the southeast quarter of the northwest quarter of Section 23, the west half of the northwest quarter of Section 24, the south half of the southwest quarter of Section 13, the south half of the southeast quarter of Section 14, Township 1 North, Range 70 West, of the 6th P.M. **10. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the subject diligence period:** During the diligence period, Applicant operated and maintained the diversion and storage structures, including the recording and measuring devices, associated with the Walden Ponds Storage Water Right. In June and July of 2019, and April, May, and June of 2023, a cumulative amount of up to 200 acre-feet of water was diverted from Boulder Creek in priority at rates of up to 8 cfs for storage in the ponds and use for wildlife habitat, piscatorial, and recreational purposes. During the diligence period, debris and sediment were removed from the ditch that brings water from Boulder Creek to the Walden Ponds and Sawhill Ponds. A diversion structure was rebuilt, and a new measurement weir was installed and approved by the Colorado Division of Water Resources. Trees were removed from the ditch and access area, and a portion of the ditch was graded. The cost of all this work was approximately \$75,000. The work was performed by staff of the City of Boulder Open Space and Mountain Parks Department. Additionally, the Bass Pond to Cottonwood Marsh Spillway Reconstruction project involved the demolition of the existing spillway and building of a new spillway and path over a new utility line, and protection of the embankments with soil riprap. The New Bass Pond to Cottonwood Marsh connection project involved

the rebuilding of the connection between the two ponds and the construction of a new headwall for the outlet. The Duck Pond Bank Restoration project involved bank protection work on the west bank of Duck Pond. The work benefited the County's Walden Ponds Wildlife Habitat area and the water rights herein. **11. Claim to make absolute: 11.1 Date water applied to beneficial use:** June 5, 2023 was the date on which the maximum rate of diversion to storage occurred. The cumulative storage occurred in June and July of 2019, and April, May, and June of 2023. **11.2 Amount:** 8 cfs. Up to 200 acre-feet of in-priority storage occurred during the diligence period. **11.3 Use:** Wildlife habitat, piscatorial, and recreation. **11.4** The water was applied to beneficial use at Walden Ponds and Sawhill Ponds, as described in paragraph 5.1, above, and depicted on the illustrative map attached to the application. **12. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.** **12.1** Applicant, whose name and address is described in paragraph 1, above, is the owner of the Walden Ponds Wildlife Habitat area ("Walden Ponds") where some or all of the water is and will be used. **12.2** The Colorado Division of Wildlife (the "Division") is the owner of the Sawhill Ponds Wildlife Area ("Sawhill Ponds"). The Division's address is 6060 Broadway, Denver, CO 80216-1029. **12.3** The Green Ditch Company is the owner of the Green Ditch. The Green Ditch Company's address is believed to be: c/o City of Boulder, Open Space & Mountain Parks Department, P.O. Box 791, Boulder, CO 80306. **WHEREFORE,** Applicant requests the court to enter a decree making absolute the Walden Ponds Storage Water Right at a rate of 8 cfs, in a volumetric amount of 200 acre-feet; alternatively finding that diligence has been shown toward the completion of any remaining conditional portion(s) of the appropriation associated with the Walden Ponds Storage Water Right; continuing said water right in full force and effect; and granting such other relief as the court deems proper under the circumstances.

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 **NOVEMBER 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.