

***SUBSTITUTE WATER SUPPLY PLAN AND PRODUCED NONTRIBUTARY
GROUNDWATER NOTIFICATION LIST***

Section 37-92-308(6), C.R.S. directs the State Engineer to establish a notification list for each water division for the purpose of notifying interested parties of requests for the State Engineer's approval of substitute water supply plans ("SWSPs") filed in that water division pursuant to section 37-92-308, C.R.S. The SWSP Notification List is also used to provide notice of proposed water right loans to the Colorado Water Conservation Board for use as instream flows under section 37-83-105(2)(b)(II), C.R.S., notice of applications for the State Engineer's approval of interruptible water supply agreements under section 37-92-309(3)(a), C.R.S., notice of applications for fallowing and leasing pilot projects under section 37-60-115(8)(e)(II), C.R.S., notice of fire suppression ponds under section 37-80-124(10)(a)(II)(E), C.R.S., and notice of storm water detention and infiltration facilities under section 37-92-602(8)(d), C.R.S.

Pursuant to Rule 17.5(B)(2) of the Rules and Regulations for the Determination of the Nontributary Nature of Ground Water Produced Through Wells in Conjunction with the Mining of Minerals, at 2 CCR 402-17 ("Rules"), the State Engineer is publishing this invitation to persons to be included on the Produced Nontributary Ground Water Notification List. According to Rule 17.5(B)(2) of the Rules, the State Engineer must establish a Produced Nontributary Ground Water Notification List for each water division within the State of Colorado for the purposes of ensuring that water users within each water division receive adequate notice of proceedings held pursuant to the Rules. In order to establish such notification list, the State Engineer is directed, in January of each year, to cause to have published in the water court resume for each water division this invitation to be included on the Produced Nontributary Ground Water Notification List for the applicable water division.

This notice is an invitation to be included on the SWSP and/or Produced Nontributary Groundwater Notification Lists. Sign up for these or other notification lists maintained by the State Engineer at: <https://dwr.colorado.gov/public-information/notification-lists>. Additional information is available on the Division of Water Resources' website at: <https://dwr.colorado.gov/>.

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

CASE NUMBER 2024CW14 JUDY H. HUMPHREY, THOMAS L. HEINEY, FREDERICK ANDREW RAY HUMPHREY P.O. Box 752, Hudson, CO 80642. (303) 906-8526. **APPLICATION TO MAKE ABSOLUTE IN WHOLE OR IN PART IN PARK COUNTY**. Triple H Well located NW1/4 NE1/4 S22, T1N, R65W, 6th P.M., Weld County, Colorado at a point approximately 500 ft. from N and 2000 ft. from E line. Permit No. 334946. Source: Groundwater. Depth of Well: 380 feet. Appropriation date: 06-04-02. Date water applied to beneficial use: 08-30-24. Name of aquifer into which well drilled: Lower Arapahoe. Amount claimed: 15 gpm Absolute. Use: Domestic use inside one single family residence, irrigation of 5000 sq. ft. of lawn and garden and livestock watering.

CASE NUMBER 2024CW15 MARK AND MARIE EBERLY, 8434 E. Otero Circle, Centennial, CO 80112-3313. 303-792-2048. **APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT IN PARK COUNTY**. Eberly Well located SW1/4, SE1/4, S25, T9S, R75W of the 6th PM. Indian Mountain Subdivision; Lot 084; Filing 25. 567 Longbow Drive, Como, CO. Source: Groundwater. Appropriation date: 12-31-96. Amount: 15 gpm Conditional. Use: Household use only in a single-family dwelling, not including irrigation.

CASE NUMBER 2024CW3165 MONIKA LUENZMANN, JOHN MARK WILTSHIRE, 41357 Madrid Dr, Parker, CO 80138. James J Petrock, John D. Buchanan, Hayes Poznanovic Korver, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR DETERMINATION OF UNDERGROUND WATER RIGHTS IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER AND APPROVAL OF PLAN FOR AUGMENTATION IN ELBERT COUNTY**. Subject Property: A parcel totaling approximately five acres generally located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4 of Section 3, Township 7 South, Range 65 West of the 6th P.M., at the street address of 41357 Madrid Dr., Parker, CO 80138, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: There are no mortgage or lien holders for the Subject Property. Well Permits: There is one existing exempt well on the Subject Property under Well Permit Number 68771 in the Upper Dawson aquifer. This well will continue to be operated under this permit, and the decree shall exclude one acre-foot per year for exempt uses associated with this well. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants estimate the following amounts may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)*	0.71
Lower Dawson (NT)	0.56
Denver (NT)	3.03
Arapahoe (NT)	2.18
Laramie-Fox Hills (NT)	1.50

The total estimated amount of water in the Upper Dawson aquifer underlying the Subject Property is 171 acre-feet, however one-acre foot per year has been removed from this determination for exempt use. Applicants reserve the right to amend the estimated amount of water underlying the Subject Property and the claimed types of use without amending the application or republishing the same. Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property.

Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 0.71 acre-foot per year of not-nontributary Upper Dawson Aquifer groundwater for 100 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be used to provide in-house use in one single-family dwelling (0.31 acre-foot per year); irrigation of up to 7,000 square feet of lawn and garden (0.35 acre-foot per year); watering of up to four domestic animals (0.05 acre-foot per year); and fire protection. The water may be used directly or after storage anywhere on the Subject Property. Applicants reserve the right to amend the amount and types of use without amending the application or republishing the same. Sewage treatment for in-house use will be provided by a non-evaporative septic system. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping, Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

CASE NUMBER 2024CW3166 Applicant: **THE TOWN OF FIRESTONE**, 9950 Park Ave., Firestone, CO 80504, 303-833-3291. Wesley S. Knoll and Jacklyn P. Gunn, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534. (970) 622-8181; wes@lcwaterlaw.com; jacklyn@lcwaterlaw.com. **APPLICATION FOR APPROPRIATION OF CONDITIONAL GROUNDWATER RIGHTS IN BOULDER AND WELD COUNTIES**. **CONDITIONAL GROUNDWATER RIGHTS.** 2. Firestone Trail Well Field. 2.1. Well Permit Nos. Well permits will be obtained prior to the drilling of any wells in the Firestone Trail Well Field. 2.2. Legal Description of Location of Well Field. The Firestone Trail Well Field will be located in the NW 1/4 of the NW 1/4 of Section 5, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado being more particularly described as Parcel No. 16, of the Quit Claim Deed recorded at Reception No. 2538622 on March 19, 1997, at the office of the Weld County Clerk and Recorder. 2.3. Source. Alluvial groundwater tributary to St. Vrain Creek. 2.4. Appropriation Date. December 17, 2019. 2.5. Amount. A combined diversion of 375 g.p.m. 2.6. Proposed Uses: All municipal uses including direct flow, recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. 2.6.1. Storage shall be in the reservoirs described in this Application and any amounts diverted and stored therein shall count against the fill of those storage rights. 2.7. Augmented Use. The well structures in this application may be used for out of priority diversions which will be augmented pursuant to the augmentation plan decreed in Case No. 19CW3236 or such other augmentation plan as applicant may later be decreed. 3. Mountain Shadows Park Well Field. 3.1. Well Permit Nos. Well permits will be obtained prior to drilling any wells in the Mountain Shadows Park Well Field. 3.2. Legal Description of Well Field. In the Northwest 1/4 of the Southeast 1/4 of Section 1, T2N,

R68W of the 6th PM, Weld County, Colorado, being more particularly described as Tract A of Mountain Shadows Subdivision Filing No. 1, as shown on the plat recorded at Reception No. 3037982 on March 3, 2003, at the office of the Weld County Clerk and Recorder. 3.3. Source. Alluvial groundwater tributary to St. Vrain Creek. 3.4. Appropriation Date. December 18, 2024. 3.5. Amount. A combined diversion of 675 g.p.m. 3.6. Proposed Uses. All municipal uses including direct flow, recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. 3.6.1. Storage shall be in the reservoirs described in this Application and any amounts diverted and stored therein shall count against the fill of those storage rights. 3.7. Augmented Use. The well structures in this application may be used for out of priority diversions which will be augmented pursuant to the augmentation plan decreed in Case No. 19CW3236 or such other augmentation plan as applicant may later be decreed. 4. Alluvial Well Field No. 2. 4.1. Well Permit Nos. Well permits will be obtained prior to drilling any wells in the Alluvial Well Field No. 2. 4.2. Legal Description of Well. In the Southwest 1/4 of the Northeast 1/4 of Section 31, T3N, R67W of the 6th PM, Weld County Colorado, being more particularly described as all of the parcel described in the Warranty Deed recorded at Reception No. 2708219, at the office of the Weld County Clerk and Recorder, together with that portion of Parcel B of Subdivision Exemption SE-286 recorded at Reception No. 2081800 at the office of the Weld County Clerk and Recorder being in the said Southwest 1/4 of the Northeast 1/4 of Section 31, T3N, R67W. 4.3. Source. Alluvial groundwater tributary to the St. Vrain Creek. 4.4. Appropriation Date. December 17, 2019. 4.5. Amount. A combined diversion of 3,360 g.p.m. 4.6. Proposed Uses. All municipal uses including direct flow, recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. 4.6.1. Storage shall be in the reservoirs described in this Application and any amounts diverted and stored therein shall count against the fill of those storage rights. 4.8. Augmented Use. The well structures in this application may be used for out of priority diversions which will be augmented pursuant to the augmentation plan decreed in Case No. 19CW3236 or such other augmentation plan as applicant may later be decreed. 4.8. Names and addresses of owners, if other than Applicant, of land on which structures are located: St Vrain Sanitation District, 6501 County Road 26, Longmont, CO 80504. 5. Barefoot Lakes Well Field. 5.1. Well Permit Nos. Well permits will be obtained prior to drilling any wells in the Barefoot Lakes Well Field. 5.2. Legal Description of Well. In the Northwest 1/4 of the Southwest 1/4 of Section 36, T3N, R68W of the 6th PM, Weld County Colorado being more particularly described as that portion of Tract A of the Barefoot Lakes Regional Park Filing No. 1 as shown on the plat recorded at Reception No. 4375616 on February 15, 2018 at the office of the Weld County Clerk and Recorder lying south of the St Vrain Creek. 5.3. Source. Alluvial groundwater tributary to St. Vrain Creek. 5.4. Appropriation Date. December 18, 2024. 5.5. Amount. A combined diversion of 2,448 g.p.m. 5.6. Proposed Uses. All municipal uses including direct flow, recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. 5.6.1. Storage shall be in the reservoirs described in this Application and any amounts diverted and stored therein shall count against the fill of those storage rights. 5.7. Augmentation Use. The well structures in this application may be used for out of priority diversions which will be augmented pursuant

to the augmentation plan decreed in Case No. 19CW3236 or such other augmentation plan as applicant may later be decreed. 5.8. Names and addresses of owners, if other than Applicant, of land on which structures are located: St. Vrain Lakes Metropolitan District No. 1 c/o Pinnacle Consulting Group, 550 West Eisenhower Blvd., Loveland, CO 80537. 6. Vogl-Stinar Well Field. 6.1. Well Permit Nos. Well permits will be obtained prior to drilling any wells in the Vogl-Stinar Well Field. 6.2. Legal Description of Well Field. In the NE 1/4 of the SW 1/4 of Section 36, Township 3 North, Range 68 West of the 6th P.M., Weld County, Colorado. 6.3. Source. Alluvial groundwater tributary to St. Vrain Creek. 6.4. Appropriation Date. December 18, 2024. 6.5. Amount. A combined diversion of 3,120 g.p.m. 6.6. Proposed Uses. All municipal uses including direct flow, recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. 6.6.1. Storage shall be in the reservoirs described in this Application and any amounts diverted and stored therein shall count against the fill of those storage rights. 6.7. Augmentation Use. The well structures in this application may be used for out of priority diversions which will be augmented pursuant to the augmentation plan decreed in Case No. 19CW3236 or such other augmentation plan as applicant may later be decreed. 6.8. Names and addresses of owners, if other than Applicant, of land on which structures are located: Johnny E. Vogl, James Richard Vogl, Jerrilyn L. Stinar, Margaret L. Vogl, & Debra J. Stinar, 11995 County Road 11 1/4, Longmont, CO 80504. 7. Acord Well Field. 7.1. Well Permit Nos. Well permits will be obtained prior to drilling any wells in the Acord Well Field. 7.2. Legal Description of Well Field. In the NW 1/4 of the NW 1/4 of Section 32, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, and in the SW 1/4 of the SW 1/4 of Section 29, Township 3 North, Range 67 West, of the 6th P.M., Weld County, Colorado, lying North of St. Vrain Creek. 7.3. Source. Alluvial groundwater tributary to St. Vrain Creek. 7.4. Appropriation Date. December 18, 2024. 7.5. Amount. A combined diversion of 3,168 g.p.m. 7.6. Proposed Uses. All municipal uses including direct flow, recharge and storage with the right to make successive use of the water to extinction, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. 7.6.1. Storage shall be in the reservoirs described in this Application and any amounts diverted and stored therein shall count against the fill of those storage rights. 7.7. Augmented Use. The well structures in this application may be used for out of priority diversions which will be augmented pursuant to the augmentation plan decreed in Case No. 19CW3236 or such other augmentation plan as applicant may later be decreed. 7.8. Names and addresses of owners, if other than Applicant, of land on which structures are located: Acord St. Vrain Valley Ranch LLC, 7541 County Road 26 3/4, Longmont, CO 80504. This Application consists of seven (7) pages.

CASE NUMBER 2024CW3167 NUNN CREEK RANCH, LLC, 3730 Camel Grove, Colorado Springs, CO 80904. James J Petrock, John D. Buchanan, Hayes Poznanovic Korver, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: Three parcels totaling approximately 245 acres generally located in Sections 22 and 27, Township 10 South, Range 66 West, as more particularly described on **Exhibit A** (“Subject Property”). Source of Water Rights: The Upper Dawson Aquifer underlying the Subject Property is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property are nontributary as defined in C.R.S. § 37-90-103(10.5). The rights to the water in these aquifers underlying

the Subject Property was adjudicated in the decree entered by the Water Court, Water Division 1, in Case No. 04CW147 entered on August 23, 2005 (“04CW147 Decree”). **Jurisdiction:** The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). **Summary of Plan for Augmentation:** **Groundwater to be Augmented:** 24 acre-feet per year of non-tributary Upper Dawson Aquifer groundwater. Applicant owns 143 acre-feet per year of water in the not-nontributary Upper Dawson Aquifer underlying the Subject Property, and 292 acre-feet per year of water in the nontributary Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property, adjudicated in the 04CW147 Decree. **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:** Applicant plans to subdivide the Subject Property into six parcels of 35-acres or larger. Applicant requests to include in-house use in up to eighteen single-family dwellings (up to three dwellings on each subdivided parcel) for a total of 6.3 acre-feet per year (0.35 acre-foot per dwelling); one acre-foot per year for stockwater use; nine acre-feet per year for storage in an unlined livestock tank, including the right to fill and refill the tank; 7.7 acre-feet per year for irrigation; and fire protection use, all of which use of the augmented water will occur 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 flows from in-house use will be approximately 90% of that use and are expected to be sufficient to replace depletions during pumping; however, applicant may claim as replacement supplies the return flows from irrigation use, seepage from the livestock tank, and/or direct delivery of water to West Cherry Creek as necessary. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the augmentation plan, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 Pages.

CASE NUMBER 2024CW3168 ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY (“ACWWA”), c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111, Telephone: (303) 790-4830 and East Cherry Creek Valley Water and Sanitation District (“ECCV”), c/o David Kaunisto, General Manager, 6201 South Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800. The above-listed parties shall be collectively referred to as the “Applicants.” **APPLICATION FOR CONDITIONAL WATER RIGHT IN ADAMS, ARAPAHOE, DENVER, ELBERT, MORGAN, AND WELD COUNTIES**. Please send all pleadings and correspondence to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village Colorado 80111. **2. Introduction.** The purpose of this Application is to appropriate a new conditional recharge right. **3. Description of Conditional Recharge Right.** 3.1. **Western Recharge Right.** 3.1.1. **Points of Diversion.** Water will be diverted from the South Platte River to the Western Mutual Ditch headgate, located in the SE1/4 of the SE1/4 of the SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado or will be collected in the Western Mutual Ditch as a result of seepage, precipitation, or other inflows. The water will be delivered to the Strohauer Recharge Facility at a headgate located approximately 1,180 feet East of the West Section Line and 60 feet North of the South Section Line in the SW 1/4 of the SW 1/4 of Section 5, Township 4 North, Range 65 West of the 6th P.M. The Western Recharge Right may also be delivered to other recharge facilities off of the Western Ditch if approved by a

subsequent decree. 3.1.2. Source. South Platte River. 3.1.2.1. Rediversion of Other Sources. In addition to the new recharge water right described in this paragraph 3, Applicants may divert, either directly or by exchange, the water rights described in **Exhibit 1** for recharge in the Strohauser Recharge Site to generate recharge accretions. Applicants may also divert, directly or by exchange, any water rights and water supplies Applicants acquire in the future that are decreed for recharge use, for recharge in the Strohauser Recharge Site to generate recharge accretions. 3.1.3. Amounts Claimed. 12.7 cfs, conditional, to be used by ACWWA. 16.6 cfs, conditional, to be used by ECCV. 3.1.4. Date of Appropriation. December 20, 2024. 3.1.4.1. How Appropriation was Initiated. The appropriation date is based upon approval of the filing of this Application by ACWWA and ECCV and the filing of this Application. 3.1.5. Recharge Accretions. Water recharged into the alluvial aquifer will naturally flow down-gradient for accretion to the South Platte River. The quantity, timing, and location of accretions will be calculated and accounted for by Applicants pursuant to the 16CW3200 Decree, ¶ 21.13.2. 3.1.6. Uses. By this Application, Applicants seek a decree granting the right to use the Western Recharge Right recharge accretions for the following uses, which may occur directly, following storage or recharge, and/or by exchange: 3.1.6.1. ACWWA's Uses. 3.1.6.1.1. Use in ACWWA's Plans for Augmentation. ACWWA will use the Western Recharge Right as a source of replacement water in ACWWA's plans for augmentation including those decreed in Case Nos. 10CW306, 13CW3026, 19CW3074, 19CW3084, 20CW3117, 20CW3142, and pending in Case No. 23CW3012, and in any future or pending plan for augmentation that lists the Western Recharge Right as a source of replacement water. 3.1.6.1.2. Source for ACWWA's Recharge Projects. ACWWA will use the Western Recharge Right for recharge (including aquifer storage and recovery project and aquifer recharge and recovery) by delivering the water to ACWWA's recharge facilities including those decreed in Case Nos. 10CW306, 16CW3195, and 21CW3234, the recharge facilities described in this Application, and any future or pending recharge project that lists the Western Recharge Right as a source of recharge water. 3.1.6.1.3. Source for ACWWA's Exchanges and Substitutions. ACWWA will use the Western Recharge Right as a source of substitute supply in ACWWA's exchanges and substitutions, and in any pending or future exchange or substitution that lists the Western Recharge Right as a source of substitute supply. 3.1.6.1.4. Use to Meet Historical Return Flow Obligations. ACWWA will use the Western Recharge Right to replace return flow obligations associated with water rights changed by ACWWA, including those changed in Case Nos. 05CW58/11CW151, 10CW313, 12CW73, 13CW3026, 16CW3195, 16CW3200, 19CW3084, 20CW3188, 20CW3117, 20CW3142 and pending in Case No. 23CW3012, subject to any applicable terms and conditions of those decrees. ACWWA will also use the Western Recharge Right to satisfy return flow obligations for other water rights changed in any pending or future change case if such decree lists the Western Recharge Right as a replacement source. 3.1.6.1.5. Places of Storage. ACWWA will store the Western Recharge Right in any storage facility in which ACWWA is legally permitted to store water, including: 3.1.6.1.5.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.6.1.5.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.6.1.5.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.1.6.1.5.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 3.1.6.1.5.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65

West of the 6th P.M., Weld County, Colorado. 3.1.6.1.5.6. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.1.6.1.5.7. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.6.1.5.8. Holton Reservoir, an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, the SW1/4 of the SE1/4, and the NW1/4 of the SW1/4 of Section 6, and the SW1/4 of the NW1/4, the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., and the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 of Section 1, and the SE1/4 of the NE1/4 of Section 12, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.6.1.5.9. Any existing or future storage facility in which ACWWA is legally permitted to store water. 3.1.6.1.6. All Municipal Uses. ACWWA will use the Western Recharge Right for all municipal uses including, but not limited to, domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within ACWWA's present and future service area, at such locations as to allow ACWWA to pump water at the ACWWA/ECCV Well Field or provide direct deliveries for municipal use within ACWWA's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. 3.1.6.1.7. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ACWWA claims the right to use, reuse, successively use and dispose of, by sale, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.1.6.1.8. Use by ECCV. ACWWA may lease and/or trade recharge accretions from the Western Recharge Right to ECCV for use in ECCV's existing, pending, or future augmentation plans, recharge projects, and exchanges, including those decreed in Case Nos. 02CW403, 02CW404/03CW442, 10CW306, 11CW285, 13CW3026, 16CW3196, 19CW3075, 19CW3084, and 20CW3096, 20CW3117, and 22CW3209. 3.1.6.2. ECCV's Uses. 3.1.6.2.1. Use in ECCV's Plans for Augmentation. ECCV will use the Western Recharge Right as a source of replacement water in the ECCV's plans for augmentation including those decreed in Case Nos. 02CW403, 02CW404/03CW442, 10CW306, 13CW3026, 19CW3075, 19CW3084, 20CW3096, and 20CW3117, and in any pending or future plan for augmentation that lists the Western Recharge Right as a source of replacement water. 3.1.6.2.2. Source for ECCV's Recharge Projects. ECCV will use the Western Recharge Right for recharge (including aquifer storage and recovery project and aquifer recharge and recovery) by delivering the water to the ECCV's recharge facilities including those decreed in Case Nos. 02CW403, 02CW404/03CW442, 10CW306, and 16CW3196, the recharge facilities described in this Application, and any pending or future recharge project that lists the Western Recharge Right as a source of recharge water. 3.1.6.2.3. Source for ECCV's Exchanges and Substitutions. ECCV will use the Western Recharge Right as a source of substitute supply in ECCV's exchanges and substitutions, and in any pending or future exchange or substitution that lists the Western Recharge Right as a source of substitute supply. 3.1.6.2.4. Use to Meet Historical Return Flow Obligations. ECCV will use the Western Recharge Right to replace return flow obligations associated with water rights changed by ECCV, including those changed in Case Nos. 02CW403, 02CW404/03CW442, 05CW58/11CW151, 06CW40, 12CW73, 13CW3026, 16CW3196, 16CW3200, 19CW3084, 20CW3096, and 20CW3117, subject to any applicable terms and conditions of those decrees. ECCV will also use the Western Recharge Right to satisfy return flow obligations for other water rights changed in any pending future change case if such decree lists the Western Recharge Right as a replacement source. 3.1.6.2.5. Places of Storage. ECCV will store the Western Recharge Right in any storage facility in which ECCV is legally permitted to store water, including: 3.1.6.2.5.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the

S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.6.2.5.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.6.2.5.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 3.1.6.2.5.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 3.1.6.2.5.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3.1.6.2.5.6. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.1.6.2.5.7. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. 3.1.6.2.5.8. Holton Reservoir, an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, the SW1/4 of the SE1/4, and the NW1/4 of the SW1/4 of Section 6, and the SW1/4 of the NW1/4, the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., and the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 of Section 1, and the SE1/4 of the NE1/4 of Section 12, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.1.6.2.5.9. Any existing or future storage facility in which ECCV is legally permitted to store water. 3.1.6.2.6. All Municipal Uses. ECCV will use the Western Recharge Right for all municipal uses including, but not limited to, domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within ECCV's present and future service area, at such locations as to allow ECCV to pump water at the ACWWA/ECCV Well Field or provide direct deliveries for municipal use within ECCV's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. 3.1.6.2.7. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ECCV claims the right to use, reuse, successively use and dispose of, by sale, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. 3.1.6.2.8. Use by ACWWA. ECCV may lease and/or trade recharge accretions from the Western Recharge Right to ACWWA for use in ACWWA's existing, pending, and future augmentation plans, recharge projects, and exchanges, including those decreed in Case Nos. 09CW283, 10CW306, 13CW3026, 16CW3196, 19CW3074, 19CW3084, 20CW3117, 20CW3142, 22CW3208 and in pending Case No. 23CW3012. 3.1.7. Names and Addresses of the Owners of land on which structure is or will be located, and upon which water is or will be stored. 3.1.7.1. Strohauer Recharge Site. United Water and Sanitation District, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 3.1.7.2. Western Mutual Ditch. Western Mutual Ditch Company, P.O. Box 282, LaSalle, Colorado, 80645. 3.1.7.3. Additionally, ECCV provided notice to FRICO of the Application pursuant to Article XVI(2) of the FRICO Bylaws on December 9, 2024, but in so doing does not waive any claims or defenses related to the application of the FRICO Bylaws to this Application. WHEREFORE, Applicants respectfully request that the Court enter a decree granting the conditional water right described herein and for such other relief which it deems proper. (9 pages, 1 exhibit).

CASE NUMBER 2024CW3169 PRI #2, LLC, 2138 Flying Horse Club Drive, Colorado Springs, Colorado 80921, Please forward all correspondence or inquiries regarding this matter to: Alan G. Hill, Ashley P. Zahedi, Curtis, Justus, & Zahedi, LLC, 1333 W. 120th Avenue, Suite 302, Westminster, CO 80234. **APPLICATION FOR ADJUDICATION OF NONTRIBUTARY AND NOT NONTRIBUTARY GROUNDWATER AND APPROVAL OF A SUPPLEMENT TO THE PLAN FOR AUGMENTATION FOR USE OF NOT NONTRIBUTARY GROUNDWATER DECREED IN CASE NO. 16CW3190, DIVISION 1 IN EL PASO COUNTY.** 2. Applicant owns certain groundwater rights underlying approximately 701 acres, more or less, located generally in Sections 30 and 31, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (“701-acre parcel”), which were decreed in Case No. 94CW023(B), Water Division No. 1 (entered June 12, 1996), which amended an original decree in Case No. 85CW446, Water Division No. 1. 3. Applicant also owns approximately 640 acres, more or less, located generally in Section 36, Township 11 South, Range 66 West of the 6th P.M., in El Paso County (“640-acre parcel”). Applicant’s predecessor-in-interest entered into a Groundwater Production Lease, No. OT- 109328, with the State Board of Land Commissioners, pursuant to which Applicant leased the not nontributary and nontributary groundwater underlying the 640 acres, decreed in Case No. 04CW098, Water Division No. 1 (entered May 24, 2005) through February 27, 2048. On that date, all of the groundwater rights revert to the Applicant. 4. Applicant owns certain groundwater rights underlying approximately 71 acres, more or less, located generally in Sections 34 and 35, Township 11 South, Range 66 West of the 6th P.M., in El Paso County (“71- acre parcel”), which were decreed in Case No. 85CW131, Water Division No. 2 (entered May 18, 1988). The land described in paragraphs 2 through 4 are referred to herein as “Flying Horse North Parcels.” 5. The decrees entered in Case Nos. 16CW3190 and 18CW3185, Water Division No. 1, approved a plan for augmentation, and amendment to the plan for augmentation, for 283 Dawson not nontributary wells to serve 283 single family lots, including in-house and irrigation use, located within the Flying Horse North Parcels. 6. Applicant seeks to quantify and adjudicate the not nontributary and nontributary groundwater underlying an additional 99.33 acres contiguous to the Flying Horse North Parcels, located in Section 31, Township 11 South, Range 65 West of the 6th P.M., in El Paso County (“Way/Crisler Parcel”). A map depicting the Way/Crisler Parcel is attached as **Exhibit A**, and the legal descriptions are attached as **Exhibit B**. No part of the Way/Crisler Parcel is within a designated groundwater basin. 7. Applicant also seeks, in this application, to supplement the plans for augmentation approved in the decrees entered in Case Nos. 16CW3190 and 18CW3185, Water Division No. 1 (“Prior Augmentation Decrees”). Applicant seeks to add 25.0 acre-feet per year (2,500 acre-feet) from the Dawson aquifer not nontributary groundwater underlying the Way/Crisler Parcel to provide water for up to 28 single-family residential lots, and a commercial horse facility, located within the Way/Crisler Parcel. This 25 acre-feet per year for the Way/Crisler Parcel is in addition to the 198 acre-feet of Dawson not nontributary pumping for which the augmentation plan was approved in the Prior Augmentation Decrees. Applicant will augment the depletions associated with the operation of not nontributary Dawson aquifer wells located on the Way/Crisler Parcel through septic return flows, and provide post-pumping replacement water from nontributary Laramie-Fox Hills and Denver groundwater underlying the Way/Crisler Parcel. 8. Depletions from the operation of the Dawson not nontributary wells for which approval of an augmentation plan is sought may impact both the South Platte and Arkansas basins. Applicant is filing this application in both Water Division No. 1 and Water Division No. 2, and will, after the time for statements of opposition to be filed has run, seek to consolidate the two applications in Water Division No. 1. 9. The Water Court has jurisdiction over this application pursuant to §§ 37-90-137(4) and 37- 90-137(9), C.R.S. **Quantification and Adjudication of Applicant’s Entitlement to Underground Water Rights from the Not Nontributary Upper Dawson Aquifer, and the Nontributary Denver, Upper Arapahoe and Laramie-**

Fox Hills Aquifers. 10. Upper Dawson Aquifer: Applicant seeks a decree for not nontributary Upper Dawson aquifer groundwater rights to be used for individual wells for single-family lots within the Way/Crisler Parcel, including use, reuse, successively use and otherwise dispose of the water for all purposes, including domestic, agricultural, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife and fire protection. The water will be produced for immediate application to said uses, for reuse, for storage and subsequent application to said uses and for augmentation and exchange. The water will be withdrawn through wells to be located within the Way/Crisler Parcel. Applicant may locate one well or multiple wells provided the applicant can demonstrate to the State Engineer compliance with the Statewide Nontributary Ground Water Rule 11(B), 2 C.C.R. 402-7. 11. The ground water in the Upper Dawson aquifer is not nontributary ground water as defined in C.R.S. §37-90-103(10.5). Applicant seeks quantification of the ground water available in the not nontributary Upper Dawson aquifer underlying the Way/Crisler Parcel and states that the depletions caused by pumping the ground water from these aquifers, for the uses described in the plan for augmentation claimed herein, will be replaced pursuant to the plan for augmentation claimed herein as required by C.R.S. §37-90-137(9)(c). 12. The best data currently available indicates that applicant can recover a maximum of 8,950.0 acre-feet from the Upper Dawson aquifer, with an average annual amount of withdrawal of 89.5 acre feet, based upon the hydrogeology of the aquifer and applicant's legal entitlement to all not nontributary water in the Upper Dawson aquifer underlying the Way/Crisler Parcel. 13. The allowed average annual amount of withdrawal as described above is based upon the appropriation of all water in the not nontributary Upper Dawson aquifer underlying the Way/Crisler Parcel over the statutory 100-year life of the aquifer pursuant to C.R.S. §37-90-137. 14. Applicant requests the right to adjust the average annual amount of withdrawal from the Upper Dawson aquifer based upon revisions to the saturated sand thicknesses or specific yield values used to calculate the average annual amount of withdrawal, upon notice to all parties and approval by the court without amending the application or republishing. 15. Applicant also requests that applicant may withdraw the full annual amount of water from the Upper Dawson aquifer underneath the Way/Crisler Parcel from a single well or any combination of wells into the aquifer provided the applicant can demonstrate compliance with Statewide Nontributary Rule 11(B), 2 C.C.R. 402-7. Applicant also requests that applicant may withdraw water from any combination of the wells in excess of the allowed average annual amount of withdrawal as long as the total volume of water withdrawn from the well or wells does not exceed the product of the total number of years since the date of determination of the right to ground water by the Water Court times the allowed average annual amount of withdrawal. Rule 8(A), 2 C.C.R. 402-7. 16. Withdrawal of water from the Upper Dawson aquifer beneath the Way/Crisler Parcel will, within one hundred years, deplete the flow of natural streams at an annual rate greater than 1/10th of 1% of the annual rate of withdrawal and the court finds, therefore, that such water is not nontributary. 17. Applicant requests the right to construct wells, at locations within the Way/Crisler Parcel, without the need for filing further amendments, republishing or petitioning the court for modification of the decree herein; provided that said wells shall not be located within 600 feet of any permitted or existing well in the same aquifer, except other wells included within this plan and except as otherwise allowed by statute or rules and regulations. 18. In compliance with C.R.S. §37-92-302(2)(b), applicant shall, within ten days after the filing of the application herein, give notice to every record owner of the overlying land and to every person who has a lien or mortgage on, or deed of trust to, the overlying land. 19. Denver, Upper Arapahoe and Laramie-Fox Hills Aquifers: Applicant seeks a decree for nontributary Denver, Upper Arapahoe and Laramie-Fox Hills aquifer water rights to be used for individual wells or a central water system within the Way/Crisler Parcel, including use, reuse, successively use and otherwise dispose of the water for all purposes, including domestic, agricultural, industrial, commercial, irrigation, stock watering, recreation, fish and wildlife and fire protection. The

water will be produced for immediate application to said uses, for reuse, for storage and subsequent application to said uses and for augmentation and exchange. Applicant shall be entitled to use, reuse, successively use and otherwise dispose of all groundwater in the Denver, Upper Arapahoe and Laramie-Fox Hills aquifers remaining after lawful compensation for required 2% relinquishment. The water will be withdrawn through wells to be located within the Way/Crisler Parcel, or wells located on contiguous land, including but not limited to the Flying Horse North Parcels. 20. The groundwater in the Denver, Upper Arapahoe and Laramie-Fox Hills aquifers is nontributary ground water as defined in C.R.S. §37-90-103(10.5). Applicant seeks quantification of the ground water available in the nontributary Denver, Upper Arapahoe and Laramie-Fox Hills aquifers. 21. The best data currently available, indicates that Applicant can recover a maximum of 8,620 acre-feet from the Denver aquifer, with an average annual amount of withdrawal of 86.2 acre-feet; a maximum of 3,880 acre-feet from the Upper Arapahoe aquifer, with an average annual amount of withdrawal of 38.8 acre-feet; a maximum of 2800.0 acre-feet from the Laramie-Fox Hills aquifer, with an average annual amount of withdrawal of 28.0 acre-feet; all based upon the hydrogeology of the aquifer and applicant's legal entitlement to all nontributary water in the Denver, Upper Arapahoe and Laramie-Fox Hills aquifers, respectively, underlying the Way/Crisler Parcel. 22. The allowed average annual amount of withdrawal as described above is based upon the appropriation of all water in the nontributary Denver, Upper Arapahoe and Laramie-Fox Hills aquifers underlying the Way/Crisler Parcel over the statutory 100-year life of the aquifer pursuant to C.R.S. §37-90-137. 23. Applicant requests the right to adjust the average annual amount of withdrawal from the Denver, Upper Arapahoe and Laramie-Fox Hills aquifers based upon revisions to the saturated sand thicknesses or specific yield values used to calculate the average annual amount of withdrawal, upon notice to all parties and approval by the court without amending the application or republishing. 24. Applicant also requests that Applicant may withdraw the full annual amount of water from the Denver, Upper Arapahoe or Laramie-Fox Hills aquifers underneath the Way/Crisler Parcel from a single well or any combination of wells into the respective aquifer provided the applicant can demonstrate compliance with Statewide Nontributary Rule 11(B), 2 C.C.R. 402-7. Applicant also requests that Applicant may withdraw water from any combination of the wells in excess of the allowed average annual amount of withdrawal as long as the total volume of water withdrawn from the well or wells does not exceed the product of the total number of years since the date of determination of the right to ground water by the Water Court times the allowed average annual amount of withdrawal. Rule 8(A), 2 C.C.R. 402-7. 25. Applicant requests a determination that the withdrawal of water from the Denver, Arapahoe and Laramie-Fox Hills aquifers beneath the Way/Crisler will not, within one hundred years, deplete the flow of natural streams at an annual rate greater than 1/10th of 1% of the annual rate of withdrawal and that such water is nontributary. 26. Applicant requests the right to construct wells, at locations within the Way/Crisler Parcel, without the need for filing further amendments, republishing or petitioning the court for modification of the decree herein; provided that said wells shall not be located within 600 feet of any permitted or existing well in the same aquifer, except other wells included within this plan and except as otherwise allowed by statute or rules and regulations. **Approval of a Plan for Augmentation for the Use of Not Nontributary Dawson Groundwater.** 27. **Names of Structures to be Augmented:** A. The structures to be augmented are individual Dawson aquifer wells to be located within the Way/Crisler Parcel for a maximum of 28 residential lots and a horse stable/facility. A well into the Dawson aquifer will be completed on each lot to serve the domestic and irrigation demands of that lot. B. Well permit applications have not been submitted at the time of this application. Applicant has not determined the specific locations for all the wells required to withdraw groundwater from the Dawson aquifer; however, each well will be constructed within the Way/Crisler Parcel and each well will be designed so that it withdraws water from the Dawson aquifer. Applicant requests the right to locate the

wells required to withdraw its entitlement from the Dawson aquifer at any point within the Applicant's Property without the necessity of republishing or petitioning the Court for the reopening of any decree. See 2 CCR 402-7, Rule 11. C. Applicant owns the Way/Crisler Parcel described herein. To the extent Applicant's Property is not free and clear of all liens or encumbrances, Applicant shall provide certification of its compliance with the lienholder notice provisions set forth in C.R.S. § 37-92-302(2)(b) and § 37-90-137(4)(b.5)(I).

28. **Statement and Description of Plan for Augmentation:** A. Source of Augmentation Water. (1) The augmentation sources for this plan will be the fully augmented not nontributary groundwater in the Dawson aquifer and the nontributary groundwater in the nontributary Laramie-Fox Hills aquifer decreed herein plus a portion of the nontributary groundwater in the nontributary Denver aquifer groundwater decreed herein. Such sources may be available by direct discharge to the stream system, by percolation and return to the stream system after domestic use, including septic systems and irrigation return flows. (2) The average amounts of groundwater available for augmentation purposes are 28.0 acre-feet per year from the Laramie-Fox Hills aquifer, and 38.8 acre-feet per year from the Denver Aquifer. B. Use and Estimated Demand. (1) Total average Dawson aquifer amounts available for the development, and decreed in the Augmentation Decree, are 25 acre-feet per year, based on a projected 300-year life of the Dawson aquifer (89.5-feet per year from the Dawson aquifer based on a 100-year aquifer life, 29.8 acre-feet per year based on a 300-year aquifer life). C. Augmentation and Replacement of Depletions. (1) Stream Systems Affected: Cherry Creek and tributaries of Cherry Creek, tributary to the South Platte River, and Monument Creek and tributaries of Monument Creek, tributary to the Arkansas River. (2) Replacement of Depletions During Pumping Period. (a) Assuming that the development will achieve return flows of 90% of the water used in-house and a minimum of 10% of the water used for irrigation purposes, the total combined return flows at full build-out will exceed the required augmentation amount, including the amounts claimed herein for stock watering. (b) The domestic return flows will be adequate in quantity to replace depletions caused by the withdrawals of not nontributary groundwater from the Dawson aquifer during the period addressed by this plan. (c) Excess Return Flows: To the extent that lawn irrigation and domestic effluent returns exceed the quantities needed to fully augment all projected stream depletions, Applicant reserves the right to apply for alluvial wells in the Cherry Creek and Monument Creek basins to recapture and reuse such excess returns. (3) Replacement of Depletions During the Post-Pumping Period. (a) Applicant reserves the right to claim and demonstrate that the impact of post-pumping depletions are wholly de minimis and non-injurious and need not be replaced under the law. § 37-90-137(9), C.R.S. (b) Assuming that such additional depletions may be determined to be injurious and replacement is required, Applicant will reserve for such purpose the nontributary groundwater in the Denver (38.8 acre-feet per year) and Laramie-Fox Hills (28.0 acre-feet per year) aquifers underlying the property, Such quantity is sufficient to fully replace all water withdrawn under this plan for augmentation. (4) Summary of Augmentation Plan. (a) The planned development will require up to 25 acre-feet per year to be produced from the Dawson aquifer. Return flows from uses of such groundwater will exceed the annual depletions and will, therefore, adequately replace all projected depletions. (b) To the extent that a "short fall" in actual return flows occurs in any given time period during the first 300 years of operation, adequate nontributary groundwater reserves exist to compensate for such short fall.

29. **Administration of Plan for Augmentation:** The Applicant or any successor in interest shall install and maintain such measuring devices and maintain such accounting forms as necessary to demonstrate the adequacy of Applicant's augmentation efforts as a minimum requirement for administration of its augmentation obligations hereunder. Applicant shall make reports to the Division Engineer as required.

30. **Application Filed in Water Divisions 1 and 2:** This Application is being filed in Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries

of the South Platte River system where the majority of stream depletions will occur. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. 31. **Retained Jurisdiction:** A. Applicant requests the Court to retain jurisdiction for a period to be determined after the entry of the decree to protect against injury to other water rights. Applicant requests that any party or entity invoking such retained jurisdiction must make a prima facie case that injury to its water rights has been actually caused by Applicant's withdrawals or operation of this plan for augmentation. B. Further, Applicant requests that the Court retain jurisdiction to resolve any controversy which may arise with respect to well construction, well location(s), and amount, timing, and location of replacements hereunder. C. Finally, Applicant requests the Court to retain jurisdiction to allow Applicant to file a separate application for the recapture and reuse of the excess return flows. WHEREFORE, Applicant asks the Court to enter a decree in this matter: (1) Granting the application sought herein. (2) Quantifying the entitlements to the nontributary and nontributary groundwater claimed herein. (3) Approving the plan for augmentation described herein. (4) Specifically determining that (a) Applicant's Dawson aquifer groundwater withdrawals for the horse stable/facility may be augmented with return flows from domestic and lawn irrigation uses of such groundwater; (b) Return flows from such uses will be adequate to replace any and all injurious stream depletions caused by pumping of such groundwater; (c) Granting this application will not injuriously affect the owners or persons entitled to use water under vested water rights or decreed conditional water rights; (e) Jurisdiction will be retained on the question of injury and as further requested herein; and (f) this Court grant this and such other relief as it deems proper and necessary. (10 pages, 2 Exhibits)

CASE NUMBER 2024CW3170 Applicant: **THE TOWN OF MILLIKEN** ("Milliken"), c/o Cheryl Powell, Town Administrator, 1101 Broad Street, P.O. Box 290, (970) 660-5047. Serve all pleadings on: Scott E. Holwick and Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900 sholwick@lyonsgaddis.com, abasile@lyonsgaddis.com. **APPLICATION FOR WATER RIGHTS IN WELD COUNTY.** 2. **Background:** Applicant seeks entry of a decree adjudicating an additional 350 g.p.m., conditional, for the Watson Well. The Watson Well was previously decreed for 100 g.p.m. for the uses of irrigation within the Town's service area and fire protection. By this application, the Town seeks these same uses associated with the 350 g.p.m. claimed herein. Additionally, the Town seeks entry of a decree adjudicating an additional 28 acre-feet each for two municipal wells, Milliken Well No. 3 – Augmentation (Well Permit 59961FR) ("Milliken Well No. 3") and the Knaub Well No. 0456 – Augmentation (Well Permit 79273F (Formerly 63813F)) ("Knaub Well No. 0456"), for a cumulative amount of 63 acre-feet additional annual augmentation well pumping each for Milliken Well No. 3 and Knaub Well No. 0456. The Town seeks to add these new pumping rights for Milliken Well No. 3 and Knaub Well No. 0456 as a source of replacement supply in the Town's plan for augmentation decreed in 02CW339 and will file the requisite notice in that case. **Conditional Groundwater Rights** 3. **Description of Conditional Groundwater Rights:** A) **Watson Well. Permit No. 10445-R-R.** i. Legal Description: In the SW1/4, SW1/4 Section 12, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado approximately 656 feet north and 150 feet east of the southwest corner of said section, which is also UTM Coordinates Easting 512907.5, Northing 4463370, Zone 13, NAD83. See **Exhibit A.** ii. Source: Groundwater tributary to the Big Thompson River. iii. Depth: 38 feet. iv. Appropriation Date: December 11, 2024. v. How Appropriation was Initiated: Applicant initiated this appropriation by: investigating and re-permitting of the Watson Well in conjunction with Case No. 24CW3008; conducting a pump test to confirm the amount the well is capable of pumping; passing of Resolution No. 2024-29 by the Town's

Board of Trustees to appropriate the conditional amounts claimed herein and approving the filing of the application on December 11, 2024; and filing the application. vi. Date Water Applied to Beneficial Use: Not applicable. vii. Amount: 350 g.p.m., conditional. viii. Uses: Irrigation within the Town of Milliken Service area as it now exists or may exist in the future, fire protection, and augmentation. ix. Remarks: 100 g.p.m. conditional was decreed to the Watson Well in Case No. 2016CW3150, District Court, Water Division No. 1, Colorado, entered on January 18, 2018. An application for reasonable diligence was filed in case 24CW3008, and that application is still pending. The conditional amount claimed herein is in addition to the 100 g.p.m. conditional decreed in 16CW3150. The cumulative g.p.m. limit for both priorities will be 450 g.p.m. **B. Milliken Well No. 3-Augmentation (Well Permit 59961-F-R).** i. Legal Description: In the NW1/4 of the NW1/4, Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado approximately 95 feet south and 1064 feet east from the northwest corner of said section. Easting 511569.0, Northing 4463176.0. Zone 13, NAD83. See **Exhibit A.** ii. Source: Groundwater tributary to the Big Thompson River. iii. Depth: 50 feet. iv. Appropriation Date: December 11, 2024. v. How Appropriation was Initiated: Applicant initiated this appropriation by: investigating augmentation needs in the 02CW339 plan for augmentation; passing of Resolution No. 2024-29 by the Town's Board of Trustees to appropriate the conditional amounts claimed herein and approving the filing of the application on December 11, 2024; and filing the application. vi. Date Water Applied to Beneficial Use: Not applicable. vii. Amount: 1. 826.4 g.p.m. (decreed rate remaining conditional). 2. 28 annual acre-feet, new conditional amount. viii. Uses: Augmentation of depletions from wells owned by Milliken and return flow obligations pursuant to the augmentation plan decreed in Case No. 02CW339. ix. Remarks: 1.7 c.f.s. and 35 a.f., were conditionally decreed to the well in Case No. 2015CW3004, District Court, Water Division No. 1, Colorado, entered on November 17, 2015. The 35 a.f. volume was made fully absolute in Case. No. 21CW3212, District Couty, Water Division No. 1, Colorado, entered on July 26, 2022. The conditional amount claimed herein is in addition to the 35 a.f. amount made absolute. **C. Knaub Well No. 0456-Augmentation (Well Permit 79273-F).** i. Legal Description: In the NW1/4 NW1/4 of Section 14 Township 4 North Range 67 West of the 6th P.M., Weld County Colorado at a point 450 feet south and 1034 feet east of the Northwest corner of said Section 14. Easting 511528.1, Northing 4463054.5. Zone 13, NAD83. See **Exhibit A.** ii. Source: Groundwater tributary to the Big Thompson River. iii. Depth: 47 feet. iv. Appropriation Date: December 11, 2024. v. How Appropriation was Initiated: Applicant initiated this appropriation by: investigating augmentation needs in the 02CW339 plan for augmentation; passing of Resolution No. 2024-29 by the Town's Board of Trustees to appropriate the conditional amounts claimed herein and approving the filing of the application on December 11, 2024; and filing the application. vi. Date Water Applied to Beneficial Use: Not applicable. vii. Amount: 1. 733.2 g.p.m. (decreed rate remaining conditional). 2. 28 annual acre-feet, new conditional amount. viii. Uses: Augmentation of depletions from wells owned by Milliken and return flow obligations pursuant to the augmentation plan decreed in Case No. 02CW339. ix. Remarks: 1. Permit No. 79273-F replaced Permit No. 63813-F. 2. 1.7 c.f.s. and 35 a.f., were conditionally decreed to the well in Case No. 2015CW3004, District Court, Water Division No. 1, Colorado, entered on November 17, 2015. The 35 a.f. volume was made fully absolute in Case. No. 21CW3212, District Couty, Water Division No. 1, Colorado, entered on July 26, 2022. The conditional amount claimed herein is in addition to the 35 a.f. amount made absolute. **Addition of Wells to Augmentation Plan Decreed in 02CW339** 4. **Application to Add Augmentation Sources to Augmentation Plan.** A. Applicant operates an augmentation plan decreed in Case No. 02CW339. ¶ 23 of the decree in Case No. 02CW339 allows for the addition of augmentation sources to the plan upon proper notice. B. **Structures to be Added.** Milliken Well No. 3 – Augmentation and Knaub Well No. 0456 – Augmentation, as described in ¶¶ 3.B. and 3.C. above. C. **Remarks.** Applicant will also provide the

requisite notice to Opposers in the 02CW339 case pursuant to ¶ 23 therein. 5. **Owners of land upon which structures are or will be located.** A. Watson Well. Centennial Crossing Metropolitan District No. 1. 7400 E. Orchard Rd. Ste. 3300, Greenwood Village, CO 80111. B. Milliken Well No. 3. Applicant. C. Knaub Well No. 0456. Lot Holding Investment, LLC. P.O. Box 38, Windsor, CO 80550.

CASE NUMBER 2024CW3171 MARGARET E NELSON FAMILY TRUST, C/O PAT LOYD, TRUSTEE, 3074 County Road 66, Elizabeth, CO 80107. Eric K. Trout, McGeady Becher Cortese Williams P.C., 450 E. 17th Ave., Suite 400, Denver, CO 80203. APPLICATION FOR UNDERGROUND WATER RIGHTS IN ELBERT COUNTY. **Subject Property:** 2 contiguous parcels totaling 70.98 acres generally located in the NW1/4 of Section 7, Township 7 South, Range 64 West of the 6th P.M., also known as 3074 and 3076 County Road 166, Elizabeth, Elbert County, State of Colorado, 80107, as shown on **Exhibit A** (the “**Subject Property**”). **Lien Holder Certification:** Applicant certifies that they have provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). The deed for the Subject Property is attached as **Exhibit B.** **Well Permits:** There is one existing Upper Dawson Aquifer exempt domestic use well on the Subject Property under Well Permit Number 118784, which will continue operating under its existing permit. Additional well permits will be applied for prior to construction of additional wells. **Prior Water Case:** The groundwater underlying the Subject Property in the Denver, Arapahoe, and Laramie-Fox Hills aquifers was adjudicated and quantified in Case No. 1995CW98, District Court, Water Division 1, on September 18, 1996. **Source of Water Rights:** The Upper Dawson Aquifer is not-nontributary (“NNT”) as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson Aquifer is nontributary (“NT”) as defined in C.R.S. § 37-90-103(10.5). **Estimated Volumes:** Applicant estimates the following volumes may be available for withdrawal:

Aquifer	Annual Volume 100 years (acre-feet)	Annual Volume 300 years (acre-feet)	Total Volume (acre-feet)
Upper Dawson (NNT)*	17.3	5.77	1,730
Lower Dawson (NT)	5.6	1.87	560

*The total estimated volume in the not-nontributary Upper Dawson Aquifer is 1,830 acre-feet. 100 acre-feet is reserved for existing Well Permit No. 118784. Applicant desires to leave no additional groundwater unadjudicated. **Proposed Uses:** Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. **Jurisdiction:** The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). **Remarks:** 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. 4 pages.

CASE NUMBER 2024CW3172 MICHAEL & HOLLY JILES LIVING TRUST, 3842 Estates Circle, Larkspur, CO 20118. Eric K. Trout, McGeady Becher Cortese Williams P.C., 450 E. 17th Ave., Suite 400, Denver, CO 80203. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND A PLAN FOR AUGMENTATION IN DOUGLAS COUNTY**. Subject Property: A parcel totaling approximately 5 acres generally located in the NW1/4 of the SE1/4 of Section 30, Township 10 South, Range 66 West of the 6th P.M., also known as 3842 Estates Circle, Larkspur, CO, 80118, as shown on Exhibit A (the “**Subject Property**”). Multi-Jurisdiction Litigation and 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. No Newspaper Publication in Division 2: Due to the nature of the multi-district litigation in this case, Water Division 1 will handle publication of the resume in a newspaper of general circulation pursuant to Rule 3(g) of the Uniform Local Rules for All State Water Court Divisions and C.R.S. § 37-92-302(3)(b). Therefore, Applicant requests that there be no newspaper publication by Water Division 2, but the Application still be published on the Water Court’s website. Lien Holder Certification: Applicant has provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). A copy of the deed conveying the Subject Property to the Applicant is attached as Exhibit B. Well Permits: There is a Dawson Aquifer household-use only well on the Subject Property under Well Permit Number 177421. This well will be re-permitted under the plan for augmentation requested in this Application. Additional well permits will be applied for prior to construction of additional wells. Estimated Amounts: Applicant desires to leave no groundwater unadjudicated. Applicant estimates the following volumes may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Volume (acre-feet)	Total Volume (acre-feet)
Dawson (NNT)	3.88	388
Denver (NT)	4.76	476
Arapahoe (NT)	2.49	249
Laramie-Fox Hills (NT)	1.58	158

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 1.125 acre-feet per year of not-nontributary Dawson Aquifer groundwater for 100 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Dawson Aquifer groundwater will be used in one well to provide in-house use in up to two (2) single-family dwellings (0.6 acre-feet per year), outdoor irrigation of up to 10,000 square-feet (0.5

acre-feet per year), watering of up to two (2) large domestic animals (0.025 acre-feet per year), fire protection, and storage anywhere on the Subject Property. Applicant reserves 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 Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte and Arkansas River stream systems and return flows accrue to those stream systems and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests that the Court approve the above underground water rights and augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

CASE NUMBER 2024CW3173 THE CONSOLIDATED MUTUAL WATER COMPANY, 12700 West 27th Avenue, Lakewood, Colorado 80215, (303) 238-0451, through counsel Evan D. Ela, Joseph W. Norris, and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, **APPLICATION FOR WATER RIGHTS IN JEFFERSON COUNTY**. 1. Name, Address and Telephone Number of Applicant. The Consolidated Mutual Water Company, 12700 West 27th Avenue, Lakewood, Colorado 80215, (303) 238-0451. 2. Purpose of the Application. Consolidated Mutual seeks to quantify and claim reusable lawn irrigation return flows (“LIRFs”) from properties served by Consolidated Mutual’s municipal water supply system accruing to Bear Creek, a tributary to the South Platte River, at or above the dam forming Bear Creek Reservoir. A map identifying Consolidated Mutual’s current service area and properties from which LIRFs accrue to Bear Creek is attached hereto as Exhibit A. Consolidated Mutual previously quantified and changed its ownership interests in the Agricultural Ditch and Reservoir Company (“ADRC”) and the Golden Canal and Reservoir Company (“GCRC”) in Case Nos. 94CW197, 01CW56, 02CW226, 09CW107, 13CW17, and 18CW3230, attached hereto as Exhibits B-G (collectively, the “Change Decrees”). In all of the prior Change Decrees, Consolidated Mutual was granted the right to use or reuse LIRFs accruing to two administration points: (1) to Clear Creek at or above Lena Gulch; and (2) to the South Platte River at or above the headgate of the Burlington Ditch. Consolidated Mutual’s service area now includes additional properties located in Lakewood, Colorado, from which LIRFs accrue to Bear Creek, and that were not previously considered by the prior Change Decrees. Therefore, Consolidated Mutual now seeks to quantify and claim a third administration point for LIRFs from all properties served by Consolidated Mutual’s municipal water supply system that accrue to Bear Creek, at or above the dam forming Bear Creek Reservoir. Location for administration of LIRFs. Bear Creek, a tributary to the South Platte River, at or above the dam that forms Bear Creek Reservoir (a/k/a Mt. Carbon Dam): Mt. Carbon Dam is an on-channel structure on Bear Creek located in Section 32, Township 4 South, Range 69 West, 6th P.M. and in Section 5, Township 5 South, Range 69 West, 6th P.M., Jefferson County, Colorado. No Change of Water Right. This Application does not seek a change in type of use, manner of use, place of use, or alternate points of diversion or places of storage as previously decreed in the Change Decrees. No water rights are being changed except to the extent that Consolidated Mutual will administer and account for its LIRFs accruing to Bear Creek. No other change is sought by this Application and in accordance with C.R.S. § 37-92-305(3)(e), the previously quantified and decreed historical consumptive use of Consolidated Mutual’s

ADRC and GCRC water rights are not subject to requantification in this case. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. Not applicable. This Application does not claim any new diversion, storage, or modification to any structure or storage pool. (4 pages)

CASE NUMBER 2024CW3174 CITY OF ENGLEWOOD, Pieter Van Ry Pieter Van Ry, Director of Utilities, 1000 Englewood Parkway, Englewood, CO 80110-0110, (303) 762-2636. Direct all pleadings and correspondence to: Peter D. Nichols, Geoffrey M. Williamson, Patrick M. Haines, Megan Christensen, Katherine E. Carter, Berg Hill Greenleaf Ruscitti LLP, 1712 Pearl Street, Boulder, CO 80302, (303) 402-1600. **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.5) IN ARAPAHOE COUNTY, COLORADO.** 2. **Summary of Application:** Englewood is a municipal corporation of the State of Colorado. Englewood owns and operates municipal water and sewer utility systems for the benefit of its citizens, and for the provision of water and sewer service contracts. This application seeks a simple change in a decreed surface point of diversion pursuant to C.R.S. § 37-92-305(3.5) for Englewood's J.D. Brown Ditch water right. The existing decreed point of diversion for this water right was decreed on August 2, 1990, in Case No. 85CW324, Water Division 1. 3. **Description of decreed surface water right:** A. **Name of structure:** J.D. Brown Ditch B. **Date of original and all relevant subsequent decrees:** Originally decreed for 1.5 cfs of water on June 9, 1924, in Civil Action No. 807, District Court of Douglas County, with an appropriation date of November 6, 1885 under Priority No. 207. Englewood subsequently changed the water right to a transferred rate of diversion of 0.59 cfs on August 2, 1990, in Case No. 85CW324, District Court, Water Division 1. C. **Legal description of structure as described in most recent decree that adjudicated the location:** At a point on the North bank of Big Dry Creek whence the Southeast corner of Section 9, Township 5 South, Range 68 West of the 6th P.M., bears South 52 degrees East a distance of 2,290 feet, in Arapahoe County. This location, which was decreed in Case No. 85CW324, is shown on the map attached as Exhibit A. D. **Decreed source of water:** Big Dry Creek E. **Appropriation date:** November 6, 1885 F. **Decreed amount:** 0.59 cfs, absolute G. **Decreed use:** Municipal, domestic, industrial, commercial, irrigation (including watering of parks, lawns, and gardens), stock watering, recreational, fish and wildlife propagation and maintenance, manufacturing, fire protection, instream uses, sewage treatment, street sprinkling, and other beneficial purposes within the South Platte River drainage in Water Division No. 1. H. **Amount of water that Englewood intends to change:** 0.59 cfs 4. **Detailed description of proposed change in surface point of diversion:** A. Englewood seeks to change the decreed point of diversion for the J.D. Brown Ditch water right described herein to a location approximately 1,700 feet east and upstream on Big Dry Creek from the current decreed point of diversion. In accordance with C.R.S. § 37-92-305(3.5)(b)(III)(C), this proposed change is not combined with and does not include any other type of change of water right. In accordance with C.R.S. § 37-92-305(3.5)(II), there is also no intervening surface diversion point or inflow between the requested new point of diversion and the current decreed point of diversion from which the change is being made. Under the proposed new diversion point, Englewood will not divert any greater flow rate or amount of water than the 0.59 cfs decreed to the water right and will continue to comply with all other terms and conditions of the decree entered in Case No. 85CW324. Given the close upstream proximity of the proposed diversion point to the current decreed diversion point, and the lack of any intervening diversion points or inflows in that stream reach, the water that is physically and legally available in Big Dry Creek for Englewood to divert at the new location will be no different than if diverted at the current decreed point of diversion. Such a change will not injuriously affect the owner of or persons entitled to use water under a vested water right

or decreed conditional water right. B. Location of the new surface point of diversion: in the SE1/4 of Section 9, T5S, R68W, 6th P.M., Arapahoe County, at a point located approximately 1,405 feet North and 1,768 feet West of the southeast corner of Section 9 (UTM coordinates Easting 499693 Northing 4386466, Zone 13N NAD83). This location is also shown on the map attached as **Exhibit A. 5. Owners of land upon which structures are located**: Englewood owns the land upon which the new diversion structure will be constructed. WHEREFORE, Applicant respectfully requests that this Court enter a decree pursuant to C.R.S. § 37-92-305(3.5) changing the decreed point of diversion for the J.D. Brown Ditch water right described herein from the current point of diversion described in paragraph 3.C above to the new location described in paragraph 4.B above. Number of pages of Application: 6 including 1 exhibit

CASE NUMBER 2024CW3175 FOREST HILLS METROPOLITAN DISTRICT, 14405 West Colfax Avenue #165, Lakewood, CO 80401, (303) 495-2330. Please direct communications regarding this case to Austin Hamre & Teri L. Pettitt, Hamre, Rodriguez, Ostrander & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, CO 80112-5204, (303) 779-0200; ahamre@hroplaw.com; tpetitt@hroplaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN JEFFERSON COUNTY. 2. NAMES OF STRUCTURES:**

2.1. **Forest Hills Reservoir No. 1.** The left abutment of the dam is located at a point on the north bank of a tributary to Mount Vernon Creek in the SW 1/4 of the NW 1/4, Section 17, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, whence the southwest corner of said section bears South 10° 30' West a distance of 2810 feet. 2.2. **Forest Hills Reservoir No. 1A.** The left abutment of the dam is located at a point on the north bank of Mount Vernon Creek in the NE 1/4 of the SW 1/4, Section 17, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, whence the southwest corner of said Section 17 bears South 43° 16' West a distance of 3030 feet. Forest Hills Reservoir No. 1A was decreed in Case No. 91CW113 as an alternate place of storage for the eight original places of storage. 2.3. **Forest Hills Reservoir No. 1B.** The left abutment of the dam is located at a point on the north bank of a tributary to Mount Vernon Creek in the SW 1/4 of the NW 1/4, Section 17, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, whence the southwest corner of said Section 17 bears South 15° 22' West a distance of 2850 feet. Forest Hills Reservoir No. 1B was decreed in Case No. 91CW113 as an alternate place of storage for the eight original places of storage. 2.4. **Forest Hills Reservoir No. 2.** The left abutment of the dam is located at a point on the west bank of a tributary to Mount Vernon Creek in the NW 1/4 of the SW 1/4, Section 17, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, whence the southwest corner of said section bears South 5° 30' West a distance of 2440 feet. 2.5. **Forest Hills Reservoir No. 3.** The left abutment of the dam is located at a point on the west bank of a tributary to Mount Vernon Creek in the NW 1/4 of the SW 1/4, Section 17, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, whence the southwest corner of said section bears South 3° 30' West a distance of 2300 feet. 2.6. **Forest Hills Reservoir No. 7.** The left abutment of the dam is located at a point on the west bank of a tributary to Shingle Creek in the NW 1/4 of the SW 1/4, Section 17, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, whence the southwest corner of said section bears South 24° 00' West a distance of 1700 feet. 3. **DESCRIPTION OF CONDITIONAL RIGHTS:** 3.1. **Date of Original Decrees:** 3.1.1. Forest Hills Reservoirs No. 1, 2, and 3: Case No. W-9210-78, Water Division 1, entered May 14, 1979. 3.1.2. Forest Hills Reservoir No. 7: Case No. 82CW283, Water Division 1, entered June 25, 1987. 3.2. **Date of Subsequent Decrees for Diligence, to Make Absolute, for Alternate Points of Storage, and Changes:** 3.2.1. Case No. 91CW113, Water Division 1, entered April 30, 1992. 3.2.2. Case No. 91CW114, Water Division 1, entered on or about October 10, 1992. 3.2.3. Case No. 98CW404, Water Division 1, entered April 28, 1999. 3.2.4. Case No. 05CW082, Water Division 1, entered

September 29, 2005. 3.2.5. Case No. 11CW175, Water Division 1, entered March 7, 2012. 3.2.6. Case No. 18CW3050, Water Division 1, entered December 10, 2018. 3.3. **Legal Descriptions:** See Paragraph 2, above. See **Exhibit A**, General Location Map. 3.4. **Sources:** 3.4.1. Forest Hills Reservoirs No. 1, 2, and 3: Mount Vernon Creek and unnamed tributaries of Mount Vernon Creek. 3.4.2. Forest Hills Reservoir No. 7: Unnamed tributary of Shingle Creek, a tributary of Mount Vernon Creek. 3.5. **Amounts:** All amounts below are **CONDITIONAL**. Total decreed storage for all Reservoirs, including those previously decreed **ABSOLUTE**, is limited to 26.0 acre-feet. 3.5.1. Forest Hills Reservoir No. 1: 3.0 acre-feet. 3.5.2. Forest Hills Reservoir No. 1A: 6.8 acre-feet. 3.5.3. Forest Hills Reservoir No. 1B: 5.8 acre-feet. 3.5.4. Forest Hills Reservoir No. 2: 3.0 acre-feet. 3.5.5. Forest Hills Reservoir No. 3: 2.0 acre-feet. 3.5.6. Forest Hills Reservoir No. 7: 4.0 acre-feet. 3.6. **Appropriation Dates:** 3.6.1. Forest Hills Reservoirs No. 1, 2, and 3: March 16, 1978 (10 acre-feet, total). 3.6.2. Forest Hills Reservoir No. 7: August 20, 1982 (16 acre-feet, total). 3.6.3. Forest Hills Reservoirs No. 1A and 1B are decreed as alternate points of storage only and have the same appropriation dates as those stated above for Forest Hills Reservoirs No. 1, 2, 3, and 7. 3.7. **Uses:** 3.7.1. Forest Hills Reservoirs No. 1, 2, and 3: Municipal, domestic, irrigation, augmentation and replacement. 3.7.2. Forest Hills Reservoir No. 7: Augmentation, replacement, exchange, irrigation, municipal, commercial, and all other beneficial uses. 3.7.3. Uses for Forest Hills Reservoirs 1A and 1B are the same as for the water right under which water may be stored in these alternate structures. 4. **DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED.** During the diligence period from December 10, 2018 to December 31, 2024, considerable efforts were made by Forest Hills toward the continuing development of the conditional water rights which are an integral part of the water supply system developed for the Forest Hills Metropolitan District. These efforts include the following (expenditure numbers are rounded to the nearest \$500): 4.1. Legal Defense and Protection: Applicant has engaged in legal defense and protection of its water rights, including continued engagement of legal counsel to review monthly resumes of applications filed in Water Division 1 and filing statements of opposition to applications which are deemed to have potentially adverse effects on the District's water rights or its water development and delivery systems. During this diligence period, Applicant's legal expenses in this regard total at least \$33,000. 4.2. During the diligence period, Forest Hills performed a variety of work associated with the maintenance and upgrade of its existing integrated municipal water delivery system, including: 4.2.1. Forest Hills made annual assessment payments totaling at least \$1,750 on its Soda Lakes Reservoir water rights. 4.2.2. Forest Hills paid at least \$32,207 in contributions to Bear Creek as required for participation in water quality studies and reports generated thereby. 4.2.3. Forest Hills paid at least \$3,000 in contributions to the Colorado Department of Health as necessary for participation in its water quantity studies and reports generated thereby. 4.2.4. To ensure proper design and/or operation of its municipal water delivery system, Forest Hills paid at least \$77,000 to RESPEC and Direct Discharge and other vendors for augmentation plan monitoring, coordination of water storage and releases, reservoir design work, and various other engineering tasks and assistance. 4.2.5. Forest Hills has spent at least \$5,000 to maintain its Source Water Protection Plan which identifies high priority potential contaminate sources and/or issues of concern, along with best management practices and proposed measures and improvements to address them. 4.2.6. Forest Hills has spent at least \$256,000 on improving the operating conditions at each of Forest Hills' reservoirs in order to maintain proper drainage and the raw storage capacity of Forest Hills' integrated water storage system. 4.2.7. Forest Hills has spent at least \$3,000 to replace/install Smart Water Meters on wells located within the District and at the Forest Hills Water Treatment Plant. 4.2.8. Forest Hills has spent at least \$90,000 to replace all in-home water meters located within the District with

Smart Water Meters. 4.2.9. Forest Hills has spent at least \$15,000 to maintain vaults and/or replace all pressure reducing valves in the Forest Hills distribution system. 4.2.10. Forest Hills replaced its existing finished water booster pump system at the cost of \$551,000. 4.2.11. Forest Hills has spent at least \$5,000 to upgrade its generator's automatic transfer switch for its finished water booster pump station. 4.3. During the diligence period, Forest Hills has spent at least \$36,000 toward completion of a fire mitigation project within the District's boundaries. 4.4. Forest Hills reserves the right to identify additional relevant efforts that may be later discovered or to make adjustments to amounts expended on certain projects. Forest Hills made diligent efforts with regard to this application to determine and quantify all efforts made by it toward completion of its appropriative conditional water rights. However, it is possible that relevant efforts or expenditures may be overlooked or need further adjustment. 5. **NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED:** Forest Hills Metropolitan District, 14405 West Colfax Avenue #165, Lakewood, Colorado 80401. WHEREFORE, Applicant respectfully requests the Court find that Forest Hills was diligent in its development of those water storage rights described above and the conditional decree for said structures in their conditional amounts should be continued for the statutory period. Applicant requests this Court also grant such additional relief that it deems necessary and appropriate in these circumstances. (Application is 8 pages plus one Exhibit)

CASE NUMBER 2024CW3176 (Prior Case Nos. 2002CW403, 2015CW3065) **THE FARMERS RESERVOIR AND IRRIGATION COMPANY** ("FRICO"), 80 South 27th Avenue, Brighton, Colorado 80601, Phone: (303) 659-7373. Send correspondence and pleadings to Joseph B. Dischinger, Beth Ann J. Parsons, Philip E. Lopez, FAIRFIELD AND WOODS, P.C., 1801 California Street, Suite 2600, Denver, Colorado 80202, Phone: (303) 830-2400; **THE BURLINGTON DITCH, RESERVOIR AND LAND COMPANY** ("Burlington"), 80 South 27th Avenue, Brighton, Colorado 80601, Phone: (303) 659-7373. Send correspondence and pleadings to Scott E. Holwick, Alison Gorsevski, LYONS GADDIS, P.C., P.O. Box 978, Longmont, Colorado 80502, Phone: (303) 776-9900; **HENRYLYN IRRIGATION DISTRICT**, 29490 County Road 14, Keenesburg, Colorado 80643, (303) 536-4702. Send correspondence and pleadings to David L. Kueter, Kent Holsinger, HOLSINGER LAW, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202, Phone: (303) 722-2828. (Collectively "Co-Applicants"). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN ADAMS AND DENVER COUNTIES**. 2. Description of Water rights: 2.1. Original Decree: Case No. 2002CW403, District Court, Water Division No. 1, entered May 11, 2009. 2.2. Subsequent Decree: Case No. 2015CW3056, District Court, Water Division No. 1, entered December 17, 2018. 2.3. FRICO Multipurpose Right. 2.3.1. Points of Diversion: A map depicting the decreed points of diversion is attached hereto as Exhibit A. 2.3.1.1. Burlington Ditch (a/k/a Burlington O'Brian Canal): As described in Co-Applicants' Filing of Notice of Legal Description of Burlington Canal Point of Diversion dated September 29, 2011, in Case No. 2002CW403, the headgate is on the east bank of the South Platte River in the NE1/4SW1/4, Section 14, Township 3 South, Range 68 West, 6th P.M., in the City and County of Denver, Colorado. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89mE, 4404471.42mN. 2.3.1.2. United Diversion Facility No. 3: The headgate of the United Diversion Facility No. 3 is on the east bank of the South Platte River in the SW 1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located approximately 1,636 feet east of the West line and 1,531 feet north of the South

line of Section 26; latitude 039° 55' 58.4"N, longitude 104° 51' 32.36"W. The United Diversion Facility No. 3 is within the exchange reach between the Burlington Headgate and the structures specified in Paragraph 2.4, below.

2.3.1.3. The Metro Water Recovery Pump Station (f.k.a. Metropolitan Wastewater Reclamation District Pump Station) ("Metro Pumps"): The discharge of the Metro Pumps to the Burlington Canal is in NE1/4NW1/4 Section 12, Township 3 South, Range 68 West of the 6th P.M., Denver County, Colorado, located approximately 2,416 feet east of the West line and 975 feet south of the North line of Section 12; latitude 039° 48' 36.4" N, longitude 104° 57' 1.18" W.

2.3.2. Place of Storage: A map depicting the decreed place of storage is attached hereto as Exhibit A.

2.3.2.1. Barr Lake: An off-channel reservoir located upon the whole or parts of Sections 15, 21, 22, 23, 26, 27, 28 and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. The dam is located at a point at the center of Section 23, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado, approximately 2,766 feet south of the North line and 3,078 feet east of the West line of Section 23 extending northwesterly approximately 1.25 miles. Latitude 39° 57' 1.15" North; Longitude 104° 44' 25.70" West.

2.3.3. Source: The South Platte River.

2.3.4. Appropriation date: May 30, 2002.

2.3.5. Amount: 15,000 acre-feet for direct flow and storage, diverted at the following rates:

2.3.5.1. Burlington Ditch: 900 cfs.

2.3.5.2. United Diversion Facility No. 3: 500 cfs.

2.3.5.3. Metro Pumps: 105 cfs.

2.3.6. Uses: Municipal, domestic, industrial, commercial, manufacturing, recreation, livestock, irrigation, replacement, and augmentation.

2.3.7. Current Absolute and Conditional Portions of the Water Right: **Burlington Canal** 462.5 cfs absolute, 437.5 cfs conditional, 900 cfs total. **Metro Pumps** 90.2 cfs absolute, 14.8 cfs conditional, 105 cfs total. **United Diversion Facility No. 3** 35.4 cfs absolute, 464.6 cfs conditional, 500 cfs total. **Annual Volumetric Limit** 14,212.3 acre-feet absolute, 787.7 acre-feet conditional, 15,000 acre-feet total.

2.4. Exchanges.

2.4.1. Reaches: A map depicting the decreed exchange reaches is attached hereto as Exhibit A.

2.4.1.1. Upstream termini:

2.4.1.1.1. Burlington Ditch Headgate: The headgate is on the east bank of the South Platte River in the NE1/4SW1/4, Section 14, Township 3 South, Range 68 West, 6th P.M., in the City and County of Denver, Colorado. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89mE, 4404471.42mN.

2.4.1.1.2. United Diversion Facility No. 3: The headgate of the United Diversion Facility No. 3 is on the east bank of the South Platte River in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, located approximately 1,636 feet east of the West line and 1,531 feet north of the South line of Section 26; latitude 039° 55' 58.4"N, longitude 104° 51' 32.36"W. The headgate of United Diversion Facility No. 3 is decreed as a point of diversion for the exchange water.

2.4.1.1.3. Metro Pumps: The discharge of the Metro Pumps to the Burlington Canal is in NE1/4NW1/4 Section 12, Township 3 South, Range 68 West of the 6th P.M., Denver County, Colorado, located approximately 2,416 feet east of the West line and 975 feet south of the North line of Section 12; latitude 039° 48' 36.4" N, longitude 104° 57' 1.18" W. Metro Pumps is decreed as a point of diversion for the exchange water.

2.4.1.2. Downstream termini:

2.4.1.2.1. The Metro Water Recovery Outfall (f.k.a. Metropolitan Wastewater Reclamation District Outfall) ("Metro Outfall"): Located in the SE1/4SW1/4SW1/4, Section 1, Township 3 South, Range 68 West of the 6th P.M., at a point 73 feet from the South section line and 1,343 feet from the West section line, in Adams County.

2.4.1.2.2. Outlet of Welby and Bambei-Walker Reservoirs in Denver Water's South Gravel Pit Complex (formerly known as Cat/Miller Reservoirs): Located in the NE1/4NW1/4 of Section 1, Township 3 South, Range 68 West, 6th P.M. at a point 902 feet from the North section line and 2,613 feet from the West section line, in Adams County, Colorado.

2.4.1.2.3. Outlet of Hazeltine and Tanabe Reservoirs in Denver Water's North Gravel Pit Complex: Located in the NE1/4NE1/4 of Section 3, Township 2 South, Range 67 West, 6th P.M. at a point 235 feet from the North section line and 2,645 feet from the East section line, Adams County,

Colorado. FN1: Hazeltine and Tanabe Reservoirs are part of Denver’s North Gravel Pit Complex, comprised of five separate gravel pits. Substitute supplies of water released from Hazeltine and Tanabe Reservoirs will necessarily be released from the Complex as Denver constructs it and may not be from Hazeltine or Tanabe Reservoirs directly but will be in the same vicinity as described in paragraph 2.4.1.2.3.

2.4.2 Substitute supply: Fully consumable water delivered according to the terms of the agreement between Co-Applicants and The City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”) dated August 31, 1999 (“5k Agreement”). 2.4.3. Appropriation date: May 30, 2002. 2.4.4. Amount: 3,000 acre-feet annually at a rate not to exceed 150 cfs and further limited to the amount of consumable water being discharged into the South Platte at the locations described in paragraph 2.4.1 and its subparagraphs, above. 2.4.5. Uses: Municipal uses, either directly or as a replacement source, within the Metropolitan Area as defined in the 5k Agreement. 2.4.6. Current Absolute and Conditional Portions of the Water Right: **Flow Rate** 30 cfs absolute, 120 cfs conditional, 150 cfs total. **Annual Volumetric Limit** 558.7 acre-feet absolute, 2,441.3 acre-feet conditional, 3,000 acre-feet total.

3. Outline of what has been done between June 2015 and December 2024 (the “Diligence Period”) toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:

3.1. FRICO Multipurpose Right: 3.1.1. During the Diligence Period FRICO diverted water under the Multipurpose Water Right, stored it in Barr Lake, and released the water to its stockholders for irrigation, augmentation, and replacement uses. 3.1.2. FRICO Diverted 15,000 acre-feet in priority in Water Year 2024. 3.1.3. FRICO Diverted the Multipurpose Right at the following decreed points of diversion. 3.1.3.1. The maximum rate of diversion at the Burlington Ditch was 572.1 cfs on June 10, 2024. 3.1.3.2. The maximum rate of diversion at the United Diversion Facility No. 3 was 49.7 cfs on May 18, 2023. 3.1.4. During the Diligence Period FRICO maintained daily accounting of the Multipurpose Water Right in the Barr Lake accounting spreadsheet. FRICO submits the daily Barr Lake accounting spreadsheet to the Division 1 accounting group on the Division of Water Resources every month. 3.1.5. During the Diligence Period, FRICO has operated and maintained Barr Lake. Activities include, but are not limited to, monitoring lake levels; operating, maintaining, and repairing inlet and outlet works; accounting and record-keeping activities; and general reservoir maintenance activities. 3.1.6. FRICO has incurred operation and maintenance expenses during the Diligence Period, including, but not limited to, FRICO staff time and outside consultant and construction expenses. Operation and maintenance of Barr Lake is an integral component of the FRICO Multipurpose Right. 3.1.7. During the Diligence Period, FRICO operated and maintained the Burlington-O’Brian Canal. Activities include, but are not limited to, protection from other’s construction, ditch cleaning, and updating measurement structures (flow monitoring equipment, calibration, weir verification). 3.1.8. During the Diligence Period, FRICO has engaged in litigation to protect the FRICO Multipurpose Right and incurred legal and engineering fees. 3.1.9. In September of 2013, historic flooding washed out Metro Pumps. Since then, Co-Applicants have been in negotiations for various agreements to repair the Metro Pumps to full operation for diversion of the FRICO Multipurpose Right and operation of the Exchanges decreed in Case No. 02CW403. 3.1.10. In 2021 and 2024, Co-Applicants filed actions in Adams County District Court against Metro Water Recovery (formerly known as Metro Wastewater Reclamation District) to protect FRICO’s diversion of the FRICO Multipurpose Right at the Metro Pumps and to protect the Co-Applicants’ operation of the Exchanges.

3.2. Exchanges: During the Diligence Period, the Co-Applicants operated the Exchanges in 2021 and 2022 in accordance with the terms of the decree entered in Case No. 2002CW403. 3.2.1. From July 7, 2021, through September 24, 2021, Co-Applicants exchanged a total of 729.2 acre-feet at a maximum rate of 4.9 cfs from the Metro Outfall to the Burlington Canal headgate. Pursuant to an agreement with the City of Thornton, Co-Applicants delivered the water to the City of Thornton at its turnout on the Burlington Canal. 3.2.2.

From May 7, 2022, to September 14, 2022, Co-Applicants exchanged a total of 371.8 acre-feet of water at a maximum rate of 5 cfs from the Metro Outfall to the Burlington Canal Headgate. Pursuant to an agreement with the City of Thornton, Co-Applicants delivered the water to the City of Thornton at its turnout on the Burlington Canal. 4. Claim to make absolute: 4.1. FRICO Multipurpose Right. 4.1.1. Year: Maximum diversion of the FRICO Multipurpose Right occurred in Water Year 2024. 4.1.2. Storage location: Barr Lake. 4.1.3. Amount Claimed Absolute and Remaining Conditional in this Application: **Burlington Canal** 572.1 cfs absolute, 327.9 cfs conditional, 900 cfs total. **Metro Pumps** 90.2 cfs absolute, 14.8 cfs conditional, 105 cfs total. **United Diversion Facility No. 3** 49.7 cfs absolute, 450.3 cfs conditional, 500 cfs total. **Annual Volumetric Limit** 15,000 acre-feet absolute, 0 acre-feet conditional, 15,000 acre-feet total. 4.1.4. Uses: In accordance with § 37-92-301(4)(e), C.R.S., because it has been stored in Barr Lake, the FRICO Multipurpose Right has been made absolute for all decreed purposes (municipal, domestic, industrial, commercial, manufacturing, recreation, livestock, irrigation, replacement, and augmentation) in the amount claimed in paragraph 4.1.3, above. “A decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” *Id.* 4.2. Exchanges. 4.2.1. Dates operated: 2021 and 2022. 4.2.2. Amount Claimed Absolute and Remaining Conditional in this Application: **Flow Rate** 30 cfs absolute, 120 cfs conditional, 150 cfs total. **Annual Volumetric Limit** 729.2 acre-feet absolute, 2,270.8 acre-feet conditional, 3,000 acre-feet total. 5. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right and certify to the Court that the applicant has done so by no later than ten days after filing this Application. 5.1. The Co-Applicants will not construct new or modify any existing diversion or storage structures. Notwithstanding, a summary of ownership of the existing structures used to divert and operate the water rights in this Application follows. 5.1.1. FRICO owns the Burlington Canal. 5.1.2. The United Water and Sanitation District owns United Diversion Facility No. 3. 5.1.3. On information and belief, the City and County of Denver owns the Metro Pumps; and Welby, Bambei-Walker, Hazeltine, and Tanabe Reservoirs. 5.1.4. Metro Water Recovery owns the Metro Outfall. 5.1.5. The FRICO Multipurpose Right is decreed for storage and is stored in Barr Lake, which FRICO owns. WHEREFORE, the Co-Applicants request the Court confirm the FRICO Multipurpose Right and the Exchanges have been made absolute within the terms of the decree in Case No. 2002CW403, as described in paragraph 4 of this Application. The Co-Applicants further request the Court continue the balance of the rates of diversion of the FRICO Multipurpose Right and the volume and rate of operation of the Exchanges as conditional. Finally, Co-Applicants request that any diligence activities performed after the filing of this Application may be used as evidence of diligence in their next application for finding of reasonable diligence. (11 pages including exhibit.)

CASE NUMBER 2024CW3177 (92CW059, 2009CW120, 2018CW3019) CITY OF BLACK HAWK, City of Black Hawk (“Black Hawk”), c/o Director of Public Works, P.O. Box 68, Black Hawk, Colorado 80422, Telephone: (303) 582-1324 Email: tisbester@cityofblackhawk.org. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Ste. 500, Denver, Colorado 80202, Telephone: (303) 722-2828, Email: dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN CLEAR CREEK AND ITS TRIBUTARIES IN GILPIN, CLEAR CREEK AND JEFFERSON COUNTIES** 2. Names of Conditional Water Right: Black Hawk Clear Creek

and North Clear Creek conditional appropriative rights of substitution and exchange. 3. Prior Decrees: 3.a. Date of original decree: August 22, 2003, Case No. 92CW059, in the District Court, Water Division No. 1, State of Colorado. 3.b. Subsequent decrees awarding findings of diligence and finding a portion of the water right to have been made absolute: January 13, 2012, Case No. 2009CW120, in the District Court, Water Division No. 1, State of Colorado; December 21, 2018, Case No. 2018CW3019, in the District Court, Water Division No. 1, State of Colorado. 4. Describe Conditional Appropriative Rights of Substitution and Exchange Giving the Following from the Judgment and Decree: 4.a. Name, location and source of diversion points (“exchange-to points”) at which water will be diverted and/or stored by exchange (see Exhibit A hereto): 4.a.(1) Upper North Clear Creek Pump Station No. 1. Located in the NW1/4 SW1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 900 feet from the West section line and 2,100 feet from the South section line of said Section 34. The source of water is North Clear Creek. 4.a.(2) Upper North Clear Creek Pump Station No. 2. Located in the NW1/4 NE1/4 of Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 1,400 feet from the East section line and 400 feet from the North section line of said Section 2. The source of water is North Clear Creek. 4.a.(3) Black Hawk North Clear Creek Pump Station (Infiltration Gallery No. 1). Located in the NW1/4 SW1/4 SW1/4 in Section 6, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 500 feet from the West section line and 1,100 feet from the South section line of said Section 6. The source of water is North Clear Creek. 4.a.(4) Black Hawk Chase Gulch Diversion. Located in the SW1/4 NW1/4 of Section 7, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 900 feet from the West section line and 2,200 feet from the North section line of said Section 7. The source of water is Chase Gulch, a tributary to North Clear Creek. 4.a.(5) Hidden Valley Groundwater Diversion Point. Located in the SW1/4 SE1/4 NE1/4 of Section 32, Township 3 South, Range 72 West of the 6th P.M. at a point 800 feet west of the East boundary of Section 32 and 2,030 feet south of the North boundary of Section 32, Clear Creek County. The source of water is groundwater tributary to Clear Creek. 4.a.(6) Hidden Valley Surface Water Diversion Point. Located in the SW1/4 SE1/4 NE1/4 of Section 32, Township 3 South, Range 72 West of the 6th P.M. at a location 1,000 feet west of the East boundary of Section 32 and 2,140 feet south of the North boundary of Section 32, Clear Creek County. The source of water is Clear Creek. 4.a.(7) Upper North Clear Creek Pumping Station and Pipeline. Located in the NE1/4 SW1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 2,500 feet from the West section line and 1,900 feet from the South section line of Section 34. The source of water is North Clear Creek. 4.a.(8) Pickle Gulch Reservoir. Located in the NW1/4 SE1/4 of Section 35, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Pickle Gulch at a point approximately 1,500 feet from the East section line and approximately 1,700 feet from the South section line of said Section 35. The source of water is Pickle Gulch and water in the drainage tributary to Pickle Gulch, a tributary to North Clear Creek, and water diverted from North Clear Creek. 4.a.(9) Missouri Creek Reservoir. Located in the W1/2 of Section 36, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Missouri Creek at a point approximately 1,700 feet from the West section line and 2,400 feet from the North section line of said Section 36. The source of water is Missouri Creek, and water in the drainage tributary to Missouri Creek, a tributary to North Clear Creek, and water diverted from North Clear Creek. 4.a.(10) Black Hawk Chase Gulch Reservoir. Located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 1,600 feet from the West section line and 2,400 feet from the North section line of said Section 2. The source of water is Chase Gulch and water in the drainage

tributary to Chase Gulch, a tributary to North Clear Creek, and water diverted from North Clear Creek.

4.a.(11) Mountain Supply Pipeline. Located in Sections 19, 30, 31, Township 2 South, Range 72 West of the 6th P.M. and in Section 6, Township 3 South, Range 72 West of the 6th P.M., in Gilpin County, Colorado. The source of water is springs described in the Decree in Case No. W-203, Water Division No. 1.

4.a.(12) North Clear Creek Pumping Station (Black Hawk Pumping Station). Located on the southwest bank of North Clear Creek whence the N1/4 corner of Section 7, Township 3 South, Range 72 West bears North 54°40' East 3,367.60 feet in Gilpin County, Colorado. The source of water is North Clear Creek.

4.a.(13) Black Hawk Reservoir and Spring. Located in W1/2 SE1/4 NW1/4, Section 7, Township 3 South, Range 72 West of the 6th P.M., in Gilpin County, Colorado. The source of water is Mountain Supply Pipeline and North Clear Creek Pumping Station.

4.b. Sources of substitute supply: 4.b.(1) Applicant's proportionate ownership interests in the Church Ditch (a/k/a The Golden, Ralston Creek and Church Ditch) as said ownership interests may exist from time to time, now and in the future, including, but not limited to, Black Hawk's Church Ditch inches changed in Cases Nos. 94CW036 and 2012CW303. 4.b.(2) Water and water rights deliverable under the Lease Agreement between the City of Black Hawk and Coors Brewing Company dated March 10, 1992, as amended. 4.b.(3) Pickle Gulch Reservoir (decreed in Case No. 92CW058): 4.b.(3)(A) Source: Pickle Gulch, a tributary to North Clear Creek, and water diverted from North Clear Creek. 4.b.(3)(B) Amount: 600 acre-feet. 4.b.(3)(C) Appropriation date: May 29, 1992. 4.b.(4) Missouri Creek Reservoir (decreed in Case No. 92CW058): 4.b.(4)(A) Source: Missouri Creek, a tributary to North Clear Creek, and water diverted from North Clear Creek. 4.b.(4)(B) Amount: 460 acre-feet. 4.b.(4)(C) Appropriation date: May 29, 1992. 4.b.(5) Black Hawk Chase Gulch Reservoir (decreed in Case No. 92CW058): 4.b.(5)(A) Source: Chase Gulch, a tributary to North Clear Creek, and water diverted from North Clear Creek. 4.b.(5)(B) Amount: 600 acre-feet. 4.b.(5)(C) Appropriation date: May 29, 1992. 4.b.(6) Black Hawk's Effluent Diversion (decreed in Case No. 93CW055). 4.b.(6)(A) Source: Effluent from the Black Hawk-Central City Sanitation District Wastewater Treatment Plant as fully described in the decree in Case No. 93CW055. 4.b.(6)(B) Amount: 5.0 c.f.s. 4.b.(6)(C) Appropriation date: May 28, 1993. 4.b.(7) Black Hawk's reusable effluent released from the outfall of the Black Hawk - Central City Sanitation District Wastewater Treatment Plant, described in paragraph 4.c.(2) below, from the above or other sources.

4.c. Points at which the City of Black Hawk shall make substitute supplies available ("exchange-from points") to allow diversion by exchange at the points set forth in paragraph 4.b., above (see Exhibit B hereto): 4.c.(1) Confluence of Clear Creek and North Clear Creek located in the NE1/4 SW1/4 of Section 36, Township 3 South, Range 72 West of the 6th P.M., Clear Creek and/or Gilpin County, Colorado. 4.c.(2) Outfall of Black Hawk-Central City Sanitation District Wastewater Treatment Plant located in the SE1/4, Section 7, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, and at any other location where said plant or its outfall may be located on North Clear Creek. Accordingly, following entry of the decree in Case No. 92CW059, the Black Hawk-Central City Sanitation District Wastewater Treatment Plant is currently located in the SW1/4, Section 26, Township 3 South, Range 72 West of the 6th P.M. 4.c.(3) Outlet of Black Hawk Reservoir and Spring located in the W1/2 SE1/4 NW1/4, Section 7, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado. 4.c.(4) Outlet of Pickle Gulch Reservoir, located in the NW1/4 SE1/4 of Section 35, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado. 4.c.(5) Outlet of Missouri Creek Reservoir, located in the W1/2 of Section 36, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado. 4.c.(6) Outlet of Black Hawk Chase Gulch Reservoir, located in the S1/2 NW1/4 and N1/2 SW1/4 of Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado. 4.c.(7) An augmentation station located on Church Ditch below the Church Ditch Clear Creek diversion point located in Section 32, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 4.d. Date of appropriation: May 29, 1992. 4.e. Amount:

The amount of water decreed in Case No. 92CW059 is: 14 c.f.s., conditional, when being exchanged for storage or for a combination of storage and direct flow use; 7 c.f.s., conditional when being exchanged for direct use only. Black Hawk is limited to 14 c.f.s. total diversions at all exchange-to points at any given time. Of this total, no more than 7 c.f.s. may be diverted for direct use at any given time. The decree in Case No. 2009CW120 ruled that 1.62 c.f.s. had been made absolute for storage and beneficial use after storage. The remaining conditional amounts subject to this application are: 12.38 c.f.s., when being exchanged for storage or for a combination of storage and direct flow use, and 7.0 c.f.s., when being exchanged for direct use only. 4.f. Uses: The decreed uses are all municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of Applicant's water supply system, including exchange within Applicant's system and with other water users. Applicant also has the right to use, reuse, successively use and dispose of, by sale, exchange or otherwise to extinction all water lawfully diverted and/or impounded pursuant to this decree subject to the following provisions. Applicant is entitled to fully consume the same amount of water diverted by exchange as the amount of decreed fully-consumable water being simultaneously delivered to or made available at the exchange-from points under the subject water rights. Applicant has the right to divert by exchange based upon the delivery at the exchange-from points of water for which Applicant has the right to only a single use, provided that Applicant shall only be entitled to a single use of water diverted at the exchange-to points based upon delivery of single use water at the exchange-from points. To the extent that Applicant has the decreed right to fully consume water diverted under the exchanges, Applicant is entitled to fully consume such water by direct use, storage and subsequent release, reuse, successive use, further exchange, and/or disposition. 4.g. Place of use: The place of use is the service area of the City of Black Hawk as it presently exists and as it may exist in the future and any location capable of service from the exchange-to points. 5. Provide a Detailed Outline of What Has Been Done toward Completion or for Completion of the Appropriation and Application of Water to a Beneficial Use as Conditionally Decreed, Including Expenditures: As part of Black Hawk's decrees in Cases Nos. 92CW058 and 92CW059, entered on August 22, 2003, the Water Court ruled that Black Hawk's water project, which includes the conditional water rights described above, is an integrated project, and that pursuant to C.R.S. § 37-92-301(4)(b), work on one or more of the separate components constitutes diligence for all. 5.a. During the diligence period beginning on January 1, 2019, the City of Black Hawk has spent in excess of \$15,950,000 on its integrated water system of which the subject water right is a part: 5.a.(1) For fiscal year 2019, the City of Black Hawk expended \$2,603,209 on its water system including \$619,808 on capital projects. Projects included construction of the Hidden Valley Stand-by Generators back-up electrical system, design for a new headgate for the Leavenworth diversion for Green Lake, rebuilding the Hidden Valley pipeline pumps, design and construction of the Green Lake seepage flume. 5.a.(2) For fiscal year 2020, the City of Black Hawk expended \$2,013,906 on its water system including \$264,600 on capital projects. Projects included improvements to the Church Ditch Augmentation Station, purchasing the headgate structure for the Leavenworth diversion for Green Lake and improvements to the fiber optic communication system. 5.a.(3) For fiscal year 2021, the City of Black Hawk expended \$2,969,848 on its water system including \$1,179,493 on capital projects. Projects included construction of the new headgate structure for the Green Lake intake, new generators for the water treatment plant, and expansion of the water distribution system. 5.a.(4) For fiscal year 2022, the City of Black Hawk expended \$3,351,317 on its water system including \$476,200 on capital projects. Projects included design of a new potable water tank, design of the expansion of the Hidden Valley Water Treatment Plant and continued expansion of the water distribution system.

5.a.(5) For fiscal year 2023 the City of Black Hawk expended \$2,549,605 including \$1,824,064 for Administration and \$725,540 for operations. 5.a.(6) For expenses up to November 30, 2024 in the 2024 fiscal year, the City spent \$2,463,558 include \$762,210 for Administration and \$1,701,347 for operations. Projects included moving forward on a water treatment plant expansion, reservoir permitting and construction and permitting of new wells. 5.b. The amounts in paragraph 5.a include more than \$1,385,000 for engineering and \$178,000 for legal fees and costs during the diligence period. 5.c. On October 22, 2019, Black Hawk obtained a decree in Case No. 18CW3152, Water Division No. 1, which found reasonable diligence in relation to the additional adjudicated exchanges to the structures identified in paragraph 4, above. 5.d. During the diligence period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the subject water rights. 6. Claim to Make Absolute: N/A. 7. 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. See Exhibit C hereto. WHEREFORE, Black Hawk requests that diligence be found for the conditional water rights identified in paragraph 4, above, and that said conditional water rights be continued in full force and effect until the due date of the next diligence filing herein, and for such other relief as the Court deems proper. 9 pages and 3 pages of exhibits.

CASE NUMBER 2024CW3178 (92CW058, 2009CW119, 2018CW3018) CITY OF BLACK HAWK, City of Black Hawk (“Black Hawk”), c/o Director of Public Works, P.O. Box 68, Black Hawk, Colorado 80422, Telephone: (303) 582-1324 Email: tisbester@cityofblackhawk.org. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Ste. 500, Denver, Colorado 80202, Telephone: (303) 722-2828, Email: dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN CLEAR CREEK AND ITS TRIBUTARIES IN CLEAR CREEK AND GILPIN COUNTIES** 2. Names of Structures: Upper North Clear Creek Pump Station No. 1. Upper North Clear Creek Pump Station No. 2. Black Hawk North Clear Creek Pump Station (Infiltration Gallery No. 1). Black Hawk Chase Gulch Diversion. Pickle Gulch Reservoir. Missouri Creek Reservoir. Black Hawk Chase Gulch Reservoir. Wheeler Diversion Point. Quartz Valley Reservoir. 3. Prior Decrees: 3.a. Date of original decree: August 22, 2003, Case No. 92CW058, in the District Court, Water Division No. 1, State of Colorado. 3.b. Subsequent decrees awarding findings of diligence: January 17, 2012, Case No. 2009CW119, in the District Court, Water Division No. 1, State of Colorado; November 29, 2018, Case No. 2018CW3018, in the District Court, Water Division No. 1, State of Colorado. 3.c. Subsequent decree for change of water rights: November 25, 2014, Case No. 2010CW309, in the District Court, Water Division No. 1, State of Colorado. 4. Describe Conditional Water Rights Giving the Following from the Judgment and Decree: 4.a. Name of structure: Upper North Clear Creek Pump Station No. 1. 4.a.(1) Legal description of point of diversion: Located on North Clear Creek in the NW1/4 of the SW1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 900 feet from the West section line and 2,100 feet from the South section line of said Section 34. See Exhibit A hereto. 4.a.(2) Source: North Clear Creek, a tributary to Clear Creek. 4.a.(3) Appropriation date: May 29, 1992. 4.a.(4) Decreed amount: 7 c.f.s., conditional, for direct flow use only. 4.a.(5) Decreed use: See paragraph 4.j., below. 4.a.(6) Alternate Point of Diversion: Wheeler Diversion Point, described below in paragraph 4.h. 4.b. Name of structure: Upper North Clear Creek Pump Station No. 2. 4.b.(1) Legal description of point of diversion: Located on North Clear Creek in the NW1/4 NE1/4 of Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 1,400 feet from the East section line and 400 feet from the North section line of said Section

2. See Exhibit A hereto. 4.b.(2) Source: North Clear Creek, a tributary to Clear Creek. 4.b.(3) Appropriation date: May 29, 1992. 4.b.(4) Decreed amount: 7 c.f.s., conditional, for direct flow and for storage in Pickle Gulch Reservoir, Missouri Creek Reservoir, and Quartz Valley Reservoir, which reservoirs are described below in paragraphs 4.e., 4.f., and 4.i., respectively. 4.b.(5) Decreed use: See paragraph 4.j., below. 4.b.(6) Alternate Point of Diversion: Wheeler Diversion Point, described below in paragraph 4.h. 4.c. Name of structure: Black Hawk North Clear Creek Pump Station (Infiltration Gallery No. 1). 4.c.(1) Legal description of point of diversion: Located on North Clear Creek in the NW1/4 SW1/4 SW1/4 in Section 6, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 500 feet from the West section line and 1,100 feet from the South section line of said Section 6. See Exhibit A hereto. 4.c.(2) Source: North Clear Creek, a tributary to Clear Creek. 4.c.(3) Appropriation date: May 29, 1992. 4.c.(4) Decreed amount: 0.53 c.f.s., absolute, 6.47 c.f.s., conditional; for direct flow use and for storage in Black Hawk Reservoir located in W1/2 SE1/4 NW1/4, Section 7, Township 3 South, Range 72 West of the 6th P.M., in Gilpin County, Colorado. 4.c.(5) Decreed use: See paragraph 4.j., below. 4.d. Name of structure: Black Hawk Chase Gulch Diversion. 4.d.(1) Legal description of point of diversion: Located on Chase Gulch in the SW1/4 of the NW1/4 of Section 7, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point located approximately 900 feet from the West section line and 2,200 feet from the North section line of said Section 7. See Exhibit A hereto. 4.d.(2) Source: Chase Gulch, and water in the drainage tributary to Chase Gulch, a tributary to North Clear Creek. 4.d.(3) Appropriation date: May 29, 1992. 4.d.(4) Decreed amount: 3.5 c.f.s., conditional, for direct flow use only. 4.d.(5) Decreed use: See paragraph 4.j., below. 4.e. Name of structure: Pickle Gulch Reservoir. 4.e.(1) Legal description of reservoir: Located in the NW1/4 SE1/4 of Section 35, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Pickle Gulch at a point approximately 1,500 feet from the East section line and approximately 1,700 feet from the South section line of said Section 35. See Exhibit A hereto. 4.e.(2) Source: The Reservoir is an onstream reservoir and will intercept and store water in Pickle Gulch and water in the drainage tributary to Pickle Gulch, a tributary to North Clear Creek, and water diverted from North Clear Creek. 4.e.(3) Appropriation date: May 29, 1992. 4.e.(4) Decreed amount: 600 acre-feet, conditional, with the right to fill once per year when in priority, and the right to refill when in priority, up to one volumetric refill per year. 4.e.(5) Additional diversion points: Upper North Clear Creek Pump Station No. 2 at the location and rate of flow described above in paragraph 4.b., and Wheeler Diversion Point, described below in paragraph 4.h. 4.e.(6) Decreed use: See paragraph 4.j., below. 4.e.(7) Alternate place of storage: Quartz Valley Reservoir, described below in paragraph 4.i. 4.f. Name of structure: Missouri Creek Reservoir. 4.f.(1) Legal description of reservoir: Located in the W1/2 of Section 36, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Missouri Creek at a point approximately 1,700 feet from the West section line and 2,400 feet from the North section line of said Section 36. See Exhibit A hereto. 4.f.(2) Source: Missouri Creek Reservoir will be an onstream reservoir and will intercept and store water in Missouri Creek and water in the drainage tributary to Missouri Creek, a tributary to North Clear Creek, and water diverted from North Clear Creek. 4.f.(3) Appropriation date: May 29, 1992. 4.f.(4) Decreed amount: 460 acre-feet, conditional, with the right to fill once per year when in priority, and the right to refill when in priority, up to one volumetric refill per year. 4.f.(5) Additional diversion points: Upper North Clear Creek Pump Station No. 2 at the location and rate of flow described above in paragraph 4.b. and Wheeler Diversion Point, described below in paragraph 4.h. 4.f.(6) Decreed use: See paragraph 4.j., below. 4.f.(7) Alternate place of storage: Quartz Valley Reservoir, described below in paragraph 4.i. 4.g. Name of structure: Black Hawk Chase Gulch Reservoir. 4.g.(1) Legal description of reservoir: Black Hawk Chase Gulch Reservoir will be located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 2, Township 3 South,

Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 1,600 feet from the West section line and 2,400 feet from the North section line of said Section 2. See Exhibit A hereto. 4.g.(2) Source: Water in Chase Gulch and water in the drainage tributary to Chase Gulch, a tributary to North Clear Creek, a tributary to Clear Creek, and water diverted from North Clear Creek by the Upper North Clear Creek Pumping Station and Pipeline, more particularly described as follows: 4.g.(2)(A) Legal description of point of diversion: On the South Bank of North Clear Creek, in the NE1/4 of the SW1/4 of Section 34, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, at a point approximately 2,500 feet from the West Section line and 1,900 feet from the South section line of said Section 34. 4.g.(2)(B) Source of water: The Upper North Clear Creek Pumping Station and Pipeline will divert water from North Clear Creek, a tributary to Clear Creek. 4.g.(2)(C) Flow rate: 7.0 c.f.s. (for filling rate). 4.g.(3) Alternate point of diversion for Upper North Creek Pumping Station and Pipeline: Wheeler Diversion Point, described below in paragraph 4.h. 4.g.(4) Appropriation date: May 29, 1992. 4.g.(5) Decreed amount: 600 acre-feet, conditional, with the right to fill once per year when in priority, and the right to refill when in priority, up to one volumetric refill per year. 4.g.(6) Decreed use: See paragraph 4.j., below. 4.g.(7) Alternate place of storage: Quartz Valley Reservoir, described below in paragraph 4.i. 4.h. Name of alternate point of diversion: Wheeler Diversion Point. 4.h.(1) Alternate point of diversion: Pursuant to the decree in Case No. 2010CW309, the Wheeler Diversion Point was decreed as an alternate point of diversion for the Upper North Clear Creek Pump Station No. 2 as a filling structure for the decreed Pickle Gulch Reservoir and the decreed Missouri Creek Reservoir, and as an alternate point of diversion for the Upper North Clear Creek Pumping Station and Pipeline as a filling structure for the decreed Black Hawk Chase Gulch Reservoir under the conditional storage rights decreed in Case No. 92CW058, and described in paragraphs 4.e., 4.f., and 4.g., above, all as changed in Case No. 2010CW309 to include alternate storage at the Quartz Valley Reservoir described in paragraph 4.i., below. The Wheeler Diversion Point was further decreed as an alternate point of diversion for the direct flow rights for the Upper North Clear Creek Pump Station No. 1 and the Upper North Clear Creek Pump Station No. 2, described in paragraphs 4.a. and 4.b., above, respectively. 4.h.(2) Legal description of point of diversion: Located on the South Bank of North Clear Creek in the SE1/4 NW1/4 Section 1, T3S, R73W of the 6th P.M., at a point approximately 1,969 feet from the North section line and approximately 2,287 feet from the West section line of said Section 1, at Latitude 39.818630076 and Longitude -105.510289603. See Exhibit A hereto. 4.h.(3) Source: Water diverted from North Clear Creek, tributary to Clear Creek, tributary to the South Platte River. 4.h.(4) Decreed amount: 7 c.f.s., for direct flow, and 7 c.f.s. as a filling rate for storage in Pickle Gulch Reservoir, Missouri Creek Reservoir, Black Hawk Chase Gulch Reservoir, and also for storage in Quartz Valley Reservoir as an alternate place of storage for said three aforementioned reservoirs. 4.i. Name of alternate place of storage: Quartz Valley Reservoir. 4.i.(1) Alternate place of storage: Pursuant to the decree in Case No. 2010CW309, Quartz Valley Reservoir was decreed as an alternate place of storage for Pickle Gulch Reservoir, Missouri Creek Reservoir, and the Black Hawk Chase Gulch Reservoir for the water storage and refill rights described in paragraphs 4.e., 4.f., and 4.g., above. 4.i.(2) Legal description of reservoir: The legal description for the centerline of the dam where it crosses Chase Gulch is as follows: Located in an unsurveyed area, based on the 1975 USGS Central City 7-1/2 minute quadrangle map, in the NW1/4 NW1/4 Section 12, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 4,014 feet from the west section line of Section 7, Township 3 South, Range 72 West, and 259 feet from the south section line of Section 1, Township 3 South, Range 73 West. The approximate location of the dam centerline for the proposed Quartz Valley Reservoir is shown on Exhibit A hereto. 4.i.(3) Source: Water in Chase Gulch and water in the drainage tributary to Chase Gulch, a tributary to North Clear Creek, a tributary to Clear Creek, and water

diverted from North Clear Creek, tributary to Clear Creek, tributary to the South Platte River. The following structures may be used to fill Quartz Valley Reservoir: (i) Upper North Clear Creek Pump Station No. 2 described in paragraph 4.b., above; (ii) Upper North Clear Creek Pumping Station and Pipeline, described in paragraph 4.g.(2), above; and (iii) Wheeler Diversion Point, described in paragraph 4.h. above. 4.i.(4) Estimated surface area of high water line: 35 acres. 4.i.(5) Estimated vertical height of dam in feet: 90 feet. 4.i.(6) Estimated length of dam in feet: 525 feet. 4.i.(7) Total capacity of reservoir in acre feet: 850 acre feet. 4.j. Decreed use: The decreed uses for the water rights herein are all municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage, and all other municipal uses, including the right to use and reuse the water for all of the aforesaid purposes, including reuse by exchange for all the aforesaid purposes, to extinction all water lawfully diverted and/or impounded. The water may also be used for exchange, for replacement, and for augmentation purposes. Black Hawk is entitled to use the water diverted and/or stored for all municipal purposes, for exchange, replacement, and augmentation, and Black Hawk is entitled to reuse this water for the same purposes. The place of use is any place served in the present or the future by the City of Black Hawk's treated water and/or raw water systems. 5. Provide a Detailed Outline of What Has Been Done toward Completion or for Completion of the Appropriation and Application of Water to a Beneficial Use as Conditionally Decreed, Including Expenditures: As part of Black Hawk's decrees in Cases Nos. 92CW058 and 92CW059, entered on August 22, 2003, the Water Court ruled that Black Hawk's water project, which includes the conditional water rights described above, is an integrated project, and that pursuant to C.R.S. § 37-92-301(4)(b), work on one or more of the separate components constitutes diligence for all. 5.a. During the diligence period beginning on January 1, 2019, the City of Black Hawk has spent in excess of \$15,950,000 on its integrated water system, of which the subject water right is a part: 5.a.(1) For fiscal year 2019, the City of Black Hawk expended \$2,603,209 on its water system, including \$619,808 on capital projects. Projects included construction of the Hidden Valley Stand-by Generators back-up electrical system, design for a new headgate for the Leavenworth diversion for Green Lake, rebuilding the Hidden Valley pipeline pumps, and design and construction of the Green Lake seepage flume. 5.a.(2) For fiscal year 2020, the City of Black Hawk expended \$2,013,906 on its water system, including \$264,600 on capital projects. Projects included improvements to the Church Ditch Augmentation Station, purchasing the headgate structure for the Leavenworth diversion for Green Lake, and improvements to the fiber optic communication system. 5.a.(3) For fiscal year 2021, the City of Black Hawk expended \$2,969,848 on its water system, including \$1,179,493 on capital projects. Projects included construction of the new headgate structure for the Green Lake intake, new generators for the water treatment plant, and expansion of the water distribution system. 5.a.(4) For fiscal year 2022, the City of Black Hawk expended \$3,351,317 on its water system, including \$476,200 on capital projects. Projects included design of a new potable water tank, design of the expansion of the Hidden Valley Water Treatment Plant, and continued expansion of the water distribution system. 5.a.(5) For fiscal year 2023, the City of Black Hawk expended \$2,549,605, including \$1,824,064 for Administration and \$725,540 for operations. 5.a.(6) For expenses up to November 30, 2024, in the 2024 fiscal year, the City spent \$2,463,558, including \$762,210 for Administration and \$1,701,347 for operations. Projects included moving forward on a water treatment plant expansion, reservoir permitting, and construction and permitting of new wells. 5.b. The amounts in paragraph 5.a include more than \$1,385,000 for engineering and \$178,000 for legal fees and costs during the diligence period. 5.c. On October 22, 2019, Black Hawk obtained a decree in Case No. 18CW3152, Water Division No. 1, which found reasonable diligence in relation to the adjudicated exchanges to the structures identified in paragraph 4, above. 5.d. During the diligence period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the subject water rights. 6. Claim to Make

Absolute: N/A. 7. 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: See Exhibit B hereto. WHEREFORE, Black Hawk requests that diligence be found for the conditional water rights identified in paragraph 4, above, and that said conditional water rights be continued in full force and effect until the due date of the next diligence filing herein, and for such other relief as the Court deems proper. 11 pages and 2 pages of exhibits.

CASE NUMBER 2024CW3179 (2009CW276, 2017CW3204) CITY OF BLACK HAWK, City of Black Hawk ("Black Hawk"), c/o Director of Public Works, P.O. Box 68, Black Hawk, Colorado 80422, Telephone: (303) 582-1324 Email: tisbester@cityofblackhawk.org. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Ste. 500, Denver, Colorado 80202, Telephone: (303) 722-2828, Email: dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE A PORTION OF CONDITIONAL WATER RIGHTS ABSOLUTE IN CLEAR CREEK AND ITS TRIBUTARIES IN GILPIN AND CLEAR CREEK COUNTIES** 2. Names of Water Right: Black Hawk Green Lake Exchanges 3 Describe conditional water rights giving the following from the Judgment and Decree: 3.a. Date of prior decree: Original decree entered December 30, 2011, Case No. 2009CW276 in the District Court, Water Division No. 1, State of Colorado. Diligence was found and a portion of the water right was made absolute by the decree entered December 30, 2018, Case No. 2017CW3204 in the District Court, Water Division No. 1, State of Colorado. 3.b. Description of exchanges. Under the exchanges, Black Hawk will divert by exchange up to 50 c.f.s at each of the locations ("exchange-to points") identified in paragraph 3.c., below, for storage in Green Lake for subsequent use, based upon the introduction of substitute supplies made available under the water rights described in paragraph 3.d., below ("substitute supplies"). Black Hawk will make the substitute supplies available at the locations identified in paragraph 3.e., below (the "exchange-from points") by making deliveries, by forgoing diversions and/or storage, and/or by releases from storage. A map showing the location of the rights of exchange is attached hereto as Exhibit A. 3.c. Exchange-to points. The names and locations of structures through which or into which water will be diverted and/or stored by exchange and the sources of water at the exchange-to points are as follows: 3.c.(1) Green Lake. Green Lake is located on the channel of an unnamed tributary to South Clear Creek in Clear Creek County, Colorado, located in the West half of Section 29 and the East half of Section 30, Township 4 South, Range 74 West of the 6th P.M., as described in Exhibit B hereto. The outlet is located approximately 330 feet east of the West section line and approximately 1,600 feet south of the north section line of Section 29, Township 4 South, Range 74 West, in the Southwest quarter of the Northwest quarter of said Section 29. The source of water is local inflows captured in Green Lake. Green Lake is located in the South Clear Creek drainage basin. 3.c.(2) Green Lake Ditch or Flume a/k/a Leavenworth Pipeline. Located approximately 2,580 feet east of the West section line and approximately 80 feet south of the North section line of Section 30, Township 4 South, Range 74 West, of the 6th P.M. in Clear Creek County. The source of water is Leavenworth Creek, a tributary of South Clear Creek. 3.d. Sources of substitute supply: 3.d.(1) Vidler Tunnel Water Rights: The City of Black Hawk currently has the right to the annual delivery of at least 100 acre feet of fully consumable water from the Vidler Tunnel system. The Vidler Tunnel system water rights are comprised of the following west slope water rights: 3.d.(1)(i) Rice Ranch Rights. A total of 361 consumptive acre feet, at a total maximum diversion rate of 31.22 c.f.s., was decreed by the District Court in and for Water Division No. 5, in Case Nos. W-217 and W-2110, as being historically attributable to the following described water rights: 3.d.(1)(i)(a) Rice Ditch, decreed for 4.50 c.f.s. with a May 3, 1893

appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Rice Ditch is located on the left (south) bank of the Snake River in the Northwest quarter Southeast quarter of Section 22, Township 5 South, Range 77 West, 6th P.M.; 3.d.(1)(i)(b) Soda Creek Ditch, decreed for 2.72 c.f.s. with a July 1, 1900 appropriation date and March 10, 1952 adjudication date. The originally decreed headgate of the Soda Creek Ditch is located on the right (east) bank of the Soda Creek at a point whence the South quarter corner of Section 27, Township 5 South, Range 77 West, 6th P.M., bears South 10 degrees 5 minutes East a distance of 940 feet; 3.d.(1)(i)(c) Phillips Ditch, decreed for 4.00 c.f.s. with a June 1, 1904 appropriation date and a March 2, 1910 adjudication date. The originally decreed headgate of the Phillips Ditch is located on the left (west) bank of the Keystone Creek in the Southwest quarter Southwest quarter of Section 14, Township 5 South, Range 77 West, 6th P.M.; 3.d.(1)(i)(d) Rice Ditch - Riley Enlargement, decreed for 10.00 c.f.s. with a July 5, 1914 appropriation date and an October 26, 1937 adjudication date. The originally decreed headgate of the Riley Enlargement is located on the left (south) bank of the Snake River at a point whence the Southwest corner of Section 22, Township 5 South, Range 77 West, 6th P.M., bears South 54 degrees 46 minutes West a distance of 3,845 feet; and 3.d.(1)(i)(e) Rice Ditch - Rice Enlargement, decreed for 10.00 c.f.s. with a July 5, 1914 appropriation date and a March 10, 1952 adjudication date. The originally decreed headgate of the Rice Enlargement is the same as the Rice Ditch - Riley Enlargement. 3.d.(1)(ii) Arduser Ditch Rights. A total of 52.5 consumptive acre feet, at a total maximum diversion rate of 3 c.f.s., was decreed by the Summit County District Court in Case No. 2350 as being historically attributable to the Arduser Ditch, Ditch No. 230, Priority No. 249, decreed by the Summit County District Court in Civil Action No. 1709 for 3 c.f.s., with a September 28, 1934 appropriation date and an October 26, 1937 adjudication date. 3.d.(2) Water legally stored by the City of Black Hawk in Georgetown Lake, described in paragraph 3.e.(2), below, including, but not limited to, water delivered pursuant to the Assignment and Water Delivery Agreement, dated June 7, 2007, between Applicant and the City of Golden for Vidler Tunnel Water, and the water storage right and water stored by the exchange decreed in Case No. 2007CW327. 3.d.(3) Water leased from the City of Golden including, but not limited to, water delivered pursuant to the Assignment and Water Delivery Agreement, dated June 7, 2007, for Vidler Tunnel Water as described in said agreement, and water leased from the City of Golden pursuant to said agreement and stored and released from Guanella Reservoir located in the North Half of the Southwest quarter and the Northwest quarter of the Southeast quarter of Section 29 and the Northeast quarter of the Southeast quarter of Section 30, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado. 3.d.(4) Water legally available for diversion by exchange by the City of Black Hawk at the Hidden Valley Surface Water Diversion Point described in paragraph 3.e.(4), below, limited to water attributable to Black Hawk's proportionate interest in the Church Ditch (a/k/a The Golden City and Ralston Creek Ditch) pursuant to the decree entered in Case No. 92CW059. 3.d.(5) Water legally available for diversion by exchange by the City of Black Hawk at the Hidden Valley Groundwater Diversion Point described in paragraph 3.e.(5), below, limited to water attributable to Black Hawk's proportionate interest in the Church Ditch (a/k/a The Golden City and Ralston Creek Ditch) pursuant to the decree entered in Case No. 92CW059. 3.d.(6) Fully consumable water, and water available under the water right decreed to the City of Black Hawk Effluent Diversion in Case No. 93CW055, released to North Clear Creek at the Black Hawk-Central City Sanitation District Wastewater Treatment Plant located in the Northeast quarter of the Southwest quarter of Section 26, Township 3 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point 1,550 feet east of the West section line and 2,100 feet north of the South section line of said Section 26. 3.d.(7) Water legally stored by the City of Black Hawk and released to North Clear Creek and its tributaries from the following structures: 3.d.(7)(i) Pickle Gulch Reservoir, to be located in the Northwest quarter Southeast quarter of Section 35, Township 2 South, Range 73 West of the 6th P.M.,

Gilpin County, Colorado, with the dam axis intersecting Pickle Gulch at a point approximately 1,500 feet from the East section line and approximately 1,700 feet from the South section line of said Section 35.

3.d.(7)(ii) Missouri Creek Reservoir, to be located in the West half of Section 36, Township 2 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Missouri Creek at a point approximately 1,700 feet from the West section line and 2,400 feet from the North section line of said Section 36.

3.d.(7)(iii) Black Hawk Chase Gulch Reservoir, to be located in the South half Northwest quarter and the North half Southwest quarter, Section 2, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 1,600 feet from the West section line and 2,400 feet from the North section line of said Section 2.

3.d.(7)(iv) Quartz Valley Reservoir, to be located in an unsurveyed area, based on the 1975 USGS Central City 7-1/2 minute quadrangle map, in the Northwest quarter Northwest quarter Section 12, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis to intersect Chase Gulch at a point approximately 4,014 feet from the West section line of Section 7, Township 3 South, Range 72 West, and 259 feet from the South section line of Section 1, Township 3 South, Range 73 West.

3.e. Exchange-from points. Points at which the City of Black Hawk shall make substitute supplies available to allow diversion by exchange at the exchange-to points are as follows:

3.e.(1) Confluence of Leavenworth Creek and South Clear Creek located in the Northeast quarter of the Southwest quarter of Section 20, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado.

3.e.(2) Georgetown Lake, an on-channel reservoir located in the Southeast quarter and portions of the Northeast quarter of Section 5, and the Northeast quarter of Section 8, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado.

3.e.(3) Confluence of Clear Creek and West Fork Clear Creek located in the Northwest quarter of the Southeast quarter of Section 27, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado.

3.e.(4) Hidden Valley Surface Water Diversion Point located in the Southwest quarter of the Southeast quarter of the Northeast quarter of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 1,000 feet West of the East boundary of Section 32 and 2,140 feet South of the North boundary of Section 32, Clear Creek County, Colorado.

3.e.(5) Hidden Valley Groundwater Diversion Point located in the Southwest quarter of the Southeast quarter of the Northeast quarter of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 800 feet West of the East boundary of Section 32 and 2,030 feet South of the North boundary of Section 32, Clear Creek County, Colorado.

3.e.(6) Confluence of Clear Creek and North Clear Creek located in the Northeast quarter of the Southwest quarter of Section 36, Township 3 South, Range 72 West of the 6th P.M., Clear Creek and Gilpin Counties, Colorado.

3.f. The exchanges decreed herein will at times operate in conjunction with the exchanges decreed in Case No. 92CW059 and/or the exchanges decreed in Case No. 2007CW327, but the exchanges decreed herein shall be administered independently and operated under the priorities decreed in this case.

3.g. Date of appropriation: December 3, 2009.

3.h. Decreed amount: 1.85 c.f.s. absolute and 48.15 c.f.s., conditional. The rate of exchange from each exchange-from point and to each exchange-to point shall not exceed the respective amounts shown in the matrix attached hereto as Exhibit C, and the exchanges shall be limited to 50 c.f.s. total diversion at both exchange-to points at any given time. Exchanges made under this decree to all exchange-to points are limited to a volumetric limit of 540 acre feet in any water year (November 1 through October 31).

3.i. Use: The decreed uses for these exchanges are all municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, sewage treatment, street sprinkling, irrigation, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, lake level maintenance, augmentation, and replacement, adjustment and regulation of water supply system, including exchange within Black Hawk's water system and with other water users, and including, without limitation, storage in Green Lake for subsequent use for

the aforesaid purposes. Black Hawk shall at all times be entitled to fully consume the same amount of water diverted by exchange as the amount of decreed fully-consumable water being simultaneously delivered to or made available at the exchange-from points under the subject water rights. Black Hawk shall only be entitled to a single use of water diverted at the exchange-to points based upon delivery of single use water at the exchange-from points. To the extent that Black Hawk has the decreed right to fully consume water diverted under the exchanges, Black Hawk shall be entitled to fully consume such water by direct use, storage and subsequent release, reuse, successive use, further exchange and disposition. 3.j. Place of use. The place of use for the conditional appropriative rights of substitution and exchange is any place served in the present or in the future by the City of Black Hawk's treated water and raw water systems. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Pursuant to paragraph 17 of the decree in Case No. 2009CW276, Black Hawk's potable water system and raw water system and each of the water rights and structures decreed in Case No. 2009CW276 that now and in the future will provide water for the Applicant were determined to be integrated systems of water rights and structures, and pursuant to C.R.S. § 37-92-301(4)(b) work on one or more of the separate components constitutes diligence for all. 4.a. During the diligence period beginning on January 1, 2019, the City of Black Hawk has spent in excess of \$15,950,000 on its integrated water system of which the subject water right is a part: 4.a.(1) For fiscal year 2019, the City of Black Hawk expended \$2,603,209 on its water system including \$619,808 on capital projects. Projects included construction of the Hidden Valley Stand-by Generators back-up electrical system, design for a new headgate for the Leavenworth diversion for Green Lake, rebuilding the Hidden Valley pipeline pumps, design and construction of the Green Lake seepage flume. 4.a.(2) For fiscal year 2020, the City of Black Hawk expended \$2,013,906 on its water system including \$264,600 on capital projects. Projects included improvements to the Church Ditch Augmentation Station, purchasing the headgate structure for the Leavenworth diversion for Green Lake and improvements to the fiber optic communication system. 4.a.(3) For fiscal year 2021, the City of Black Hawk expended \$2,969,848 on its water system including \$1,179,493 on capital projects. Projects included construction of the new headgate structure for the Green Lake intake, new generators for the water treatment plant, and expansion of the water distribution system. 4.a.(4) For fiscal year 2022, the City of Black Hawk expended \$3,351,317 on its water system including \$476,200 on capital projects. Projects included design of a new potable water tank, design of the expansion of the Hidden Valley Water Treatment Plant and continued expansion of the water distribution system. 4.a.(5) For fiscal year 2023 the City of Black Hawk expended \$2,549,605 including \$1,824,064 for Administration and \$725,540 for operations. 4.a.(6) For expenses up to November 30, 2024 in the 2024 fiscal year, the City spent \$2,463,558 include \$762,210 for Administration and \$1,701,347 for operations. Projects included moving forward on a water treatment plant expansion, reservoir permitting and construction and permitting of new wells. 4.b. The amounts in paragraph 5.a include more than \$1,385,000 for engineering and \$178,000 for legal fees and costs during the diligence period. 4.c. On June 25, 2019, Black Hawk obtained a decree in Case No. 18CW3184, Water Division No. 1, which found reasonable diligence in relation to the storage rights associated with Green Lake in paragraph 3.c., above. 4.d. During the diligence period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the subject water rights. 5. Claim to Make Absolute: Black Hawk operated the appropriative rights of substitution and exchange on numerous occasions during the diligence period, with a maximum rate of 4.82 c.f.s. from Georgetown Lake and the Church Ditch to Green Lake on August 31, 2022. The exchange operations are shown in the accounting attached hereto as Exhibit D. 5.a. Date water applied to beneficial use: August 31, 2022. 5.b. Use: See paragraph 3.i., above. 5.c. Place of Use: See paragraph 3.j., above. 5.d. Portion Remaining

Conditional: 45.18 c.f.s. 6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored. 6.a. Green Lake is located on land owned by the Applicant and the County of Clear Creek, P.O. Box 2000, Georgetown, Colorado 80444. 6.b. The headgate of the Green Lake Ditch or Flume a/k/a the Leavenworth Pipeline is located on land owned by the United States Forest Service, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526-8119. WHEREFORE, Applicant requests that diligence be found for the Black Hawk Green Lake Exchanges and that 4.82 c.f.s. of the water right be decreed as absolute and that the remaining 45.18 c.f.s. be continued as conditional in full force and effect until the due date of the next diligence filing herein. 10 pages and 8 pages of exhibits.

CASE NUMBER 2024CW3180 JAMES R. SHELL AND VALENS CAPITAL, LLC., 3980 Walker Road, Colorado Springs, Co 80908. (Please direct all pleadings and documents to Ryan W. Farr and Paul J. Raymond of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). **APPLICATION FOR PLAN FOR AUGMENTATION IN EL PASO COUNTY.** Applicants seek a plan for augmentation for the use of the Dawson aquifer to supply water to a proposed development of the Applicants' Property, as described below, resulting in the subdivision of the property into four lots and the development of commercial and community activities on one of the lots. Legal Description of Wells and Property. Property Description. Applicants own an approximately 28.52-acre property located in the NE1/4 of the SW1/4 of Section 11, Township 11 South, Range 66 W of the 6th P.M., El Paso County, Colorado, specifically described as Lot 3 of Walker Estates, and shown on the attached **Exhibit A** aerial and topographic map, with a street address of 3980 Walker Road, Colorado Springs, Colorado 80908 ("Applicants' Property"). Existing Well. There is an existing well on the Applicants' Property that is augmented pursuant to the decree in Case No. 18CW3004, District Court, Water Division 1 ("Decree"), with Colorado Division of Water Resources Permit No. 83194-F ("Original Well"). The Original Well is drilled to a total depth of 280 feet to the Dawson aquifer, and located at UTM, Zone 13, NAD83, Easting: 521777.7, Northing: 4328518.5. The Original Well, along with the future 5-acre parcel that it will be situated upon, will remain as permitted and continue operating pursuant to the plan for augmentation set forth in the Decree; thus, providing water for one lot of the proposed four-lot subdivision. Proposed Wells. Applicants propose to construct three additional wells to the Dawson aquifer to supply water to the three additional lots of the four-lot subdivision. Water Source. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying the Applicants' Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants' Property is nontributary. Estimated Rates of Withdrawal and Groundwater Available. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The 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 are the owners of Applicants' Property as well as the owners of the following water in the Denver Basin aquifers as quantified in the Decree pursuant to the attached **Exhibit B** deed:

Additional water not allocated to the plan for augmentation subject of the decree in
Case No. 18CW3004:

AQUIFER	Total Appropriation (Acre-Feet)	Annual Avg. Withdrawal 100 Years (Acre-Feet)	Annual Avg. Withdrawal 300 Years (Acre-Feet)
Dawson (NNT Actual)	1,738.1	17.381	3.781
Denver (NT)	2,560	25.60	n/a
Arapahoe (NT)	1,244.84	12.448	n/a
Laramie Fox Hills (NT)	1,260	5.50	n/a

Water allocated to the plan for augmentation subject of the decree in
Case No. 18CW3004:

AQUIFER	Total Appropriation (Acre-Feet)	Annual Avg. Withdrawal 100 Years (Acre-Feet)	Annual Avg. Withdrawal 300 Years (Acre-Feet)
Dawson (NNT Actual)	225	n/a	0.75
Laramie Fox Hills (NT)	225	n/a	n/a

Application for Plan for Augmentation. Structures to be Augmented. The structures to be augmented are three additional wells constructed to the Dawson aquifer to supply water to the three additional lots of the four-lot subdivision, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer (“Valens Wells”). Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Valens Wells, together with water rights from the nontributary Denver aquifer for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer Valens Wells. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Uses. Pumping from the Dawson aquifer will be a maximum of 6.085 acre-feet of water per year combined for the Valens Wells, with one commercial oriented lot pumping 5.086 acre-feet per year and the remaining two residential lots pumping a combined totally of 1.0 acre-feet. Such uses shall be for domestic, commercial, irrigation, livestock watering, fire protection and augmentation purposes, including storage. Depletions. Maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 23.17% of pumping. Therefore, maximum annual depletions from the Valens Wells amounts to 1.33 acre-feet in year 300. Should Applicant’s pumping be less than the 6.085 acre-feet total per year described herein, resulting depletions and required replacements will be correspondingly reduced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicants are required to replace actual stream depletions attributable to pumping of the Valens Wells. Depletions during pumping will be effectively replaced by indoor return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year. At a combined indoor use rate of 1.6 acre-feet per year, 1.44 acre-feet is replaced to the stream system annually, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Valens Wells, Applicants will reserve 1,862 acre-feet of the nontributary Denver aquifer, allowing for decrease based on stream depletions replaced during the plan pumping period. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court’s retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Denver aquifer

groundwater will be used to replace any injurious post-pumping depletions which shall be reduced by that amount replaced during pumping. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Valens Wells for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. Remarks. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system and it is Applicants' intent to consolidate the instant matter with the pending Division 2 application in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. Applicants request a finding that they have complied with C.R.S. § 37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving a plan for augmentation pursuant to C.R.S. § 37-90-137(9)(c.5). (Application is 7 pages)

CASE NUMBER 2024CW3181 HOLCIM - WCR, INC. Attn: Walt Wright, Senior Manager – Environment & Land, 1687 Cole Blvd, Suite 300, Golden, CO 80401 Email: walter.wright@holcim.com, 303-406-8593. PLEASE DIRECT ALL PLEADINGS TO: James S. Witwer, Michael M. Golz, Davis Graham & Stubbs LLP, 3400 Walnut Street, Suite 700, Denver, CO 80205; Emails: james.witwer@davisgraham.com, michael.golz@davisgraham.com. (303) 892-9400. **APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT, CONDITIONAL SURFACE WATER RIGHT, AND APPROVAL OF PLAN FOR AUGMENTATION IN JEFFERSON COUNTY. II. SUMMARY OF APPLICATION:** Applicant Holcim - WCR, Inc. (“Holcim”), formerly known as Aggregate Industries - WCR, Inc., owns and operates a hard rock aggregate quarry (“Morrison Quarry”) in the Town of Morrison in Jefferson County, Colorado. A map of Morrison Quarry is attached as **Exhibit A**. In connection with mining operations, Applicant intends to expand and deepen a quarry pit at Morrison Quarry, which may cause the pit to intercept groundwater in addition to natural precipitation and runoff. Such inflows may need to be dewatered to facilitate mining operations. In this application, Applicant seeks confirmation of two water rights and a plan for augmentation to facilitate Applicant’s mining and dewatering operations. First, Applicant seeks confirmation of a conditional underground water right associated with interception of groundwater by the quarry pit. Second, Applicant seeks confirmation of a conditional surface water right for natural precipitation and runoff intercepted by the pit. Finally, Applicant seeks approval of a plan for augmentation to replace out-of-priority depletions caused by Applicant’s mining and dewatering of the quarry pit. Mining and dewatering operations may result in out-of-priority depletions due to a variety of mechanisms, including evaporative losses due to temporary collection of groundwater and natural precipitation and surface runoff in the pit in preparation for dewatering, storage, use, and management of the water on site once evacuated from the pit. Applicant seeks to replace out-of-priority depletions using water stored at Morrison Quarry in the Morrison Quarry Reservoir Nos. 1 and 2 or otherwise diverted at Morrison Quarry under various water rights. **III. APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT. A. Summary of Underground Water Right:** Applicant seeks confirmation of a conditional underground water right associated with dewatering of groundwater intercepted as Applicant deepens a quarry pit at Morrison Quarry. The quarry pit will be designed such that intercepted groundwater is collected in an excavated depression within the pit, metered, and evacuated from the pit. If such water is not then immediately delivered to the stream system as an offset to depletions, it will be used directly or stored pursuant to the underground water right described herein. Out of priority depletions related to groundwater intercepted at the deepened quarry pit will be replaced pursuant to the plan for augmentation requested herein, or pursuant to a related substitute water supply plan. **B. Name of Underground Water Right:** Morrison Quarry Dewatering Sump No. 1. (1) Applicant has not yet applied for a well permit for the Morrison Quarry Dewatering Sump No. 1 but will do so upon approval of the plan for augmentation requested herein or upon approval of a related substitute water supply plan. **C. Legal Description of Underground Water Right:** The Morrison Quarry Dewatering

Sump No. 1 will be located in the SE1/4 of Section 10, Township 5 South, Range 70 West, 6th P.M., in Jefferson County, Colorado. (1) Point of Diversion: The Morrison Quarry Dewatering Sump No. 1 will be located within Applicant's quarry pit. Groundwater that would otherwise collect on the floor of the quarry pit will be directed to one or more sump areas and pumped out of the pit via this underground water right. Applicant anticipates that the approximate UTM Zone 13 coordinates (datum NAD83) of the centroid of the pit are: 482298 m (easting), 4386473 m (northing); however, the location of the centroid within the SE1/4 of Section 10 may change from time to time as may be required to accommodate Applicant's mining operations. D. Source: Groundwater tributary to unnamed tributaries of Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek, tributary to the South Platte River. E. Depth of Well, if Completed: N/A. The Morrison Quarry Dewatering Sump No. 1 has not been completed, and its depth may change over time as Applicant reconfigures its hardrock quarry pit at Morrison Quarry. F. Appropriation Date: December 19, 2022. G. How Appropriation Was Initiated: Applicant drilled test wells to evaluate hydrogeologic conditions as Applicant deepens a quarry pit in connection with its mining operations at Morrison Quarry. H. Amount Claimed: 25 gpm or 40.3 acre-feet per year, conditional. I. Use: Industrial and commercial use, mining, quarrying, washing, mechanical operations and dust suppression, irrigation, concrete and asphalt production, and augmentation and replacement of depletions that may result from Applicant's operations at Morrison Quarry and Applicant's other aggregate properties in the South Platte River Basin. Applicant may use the water either directly or after storage in Morrison Quarry Reservoir No. 1, Morrison Quarry Reservoir No. 2, or other storage structures that may be constructed at Morrison Quarry. J. Name and Address of Owners of the Land Upon Which Any New Diversion or Storage Structure or Modification to Any Existing Diversion or Storage Structure or Existing Storage Pool is or will be Constructed or Upon Which Water is or will be Stored: Applicant owns the land upon which the Morrison Quarry Dewatering Sump No. 1 and Morrison Quarry Reservoir No. 1 will be located. The Town of Morrison owns the land upon which Morrison Quarry Reservoir No. 2 is located, as shown on Exhibit A. Address: Town of Morrison; Attn: Mallory Nassau, Town Manager; 321 Highway 8, Morrison, CO 80465. IV. APPLICATION FOR CONDITIONAL SURFACE WATER RIGHT. A. Summary of Surface Water Right: Applicant seeks confirmation of a conditional surface water right for diversion of natural precipitation and runoff intercepted by Applicant's quarry pit at Morrison Quarry. The quarry pit will be designed such that intercepted surface waters are collected in an excavated depression, metered, and evacuated from the pit. If such water is not then immediately returned to a natural watercourse, it will be used directly or stored pursuant to the surface water right described herein. Out of priority depletions related to surface water diversions at the deepened quarry pit may be replaced pursuant to the plan for augmentation requested herein, or pursuant to a related substitute water supply plan. B. Name of Structure: Morrison Quarry Pit Surface Diversion. C. Legal Description of Structure: The Morrison Quarry Pit Surface Diversion will be located in the SE1/4 of Section 10, Township 5 South, Range 70 West, 6th P.M., in Jefferson County, Colorado. (1) Point of Diversion: Natural runoff and precipitation may be intercepted by any portion of Applicant's quarry pit. Applicant anticipates that the approximate UTM Zone 13 coordinates (datum NAD83) of the centroid of the pit are 482298 m (easting), 4386473 m (northing); however, the location of the centroid within the SE1/4 of Section 10 may change from time to time as may be required to accommodate Applicant's mining operations. D. Source: Natural precipitation and runoff intercepted by Applicant's quarry pit, which precipitation and runoff are tributary to unnamed tributaries of Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek, tributary to the South Platte River. E. Date of Appropriation: January 9, 2023. F. How Appropriation Was Initiated: Applicant conducted site investigations to evaluate expanding its mining operations at Morrison Quarry, including by deepening a quarry pit. G. Amount: 160 cfs, conditional, up to a total of 150 acre-feet per year in combination with the Morrison Quarry Dewatering Sump No. 1. 160 cfs represents the expected peak instantaneous flow rate for a 25-year storm. H. Use: Industrial and commercial use, mining, quarrying, washing, mechanical operations and dust suppression, irrigation, concrete and asphalt production. and augmentation and replacement of depletions that may result from Applicant's operations at Morrison Quarry and Applicant's other properties in the South Platte River Basin. Applicant may use the water under the Morrison Quarry Pit Surface Diversion either directly or after storage in Morrison Quarry Reservoir No. 1, Morrison Quarry

Reservoir No. 2, or other storage structures that may be constructed at Morrison Quarry. I. Name and Address of Owners of the Land Upon Which Any New Diversion or Storage Structure or Modification to Any Existing Diversion or Storage Structure or Existing Storage Pool is or will be Constructed or Upon Which Water is or will be Stored: Applicant owns the land upon which the Morrison Quarry Pit Surface Diversion and Morrison Quarry Reservoir No. 1 will be located. The Town of Morrison owns the land upon which Morrison Quarry Reservoir No. 2 is located, as shown on Exhibit A. Address: Town of Morrison; Attn: Mallory Nassau, Town Manager; 321 Highway 8, Morrison, CO 80465. V. APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION. A. Name and Location of Structures to Be Augmented: (1) Morrison Quarry Dewatering Sump No. 1, the decreed location of which is described in Paragraph III.C above. (2) Morrison Quarry Pit Surface Diversion, the decreed location of which is described in Paragraph IV.C above. B. Water Rights to Be Used for Augmentation: (1) Water rights represented by Applicant's 68.13 shares in the Joseph W. Bowles Reservoir Company ("Bowles Reservoir Shares"). The Bowles Reservoir Shares were changed in Case No. 2011CW294 by decree dated June 9, 2014, to include augmentation use. Applicant is not seeking a further change of water rights for the Bowles Reservoir Shares. a. Date of Original and All Relevant Decrees: i. Arapahoe County District Court in Case No. CA-6832, decree entered February 4, 1884; ii. City and County of Denver District Court in Case No. CA-91471, decree entered September 24, 1935; iii. Water Court, Water Division 1, in Case No. 2011CW294, amended decree entered June 9, 2014. b. Legal Description of the Bowles Reservoir Shares: i. The decreed point of diversion for the Bowles Reservoir Shares is the Arnett/Harriman Ditch ("Harriman Ditch"), which diverts from Bear Creek, a tributary of the South Platte River, near the eastern edge of the Town of Morrison, Colorado. That headgate location is more particularly described as: On the south bank of Bear Creek in the NE¹/₄ of NE¹/₄ of Section 2, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County. The Harriman Ditch is operated by Denver Water and the Bowles Reservoir Shares are carried in this ditch pursuant to a longstanding carriage agreement to a point near Harriman Lake, where the water is delivered into the Bowles Lateral, which then conveys the water into Bowles Reservoir No. 1. ii. In Case No. 2011CW294, the Water Court for Water Division 1 approved a change of water rights allowing Applicant to divert the historical consumptive use amount associated with the Bowles Reservoir Shares at the Morrison Municipal Intake and Morrison Municipal Intake No. 2 (collectively, the "Morrison Municipal Intakes") for storage in Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2: Morrison Municipal Intake is located on the south bank of Bear Creek in the SW¹/₄ of the SE¹/₄ in Section 34, Township 4 South, Range 70 W, 6th P.M. in Jefferson County, Colorado at a point whence the SE¹/₄ of said section bears south 79°, 28' East, 2452.5 feet and has a current capacity of approximately 2.5 cfs. Morrison Municipal Intake No. 2 is proposed to be located on the south bank of Bear Creek in the NW¹/₄ of the NW¹/₄ in Section 2, Township 5 South, Range 70 W of the 6th P.M. in Jefferson County at a point whence the NW corner of said section bears North 32°, West 140 feet and has a proposed capacity of 5.0 cfs. Morrison Quarry Reservoir No. 1 is decreed to be located in the NE and SE Quarter Sections of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. Morrison Quarry Reservoir No. 2 is located in the N¹/₂ of the NE¹/₄ and SE¹/₄ of the NE¹/₄ of Section 10, and W¹/₂ of the NW¹/₄ of Section 11, all in Township 5 South, Range 70 West, 6th PM., Jefferson County, Colorado. iii. In Case No. 2011CW294, the Water Court for Water Division 1 confirmed an exchange of water rights allowing Applicant to divert the historical consumptive use credits of the Bowles Reservoir Shares, if necessary, through the headgate of the Harriman Ditch and through the Bowles Lateral into Bowles Reservoir No. 1 for storage. Such historical consumptive use credits stored in Bowles Reservoir No. 1 may be released for exchange upstream on Bear Creek to the Morrison Municipal Intakes or for use at Applicant's other mining properties downstream. The right of exchange is described in Paragraph 10 of the June 9, 2014, amended decree entered in Case No. 2011CW294. c. Source: Bear Creek, tributary to the South Platte River. d. Appropriation Dates: May 10, 1876 and May 15, 1880 (CA6832); March 9, 1883 and May, 10 1876 (CA91471). e. Amount decreed: The decree entered in Case No. 2011CW294 imposed the following volumetric limits on storage of the Bowles Reservoir Shares in the Morrison Quarry Reservoir Nos. 1 and 2: i. 61% of the annual share allocation determined by the Bowles Reservoir Company for the Subject Shares; ii. A maximum annual limit of 139.7 acre-feet; iii. A maximum total volume of 900.5 acre

feet in any 10-year period; iv. A maximum total volume of 1,222 acre-feet in any 20-year period (61.1 acre-feet per year times 20 years), not to exceed 611 acre-feet diverted in the first 10 years after the changed uses are first initiated. f. Amount to Be Included in This Plan for Augmentation: The entire historical consumptive use amount associated with the Bowles Reservoir Shares. Volumetric limits on storage of the Bowles Reservoir Shares in the Morrison Quarry Reservoir Nos. 1 and 2 are described in Paragraph V.B.(1).e above. g. Decreed Uses: Commercial and industrial, including the uses of mining, quarrying, mechanical operations and dust suppression at Applicant's Morrison Quarry, augmentation, exchange and re-use. (2) Morrison Quarry Reservoir Nos. 1 & 2. a. Date of Original and All Relevant Decrees: i. Water Court, Water Division 1, in Case No. 1995CW126, decree entered February 4, 1997. ii. Subsequent diligence decrees were awarded by the Water Court, Water Division No. 1, in Case No. 2003CW106 on July 19, 2005; Case No. 2012CW100 on December 15, 2013; and Case No. 2019CW3256 on October 14, 2020. b. Legal Description of Morrison Quarry Reservoir Nos. 1 & 2: i. Morrison Quarry Reservoir No. 1 is located in the NE and SE Quarter Sections of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado and is an off-channel reservoir. ii. Morrison Quarry Reservoir No. 2 has an original decreed location in the NE Quarter Section of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado and is an off-channel reservoir. The decree in Case No. 2009CW33 corrected the legal description of Morrison Quarry Reservoir No. 2, as follows: N1/2 of the NE1/4 and SE1/4 of the NE1/4 of Section 10, and W1/2 of the NW1/4 of Section 11, all in Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. c. Points of Diversion: i. Cooley Morrison Quarry Pipeline is decreed to be located in the SE Quarter of the NE Quarter, Section 10, Township 5 South, Range 70 West, 6th P.M. Source of water is Strain Gulch, tributary to Bear Creek, tributary to the South Platte River. There is another water right decreed to divert at this structure. ii. Morrison Municipal Intake is decreed to be located on the south bank of Bear Creek in the SW1/4 of the SE1/4 of Section 34, Township 4 South, Range 70 West of the 6th P.M., Jefferson County, Colorado at a point whence the SE corner of said Section 34 bears South 79° 28' East 2,452.5 feet. Source of water is Bear Creek, tributary to the South Platte River. There are other water rights decreed to divert at this structure. iii. Morrison Municipal Intake No. 2, decreed in Case No. 94CW207 as an alternate point of diversion for water rights diverted at the Morrison Municipal Intake. Morrison Municipal Intake No. 2 is to be located on the south bank of Bear Creek in the NW1/4 of the NW1/4 of Section 2, Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, at a point whence the NW corner of said section bears N 32° West 140 feet. The source of water is Bear Creek, tributary to the South Platte River. d. Source: The sources of water for both reservoirs are Bear Creek and Strain Gulch, tributary to Bear Creek, both of which are tributary to the South Platte River. e. Appropriation Dates: The appropriation date for Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2 is October 31, 1994. f. Amount Decreed: i. Morrison Quarry Reservoir No. 1: 641.807 AF conditional; 8.193 AF absolute. ii. Morrison Quarry Reservoir No. 2: 2,252.056 AF conditional; 747.944 AF absolute. g. Amount to Be Included in This Plan for Augmentation: i. Morrison Quarry Reservoir No. 1: 641.807 AF conditional; 8.193 AF absolute. ii. Morrison Quarry Reservoir No. 2: 2,252.056 AF conditional; 747.944 AF absolute. h. Decreed Uses: The water rights decreed to the Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2 may be used directly or by exchange, for irrigation, agricultural, commercial, industrial, and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of municipal water systems, including further exchange with municipal or industrial water systems, and other such water uses. i. No Change Sought: Applicant is not seeking a change of water rights for the Morrison Quarry Reservoir Nos. 1 & 2. (3) Morrison Quarry Pipeline No. 2. a. Date of Original and All Relevant Decrees: i. Water Court, Water Division 1, in Case No. 1999CW225, decree entered December 4, 2002. ii. Subsequent diligence decrees were awarded by the Water Court, Water Division No. 1, in Case No. 2008CW303 on May 6, 2010, Case No. 2016CW3078 on December 29, 2016, and Case No. 2022CW3219 on February 26, 2024. b. Legal Description of Morrison Quarry Pipeline No. 2: i. The decreed legal description of the point of diversion of the Morrison Quarry

Pipeline No. 2 is at a point lying in the SE 1/4 of the NE 1/4 of Section 10, Township 5 South, Range 70 West of the 6th P.M. from which the NE Corner of said Section 10 bears N 33°15'07" E a distance of 1835.66' and from which NE Corner the North 1/4 Corner of said Section 10 bears S 89°40'25" W a distance of 2580.59 feet and from which North 1/4 Corner the point lies S 45°59'33" E a distance of 2188.41 feet, Town of Morrison, County of Jefferson, State of Colorado. The Morrison Quarry Pipeline No. 2 will deliver water to the Morrison Quarry Reservoirs No. 1 and 2. c. Source: Strain Gulch, tributary to Bear Creek, tributary to the South Platte River. d. Appropriation Dates: December 27, 1999. e. Amount Decreed: i. Morrison Quarry Pipeline No. 2: 20 cfs conditional. ii. Morrison Quarry Reservoir No. 1: 650 AF conditional. iii. Morrison Quarry Reservoir No. 2: 3,000 AF conditional. f. Amount to Be Included in This Plan for Augmentation: i. Morrison Quarry Pipeline No. 2: 20 cfs conditional. ii. Morrison Quarry Reservoir No. 1: 650 AF conditional. iii. Morrison Quarry Reservoir No. 2: 3,000 AF conditional. g. Decreed Uses: Irrigation, agricultural, commercial, industrial, and all municipal uses and the right to exchange, for irrigation, agricultural, commercial, industrial, and all municipal uses, including but not limited to, domestic, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of municipal water systems, including further exchange with municipal or industrial water systems, and other such water uses. h. No Change Sought: Applicant is not seeking a change of water rights for the Morrison Quarry Pipeline No. 2. (4) Water previously stored in Morrison Quarry Reservoir No. 1, Morrison Quarry Reservoir No. 2, or other storage structures that may be constructed at Morrison Quarry pursuant to Applicant's Morrison Quarry Dewatering Sump No. 1 and/or Morrison Quarry Pit Surface Diversion priorities, which are described previously in Parts III and IV of this application. (5) Additional or Alternative Sources of Augmentation Water. a. Pursuant to C.R.S. § 37-92-305(8)(c), Applicant may obtain or lease, and the court may authorize Applicant to use, additional or alternative sources of augmentation water for replacement in this augmentation plan, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 or are decreed for such use. C. Description of Plan for Augmentation: (1) Statement of Plan for Augmentation: Applicant intends to deepen a quarry pit at Morrison Quarry and anticipates that deepening the pit may cause the pit to intercept groundwater as well as natural precipitation and surface runoff. The pit will be designed such that groundwater and natural precipitation and runoff will collect in one or more excavated depressions in the pit and promptly be evacuated from the pit, used directly or stored as described above. Applicant will meter groundwater and natural precipitation and runoff evacuated from the pit with a totalizing flow meter. Applicant will replace out-of-priority depletions using the water rights described in Paragraph V.B above. Additionally, Applicant currently anticipates that the end use of the quarry pit will be water storage. (2) Depletions: Applicant anticipates that its mining and dewatering operations will result in the following depletions that Applicant will replace pursuant to this plan for augmentation: a. Groundwater and natural precipitation and runoff intercepted by the pit may temporarily form a pool before it is evacuated from the pit, resulting in evaporative losses. Applicant anticipates that the surface area of the pool will be approximately one (1) acre and result in evaporative losses of collected groundwater and natural precipitation and runoff of approximately 3.33 acre-feet annually. Such losses may require augmentation to the extent they exceed evapotranspirative losses associated with preexisting natural vegetative cover. *See Colo. Rev. Stat. § 37-92-305(12)(c)*. b. Groundwater and natural precipitation and runoff evacuated from the pit may be consumed as it is stored or processed on site in tanks, treatment vessels, or other storage structures that may be used to manage the water in connection with Applicant's mining operations. Depletions also may occur due to Applicant's consumptive use of water diverted under the Morrison Quarry Dewatering Sump No. 1 or Morrison Quarry Pit Surface Diversion for dust suppression, processing, or other mining uses on site. The amount of water Applicant will need for dust suppression and other mining and industrial uses under this plan for augmentation will vary from year to year. The actual amount of depletions will depend upon the conditions encountered upon actual excavation, but Applicant currently anticipates that the total potential consumption of water associated with the activities described in this subparagraph will not exceed 60 acre-feet annually. D. Name and Address of Owners of the Land Upon Which Any New Diversion or

Storage Structure or Modification to Any Existing Diversion or Storage Structure or Existing Storage Pool is or will be Constructed or Upon Which Water is or will be Stored: Applicant owns the land upon which the Morrison Quarry Dewatering Sump No. 1, Morrison Quarry Pit Surface Diversion, and Morrison Quarry Reservoir No. 1 will be located. The Town of Morrison owns the land upon which Morrison Quarry Reservoir No. 2 is located, as shown on **Exhibit A**. Address: Town of Morrison; Attn: Mallory Nassau, Town Manager; 321 Highway 8, Morrison, CO 80465.

CASE NUMBER 2024CW3182 DONNA J. BROWN, 17351 W. 64th Ave. #2004, Arvada, CO, 80007, 303-674-4893. Please send all further pleadings to: Daniel K. Brown, Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525, danbrown@fischerbrownlaw.com; whitneycoulter@fischerbrownlaw.com. **APPLICATION FOR CORRECTION OF AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN WELD COUNTY.** 2. Purpose of Application. Donna J. Brown (“Applicant”) owns the Henry I. Brown Irrigation Well No. 1, originally decreed in Case No. CA-11217 by the District Court, County of Larimer. By this application and pursuant to C.R.S. §37-92-101 et. seq., including C.R.S. §37-92-305(3.6), Applicant seeks to correct the established but erroneously described point of diversion for the Henry I. Brown Irrigation Well No. 1 (“Brown Well”), which is currently permitted under permit number 11317-R-R. This Application does not seek to change any aspect of this water right other than to correct the erroneously described location, nor does it seek to re-quantify the water right. 3. Decreed Water Right for which Applicant Seeks Correction. 3.1. Name of Structure: Henry I. Brown Irrigation Well No. 1. 3.2. Original Decree. Case No. CA-11217, District Court, County of Larimer, decree entered on September 10, 1953 (“Original Decree”). 3.2.1. Erroneous Legal Description of Structure. Said well is located on the farm owned by the claimant to-wit: East Half of the Southwest Quarter (“E1/2 SW1/4) and the South Half of the Southeast Quarter (S1/2 SE 1/4) of Section Twenty-seven (27), Township Six (6) North, Range Sixty-six (66) West of the 6th P.M., Weld County, Colorado, at a point approximately 400 feet West and 400 feet South of the center of said Section Twenty-seven (27).” 3.2.2. Decreed Source of Water. Underground or subsurface water. 3.2.3 Appropriation Date. September 20, 1936. 3.2.4 Amount. 2 cubic feet per second of time. 3.2.5. Use. Irrigation of approximately 193 acres of land. 4. Detailed description of proposed correction. 4.1 Statement of Correction. Upon information and belief, the Brown Well has existed and been pumped in the same location since it was originally drilled, and that location is more than 200 feet from the location described in the Original Decree. See Exhibit A. The Brown Well was relocated in 2024 pursuant to a valid well permit, no. 11317 R-R, consistent with §37-92-302(3.6)(a)(II)(A). The new permitted location is within 200 feet of both the erroneously described point of diversion and the correct point of diversion, as shown on Exhibit A. 4.2. Description of the Corrected Point of Diversion. The correct legal description for the Brown Well is as described below. 4.2.1 Legal: NE 1/4 SW 1/4 of Section 27, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado. 4.2.2. UTM: Zone 13: 519838.0 Easting; 4478611.0 Northing. 5. Name and addresses of owner(s) or reputed owners of the land upon which Henry I. Brown Irrigation Well No. 1 exists. The Applicant, through her living trust, owns the property on which the well exists. WHEREFORE, for the foregoing reasons, Applicant respectfully requests that the Court enter a decree granting the correction described herein of the established but erroneously described point of diversion for the Henry I. Brown Irrigation Well No. 1, and such other relief as the Court deems necessary and proper.(4 pages, 1 exhibit).

CASE NUMBER 2024CW3183 THE CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE, 26791 E. Quincy Ave., Aurora, CO 80016 Telephone: 303-739-7370. Please direct all correspondence and pleadings to its attorneys BROWNSTEIN HYATT FARBER SCHRECK, L.L.P., Steven O. Sims, Dulcinea Z. Hanuschak and Katherine J. Duncan, at 675 15th Street, Suite 2900, Denver, CO 80202, Telephone: (303) 223-1100 Email: ssims@bhfs.com; dhanuschak@bhfs.com; kduncan@bhfs.com. **APPLICATION FOR CHANGE OF WATER RIGHTS, CONDITIONAL WATER STORAGE RIGHT, CONDITIONAL APPROPRIATIVE RIGHTS OF**

EXCHANGE, AND APPROVAL OF PLAN FOR AUGMENTATION, INCLUDING CONDITIONAL WATER EXCHANGE PROJECT IN ADAMS, ARAPAHOE, DOUGLAS, AND WELD COUNTIES.

2. Scope of Application. Aurora Water seeks approval of a change of water rights for The Subject Water Rights, approval of a plan of substitution to replace historical return flow obligations with upstream sources of water in addition to The Subject Water Rights, approval of a Plan for Augmentation, including Water Exchange Project to replace historical return flow obligations with downstream sources of water in addition to The Subject Water Rights, approval of a new junior Conditional Surface Storage Right in Aurora’s Aurora-Everist Reservoir Complex, and approval of appropriative rights of exchange.

3. Name of Subject Water Rights. 0.25 shares of the Lupton Bottom Ditch Company, (“LBDC”), 406 shares of the Lupton Meadows Ditch Company, (“LMDC”) and 24 shares in the Meadow Island Irrigation Company (“MIIC”), all owned by Aurora Water (collectively “The Subject Water Rights”). The LBDC water rights divert from the Lupton Bottom Ditch. The LMDC water rights included in The Subject Water Rights divert from Lupton Bottom Ditch and from the Meadow Island No. 1 Ditch. The MIIC water rights divert from the Meadow Island No. 1 Ditch.

APPLICATION FOR CHANGE OF WATER RIGHTS

4. Lupton Bottom Ditch. (WDID 0200812).

4.1. Original Decree. The Arapahoe County District Court entered a decree in Case No. CA6009 on April 28, 1883 with appropriation dates as follows:

4.1.1. Priority No. 5. May 15, 1863. 47.70 cfs.

4.1.2. Priority No. 20. March 10, 1871. 10.00 cfs.

4.1.3. Priority No. 31. September 15, 1873. 92.87 cfs.

4.2. Point of Diversion. In the NW1/4 SW1/4, Section 19, Township 1 North, Range 66 West of the 6th P.M. at a point reported to be approximately 2,110 feet from the South section line and 60 feet from the West section line of said Section 19. This location is identified on Figure 1 to this application.

4.3. Source. South Platte River.

4.4. Decreed Uses. Irrigation.

5. Meadow Island No. 1 Ditch (WDID 0200821).

5.1. Original Decree. The Arapahoe County District Court entered a decree in Case No. CA6009 on April 28, 1883 with appropriation dates as follows:

5.1.1. Priority No. 11. May 1, 1866. 22.00 cfs.

5.1.2. Priority No. 55. April 29, 1882. 38.00 cfs.

5.2. Point of Diversion. On the west bank of the South Platte River in the SW1/4, Section 19, Township 2 North, Range 66 West of the 6th P.M. in Weld County, Colorado. This location is identified on Figure 1 to this application.

5.3. Source. South Platte River.

5.4. Decreed Uses. Irrigation.

6. Amount of Water Rights to be changed.

6.1. Lupton Bottom Ditch Company. 0.25 of 82.5 outstanding LBDC Shares (Delivered to shareholders exclusively through the Lupton Bottom Ditch).

6.1.1. May 15, 1863 priority. Aurora Water’s proportional interest is 0.14 cfs.

6.1.2. September 15, 1873 priority. Aurora Water’s proportional interest is 0.28 cfs.

6.2. Lupton Meadows Ditch Company. 340 of 3,573 outstanding LMDC Shares delivered through the Lupton Bottom Ditch. (43 of 82.5 outstanding LBDC Shares delivered to 3,573 outstanding LMDC Shares).

6.2.1. May 15, 1863 priority. Aurora Water’s pro-rata share is 2.37 cfs.

6.2.2. March 10, 1871 priority. Aurora Water’s pro-rata share is 0.95 cfs.

6.2.3. September 15, 1873 priority. Aurora Water’s pro-rata share is 4.61 cfs.

6.3. Meadow Island No. 1 Ditch. 24 of 130 outstanding MIIC shares (delivered through the Meadow Island No. 1 Ditch).

6.3.1. May 1, 1866 priority. Aurora Water’s pro-rata share is 4.06 cfs.

6.3.2. April 29, 1882 priority. Aurora Water’s pro-rata share is 7.02 cfs.

6.4. Lupton Meadows Ditch Company. 66 of 360 outstanding LMDC Shares delivered through Meadow Island No. 1 Ditch. (25.5 of 130 outstanding MIIC shares delivered to 360 LMDC shares through the Meadow Island No. 1 Ditch).

6.4.1. May 1, 1866 priority. Aurora Water’s pro-rata share is 0.79 cfs.

6.4.2. April 29, 1882 priority. Aurora Water’s pro-rata share is 1.37 cfs.

7. Historical Use and Map of Historically Irrigated Farms. The Subject Water Rights historically were used to irrigate seven farms and when The Subject Water Rights were not diverted to irrigate the seven farms, The Subject Water Rights historically were diverted and used by other LBDC, LMDC and MIIC shareholders pursuant to the water delivery functions, operations and historical water allocation practices of the three mutual ditch companies. Applicant only seeks to change the uses associated with the seven farms which are: the Ken Mayer Farm (5 MIIC), the Kuipers Farm (19 MIIC), the Miller Farm (20 LMDC through LB), the Nix Farm (60 LMDC through LB), the Randy Mayer Farm (150 LMDC through LB), the Yamaguchi Farm (.25 LBDC, 110 LMDC through LB, 60 LMDC through MIIC) and the Vance Farm (6 LMDC through MIIC). The historically irrigated lands of the seven farms (“Historically Irrigated Farms”) are shown on the map depicted as Figure 1 to this application.

8. Additional Surface Water Supplies. Several of the Historically Irrigated Farms used surface water supplies in addition to The Subject Water

Rights. Aurora Water does not currently own any of the additional surface water supplies and is only changing the use of the Subject Shares. 9. Additional Well Water Supplies. Several of the Historically Irrigated Farms used well water in addition to The Subject Water Rights. Well water supplies used on the Nix, Miller, Vance, and Yamaguchi farms is treated as supplemental and not included in the historical use analysis of the surface water supplies. The full surface water supply and well supply was included in the historical use analysis on the Ken Mayer and Randy Mayer Farms. 10. Augmentation Stations. Return flows, replacements and/or water representing the historical consumptive use of The Subject Water Rights shall be measured and returned to the river through any or all of the thirty-one (31) augmentation stations indicated on Exhibit A and depicted in Figure 2 to this application. Aurora Water shall not use any augmentation station or structure until they have a legal right or interest allowing them to use the land or structure associated with the augmentation station. 11. Diversion Records and Method of Analysis. Applicant may rely on the summaries of records of actual diversions of the Lupton Bottom Ditch water rights and the Meadow Island No. 1 Ditch water rights attached as Exhibit B to this application. Applicant will use a farm by farm (aka parcel-specific method) analysis to determine the historical consumptive use of The Subject Water Rights. 12. Proposed Change. Aurora Water only proposes to change The Subject Water Rights used to irrigate the seven farms. Aurora Water does not seek to change The Subject Water Rights historically diverted and used by the LBDC, LMDC and MIIC shareholders pursuant to the water delivery functions, operations and historical water allocation practices of the three mutual ditch companies. Aurora Water will divert The Subject Water Rights through the same river headgates through which the respective water rights have historically been diverted. 13. Change to Alternate Types of Use for The Subject Water Rights. In addition to use for agricultural irrigation on the historically irrigated lands, Aurora Water seeks to add the following uses: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes, the municipal uses include, but are not limited to: domestic, fire protection, irrigation, commercial, recreation, fish and wildlife propagation, reservoir evaporation replacement, creation and maintenance of wetlands, maintenance of storage reserves, manufacturing, mechanical, industrial, stock watering, reclamation, revegetation, dust suppression, water treatment and supply, wastewater treatment, storage for such uses, and use as a supply or substitute supply for augmentation, replacement, exchanges decreed or to be decreed, water exchange projects, plans of substitution for return flow replacement and substitute supply plans. All uses include reuse and successive reuse to extinction for the above purposes, or disposition of effluent for the above purposes. 14. Change to alternate places of use. In addition to use on the historically irrigated lands, which may continue for a time after the entry of the Decree in this case, Aurora Water seeks to add the following place of use for The Subject Water Rights: Aurora Water's current and future service areas served by its municipal water supply and water reuse systems, including areas served by its connections with other systems, and by any current or future water supply contracts or obligations of Aurora Water. Aurora Water may also use the water to meet its replacement or delivery obligations in Water Division 1. Aurora Water's service area has changed from time to time and will continue to do so. 15. Change from Direct Flow to Direct Flow or Storage. After diversion and prior to initial use by Aurora Water, water diverted pursuant to The Subject Water Rights may be stored at any of the locations set forth below in 15.1. Such water may be delivered to storage by means of the use of natural stream channels, component facilities of Aurora Water's South Platte diversion and conveyance system in which Aurora is the owner or in privity with the owner, component facilities of Aurora Water's Prairie Waters System, and/or any points of diversion authorized in the respective decrees for those storage structures including, but not limited to, the storage structure points of diversion listed in 15.1.1 through 15.1.16 below. Reusable effluent or return flows resulting following the initial use for the changed uses of the historical consumptive use component of the water diverted pursuant to The Subject Water Rights may be stored in any reservoir Aurora Water is authorized to use. 15.1 The following proposed Aurora Water storage locations are in existing or planned reservoirs that are both decreed and undecreed. Aurora Water shall not use any reservoir for storage until it has a legal right to use the land or structure associated with the reservoir. 15.1.1. Gilcrest Reservoir. An off-channel reservoir to be constructed within part of Section 2, T3N, R67W and Section 35, T4N, R67W of the 6th P.M., Weld County, Colorado. 15.1.2. Gravel Pit Reservoir A and Aquifer Recharge and Recovery Facility A ("ARR-A"), located on all or

portions of the following quarter-sections, all located in T1N, R67 W, 6th P.M.: the S/2 of Section 13, and the N/2 of the NW/4 of Section 24, in Weld County Colorado. 15.1.3. Aurora-Everist (Fort Lupton) Reservoir Complex No. 1. This reservoir complex is a group of interconnected gravel pits that is located on a portion of the NE/4 of Section 25, T2N, R67W, 6th P.M., and portions of the NW/4 and portions of the SW/4 of the NE/4, Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. 15.1.4. Aurora-Everist (Fort Lupton) Reservoir Complex No. 2. This reservoir complex is a group of interconnected gravel pits located on portions of the SE/4 and SE/4 of the SW/4 of Section 25, T2N, R67W, 6th P.M., and portions of the SW/4 Section 30, T2N, R66W, 6th P.M., in Weld County, Colorado. 15.1.5. Stillwater Ranch Reservoir ("Walker North"). Walker North is located in the S/2 NE/4 of Section 36, T1N, R67W of the 6th P.M., in Weld County, Colorado. 15.1.6. Robert W. Walker Reservoir ("Walker South"). Walker South is located on portions of the SE/4 of Section 36, T1N, R67W of the 6th P.M. in Weld County, Colorado. 15.1.7. Kirby-Dersham Gravel Pit Reservoir. The Kirby-Dersham Gravel Pit Reservoir is located on portions of the NW/4 of the SE/4, the SW/4 of the SE/4, and the NE/4 of the SE/4, of Section 36, T1N, R67W, 6th P.M., in Weld County, Colorado. 15.1.8. Challenger Gravel Pit Reservoir. The Challenger Gravel Pit Reservoir is located on a portion of the E/2 of the NW/4 of Section 1, T1S, R67W, 6th P.M., in Adams County Colorado. 15.1.9. Aurora Tucson South Storage Facility ("Tucson South") and Aquifer Recharge and Recovery Facility B ("ARR-B"). These facilities will occupy all or portions of the N/2 of the SE/4, the SW/4 of the SE/4, and the SW4, all in Section 1, T1S, R67W, 6th P.M., in Adams County, Colorado. 15.1.10. East Reservoir Complex. The Aurora East Reservoir was decreed in 03CW415 and that decree and subsequent diligence decrees included additional sites other than those set forth in 15.11.1 and 15.11.2 including sites 1B, 3A, 3B, and 8. Aurora Water no longer plans to build or use sites 1B, 3A, 3B, and 8. The Subject Water Rights and reusable effluent or return flows resulting following the initial use of the historical consumptive use component of the water diverted pursuant to The Subject Water Rights may be stored only in sites 1A and 2B described below: 15.1.10.1. Site 1A. In Sections 14 and 23 and the N/2 of Section 26, T4S, R65W, 6th P.M. in Arapahoe County, Colorado. 15.1.10.2. Site 2B. In Section 26 and 27 and N/2 of Sections 34, 35 and 36, T4S, R65W, 6th P.M., in Arapahoe County, Colorado. 15.1.11. Aurora Reservoir. The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Sections 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., Arapahoe County, Colorado. The east-end of the dam (right) abutment is located at a point from whence the northwest corner of Section 15, T5S, R65W, 6th P.M. bears north 45° west a distance of 2,970 feet, which point is also described as a point in the SE/4 of the NW/4 of Section 15, T5S, R65W, 6th P.M. that lies 2,110 feet from the north line and 2,105 feet from the west line of Section 15. The approximate (right) abutment is latitude 39°37'06" north, and longitude 104°39'11" west. 15.1.12. Sorin Reservoir. An off-channel reservoir expected to be located within portions of the Sections 34 and 35, T5N, R66W and Sections 2, 3, and 4, T4N, R66W of the 6th P.M., Weld County, Colorado. 15.1.13. Huenink Reservoir. An off-channel reservoir expected to be located within Section 33, T5N, R63W of the 6th P.M., Weld County, Colorado. 15.1.14. Everist St. Vrain Gravel Pit Reservoir. An off-channel reservoir expected to be located within portions of W1/2 of Section 32, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 15.1.15. Werning Reservoir. An off-channel reservoir expected to be located within portions of the NE1/4 of Section 3, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. **16. Return Flow Replacement through Plan of Substitution.** In connection with the change of The Subject Water Rights, Aurora Water will have return flow obligations resulting from the historical use of The Subject Water Rights. In addition to water diverted pursuant to the priorities identified in Paragraph 4 and 5, Aurora Water may use upstream fully consumable water diverted pursuant to the water rights adjudicated or changed as set forth in Exhibit C to this application to meet its obligations ("Replacement Sources"). Aurora Water may also use water derived from water rights in addition to those set forth in Exhibit C provided the water so released is fully consumable, and provided Aurora Water has given notice of its intent to use such water as required in the Decree entered in this case. 16.1. Release Location of Replacement Sources. 16.1.1. Gilcrest Reservoir Outlet located in the SE/4 NE/4 of Section 26, T4N, R67W, 6th P.M., Weld County, Colorado. 16.1.2. The outlet for Aurora-Everist Reservoir Complexes No. 1 and 2, located in the SW/4 NE/4 of Section 30, T2N, R66W, 6th P.M., Weld County, Colorado. 16.1.3. The outlet for the Walker North, Walker South, Kirby-

Dersham, Challenger and Tucson South storage facilities, located near the point at which South Platte River crosses from SW/4 to the NW/4 of Section 31, T1 N, R66W, 6th P.M., Weld County, Colorado. 16.1.4. The Outfall of the Robert W. Hite Wastewater Treatment Plant, the location of which is described as: SE/4 SW/4, Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. 16.1.5. The Outfall of the North Wastewater Treatment Plant, the location of which is described as: SE/4 SW/4, Section 31, T1N, R66W, 6th P.M., Weld County, Colorado. 16.1.6. The Outfall of the Aurora Sand Creek Wastewater Treatment Plant, also known as the Sand Creek Water Reuse Facility, located on Sand Creek in the NW1/4 SE1/4 of Section 26, Township 3 South, Range 67 West, 6th P.M, Adams County, Colorado. 16.1.7. Replacement locations set forth in paragraph 12 (h) of Aurora’s Brighton Ditch change decree entered in 07CW37. 16.1.8. Augmentation Stations described in paragraph 14.2.1.1 of the decree entered in 14CW3177. 16.1.9. Augmentation Stations described in paragraph 10 above. 16.2. All releases of Replacement Sources to meet Aurora Water’s return flow replacement obligations will be made in the same time, amount and location of the historical return flows, regardless of the water right under which the water was diverted. To the extent fully consumable water derived from water rights other than The Subject Water Rights is released to meet replacement obligations, an equivalent amount of water diverted pursuant to The Subject Water Rights and attributable to historical return flows will become fully consumable by Aurora Water. **CONDITIONAL SURFACE STORAGE RIGHT**

17. Name Of Structures. Aurora-Everist Reservoir and Aurora-Everist Reservoir No. 2. These two reservoirs are collectively referred to as the Aurora-Everist Reservoir Complex (“Reservoir Complex”). The Water Court decreed conditional storage rights for cells 18.1 through 18.6 below in 02CW330 and for cells 18.7 through 18.10 in 13CW3080. This Application seeks new junior water rights for all cells in the Reservoir Complex from Little Dry Creek not the original South Platte source appropriated by Aurora Water in 02CW330 and 13CW3080. This Application does not seek to change or modify the water rights or terms decreed or included in 02CW330 and 13CW3080. All of the cells in the Reservoir Complex are part of a reclaimed gravel mine, are at or below ground surface and do not include jurisdictional dams.

18. Location. The Reservoir Complex is approximately 522 acres and is located within parts of the NW 1/4, NE 1/4, and SW1/4 of Section 30, Township 2 North, Range 66 West and parts of the NE1/4, SE1/4 and SW1/4 of Section 25, Township 2 North, Range 67 West, all in the 6th P.M., Weld County, Colorado, and more specifically depicted in Figure 3 to the application. The cells within the Reservoir Complex are shown in Figure 3 to this application and are described as follows:

18.1. Golden Cell. 18.1.1. Surface Area. 16.6 acres. 18.1.2. Legal Description and centroid of cell. NE1/4 and NW1/4 of Section 30, T2N, R66W, 1,843 feet South of North section line of Section 30, T2N, R66W and 2,214 feet West of East section line of Section 30, T2N, R66W. Depicted in 02CW330. 18.1.3. Storage Volume. 532 acre feet. 18.1.4. Maximum Depth. 55 feet.

18.2. Hill-Oakley Cell. 18.2.1. Surface Area. 34.8 acres. 18.2.2. Legal Description and centroid of cell. NW1/4 of Section 30, T2N, R66W, 694 feet South of North section line of Section 30, T2N, R65W and 2,084 feet East of West section line of Section 30, T2N, R66W. Depicted in 02CW330. 18.2.2.1. Storage Volume. 876 acre feet. 18.2.2.2. Maximum Depth. 49 feet.

18.3. Fort Lupton East Cell. 18.3.1. Surface Area. 28.1 acres. 18.3.2. Legal Description and centroid of cell. NW1/4 of Section 30, T2N, R66W, 1,977 feet South of North section line of Section 30, T2N, R66W and 2,213 feet East of West section line of Section 30, T2N, R60W. Depicted in 02CW330. 18.3.3. Storage Volume. 825 acre feet. 18.3.4. Maximum Depth. 55 feet.

18.4. Fort Lupton West Cell. This cell is planned or partially constructed. Aurora Water will modify the surface acreage, storage volume and maximum depth information post decree when the construction is complete. 18.4.1. Surface Area. 43.1 acres. 18.4.2. Legal Description and centroid of cell. NW1/4 of Section 30, T2N, R66W, 2,006 feet South of North section line of Section 30, T2N, R66W and 848 feet East of West section line of Section 30, T2N, R66W. Depicted in 02CW330. 18.4.3. Storage Volume. 1,340 acre feet. 18.4.4. Maximum Depth. 45 feet.

18.5. Parker-Panowicz Cell. This cell is planned or partially constructed. Aurora Water will modify the surface acreage, storage volume and maximum depth information post decree when the construction is complete. 18.5.1. Surface Area. 21.4 acres. 18.5.2. Legal Description and centroid of cell. NW1/4 of Section 30, T2N, R66W, 792 feet South of North section line of Section 30, T2N, R66W and 522 feet East of West section line of Section 30, T2N, R66W. Depicted in 02CW330. 18.5.3. Storage Volume. 695 acre feet. 18.5.4. Maximum Depth. 45 feet.

18.6. Swingle North Cell. This cell is planned or partially constructed. Aurora Water will

modify the surface acreage, storage volume and maximum depth information post decree when the construction is complete. 18.6.1. Area. 31.3 acres. 18.6.2. Legal Description and centroid of cell. NE1/4 of Section 25, T2N, R67W, 722 feet South of North section line of Section 25, T2N, R67W and 816 feet West of East section line of Section 25, T2N, R67W. Depicted in 02CW330. 18.6.3. Storage Volume. 978 acre feet. 18.6.4. Maximum Depth. 45 feet. 18.7. Swingle South Cell. This cell is planned or partially constructed. Aurora Water will modify the surface acreage, storage volume and maximum depth information post decree when the construction is complete. 18.7.1. Surface Area. 56.8 acres. 18.7.2. Legal Description and centroid of cell. NE1/4 and SE1/4 of Section 25, T2N, R67W, 2459 feet South of North section line and 708 feet West of East section line. Depicted in 13CW3080. 18.7.3. Storage Volume. 1,530 acre feet. 18.7.4. Maximum Depth. 45 feet. 18.8. Meadows East Cell (a.k.a. Everist #1 Cell). 18.8.1. Surface Area. 60.9 acres. 18.8.2. Legal Description and centroid of cell. SW1/4 of Section 30, T2N, R66W, 1,336 feet North of South section line and 644.6 feet East of West section line. Depicted in 13CW3080. 18.8.3. Storage Volume. 1,673 acre feet. 18.8.4. Maximum Depth. 47 feet. 18.9. Meadows West Cell (a.k.a. Everist #2/4 Cell). 18.9.1. Surface Area. 56.5 acres. 18.9.2. Legal Description and centroid of cell. SE1/4 of Section 25, T2N, R67W and SW1/4 of Section 30, T2N, R66W, 1,025.8 feet North of South section line of Section 25, T2N, R67W and 636.6 feet West of East section line of Section 25, T2N, R67W. Depicted in 13CW3080. 18.9.3. Storage Volume. 1,160 acre feet. 18.9.4. Maximum Depth: 28 feet. 18.10. Vincent West Cell. 18.10.1. Surface Area. 60.9 acres. 18.10.2. Legal Description and centroid of cell. SE1/4 and SW1/4 of Section 25, T2N, R67W, 1,321.9 feet North of South section line of Section 25, T2N, R67W and 2,037.4 feet West of East section line of Section 25, T2N, R67W. Depicted in 13CW3080. 18.10.3. Storage Volume. 1,673 acre feet. 18.10.4. Maximum Depth. 46 feet. 19. Water Source. Little Dry Creek, a tributary of the South Platte River, in Weld County. 20. Points Of Diversion. 20.1. Aurora-Little Dry Creek Diversion No. 1. A point on Little Dry Creek located in the SE 1/4 of the SE 1/4 of Section 25, Township 2 North, Range 67 West 6th P.M., Weld County, Colorado, 60 feet from the South Section Line and 12 feet from the East Section Line of said Section 25. 20.2. Aurora-Little Dry Creek Diversion No. 2. Point on Little Dry Creek located in the NW 1/4 of the SE 1/4 of Section 25, Township 2 North, Range 67 West 6th P.M., Weld County, Colorado, 2,563 feet from the South Section Line and 1,332 feet from the East Section Line of said Section 25. 20.3. Aurora-Little Dry Creek Diversion No. 3. A point on Little Dry Creek located in the NW 1/4 of the NE 1/4 of Section 25, Township 2 North, Range 67 West 6th P.M., Weld County, Colorado, 1,304 feet from the North Section Line and 1,503 feet from the East Section Line of said Section 25. 21. Priority. The priority claimed is only for the new Little Dry Creek appropriation claimed in this application and does not change the priorities decreed in 02CW330 and 13CW3080 that are diverted from the South Platte River. 21.1. Date of Appropriation. December 31, 2024. 21.2. How Appropriation was Initiated. By publishing this Application in the Water Division No.1 resume. 21.3. Date Water Applied to Beneficial Use. Not applicable, conditional water right. 22. Amount of Appropriation (Volume of storage and Rate of fill/diversion). 22.1. Aurora-Everist Reservoir Complex. 11,076 acre-feet, conditional, with the right of one fill and one refill. Aurora may divert from any combination of the following diversion points with an aggregated maximum diversion rate of 40 c.f.s. 22.2. Aurora-Little Dry Creek Diversion No. 1. Rate of diversion to storage. 40 c.f.s. 22.3. Aurora-Little Dry Creek Diversion No. 2. Rate of diversion to storage. 30 c.f.s. 22.4. Aurora-Little Dry Creek Diversion No. 3. Rate of diversion to storage. 30 c.f.s. **APPLICATION FOR CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE** 23. Appropriative Rights of Exchange 23.1. Sources. St. Vrain River and/or the South Platte River and/or Little Dry Creek. 23.2. How Appropriation was initiated. Aurora appropriated this conditional water right by forming the intention to appropriate coupled with performing overt, physical acts constituting a first step toward diversion and application of the claimed water rights to a beneficial use. Dawn M. Jewell, South Platte Basin Water Resources Manager for Aurora Water is authorized to evidence Aurora Water's intent to appropriate by signing and verifying this Application. Aurora Water performed overt acts constituting a first step including but not limited to purchasing The Subject Water Rights, filing this application with the Water Court on or before December 31, 2024. 23.3. Appropriation Date. December 31, 2024. 23.4. Rate, Volume and Reaches of conditional exchange. 23.4.1. Rate. The conditional exchange rate is 21.59 cfs as set forth in detail in the exchange matrix attached as Exhibit D. 23.4.2. Volume. The maximum annual

volume of the conditional exchange is 2,108.3 AF. 23.4.3. Exchange Reaches. The exchange reaches are identified on the Exchange map depicted in Figure 4. The exchange to and from points are located as follows: 23.4.3.1. The exchange to points are the headgate of the Brantner Ditch; the headgate of the Brighton Ditch; the headgate of the Aurora Everist Diversion No. 1; the headgate of the Aurora Everist Diversion No. 2; the headgate of the Aurora-Little Dry Creek Diversion No. 1; Aurora-Little Dry Creek Diversion No. 2; Aurora-Little Dry Creek Diversion No. 3. 23.4.3.2. The exchange from points are the confluence of the Saint Vrain River and the South Platte River; Return Reach No. 7; Return Reach No. 5; Return Reach No. 3; Return Reach No. 2. 23.5. Substitute Supply for Exchange. Aurora Water will use the downstream fully consumable water rights described in paragraph 6 as the sources for this exchange. 23.6. Date Applied to Beneficial Use. N/A. Conditional. **PLAN FOR AUGMENTATION, INCLUDING WATER EXCHANGE PROJECT** 24. Description of Plan for Augmentation, Including Water Exchange Project. In connection with the change of The Subject Water Rights, Aurora Water will have return flow obligations resulting from the historical use of The Subject Water Rights. Through the Plan for Substitution described in paragraph 16 above, Aurora Water may use upstream Replacement Sources to satisfy its return flow obligations. When Aurora Water seeks to use downstream fully consumable water to satisfy its return flow obligations, it will do so pursuant to this Plan for Augmentation, Including Water Exchange Project (“WEP”). The Division of Water Resources described this concept in its memorandum dated June 10, 2022 titled “Water Exchange Projects in Plans for Augmentation.” This WEP is more fully described below: 24.1. Out-of-priority diversions subject to the WEP. Portions of the Aurora Water’s return flow obligations consist of subsurface return flows that are delayed in time compared to the instantaneous surface return flows. Aurora Water has modeled the timing of these subsurface return flows to replicate the timing and location of the historical return flows. 24.2. WEP augmentation/exchange sources. Aurora Water will use the downstream fully consumable water rights described in Exhibit C as the exchange/augmentation sources for this WEP. 24.3. Operation of the WEP. Aurora Water will replace their subsurface return flow obligations to the St. Vrain River and/or the South Platte River at the point that the historical return flows accrued to the St. Vrain River and/or the South Platte River at one of the nine administrative points on the same streams identified on the return flow map depicted in Figure 5. Aurora Water will release a sufficient amount of downstream fully consumable water necessary to replicate the timing of the historical subsurface return flows. 24.4. Appropriation information for WEP. Aurora Water intends to appropriate a conditional water exchange project. The information supporting the appropriation is as follows: 24.4.1. Source. St. Vrain River and/or the South Platte River. 24.4.2. How Appropriation was initiated. Aurora appropriated this conditional water right by forming the intention to appropriate coupled with performing overt, physical acts constituting a first step toward diversion and application of the claimed water rights to a beneficial use. Dawn M. Jewell, South Platte Basin Water Resources Manager for Aurora Water is authorized to evidence Aurora Water’s intent to appropriate by signing and verifying this Application. Aurora Water performed overt acts constituting a first step including but not limited to purchasing The Subject Water Rights, filing this application with the Water Court on or before November 30, 2024. 24.4.3. Appropriation Date. December 31, 2024. 24.4.4. Rate, Volume and Reaches of WEP. 24.4.4.1. Rate. The WEP rate ranges from an instantaneous diversion rate at the administrative points ranging from .01 cfs to 4.71 cfs as set forth in detail in the WEP matrix attached as Exhibit E. 24.4.4.2. Volume. The maximum annual volume of the WEP is 2,108.3 AF. 24.4.4.3. WEP Reaches are identified on the WEP map depicted in Figure 6. The exchange to and from points are located as follows: 24.4.4.3.1. The exchange to points are at the Prairie Waters Project Group B wells administrative point described in 06CW104 paragraph 26.5.1.1.2 (21.59 c.f.s.); the Prairie Waters Project Group A wells administrative point described in 06CW104 paragraph 26.5.1.1.1 (21.59 c.f.s.); Return Reach No. 2 (4.71 c.f.s.); Return Reach No. 3 (0.12 c.f.s.); Return Reach No. 4 (0.69 c.f.s.); Return Reach No. 5 (0.01 c.f.s.); Return Reach No. 6 (0.25 c.f.s.); Return Reach No. 7 (0.13 c.f.s.); Return Reach No. 8 (0.76 c.f.s.); Return Reach No. 9 (0.08 c.f.s.). 24.4.4.3.2. The exchange from points are at the Huenink Site (8.07 c.f.s.); Western End-of-Ditch Augmentation Station (35.38 c.f.s.); Godfrey/Lower Latham Drain (55.52 c.f.s.); Sorin Release No. 3 (88.02 c.f.s.); Sorin Release No. 2 (88.02 c.f.s.); Sorin Release No. 1 (88.02 c.f.s.); Godfrey Company Return (47.25 c.f.s.); Godfrey Headgate Return (47.25 c.f.s.); Union/Sorin augmentation/ditch return (40.77 c.f.s.); Western/Central-Brownwood

augmentation station (35.38 c.f.s.); Aurora-Gilcrest Outlet No. 2 (100 c.f.s.); Aurora-Gilcrest Outlet No. 1 (100 c.f.s.); Western Mutual/Aurora augmentation station (35.38 c.f.s.); Return Reach No. 7 (21.59 c.f.s.); Return Reach No. 5 (21.59 c.f.s.); Return Reach No. 3 (21.59 c.f.s.). 24.4.5. Substitute Supply for WEP. Aurora Water will use the downstream fully consumable water rights described in Exhibit C as the exchange/augmentation sources for this WEP. 24.4.6. Date Applied to Beneficial Use. N/A. Conditional.

25. Lack of Injury. Aurora Water will propose terms and conditions in the final decree so that this change of water right, plan of substitution and plan for augmentation including a water exchange project will not injuriously affect the owner of or persons entitled to use of water under a vested water right or a decreed conditional water right.

26. Names(s) and Address(es) of Owner(s) of Structures. 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 are set forth below. Aurora Water shall not use any structure or land to which they do not have legal interest.

26.1. Lupton Bottom Ditch Company and Lupton Meadows Ditch Company, 25 South 4th Avenue, Brighton, CO 80601. 26.2. Morton Lakes, LLC., 5775 Franklin St. Denver, Co 80216 (Lupton Bottom Diversion Aug Station). 26.3. South Platte Valley Historical Society, PO Box 633 Ft. Lupton, CO 80621 (Aurora-Parker, Central, Northglenn Aug Stations). 26.4. Richard Hein. PO Box 649 Fort Lupton, CO 80621 (Lupton Bottom West Lateral Aug Station). 26.5. L.G. Everist Inc., 350 S Main Ave. Suite 400, Sioux Falls, SD 57104. (Aurora Parker West Aug Station, Aurora Everist North Aug Station, Aurora North Alternative Aug Station). 26.6. David Bell, 7679 Youngfield St., Arvada, CO 80005 (Sand Hill Aug Station). 26.7. Freddy Dodge, 11586 County Road 18, Fort Lupton, CO 80621 (Sand Hill Aug Station). 26.8. Robert Kerr, 11104 County Road 20, Fort Lupton, CO 80621 (Kerr Aug Station). 26.9. City of Broomfield, 1 Descombes Dr., Broomfield, CO 80020 (Lupton Bottom East Lateral Aug Station). 26.10. Roger Larkins, 10465 County Road 23, Fort Lupton, CO 80621 (Kuipers Meadow Island Aug Station). 26.11. Ramon Michel, 4638 Tilbury Ct., Firestone, CO 80504 (Vynckier Aug Station). 26.12. James and Mary Carlson, 10775 County Road 23, Fort Lupton, CO 80621 (Kuipers Lupton and Sperl Aug Stations). 26.13. Kiyota Properties LLC, 11964 County Road 21 ½, Fort Lupton, CO 80621 (Crom Aug Station). 26.14. Brandon Schlagel, 5185 County Road 32, Longmont, CO 80504 (Yamaguchi Lupton Bottom Aug Station). 26.15. Mark Paco, 7960 County Road 26, Longmont, CO 80504 (L.G. Everist St. Vrain Aug Station). 26.16. John Martini, 9268 County Road 28, Platteville, CO 80651 (Miller Aug Station). 26.17. Mia Tsuchimoto, PO Box 1339, Platteville, CO 80651 (Yamaguchi Meadow Island Aug Station). 26.18. Joe Miller, 13912 County Road 19, Platteville, CO 80651 (Yamaguchi North Aug Station). 26.19. Mayer Family Farms LLC, 13895 County Road 21, Platteville, CO 80651 and/or Public Service Company of Colorado, PO Box 1979, Denver, CO 80201 (Highway 66 Pipeline Aug Station, Ken Mayer Aug Station). 26.20. Kenneth Mayer, 15434 County Road 19, Platteville, CO 80651 (Randy Mayer Aug Station). 26.21. Owners of real property underlying the East Reservoir Complex described in paragraph 15.11 above are: 26.21.1. Site 1A. 26.21.1.1. Bravada / Neher 160 LLC ,7400 E. Crestline Cir, Suite 250 Greenwood Village, CO 80111. 26.21.1.2. Cottonwood Creek Investors, LLC 9750 W. Cambridge Place Littleton, CO 80127. 26.21.1.3. US Department of Transportation 1601 Lind Ave. Renton, WA 98057. 26.21.1.4. Prosper Farms Investments, LLC 5641 N. Broadway Denver, CO 80216. 26.21.1.5. Richard Grimm, Lana Gallus-Grimm 1010 W. Magnolia St. Fort Collins, CO 80521-2430. 26.21.2. Site 1B. 26.21.2.1. Cottonwood Creek Investors, LLC 9750 W. Cambridge Place Littleton, CO 80127. 26.21.2.2. State of Colorado Board of Land Comm'rs 1127 N. Sherman St, Suite 300 Denver, CO 80203. 26.21.2.3. Michel Living Trust 40200 E. Alameda Ave. Bennett, CO 80102. 26.21.2.4. John W. Segelke, Grant C. Segelke and Karen J. Segelke 1720 S. Bellaire St, Suite 300 Denver, CO 80222. 26.21.2.5. Watkins Road Associates LTD 7400 E. Crestline Cir, Suite 150 Greenwood Village, CO 80111. 26.21.2.6. Robert C. Roeder 59 N. Watkins Rd Watkins, CO 80137-8702. 26.21.2.7. Milton L. Hunholz & Milton W. Hunholz 30505 E. Yale Ave Watkins, CO 80137. 26.21.2.8. Christopher Sherman 29801 E. Yale Ave Watkins, CO 80137. 26.22. Hibe LLC, 301 Centennial Dr., Milliken, CO 80543 (Part of Walker/Kirby-Dersham). 26.23. Carl Eiberger, 303 S Broadway Unit B-200, Denver, CO 80209 (Part of Walker). 26.24. Aggregate Industries WCR INC, 1687 Cole Blvd. Ste. 300, Golden, CO 80401 (Tucson South). 26.25. Pioneer Land Company LLC, 4409 Coriolis Way, Frederick, CO 80504 (Meadow Island 1 Little Dry Creek Aug Station).

26.26. Meadow Island Irrigation Co. No. 1, 329 Denver Ave, Fort Lupton, CO 80621 (Meadow Island 1 Little Dry Creek Aug Station). 26.27. Owens Brothers Concrete, 5775 Franklin St., Denver, CO 80216 (Co-owner of Everist SV with Everist). 26.28. MV Farms I LLC, 400 Poydras St. Ste. 2100, New Orleans, LA 70130 (Werning). 26.29. City of Aurora, 15151 East Alameda Parkway, Suite 3600, Aurora, CO 80012 (Aurora Everist South Aug Station, Aurora Vincent Aug Station, Aurora-Little Dry Diversions No. 1 and No 2.). 26.30. Public Service Company (Western Augmentation Station, Confluence of Saint Vrain Creek and South Platte River). 26.31. United Milliken Reservoir Enterprise, LLC, 8301 E. Prentice Ave, Suite 100, Greenwood Village, CO 80111 (United Reservoir Outlet No. 2, Western Central Brownwood Augmentation Station). 26.32. Varra Companies Inc, 8120 Gage St, Frederick, CO 80516 (Godfrey Company Return, Western End of Ditch Aug Station). 26.33. City of Evans, 1100 37 St, Evans, CO 80620 (Sorin Release 3). 26.34. Ensign United States Drilling, INC. 1900 Dalrock Rd., Rowlett, TX 75088 (Godfrey Lower Latham Drain). 26.35. Gary Baker, PO Box 487, La Salle, CO 80645 (Godfrey End of Ditch Return). 26.36. 70 Ranch LLC, 9301 E. Prentice Ave, Suite 100, Greenwood Village, CO 80111 (Huenink Reservoir). 26.37. Farmers Independent Ditch Company P.O. Box 1371 Greeley, CO 80632. 26.38. Western Mutual Ditch Company P.O. Box 282 LaSalle, CO 80645. 26.39. Union Ditch Company P.O. Box 445, Greeley, CO 80632. 26.40. Godfrey Ditch Company P.O. Box 129 LaSalle, CO 80645 . 6.41. Lower Latham Ditch Company 8209 W. 20th St., Suite A, Greeley, CO 80634.

CASE NUMBER 2024CW3184 EAST LARIMER COUNTY WATER DISTRICT, 232 South Link Lane, Fort Collins, CO 80524. Lawrence Custer Grasmick Jones & Donoval, LLP Attorneys for Applicant East Larimer County Water District, Ryan M. Donovan, #44435, Jacklyn P. Gunn, #59386, **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN LARIMER AND WELD COUNTIES**. 2. Previous Decrees: Case No. 17CW3094, Water Division No. 1, decree entered November 15, 2018; and Case No. 03CW422, Water Division No. 1, decree entered June 8, 2011. 3. Conditional Water Rights: The appropriative rights of exchange described in this Application were originally decreed in Case No. 03CW422 (“Original Decree”) and made absolute or continued conditional in Case No. 17CW3094. 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 “ELCO Exchanges,” decreed in the Original Decree. The ELCO Exchanges are located along the Cache La Poudre River and the North Fork of the Cache La Poudre River within the reaches between each of the points described in paragraphs 5 and 6, and as further illustrated and described in Exhibit A attached to this Application. By this Application, ELCO seeks a finding of reasonable diligence on all of the conditional ELCO Exchanges listed in this Application and to make partially absolute those exchanges which have been operated specifically identified in paragraph 8 below. Some of the exchanges in the original decree in Case No. 03CW422 are no longer being pursued in this Application. 4. Name of Structures: As described in paragraphs 5 and 6 below. **CONDITIONAL EXCHANGES** 5. Exchange-From Points: ELCO will release the water to which it is entitled for exchange at the places listed below and at the rates shown below and in the exchange matrix attached as Exhibit A. 5.1. Name of Exchange-From Structure: City of Fort Collins Waste Water Plant No. 1 (a.k.a. Fort Collins Mulberry Water Reclamation Facility). 5.1.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.1.2. Legal description of location: S 1/2, SE 1/4, Section 12, Township 7 North, Range 69 West, 6th P.M., Larimer County. 5.1.3. Source: Water attributable to ELCO's Water Supply and Storage ("WSSC") shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.1.4. Date of Appropriation: December 8, 2003. 5.1.5. The amount of water: 1.0 c.f.s. 5.1.6. Uses: All uses as contained in Paragraph 11 of the Original Decree in Case No. 03CW422 described as: all water district uses by ELCO, either directly or following storage, including but not limited to irrigation, domestic, municipal, mechanical, industrial, commercial, manufacturing, fire protection, sewage treatment, watering of parks, lawns and grounds, recreation, fish culture, maintenance and preservation of wildlife, exchange, augmentation, replacement, adjustment and regulation of the ELCO water system (“ELCO Uses”). 5.2.

Name of Exchange- From Structure: City of Fort Collins Waste Water Plant No. 2 (a.k.a. Fort Collins Drake Water Reclamation Facility). 5.2.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.2.2. Legal description of location: E 1/2, SE 1/4, Section 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. 5.2.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.2.4. Date of Appropriation: December 8, 2003. 5.2.5. The amount of water: 1.0 c.f.s. 5.2.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.3. Name of Exchange-From Structure: Box Elder Sanitation Plant Outfall. 5.3.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.3.2. Legal description of location: NW 1/4 of the NE 1/4 of Section 28, Township 7 North, Range 68 West, 6th P.M. at a point 800 feet south of the north section line and 1475 feet west of the east section line of said Section 28, Larimer County. 5.3.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.3.4. Date of Appropriation: December 8, 2003. 5.3.5. The amount of water: 3.8 c.f.s. 5.3.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.4. Name of Exchange-From Structure: Fossil Creek Reservoir Outlet. 5.4.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.4.2. Legal description of location: NE 1/4, SW 1/4, Section 11, Township 6 North, Range 68 West, 6th P.M., Larimer County. 5.4.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.4.4. Date of Appropriation: December 8, 2003. 5.4.5. The amount of water: 250 c.f.s. 5.4.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.5. Name of Exchange-From Structure: Overland Trail Reservoir Release Structure No. 1. 5.5.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.5.2. Legal description of location: to be constructed on the south bank of the Cache la Poudre River in Section 34, at a point approximately 240 feet North and 940 feet East of the Southwest corner of Section 34, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.5.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.5.4. Date of Appropriation: December 8, 2003. 5.5.5. The amount of water: 250 c.f.s. 5.5.6. Uses: All ELCO Uses as described in Paragraph 0. of this Application. 5.6. Name of Exchange-From Structure: Overland Trail Reservoir Release Structure No. 2. 5.6.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.6.2. Legal description of location: to be constructed on the west bank of the Cache la Poudre River in Section 3, at a point approximately 700 feet South and 2,420 feet East of the Northwest corner of Section 3, Township 7 North, Range 69 West, 6th P.M., Larimer County. 5.6.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.6.4. Date of Appropriation: December 8, 2003. 5.6.5. The amount of water: 250 c.f.s. 5.6.6. Uses: All ELCO Uses as described in Paragraph 0. of this Application. 5.7. Name of Exchange-From Structure: Overland Trail Reservoir Release Structure No. 3. 5.7.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.7.2. Legal description of location: constructed on the south bank of the Cache la Poudre River in Section 33, at a point approximately 1,401 feet North and 2,401 feet West of the Southeast corner of Section 33, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.7.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.7.4. Date of Appropriation: December 8, 2003. 5.7.5. The amount of water: 250 c.f.s. 5.7.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.8. Name of Exchange-From Structure: Overland Trail Reservoir Release Structure No. 4. 5.8.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.8.2. Legal description of location: to be constructed on the west bank of the Cache la Poudre River in Section 34, at a point approximately 521 feet North and 1951 feet East of the Southwest corner of

Section 34, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.8.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriate rights of substitution and exchange in Case No. 03CW422. 5.8.4. Date of Appropriation: December 8, 2003 5.8.5. The amount of water: 250 c.f.s. 5.8.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.9. Name of Exchange-From Structure: Overland Trail Reservoir Release Structure No. 5. 5.9.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.9.2. Legal description of location: to be constructed on the south bank of the Cache la Poudre in Section 3, at a point approximately 2,364 feet South and 929 feet West of the Northeast corner of Section 3, Township 7 North, Range 69 West, 6th P.M., Larimer County. 5.9.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriate rights of substitution and exchange in Case No. 03CW422. 5.9.4. Date of Appropriation: December 8, 2003. 5.9.5. The amount of water: 250 c.f.s. 5.9.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.10. Name of Exchange-From Structure: Chambers Lake. 5.10.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.10.2. Legal description of location: in portions of Sections 6 and 7, Township 7 North, Range 75 West, 6th P.M., and Section 31 Township 8 North, Range 75 West, 6th P.M., Larimer County. 5.10.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriate rights of substitution and exchange in Case No. 03CW422. 5.10.4. Date of Appropriation: December 8, 2003. 5.10.5. The amount of water: 350 c.f.s. 5.10.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.11. Name of Exchange-From Structure: Long Draw Reservoir. 5.11.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.11.2. Legal description of location: in portions of Sections 10, 11, and 15, Township 6 North, Range 75 West, 6th P.M., Larimer County. 5.11.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriate rights of substitution and exchange in Case No. 03CW422. 5.11.4. Date of Appropriation: December 8, 2003. 5.11.5. The amount of water: 350 c.f.s. 5.11.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.12. Name of Exchange-From Structure: Grand River Ditch. 5.12.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.12.2. Legal description of location: SW 1/4 of the NW 1/4 of Section 21, Township 6 North, Range 75 West, 6th P.M., Grand County. 5.12.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriate rights of substitution and exchange in Case No. 03CW422. 5.12.4. Date of Appropriation: December 8, 2003. 5.12.5. The amount of water: 16.80 c.f.s. 5.12.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.13. Name of Exchange-From Structure: Laramie-Poudre Tunnel Release to Tunnel Creek. 5.13.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.13.2. Legal description of location: NE 1/4 of the NE 1/4 of Section 16, Township 8 North, Range 75 West, 6th P.M., Larimer County. 5.13.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriate rights of substitution and exchange in Case No. 03CW422. 5.13.4. Date of Appropriation: December 8, 2003. 5.13.5. The amount of water: 8.26 c.f.s. 5.13.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.14. Name of Exchange-From Structure: Laramie River Ditch (Skyline Ditch) Release to Joe Wright Creek. 5.14.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.14.2. Legal description of location: SE 1/4 of the NE 1/4 of Section 28, Township 8 North, Range 76 West, 6th P.M., Larimer County. 5.14.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriate rights of substitution and exchange in Case No. 03CW422. 5.14.4. Date of Appropriation: December 8, 2003. 5.14.5. The amount of water: 9.61 c.f.s. 5.14.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.15. Name of Exchange-From Structure: Cameron Pass Ditch. 5.15.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.15.2. Legal description of location: NW 1/4 of the SE 1/4 of Section 2, Township 6 North, Range 76 West, 6th P.M., Jackson County.

5.15.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.15.4. Date of Appropriation: December 8, 2003. 5.15.5. The amount of water: 0.90 c.f.s. 5.15.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.16. Name of Exchange-From Structure: Milton Seaman Reservoir. 5.16.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.16.2. Legal description of location: in portions of Sections 28 and 33, Township 9 North, Range 70 West, 6th P.M., Larimer County. 5.16.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.16.4. Date of Appropriation: December 8, 2003. 5.16.5. The amount of water: 350 c.f.s. 5.16.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.17. Name of Exchange-From Structure: Worster Reservoir (a.k.a. Eaton Reservoir). 5.17.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.17.2. Legal description of location: in portions of Sections 5, 7, and 8, Township 11 North, Range 74 West, 6th P.M., Larimer County. 5.17.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.17.4. Date of Appropriation: December 8, 2003. 5.17.5. The amount of water: 75 c.f.s. 5.17.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 5.18. Name of Exchange-From Structure: The confluence of the Cache la Poudre River and the North Fork of the Cache la Poudre River. 5.18.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 5.18.2. Legal description of location: S/2 of Section 33, Township 9 North, Range 70 West, 6th P.M., Larimer County. 5.18.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 5.18.4. Date of Appropriation: December 8, 2003. 5.18.5. The amount of water: 350 c.f.s. 5.18.6. Uses: All ELCO Uses as described in Paragraph 5.1.6 of this Application. 6. Exchange-To Points: ELCO will divert water pursuant to the Exchanges at the places shown herein and at the rates shown below and in the exchange matrix attached as Exhibit A. 6.1. Name of Exchange-To Structure: Munroe Gravity Canal (a.k.a. North Poudre Supply Canal). 6.1.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.1.2. Legal description of location: SW 1/4, NE 1/4 of Section 5, Township 8 North, Range 70 West, 6th P.M., Larimer County, at a point whence the Southeast corner of Section 5 bears South 37°27'30" East 3,647.5 feet. 6.1.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.1.4. Date of Appropriation: December 8, 2003. 6.1.5. The amount of water: 250 c.f.s. 6.1.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.2. Name of Exchange-To Structure: Poudre Valley Canal. 6.2.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.2.2. Legal description of location: on the east bank of the Cache la Poudre River at a point 1,020 feet North and 160 feet East of the Southwest corner of Section 10, Township 8 North, Range 70 West, 6th P.M., Larimer County. 6.2.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.2.4. Date of Appropriation: December 8, 2003. 6.2.5. The amount of water: 350 c.f.s. 6.2.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.3. Name of Exchange-To Structure: City of Greeley Pipeline. 6.3.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.3.2. Legal description of location: on the north bank of the Cache la Poudre River at a point 1,790 feet South and 1,970 feet West of the Northeast corner of Section 15, Township 8 North, Range 70 West, 6th P.M., Larimer County. 6.3.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.3.4. Date of Appropriation: December 8, 2003. 6.3.5. The amount of water: 30 c.f.s. 6.3.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.4. Name of Exchange-To Structure: Larimer County Canal. 6.4.1. Original Decree: Case No. 03CW422,

District Court, Water Division No. 1, dated June 8, 2011. 6.4.2. Legal description of location: on the north bank of the Cache la Poudre River at a point 610 feet North and 1,540 feet East of the Southwest corner of Section 13, Township 8 North, Range 70 West, 6th P.M., Larimer County. 6.4.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.4.4. Date of Appropriation: December 8, 2003. 6.4.5. The amount of water: 350 c.f.s. 6.4.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.5. Name of Exchange-To Structure: Jackson Ditch (a.k.a. Dry Creek Ditch). 6.5.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.5.2. Legal description of location: on a slough of the Cache la Poudre River at a point 1,795 feet North and 1,003 feet East of the Southwest corner of Section 30, Township 8 North, Range 69 West, 6th P.M., Larimer County. 6.5.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.5.4. Date of Appropriation: December 8, 2003. 6.5.5. The amount of water: 50 c.f.s. 6.5.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.6. Name of Exchange-To Structure: New Mercer Ditch. 6.6.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.6.2. Legal description of location: on the south bank of the Cache la Poudre River at a point 70 feet North and 295 feet East of the Southwest corner of Section 29, Township 8 North, Range 69 West, 6th P.M., Larimer County. 6.6.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.6.4. Date of Appropriation: December 8, 2003. 6.6.5. The amount of water: 27 c.f.s. 6.6.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.7. Name of Exchange-To Structure: Larimer County Canal No. 2. 6.7.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.7.2. Legal description of location: on the south bank of the Cache la Poudre River at a point 70 North and 295 feet East of the Southwest corner of Section 29, Township 8 North, Range 69 West, 6th P.M., Larimer County. 6.7.3. Source: Water attributable to the ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.7.4. Date of Appropriation: December 8, 2003. 6.7.5. The amount of water: 81 c.f.s. 6.7.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.8. Name of Exchange-To Structure: Little Cache Ditch. 6.8.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.8.2. Legal description of location: on the north bank of the Cache la Poudre River at a point 312 feet North and 844 feet East of the Southwest corner of Section 29, Township 8 North, Range 69 West, 6th P.M., Larimer County. 6.8.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.8.4. Date of Appropriation: December 8, 2003. 6.8.5. The amount of water: 82.5 c.f.s. 6.8.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.9. Name of Exchange-To Structure: Overland Trail Diversion Structure. 6.9.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.9.2. Legal description of location: to be constructed on the south bank of the Cache la Poudre River at a point 1,500 feet North and 2,400 feet West of the Southeast corner of Section 33, Township 8 North, Range 69 West, 6th P.M., Larimer County. 6.9.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.9.4. Date of Appropriation: December 8, 2003. 6.9.5. The amount of water: 50 c.f.s. 6.9.6. Uses: All ELCO Uses as described in Paragraph 0 in this Application. 6.10. Name of Exchange-To Structure: Taft Hill Diversion Structure. 6.10.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.10.2. Legal description of location: to be constructed on the north bank of the Cache la Poudre River at a point approximately 1,205 feet North and 487 feet West of the Southeast corner of Section 33, Township 8 North, Range 69 West, 6th P.M., Larimer County. 6.10.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution

and exchange in Case No. 03CW422. 6.10.4. Date of Appropriation: December 8, 2003. 6.10.5. The amount of water: 300 c.f.s. 6.10.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.11. Name of Exchange-To Structure: Larimer and Weld Canal (a.k.a. Eaton Ditch). 6.11.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.11.2. Legal description of location: on the east bank of the Cache la Poudre River at a point 460 feet North and 2,150 feet East of the Southwest corner of Section 34, Township 8 North, Range 69 West, 6th P.M., Larimer County. 6.11.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.11.4. Date of Appropriation: December 8, 2003. 6.11.5. The amount of water: 350 c.f.s. 6.11.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.12. Name of Exchange-To Structure: Worster Reservoir (a.k.a. Eaton Reservoir). 6.12.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.12.2. Legal description of location: in portions of Sections 5, 7, and 8, Township 11 North, Range 74 West, 6th P.M., Larimer County. 6.12.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.12.4. Date of Appropriation: December 8, 2003. 6.12.5. The amount of water: 150 c.f.s. 6.12.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.13. Name of Exchange-To Structure: Milton Seaman Reservoir. 6.13.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.13.2. Legal description of location: in portions of Sections 28 and 33, Township 9 North, Range 70 West, 6th P.M., Larimer County. 6.13.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.13.4. Date of Appropriation: December 8, 2003. 6.13.5. The amount of water: 350 c.f.s. 6.13.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.14. Name of Exchange-To Structure: Chambers Lake. 6.14.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.14.2. Legal description of location: in portions of Sections 6 and 7, Township 7 North, Range 75 West, 6th P.M., and Section 31, Township 8 North, Range 75 West, 6th P.M., Larimer County. 6.14.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.14.4. Date of Appropriation: December 8, 2003. 6.14.5. The amount of water: 350 c.f.s. 6.14.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.15. Name of Exchange-To Structure: Long Draw Reservoir. 6.15.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.15.2. Legal description of location: in portions of Sections 10, 11, and 15, Township 6 North, Range 75 West, 6th P.M., Larimer County. 6.15.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.15.4. Date of Appropriation: December 8, 2003. 6.15.5. The amount of water: 350 c.f.s. 6.15.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 6.16. Name of Exchange-To Structure: Fossil Creek Reservoir. 6.16.1. Original Decree: Case No. 03CW422, District Court, Water Division No. 1, dated June 8, 2011. 6.16.2. Legal description of location: on the south bank of the Cache la Poudre River at a point 2,600 feet North and 85 feet West of the Southeast corner of Section 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. 6.16.3. Source: Water attributable to ELCO's WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in Case No. 03CW422. 6.16.4. Date of Appropriation: December 8, 2003. 6.16.5. The amount of water: 250 c.f.s. 6.16.6. Uses: All ELCO Uses as described in Paragraph 0 of this Application. 7. Outline of what has been done toward completion of the appropriation and application of water to beneficial use: ELCO's Exchanges as listed herein are part of its integrated system for the diversion, collection, storage, transmission, treatment and delivery of water rights, for use within its service area as it exists or may be expanded in the future. Pursuant to the Colorado Revised Statutes § 37-92-301(4)(b), "when a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has

been shown in the development of water rights for all features of the entire project or system." Applicant has done at a minimum the following work towards completion of the appropriations of exchange and application of water to beneficial use as conditionally decreed: 7.1. The diligence period for the conditional rights that are the subject of this Application was November 12, 2018 to December 31, 2024. 7.2. During the diligence period, ELCO continued to divert a portion of the transmountain component associated with its WSSC shares changed in Case No. 03CW422 every year from 2018 to 2024. ELCO has steadily increased the amount of these diversions from 2018 to 2024. 7.3. During the diligence period, ELCO also continued to divert its WSSC shares as changed and decreed in 03CW422 at the decreed Alternate Point of Diversion (APOD) Larimer County Canal No. 2 in 2022 and 2024 and stored them in the Overland Trail Reservoirs for use by exchange or release for augmentation or replacement. ELCO also diverted its WSSC shares as changed and decreed in 03CW422 at the decreed APOD Overland Diversion Structure via portable pumps in 2021 and stored them in the Overland Trail Reservoirs for use by exchange or release for augmentation or replacement. 7.4. ELCO stored its WSSC Shares in decreed Alternate Place of Storage (APOS) in 2021, 2022, and 2024 for use by exchange or release for augmentation or replacement. 7.5. ELCO operated a portion of its appropriative rights of exchange on October 26, 2023 by releasing 3.8 cfs of reusable effluent to the Cache la Poudre River at the Boxelder Sanitation Plant Outfall and diverting 3.8 cfs at the Munroe Canal, subsequently diverted at the Pleasant Valley Pipeline for treatment at Soldier Canyon Filter Plant. 7.6. ELCO also operated a portion of its appropriative rights of exchange on October 25, 2023 by releasing 1 cfs of reusable effluent to the Cache la Poudre River at the City of Fort Collins Wastewater Treatment Facility #1 and diverting 1 cfs at the Munroe Canal, subsequently diverted at the Pleasant Valley Pipeline for treatment at Soldier Canyon Filter Plant. 7.7. ELCO executed a carriage agreement with the Larimer County Canal No. 2 for use of excess capacity in the canal by ELCO from June 1, 2022, to December 31, 2036 in order to deliver water to Overland Trail Reservoirs. 7.8. ELCO participated in numerous Water Court Cases during the diligence period, including Water Court Case Nos. 18CW3216, 19CW3199, 21CW3041, 21CW3094, 21CW3131, 21CW3234, 20CW3280, 21CW3056, and 22CW3042 by filing Statements of Opposition in order to protect its water portfolio and integrated system from injury by other users. 7.9. During the diligence period, ELCO constructed a new diversion structure on the Larimer County Canal No. 2 to increase the maximum divertible flow from the Larimer County Canal No. 2 to Overland Trail Reservoirs from 6 cfs to 20 cfs. 7.10. During the diligence period, ELCO expended over \$600,000 on legal counsel to develop and protect its water rights. 7.11. During the diligence period, ELCO expended over \$1,200,000 on engineering and construction on its integrated system, including but not limited to Pleasant Valley Pipeline and Oberland Trails Reservoirs. 7.12. ELCO made total expenditures of approximately \$13,641,540 during the diligence period on water distribution and water storage facilities that would utilize the conditional water rights decreed in Case No. 03CW422. 7.13. ELCO made total expenditures of approximately \$4,539,104 during the diligence period at Soldier Canyon Filter plant to increase their treatment capacity from 12.719 Million Gallons per Day to 15.548 Million Gallons per Day to treat the conditional water rights decreed in Case No. 03CW422. 7.14. During the diligence period, ELCO made ongoing expenditures and capital improvements on its integrated water system, including improvements to the Munroe Canal, the Pleasant Valley Pipeline, and the Overland Trail Reservoirs. 7.14.1. Costs expended by ELCO during the diligence period for improvements to the Pleasant Valley Pipeline, Overland Trail Reservoirs, and the Munroe canal: Refer to Table in the original Application 7.15. ELCO expended \$67,946.75 on Pond 5 of the Overland Trail Reservoirs in 2019. 7.16. Costs expended by ELCO during the diligence period in order to directly improve the Overland Trail Reservoirs: Refer to Table in the original Application 8. Claims To Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4) 8.1. Applicant seeks a decree recognizing as absolute the following appropriative rights of exchange: 8.1.1. Exchange-from: Box Elder Sanitation District Plant described in paragraph 5.3 above. Exchange-to: Munroe Gravity Canal as described in paragraph 6.1 above. 8.1.1.1. Amount of exchange to make absolute: 1.89 cfs. 8.1.1.2. Date of appropriation: December 8, 2003. 8.1.1.3. Date of exchange: December 26, 2023. 8.1.1.4. Uses: all of the uses described in paragraph 5.1.6 above. 8.1.2. Exchange-from: City of Fort Collins Wastewater Treatment Plant No. 1 as described in paragraph 5.1 above. Exchange-to: Munroe Gravity Canal as described in

paragraph 6.1 above. 8.1.2.1. Amount of exchange to make absolute: 0.54 cfs. 8.1.2.2. Date of appropriation: December 8, 2003. 8.1.2.3. Date of exchange: October 25, 2023. 8.1.2.4. Uses: all of the uses described in paragraph 6.1.6 above. 8.2. Applicant seeks a decree recognizing a continued need for all other exchanges listed in the Application: As part of the diligence proceedings and proceedings to make absolute the exchanges decreed herein, ELCO has shown and will continue to make showings that the conditional water rights have been or will be needed to serve ELCO's customers and projected growth within its service area. ELCO is a quasi-municipal corporation, organized in 1962 as a water district, which operates under Title 32 of the Colorado Revised Statutes. It currently serves approximately 25,000 total residents within a 49 square mile service area. ELCO is one of the three Title 32 special districts collectively known as the Tri-Districts. ELCO shares ownership of the Soldier Canyon Filter Plant (SCFP) with the Fort Collins-Loveland Water District and North Weld County Water District. ELCO's annual demand is approximately 4,000 acre-feet. The SCFP lies at the base of Horsetooth Reservoir. ELCO receives its Colorado-Big Thompson (C-BT) project water directly from Horsetooth Reservoir into the SCFP. In addition to the project-specific activities discussed in paragraph 7 of this Application, ELCO, the other two districts, and the Cities of Fort Collins and Greeley participated in the construction of the Pleasant Valley Pipeline (PVP) in 1997, which is an 8.5-mile, 67-inch pipeline that connects the Poudre River to the SCFP. ELCO's Poudre River supplies are diverted at the Munroe Gravity Canal and delivered through the PVP to the SCFP where water is treated and delivered to ELCO's customers. Access to the Poudre River provides ELCO with a redundant water supply to the SCFP and has allowed a water portfolio shift from primarily C-BT water to a more balanced blend of C-BT and Poudre River supplies. ELCO also is addressing its need for firm yield by the development of water storage. Additional water stored during wet years provides insurance during drier years and unforeseen events. ELCO is a partner in the Overland Trail Reservoir Project with the other two districts and the City of Greeley. ELCO and the other two districts continued steady progress on its integrated water system during the diligence period, which would benefit from future diversions by the water right in Case Nos. 17CW0394 and 03CW422. Part of the integrated water system includes the Munroe Canal, the PVP, and the Overland Trail Reservoirs. The Exchanges decreed in the Original Decree allow ELCO to move its water supplies to points of diversion and storage so that the supply can be firmed and ultimately diverted for treatment or otherwise used for replacement obligations as required pursuant to ELCO's decrees. 9. Names and Addresses of Owners or reputed Owners of Structures or the Land Upon Which Structures are Located or Upon which Water is or Will be Stored and Beneficially Used: Refer to Table in the original Application 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 2024CW3185 (2006CW279 and 2018CW3051) SUBLETTE, INC. (“Sublette”), c/o Sheldon Skovgaard, P.O. Box 21, Orchard, CO 80649; Email: drylakesranch@gmail.com; Telephone: 970-219-8588. Please direct all correspondence concerning this Application to: Stuart B. Corbridge, Esq. and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Telephone Number: (303) 443-6151; E-mail: sbc@vrlaw.com; bnk@vrlaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD AND MORGAN COUNTIES**. 2. Structures. a. Riverside Canal Headgate b. Sublette Pipeline Headgate 3. Prior Decrees. a. Date of Original Decree, Case Number, and Court. The original decree for the conditional appropriative rights of exchange described below (collectively the “Exchange Rights”) was entered by the District Court, Water Division 1, on March 1, 2012, in Case No. 2006CW279 (“06CW279 Decree”). b. Subsequent Decrees Awarding Findings of Diligence. In Case No. 2018CW3051, District Court, Water Division 1, the Court entered a decree on December 10, 2018, in which it confirmed diligence concerning the development of the Exchange Rights and continued those rights in full force and effect for another diligence period. 4. Description of Conditional

Water Rights. a. Sublette Augmentation Credit Exchange i. Description of Exchange Reach: The total reach of the South Platte River included in the Sublette Augmentation Credit Exchange is from an upstream point at the Riverside Canal headgate downstream to the Weldon Valley Ditch headgate, which is located in the NE1/4 SW1/4 of Section 13, T4N, R61W, 6th P.M. The stream location of the Weldon Valley Ditch headgate is the exchange-from point for this exchange. ii. Legal Description of Points of Diversion: The upstream exchange-to points for the Sublette Augmentation Credit Exchange are as follows: (1) Riverside Canal headgate, located on the north bank of the South Platte River in the SW1/4 SW1/4 of Section 20, T5N, R63W, 6th P.M. (2) Sublette Pipeline Headgate, to be located at a point on the north bank of the South Platte River in the NW1/4 NW1/4 of Section 23, T4N, R61W, 6th P.M. The Sublette Pipeline Headgate will be a surface diversion from the South Platte River and no groundwater will be diverted by this structure. iii. Sources of Substitute Supply: The sources of substitute supply for the Sublette Augmentation Credit Exchange are: (1) Recharge credits available to Sublette reaching the South Platte River from operation of the recharge facilities and augmentation plan (“Sublette Plan”) decreed in Case No. 1989CW27, District Court, Water Division 1 (“89CW27 Decree”) that are not needed for immediate augmentation use in the Sublette Plan at the time of accretion. (2) Recharge credits available to Sublette reaching the South Platte River from operation of the Sublette Plan that are not needed for immediate augmentation use by the Riverside Reservoir & Land Company or the Riverside Irrigation District in the augmentation plan decreed in Case No. 2002CW86, District Court, Water Division 1, at the time of accretion. (3) Recharge credits generated by the water rights described in Section 11.B. of the 06CW279 Decree that are available to Sublette based on allocation of recharge credits owned by the Riverside Reservoir & Land Company and Riverside Irrigation District to owners of Riverside Private Rights. (4) Other recharge credits generated by the water rights described in Section 11.B. of the 06CW279 Decree that are available to Sublette and not needed for immediate augmentation use in the Sublette Plan at the time of accretion, based on lease of said recharge credits from the Riverside Reservoir & Land Company or the Riverside Irrigation District. iv. Date of Appropriation: December 28, 2006 v. Amount Claimed: 6.0 c.f.s, CONDITIONAL vi. Uses: Water diverted pursuant to the Sublette Augmentation Credit Exchange shall be fully consumable, and will be used by Sublette for all of the uses described in paragraphs 8.F.i., 8.F.ii., and 8.F.iii.(2) of the 89CW27 Decree. Water diverted through the Riverside Canal headgate pursuant to this exchange that must be allocated to Riverside as a carriage charge for the delivery of water to the Sublette Plan recharge sites shall be used by Riverside for the uses described in paragraphs 8.F.iii.(3) and 8.F.iii.(4) of the 89CW27 Decree.

b. Sublette Exchange Enlargement i. Description of Exchange Reach: The total reach of the South Platte River included in the Sublette Exchange Enlargement is from an upstream point at the Riverside Canal headgate downstream to the confluence of Antelope Draw and the South Platte River, located in the SE1/4 NE1/4 of Section 5, T4N, R55W, 6th P.M. The confluence of Antelope Draw and the South Platte River shall be the location of the exchange-from point for this exchange. ii. Legal Description of Points of Diversion: The upstream exchange-to points for the Sublette Exchange Enlargement are as follows: (1) Riverside Canal headgate, as described in Paragraph 4.a.ii.(1) above. (2) Sublette Pipeline Headgate, as described in Paragraph 4.a.ii.(2) above. iii. Sources of Substitute Supply: The sources of substitute supply for the Sublette Exchange Enlargement are those sources described in Paragraph 4.a.iii above. iv. Date of Appropriation: December 24, 2008 v. Amount Claimed: 9.0 c.f.s, CONDITIONAL vi. Uses: Water diverted pursuant to the Sublette Exchange Enlargement shall be fully consumable, and shall be used by Sublette for all of the uses described in paragraphs 8.F.i., 8.F.ii., and 8.F.iii.(2) of the 89CW27 Decree. Water diverted through the Riverside Canal headgate pursuant to this exchange that must be allocated to Riverside as a carriage charge for the delivery of water to the Sublette Plan recharge sites shall be used by Riverside for the uses described in paragraphs 8.F.iii.(3) and 8.F.iii.(4) of the 89CW27 Decree. 5. Amounts Claimed as Absolute. Sublette is not seeking to make any portion of the Exchange Rights absolute in this application. Sublette reserves the right to amend the application in this matter prior to entry of a decree to claim amounts as absolute, if justified by activities during the proceedings for this application. 6. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures. As confirmed in the decree entered in Case No. 2018CW3051, the Exchange Rights are a component of Sublette’s integrated system of water rights,

water use structures, and water diversion, storage, and recharge operations, including the recharge rights and plan for augmentation included in the Sublette Plan and the 89CW27 Decree. The Exchange Rights allow Sublette to deliver excess recharge credits from the Sublette Plan and from other water available to Sublette into the Sublette Plan recharge structures to generate additional replacement water for the various augmentation operations that use recharge accretions from the Sublette Plan. During the subject diligence period running from March 30, 2018, through the date of filing the application in this case, Sublette engaged in activities and incurred costs, including but not limited to, those activities and costs described in this Paragraph 6. The activities and costs identified in this application are not all inclusive and Sublette reserves the right to provide evidence of other work done and costs incurred during the identified diligence period during the proceedings for this application. a. Sublette continued work to develop the Exchange Rights in conjunction with other aspects of its integrated recharge and augmentation system. Such work included: 1) continued evaluation of the type and design of the diversion structure for the Sublette Pipeline Headgate at its decreed river location, including evaluation of current river flows and associated construction and operation details and costs and review of diversion systems used by other water users on the South Platte River in the vicinity of the Sublette property; 2) communications with the Riverside Reservoir & Land Company and the Riverside Irrigation District (collectively “Riverside”) about use of the Riverside Inlet Canal for operation of the Exchange Rights; and 3) field work on Sublette property at the decreed location for the Sublette Pipeline Headgate, including property maintenance. b. In addition, during the diligence period, Sublette did work on other aspects of its integrated system. This included annual work on and costs for improvements to the Sublette Plan delivery and recharge structures. This work included, but was not limited to, general work related to the maintenance and operation of the Sublette Plan delivery and recharge structures, and other miscellaneous work and related items, including the purchase of materials to accomplish this work. In addition, Sublette conducted annual weed removal and ditch and lateral preparation, and also did routine observation and maintenance of ditch and lateral turnout structures and measurement structures. c. Sublette, along with Riverside, operated the Sublette Plan and diverted water for delivery to the project recharge structures. Recharge credits generated by these deliveries were used by Sublette, Riverside, and entities that have an interest in the Sublette Plan water rights, structures, and operations in both the Sublette Plan and other augmentation plan operations. Recharge operations under the Sublette Plan are ongoing and the recharge accretions generated by these operations will continue to be used in accordance with the 89CW27 Decree. d. Sublette, Riverside, and the other Sublette Plan entities held annual operational meetings concerning the ongoing operation and maintenance requirements for the Sublette Plan, including review of well depletion and recharge amounts and the augmentation plan accounting related to the project, review of projected recharge accretions and anticipated augmentation operations by each entity, evaluation of available substitute supply sources for the Exchange Rights, and review and setting of monetary assessments as required to operate the project each year. Project operations and maintenance duties include the development of work plans, daily operation of and accounting for the project, coordinating project water diversions and operations with Riverside, the other Sublette Plan entities, and the Water Commissioner, and reporting water diversions and recharge to the Division Engineer. As part of its operations, Sublette maintained detailed accounting to track the allocation of recharge credits and the availability of excess recharge accretions that could be diverted and used by exchange under the Exchange Rights. e. Sublette filed a statement of opposition in Case No. 2019CW3231 during the identified diligence period. That application involved, in part, adjudication of a plan for augmentation to replace depletions impacting the South Platte River in the vicinity of Sublette’s water rights operations and a related claim to use a portion of the recharge accretions generated by the Sublette Plan for alternate replacement uses in the applicant’s plan for augmentation. Sublette was actively involved in that case monitoring the impact of these claims and potential injury to Sublette’s water rights and engaged in substantial discussions with the applicant and its legal counsel concerning the alternate proposed use for the Sublette Plan accretions and coordination of the alternate uses with the Sublette Plan operations. These discussions and alternate uses are relevant to Sublette’s integrated operations and use of the Exchange Rights. f. Sublette also continued its opposition work during the diligence period on the application filed in Case No. 2016CW3202, the decree for which application was entered on July 29, 2019, and monitored the

claims and drafts of the proposed decree in that case concerning prevention of injury to the Exchange Rights, the Sublette Plan, and other water rights and operations described in the 89CW27 Decree and the 06CW279 Decree. g. During the identified diligence period Sublette filed a diligence application in Case No. 2018CW3056 for certain of the water rights decreed in Case No. 1989CW27. Sublette prosecuted this application and obtained a decree on February 6, 2020. h. Sublette has actively monitored the monthly Resume for Water Division 1 concerning the filing of new applications on the South Platte River that could impact Sublette's water rights and operations and has also monitored proceedings before the State Engineer's Office during the diligence period to evaluate the potential impact of the rights claimed in those cases and proceedings and possible injury to the Exchange Rights, the Sublette Plan, and other water rights described in the 89CW27 Decree and the 06CW279 Decree. i. Expenditures by Sublette for the work listed above, including management costs and other operating expenses, were in excess of \$50,000.00. Sublette also incurred legal fees and other costs during the diligence period for the work listed above and expended significant staff time on water operations. 7. Continuing Need and Intent for the Sublette Augmentation Credit Exchange and Sublette Exchange Enlargement Rights. Sublette's water operations, including the Sublette Plan recharge and augmentation operations, generate excess recharge accretions that will be available as sources of substitute supply for the Exchange Rights and Sublette's augmentation needs. In addition, Sublette has access to other recharge accretion sources that can be sources of substitute supply for the Exchange Rights. Sublette has a continuing need for all of the water and exchange potential decreed to the Exchange Rights in the 06CW279 Decree and has a continuing plan and intent to develop and put to beneficial use all of the conditional portion of the Exchange Rights, up to their maximum decreed rates and volume. 8. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. a. Riverside owns or has pre-existing rights to use the land upon which the Riverside Canal, including its headgate, is located. However, no modification of either the headgate or the canal is anticipated in the development of the Exchange Rights. b. Sublette owns the land upon which the Sublette Pipeline Headgate will be located and used. WHEREFORE, Sublette seeks entry of a decree: (1) finding that Sublette has proceeded with reasonable diligence in the development of the conditional Exchange Rights decreed in the 06CW279 Decree and described in this application; and (2) continuing the Exchange Rights in full force and effect for another diligence period. (11 pgs.)

CASE NUMBER 2024CW3186 CK2 CATTLE COMPANY, LLC., 2304 County Road 24, Fort Morgan, CO, 80701, RIVERSIDE IRRIGATION DISTRICT, RIVERSIDE RESERVOIR AND LAND COMPANY, 221 E. Kiowa Avenue, Fort Morgan, CO 80701, Telephone: 970-867-6586. Please direct all correspondence to: Peter J. Ampe, Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 802307 peterampe@hillandrobbs.com, matthewmontgomery@hillandrobbs.com. APPLICATION FOR GROUNDWATER RIGHTS AND TO ADD WELL TO PLAN FOR AUGMENTATION PURSUANT TO PARAGRAPH 9.3 OF THE 02CW086 DECREE IN MORGAN COUNTY. PART I: APPLICATION FOR GROUNDWATER RIGHT ID 40.1 2. Name of water right: CK2 Well North (Riverside ID 40.1). 3. Owners: CK2 Cattle Co., LLC. 4. Permit No.: None. Applicant CK2 will apply for a permit before drilling the well. 5. Location: The well will be located within 200 feet of UTM NAD83 Zone 13, 603821 Easting, 4468371 Northing. 6. Appropriation Date: December 31, 2024. 7. How Appropriation was Initiated: Intent and filing of this Application. 8. Amount Claimed: 400 gpm or 0.9 cfs. 9. Source: Groundwater tributary to the South Platte River. 10. Use: Irrigation, livestock, and dust suppression within the NW1/4, and W1/2NE1/4, section 32 and the N1/2, section 31, all T05N, R57W, 6th P.M., Morgan County, Colorado and with the right to recapture tailwater and other runoff from the use of this right and the right to reuse such water to extinction for the uses set forth herein. (Conditional). 11. Name and Address of Owners of Land on which Structure Will be Located: CK2 Cattle Co., LLC, 2304 County Road 24, Fort Morgan, CO, 80701. PART II: APPLICATION FOR GROUNDWATER RIGHT ID 40.2 12. Name of water right: CK2 Well South (Riverside ID 40.2). 13. Owners: CK2 Cattle Co., LLC. 14. Permit No.: None. Applicant CK2 will apply

for a permit before drilling the well. 15. Location: The well will be located within 200 feet of UTM NAD83, Zone 13, 603951 Easting, 4468234 Northing. 16. Appropriation Date: December 31, 2024. 17. How Appropriation was Initiated: Intent and filing of this Application. 18. Amount Claimed: 400 gpm or 0.9 cfs. 19. Source: Groundwater tributary to the South Platte River. 20. Use: Irrigation, livestock, and dust suppression within the NW1/4, and W1/2NE1/4, section 32 and the N1/2, section 31, all T05N, R57W, 6th P.M., Morgan County, Colorado and with the right to recapture tailwater and other runoff from the use of this right and the right to reuse such water to extinction for the uses set forth herein. (Conditional). 21. Name and Address of Owners of Land on which Structure Will be Located: CK2 Cattle Co., LLC, 2304 County Road 24, Fort Morgan, CO. PART III: APPLICATION TO ADD WELLS TO AUGMENTATION PLAN 22. Augmentation Plan: Paragraph 9.3 of the 02CW86 Decree allows the addition of wells to the plan subject to application and certain terms and conditions. Applicants Riverside Irrigation District and Riverside Reservoir and Land Company (“Riverside”) seek to add the wells described in paragraphs 2 through 21, above, to the Riverside Irrigation District and Riverside Reservoir and Land Company plan for augmentation. 23. 02CW86 Terms and Conditions: 23.1 23.1. Any well added to the 02CW86 Decree plan for augmentation must be operated and used, and out of priority depletions replaced, on terms and conditions at least as restrictive as decreed. Applicants will comply with the terms and conditions in the 02CW86 Decree for the operation of these wells in the 02CW86 Decree plan for augmentation. 23.2. A well added to the plan shall use the applicable wellhead depletion factors set out in paragraph 11.5.2 of the 02CW86 Decree, and shall use the methods for determining depletions from past and future pumping set out in paragraphs 11 through 11.5.4 of the 02CW86 Decree. Applicants will comply with these conditions. 23.3. Out of priority depletions resulting from the use of any well which Applicant requests the Court to add to this plan shall be replaced according to the following: Out of priority depletions resulting from use of the well that has occurred prior to the date the Court allows the well to be added to the plan, shall be replaced by the Applicant in compliance with an applicable water court decree or substitute supply plan approved by the State Engineer. Any out of priority depletions from prior use will be replaced under the existing plan for augmentation decreed in Case No. 02CW86. 23.4. Out of priority depletions from the use of the well that will occur after the court decree adding the well to the plan, whether or not the depletions result from pumping before or after the date the Court allows the well to be added to the plan, shall be replaced by the Applicant under the terms and conditions of this decree and any additional terms and conditions ordered by the Court in connection with adding the well. These wells will be operated, and depletions calculated, in accord with the 02CW086 Decree, including but not limited to the required accounting and reporting. 23.5. Riverside will replace all depletions resulting from the operation of these wells in time, location, and amount as required by the 02CW086 Decree in accordance with terms and conditions of the Decree. 23.6. Riverside will comply with all other terms and conditions of the 02CW086 Decree plan for augmentation. (6 pages).

CASE NUMBER 2024CW3187 PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION (“PSCo”) APPLICATION FOR CONDITIONAL WATER RIGHTS, APPROPRIATIVE RIGHTS OF EXCHANGE, CHANGE OF WATER RIGHTS AND AUGMENTATION PLAN INCLUDING WATER EXCHANGE PROJECT IN DENVER, ADAMS AND WELD COUNTIES.

1. Name, Address and Telephone Number of Applicant: Public Service Company of Colorado, a Colorado Corporation (“PSCo”), Water Resources Team; Attn: Wesley Eversole, 1800 Larimer Street, Suite 1300, Denver, Colorado 80202, Email: wesley.eversole@xcelenergy.com, Telephone: (303) 285-6858, Please direct all correspondence regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, James M. Noble, Matthew C. Nadel, Welborn Sullivan Meck & Tooley P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202, Telephone: (303) 830-2500. 2. Introduction: 2.1 PSCo is a public utility and the owner and operator of a number of power generation stations, including the Cherokee Station (“Cherokee”) located on the west side of the South Platte River at 62nd Ave. and York Street, the Rocky Mountain Energy Center (“RMEC”) located just east of Hudson, Colorado, and Fort St. Vrain Station (“FSV”) located near the confluence of St. Vrain Creek and the South Platte River. 2.2 Currently, RMEC is supplied solely by a water supply agreement between PSCo and the City of Aurora.

The amount of water supplied by that agreement is being reduced, so that RMEC will need additional sources. The maximum water demand at RMEC is approximately 4,000 acre feet per year. PSCo has an existing well field of six wells to serve RMEC that are permitted as headgate wells. Diversions from the well field are gathered into a pipeline and delivered approximately thirteen miles to RMEC. See **Exhibit A**. The conditional water rights, appropriative right of exchange, change of water rights and augmentation plan including water exchange project claimed herein are necessary to provide a long-term, firm-yield water supply to RMEC for power generation purposes. The claims described below also provide PSCo with operational flexibility to ensure adequate water supplies can be delivered to any power generation facility owned or operated by PSCo in the South Platte River Basin. Maps showing the location of structures involved in this application are attached as **Exhibits A through F**. **FIRST CLAIM FOR RELIEF (APPROPRIATION OF CONDITIONAL GROUNDWATER RIGHTS)**

3. Description of Conditional Groundwater Rights. PSCo claims junior groundwater rights tributary to the South Platte River for the RMEC Well Field. The cumulative appropriation of the wells described in this Section 3 shall not exceed 4,000 acre feet annually.

3.1 RMEC Well 4S; 3.1.1 Permit No.: 58540-F 3.1.2 Location: RMEC 4S is an existing, permitted alluvial well located in Weld County in the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; UTM Coordinates – Northing: 4439098, Easting: 515542. See **Exhibit B**. 3.1.3 Source: Groundwater tributary to the South Platte River 3.1.4 Amount Claimed: 405 gpm, 3.1.5 Uses: Industrial, domestic, irrigation and use and reuse to extinction at RMEC. 3.1.6 Appropriation Date: December 31, 2024, based on the date this application was filed.

3.2 RMEC Well 3S: 3.2.1 Permit No.: 58543-F-R 3.2.2 Location: RMEC 3S is a replacement well completed on Oct. 18, 2024 and located in Weld County in the Southwest 1/4 of the Southeast 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; UTM Coordinates - Northing: 4439278, Easting: 515442. See **Exhibit B**. 3.2.3 Source: Groundwater tributary to the South Platte River. 3.2.4 Amount Claimed: 410 gpm 3.2.5 Uses: same as ¶ 3.1.5 3.2.6 Appropriation Date: December 31, 2024, based on the date this application was filed.

3.3 RMEC Well 2S: 3.3.1 Permit No.: 58542-F 3.3.2 Location: RMEC 2S is an existing, permitted alluvial well located in Weld County in the Southeast 1/4 of the Southwest 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; UTM Coordinates - Northing: 4439320, Easting: 515201. See **Exhibit B**. 3.3.3 Source: Groundwater tributary to the South Platte River. 3.3.4 Amount: 425 gpm; 3.3.5 Uses: same as ¶ 3.1.5 3.3.6 Appropriation Date: December 31, 2024, based on the date this application was filed.

3.4 RMEC Well 1S: 3.4.1 Permit No.: 58541-F 3.4.2 Location: RMEC 1S is an existing alluvial well located in Weld County in the Southeast 1/4 of the Southwest 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; UTM Coordinates - Northing: 4439399, Easting: 515101. See **Exhibit B**. 3.4.3 Source: Groundwater tributary to the South Platte River. 3.4.4 Amount: 785 gpm 3.4.5 Uses: same as ¶ 3.1.5 3.4.6 Appropriation Date: December 31, 2024, based on the date this application was filed.

3.5 RMEC Well 5N: 3.5.1 Permit No.: 58544-F 3.5.2 Location: RMEC 5N is an existing, permitted alluvial well located in Weld County in the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; UTM Coordinates – Northing 4439707; Easting 515238. See **Exhibit B**. 3.5.3 Source: Groundwater tributary to the South Platte River. 3.5.4 Amount: 600 gpm 3.5.5 Uses: same as ¶ 3.1.5 3.5.6 Appropriation Date: December 31, 2024, based on the date this application was filed.

3.6 RMEC Well 6N: 3.6.1 Permit No.: 58545-F 3.6.2 Location: RMEC 6N is an existing, permitted alluvial well located in Weld County in the Northwest 1/4 of the Southeast 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M.; UTM Coordinates – Northing 4439835, Easting 515534. See **Exhibit B**. 3.6.3 Source: Groundwater tributary to the South Platte River. 3.6.4 Amount: 680 gpm 3.6.5 Uses: same as ¶ 3.1.5 3.6.6 Appropriation Date: December 31, 2024, based on the date this application was filed.

3.7 PSCo Horizontal Well: PSCo’s Horizontal Well will be a horizontal, directionally drilled well comprised of two well heads that are linearly connected by a screened lateral, having a total length of approximately 555 feet between well heads. PSCo reserves the right to construct the Horizontal Well using alternative horizontal well designs, including a well that does not have two well heads that are linearly connected by a single screened lateral. For example, but not as a limitation, a horizontal collector well having a single well head and multiple screened laterals will be considered a horizontal well design.

3.7.1 Well Permit: Not applicable. 3.7.2 Location: The RMEC Horizontal Well will be located in Weld

County on the South Platte River in the reach near RMEC 5N and RMEC 6N. The well head on the east side of the South Platte River will be located at approximately UTM Coordinates – Northing 4439798, Easting 515530. The well head on the west side of the South Platte River will be located at approximately UTM Coordinates – Northing 4439947, Easting 515446. See **Exhibit B**. 3.7.3 Source: Groundwater tributary to the South Platte River. 3.7.4 Amount: 1,800 gpm 3.7.5 Uses: same as ¶ 3.1.5 3.7.6 Appropriation Date: December 31, 2024, based on the date this application was filed. **SECOND CLAIM FOR RELIEF (APPROPRIATION OF CONDITIONAL STORAGE RIGHT)** 4 Description of Conditional Storage Right. 4.1 Stagecoach Reservoir 4.1.1 Location: Stagecoach Reservoir is a lined gravel pit reservoir located near Henderson, CO in portions of the Southwest 1/4 of the Southwest 1/4 of Section 26 and the Northwest 1/4 of Section 35, Township 1 South, Range 67 West of the 6th P.M., in Adams County. See **Exhibit C**. 4.1.2 Source: South Platte River 4.1.3 Amount: 500 acre feet per year, conditional, first fill and 500 acre feet per year, conditional, refill. 4.1.4 Diversion Structure: Water will be diverted from the South Platte River and delivered to Stagecoach Reservoir via a surface water pump system located in Adams County on the East bank of the South Platte River in the Southeast 1/4 of the Southwest 1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M. at a point 1,680 feet from the West Section line and 1,190 feet from the South Section line. See **Exhibit C**. 4.1.5 Uses: PSCo seeks to use the Stagecoach Reservoir Storage Right for industrial and associated domestic and irrigation use and reuse to extinction at RMEC, FSV and any other power generation facility owned or operated by PSCo and located in the South Platte Basin; as a source of replacement water in the augmentation plan described herein and any future plan for augmentation decreed to PSCo; as a source of supply in in any future exchange on the South Platte River decreed to PSCo; as a source of supply to meet historical return flow obligations owed to the South Platte River for PSCo’s existing, pending and future changed water rights. PSCo claims the right to use, reuse and successively use and dispose of, by sale, exchange, augmentation, evaporation, or otherwise to extinction all water lawfully stored in Stagecoach Reservoir. 4.1.6 Appropriation Date: December 31, 2024, based on the date this application was filed. 4.1.7 Name & Address of Owner of Property of Stagecoach Reservoir and Diversion Structure: AR & MJ Frei Limited Partnership, 35715 Hwy 40, Bldg B, Ste 120, Evergreen CO 80439. **THIRD CLAIM FOR RELIEF (APPROPRIATION OF CONDITIONAL RIGHT OF SUBSTITUTION AND EXCHANGE)** 5 Description of PSCo 2024 South Platte River (SPR) Exchange 5.1 Exchange-From Points: 5.1.1 Confluence of South Platte River & St. Vrain Creek: The confluence is located in Weld County in the Northeast 1/4 of Section 34, Township 4 North, Range 67 West of the 6th P.M. See **Exhibit D**. 5.1.2 Jay Thomas Diversion Dam: The Jay Thomas Ditch diversion dam is located on the west bank of the South Platte River in Weld County in the Northwest 1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M. See **Exhibit D**. Water is physically returned to the South Platte River approximately 30 feet downstream of the dam. 5.2 Exchange-To Point: 5.2.1 Stagecoach Reservoir Diversion Structure: See ¶ 4.1.4 for description of location. 5.3 Rate of 2024 SPR Exchange: 20 cfs 5.4 Date of Appropriation: December 31, 2024, based on the date PSCo’s application was filed. 5.5 Uses: Substitute supplies exchanged to Stagecoach Reservoir may be stored and, after release from storage, used for those uses described in ¶ 4.1.5. 5.6 Sources of Substitute Supply for 2024 SPR Exchange: 5.6.1 New Thomas Reservoir Rights: All of PSCo’s New Thomas Reservoir Rights are fully consumable. New Thomas Reservoir is located in Sections 13 and 14, Township 3 North, Range 68 West. See **Exhibit D**. Releases from New Thomas Reservoir enter St. Vrain Creek at stream mile 4.3 via Elliot Gulch and will be exchanged from the Exchange-From Point described in ¶ 5.1.1. 5.6.1.1 Junior Right: Decreed in Case No. 81CW218 5.6.1.2 Senior Rights: PSCo owns the historic consumptive use from the following water rights that were previously changed and quantified in Case Nos. W-8577 through W-8581, totaling 937 acre feet per year: 5.6.1.2.1 Divide Reservoir 5.6.1.2.2 Divide Refill 5.6.1.2.3 Baxter Lake 5.6.1.2.4 Bellmire Reservoir 5.6.1.2.5 Thomas Reservoir 5.6.1.2.6 Thomas Enlargement 5.6.1.2.7 Marie Reservoir 5.6.2 Longmont Contract Water: Longmont delivers fully consumable water to PSCo on St. Vrain Creek pursuant to existing agreements. Longmont Contract Water will be exchanged from the Exchange-From Point described in ¶ 5.1.1. 5.6.3 Jay Thomas Ditch: PSCo’s Jay Thomas Ditch water right was previously changed and in Case No. 02CW154(B). The consumptive use credit of the Jay Thomas Ditch right will be exchanged from the Exchange-From Point described in ¶ 5.1.2. 5.6.4 Hewes & Cook Rights: PSCo’s

interest in the Hewes & Cook 1866 and 1871 priorities was previously changed and quantified in Case No. 02CW154(B). The consumptive use credit of PSCo's interest in the Hewes & Cook rights will be exchanged from the Exchange-From Point described in ¶ 5.1.2. 5.6.5 Beeman Ditch Right: PSCo's interest in the Beeman Ditch 1877 Priority was previously changed and quantified in Case No. 02CW154(A). The consumptive use credit of PSCo's Beeman Ditch 1877 Priority attributable to the 18.5 shares changed in Case No. 02CW154(A) will be exchanged from the Exchange-From Point described in ¶ 5.1.1. **FOURTH CLAIM FOR RELIEF (CHANGE OF PREVIOUSLY CHANGED WATER RIGHTS)** 6 Description of Previously Changed Water Rights Being Changed for Additional Uses. 6.1 Pursuant to Colo. Rev. Stat. Ann. § 37-92-305(3)(e), PSCo seeks to change the previously changed and quantified consumptive use credits of the water rights described below (the "Previously Changed Rights") to add new types and places of use and to add additional sources of water that can be used to replace return flow obligations association with the Previously Changed Rights. 6.1.1 Beeman Ditch -1877 Priority: In Case No. 02CW154(A), PSCo changed its interest in the water rights associated with PSCo's ownership of 18.5 shares in the Beeman Ditch Company from irrigation use to use for all industrial purposes associated with PSCo's Fort St. Vrain and Cherokee Stations, including without limitation, replacement of evaporative losses, augmentation in the 02CW154(A) augmentation plan, use as a substitute supply for the exchange decreed in Case No. 02CW116, and reuse and successive use to extinction. Of the water rights changed in 02CW154(A), only the Beeman Ditch 1877 Priority water is the subject of the additional changes sought in this application. 6.1.2 Jay Thomas Ditch Water Right: In Case No. 02CW154(B), PSCo changed the Jay Thomas Ditch water right from irrigation to use for all industrial and augmentation purposes associated with PSCo's Fort St. Vrain and Cherokee Stations, including, without limitation, replacement of evaporative losses, use as a source of substitute supply for the 02CW154(B) augmentation plan, and use as a source of substitute supply for the exchange decreed in 02CW116. 6.1.3 Hewes & Cook Priorities: In Case 02CW154(B), PSCo changed its interest in the Hewes & Cook Priority 13 and Priority 23 water rights from irrigation to use for all industrial and augmentation purposes associated with PSCo's Fort St. Vrain and Cherokee Stations, including, without limitation, replacement of evaporative losses, use as a source of substitute supply for the 02CW154(B) augmentation plan, and use as a source of substitute supply for the exchange decreed in 02CW116. PSCo also changed the point of diversion of the Hewes & Cook Priorities from the Western Mutual Ditch headgate to the Jay Thomas Diversion Dam. 6.1.4 Gardeners Ditch Water Right: In Case No. 02CW55, PSCo changed the Gardeners Ditch water right from irrigation to use for all industrial purposes at the Cherokee Station, including, without limitation, reuse and successive use, storage, replacement of evaporative losses, exchange and augmentation. PSCo also corrected the decreed point of diversion to reflect the actual point of diversion. 6.2 Additional Sources of Replacement Water to Meet Return Flow Obligations: The decrees for the Previously Changed Rights require PSCo to meet historical return flow obligations in time, place, and amount as more fully described in the 02CW154(A), 02CW154(B) and 02CW55 decrees. PSCo seeks to add the following water rights as sources available to meet its return flow obligations for the Previously Changed Rights: 6.2.1 Stagecoach Reservoir Storage Right: Described in Section 4, above. 6.2.2 Cherokee Pump Station Right: Described in Section 7, below. 6.2.3 Any future acquired sources that are decreed for augmentation, replacement or substitution purposes. 6.3 Additional Uses: To the extent the Previously Changed Rights are not already decreed for such purposes, PSCo seeks to add the following as permissible uses of the Previously Changed Rights. 6.3.1 All industrial and related domestic and irrigation uses associated with power generation facilities owned or operated by PSCo in the South Platte River Basin, including reuse and successive use to extinction. 6.3.2 Storage in Stagecoach Reservoir and any existing or future storage facility in which PSCo is legally permitted to store water for subsequent delivery to be used as a source of augmentation, replacement, substitute supply, or for direct use for all industrial purposes, as described in ¶ 6.3.1, above. 6.3.3 Replacement supplies in the augmentation plan sought herein and any future augmentation plan decreed to PSCo on the South Platte River or its tributaries. 6.3.4 Substitute source of supply in the 2024 SPR Exchange sought herein and any future appropriative right of exchange decreed to PSCo on the South Platte River or its tributaries. 6.3.5 Replacement of return flow obligations associated with the Previously Changed Rights, the Cherokee Pump Station Right and any other water rights on the South Platte River or its tributaries changed by PSCo in the

future. FIFTH CLAIM FOR RELIEF (CHANGE OF CHEROKEE PUMP STATION WATER RIGHT) 7 Description of Water Right Being Changed 7.1 Cherokee Pump Station: This water right was originally decreed in Case No. 97CW382. PSCo added the Gardeners Ditch headgate as an additional point of diversion in Case No. 02CW55. In Case No. 13CW3105, 14.3 cfs of the Cherokee Pump Station Right was made absolute at the Gardeners Ditch point of diversion. On August 8, 2022, the Division 1 Water Court entered an order canceling the remaining, conditional 5.7 cfs portion of the water right at the Gardeners Ditch and the full 20 cfs at two previously decreed alternate points of diversion. 7.2 Location of Point of Diversion: The Gardeners Ditch Diversion Dam, at a point in the Northeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 11, Township 3 South, Range 68 West of the 6th P.M., approximately 4,220 feet from the North Section line and 150 feet from the East Section line, Adams County, Colorado. See **Exhibit E**. 7.3 Source: South Platte River 7.4 Amount: 14.3 cfs, absolute 7.5 Uses: All industrial uses associated with the generation of electrical energy at the Cherokee Station, including, without limitation, industrial cooling, storage, evaporation replacement, dust suppression, irrigation of lawns, trees and gardens adjacent to the power generating station, sanitary and fire protection purposes and the right to reuse to extinction within the station. 7.6 Appropriation Date: November 18, 1997. 7.7 Change of Use Claims: A summary of diversion records for the Cherokee Pump Station is attached as **Exhibit F**. PSCo seeks to change the Cherokee Pump Station water right as follows: 7.7.1 A change in the place of use to include all power generation facilities owned or operated by PSCo in the South Platte River Basin. 7.7.2 A change to allow diversion and storage in Stagecoach Reservoir at the location described in ¶ 4.1 above, and any existing or future storage facility in which PSCo is legally permitted to store water for subsequent delivery to be used as a source of augmentation, replacement, substitute supply, or for direct use for all industrial purposes, as described in ¶ 6.3.1, above. 7.7.3 A change to include use of the Cherokee Pump Station as a replacement supply in the augmentation plan sought herein and any future augmentation plan decreed to PSCo on the South Platte River or its tributaries. 7.7.4 A change to include use of the Cherokee Pump Station as a substitute source of supply for any future appropriative right of exchange decreed to PSCo on the South Platte River or its tributaries. 7.7.5 A change to include replacement of return flow obligations associated with changes of PSCo water rights on the South Platte River or its tributaries. SIXTH CLAIM FOR RELIEF (CHANGE OF 02CW116 EXCHANGE TO ADD EXCHANGE-TO-POINTS) 8 Description of Changes of 02CW116 Exchange. 8.1 Summary of Exchange: This exchange was originally decreed in Case No. 02CW116 and allows PSCo to exchange fully consumable water from the confluence of the South Platte River and St. Vrain Creek to the Gardeners Ditch headgate, the Cherokee Exchange Pipeline and the Fisher Ditch headgate on Clear Creek. 8.2 Exchange-From Points: 8.2.1 Confluence of St. Vrain Creek and the South Platte River: See the description in ¶ 5.1.1. 8.2.2 Jay Thomas Ditch Diversion Dam: See the description in ¶ 5.1.2. 8.3. Exchange-To Points: 8.3.1 Gardeners Ditch Diversion Dam: See the description in ¶ 7.2. 8.3.2. Cherokee Exchange Pipeline: The Cherokee Exchange Pipeline is a point of diversion on the west bank of the South Platte River, in Section 1, Township 3 South, Range 68 West of the 6th P.M., at a point approximately 1,600 feet east of the West section line and 10 feet north of the South section line. 8.3.3 Fisher Ditch Headgate: Located on the south bank of Clear Creek in the Northwest 1/4 of Section 17, Township 3 South, Range 68 West of the 6th P.M., Adams County, at a point that is approximately 60 feet east and 200 feet south of the Northwest corner of said Section 17, and for which the decreed point of diversion is in the Southwest 1/4 of Section 8, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. 8.4 Sources of Substitute Supply: The sources of substitute supply are the same as those described in ¶ 5.6, above, with the addition of the PSCo's interest in the Lupton Bottom Ditch Priority No. 5 and No. 31 and the Elwood Ditch water right, as described in 02CW116. 8.5 Rate of Exchange: 20 cfs, cumulative for all Exchange-To Points. Pursuant to the decree entered in Division 1 Case No. 22CW3008, the exchange has been made absolute and is limited to 20 cfs at the Fisher Ditch headgate; and 7.0 cfs at the Gardeners Ditch headgate. 8.6 Appropriation Date: April 23, 2002 for exchange of Longmont Contract water and New Thomas Reservoir water; August 31, 2004 for exchange of the Jay Thomas, Hewes & Cook, Beeman and Lupton Bottom sources. 8.7 Use: All industrial uses associated with generation of electrical energy at the Cherokee Station, including, without limitation, industrial cooling, dust suppression, irrigation of lawns, trees, and gardens adjacent to Cherokee Station, domestic and sanitary

purposes and fire protection. 8.8 Change of Use Claims: PSCo seeks to change the 02CW116 Exchange as follows: 8.8.1 Add Additional Exchange-To Point: PSCo seeks to add a new Exchange-To Point at the Stagecoach Reservoir Diversion Structure, described in ¶ 4.1.4. This additional Exchange-To Point is within the original exchange reach appropriated in the 02CW116 Exchange. 8.8.2 Add Additional Places of Use: PSCo seeks to allow exchanged water to be used at all power generation facilities owned or operated by PSCo in the South Platte River Basin. SEVENTH CLAIM (PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT) 9 Description of Plan for Augmentation Including Water Exchange Project 9.1 Names of Structures to be Augmented: The following structures will be augmented under this plan for augmentation: 9.1.1 RMEC Well 4S described in ¶ 3.1. 9.1.2 RMEC Well 3S described in ¶ 3.2. 9.1.3 RMEC Well 2S described in ¶ 3.3. 9.1.4 RMEC Well 1S described in ¶ 3.4. 9.1.5 RMEC Well 5N described in ¶ 3.5. 9.1.6 RMEC Well 6N described in ¶ 3.6. 9.1.7 PSCo Horizontal Well described in ¶ 3.7. 9.1.8 Stagecoach Reservoir described in ¶ 4. 9.2 Locations of Wells. PSCo reserves the right to provide a more specific location of the structure identified in ¶ 9.1.7 without amendment or republication of the Application as long as the structure is located within the area described in ¶ 3.7 and is constructed as a horizontal well. 9.3 Replacement Supplies to be Used for Augmentation. The following sources will be used to augment out-of-priority depletions from the Well Field structures described above: 9.3.1 Stagecoach Reservoir Storage Right described in ¶ 4, above. 9.3.2 New Thomas Reservoir Rights described in ¶ 5.6.1, above. 9.3.3 Longmont Contract Water described in ¶ 5.6.2, above. 9.3.4 PSCo's Previously Changed Rights described in ¶ 6.1, above. 9.3.5 Cherokee Pump Station described in ¶ 7, above. 9.3.6 The Previously Changed Fisher Ditch Rights subject to the pending application in Case No. 24CW3058, which were previously changed in the decrees entered in Case Nos. 91CW5, 95CW156, and 02CW54. 9.3.7 Aurora Contract Water. PSCo has an agreement with the City of Aurora to lease fully consumable water and deliver it to the Well Field. 9.3.8 Additional Sources. PSCo intends to include procedures in the decree to add leased, purchased or other additional replacement supplies that PSCo has a right to use pursuant to C.R.S. § 37-92-305(8). 9.4 Statement of Plan for Augmentation. Diversions from the wells listed in ¶ 9.1 cause depletions to the South Platte River. The lagged effects of groundwater diversions from the wells will be calculated using Unit Response Functions (URFs) using the Glover method or other appropriate methodology. Any depletions caused by the wells that are out of priority will be replaced in time, location and amount by the replacement supplies listed in ¶ 9.3 to prevent injury to other water rights. The replacement supplies listed in ¶¶ 9.3.2 through 9.3.4 will be used pursuant to the water exchange project described below. All water pumped by the wells shall be considered to be 100% consumed, so there will be no return flows to offset such pumping. PSCo will also augment any out of priority inflows captured in Stagecoach Reservoir that are not released. All wells will be metered, and all structures will have adequate measuring devices to track diversions and releases. PSCo will develop and maintain accounting and reporting as required by the Division Engineer. Transit losses will be assessed on the delivery of replacement supplies. 9.5 Description of Water Exchange Project. The water exchange project will operate as part of the plan for augmentation. PSCo will deliver water from the sources identified in ¶¶ 9.3.2 through 9.3.4, above, to the South Platte River in exchange for out-of-priority depletions attributable to the wells listed in Section 9.1 or Stagecoach Reservoir. A map of the exchange reach is shown on **Exhibit D**. 9.5.1 Exchange-From Points: The exchange-from points are described in Section 5.1, above. 9.5.2 Exchange-to Points: 9.5.2.1 RMEC Well Field Point of Depletion: The proposed administrative point of depletion for the RMEC Well Field is located in Weld County at the Northeast 1/4 of the Southwest 1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M. See **Exhibit B**. 9.5.2.2 Stagecoach Reservoir Diversion Structure described in ¶ 4.1.4. 9.5.3 Sources of Substitute Supply: Those supplies listed in ¶¶ 9.3.2 through 9.3.4, above. 9.5.4 Exchange Rate: 20 cfs 9.5.5 Date of Appropriation: December 31, 2024 based on the date this application was filed. 9.5.6 Uses: replacement of out of priority depletions attributable to PSCo's wells listed in Section 9.1, above and Stagecoach Reservoir. 10 Name and Address of Owners of Land on Which Structures are Located. 10.1 RMEC Wells 4S-1S and 5N and 6N: Tricycle Lane Texas, LLC, 10100 Dallas St., Henderson, CO 80640-8491. PSCo has an existing easement for said wells and associated infrastructure. 10.2 PSCo Horizontal Well: The beginning and end points of the PSCo Horizontal Well will be located on land owned by Tricycle Lane Texas, LLC, 10100 Dallas St., Henderson, CO 80640-8491 and

the City of Aurora, 15151 E. Alameda Pkwy #3600, Aurora, CO 80012-1555. 10.3 Stagecoach Reservoir and Diversion Structure is located on land owned by AR & MJ Frei Limited Partnership, 35715 Hwy 40, Bldg B, Ste 120, Evergreen CO 80439. 10.4 Jay Thomas Ditch Diversion Dam, Gardeners Ditch Diversion Dam, Cherokee Pump Station, and Cherokee Exchange Pipeline are all located on land owned by PSCo. WHEREFORE, PSCo requests that the Court enter a decree granting the requested appropriation of new groundwater rights and Stagecoach Reservoir Storage Right, appropriation of 2024 PSCo SPR Exchange, change of Previously Changed Rights, change of Cherokee Pump Station Right, change of the 02CW116 Exchange and augmentation plan including exchange project described in this application.

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 **FEBRUARY 2025** (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.