

**DISTRICT COURT, WATER DIVISION 1, COLORADO  
FEBRUARY 2022 WATER RESUME PUBLICATION**

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications and certain amendments filed in the Office of the Water Clerk during the month of **FEBRUARY 2022** for each County affected.

**22CW3011 ARAPAHOE COUNTY – ARAPAHOE AQUIFER. IRMA ARACELY SIERRA AND ALFONSO SIERRA BARRON**, c/o Kevin L. Patrick, Esq. and John M. Sittler, Esq., Patrick, Miller & Noto, P.C., 229 Midland Ave, Basalt, CO 81621, (970) 920-1030. **APPLICATION FOR CHANGE OF WATER RIGHT IN ARAPAHOE COUNTY**. Structure name: FHWSW Well A-1. Original decree: Case No. 81CW410, Division 1 Water Court. Legal: A point in the SE 1/4 NW 1/4 of Section 4, T4S, R64W, 6TH P.M., which is 2600 feet from the north line and 2580 feet from the west line of said section. A map is on file with the court as Exhibit A. Source: Lower Arapahoe Formation non-tributary groundwater. Appropriation date: November 5, 1981. Amount: 185 acre-feet, annually. Pumping rate: 0.49 c.f.s. (220 g.p.m.). Depth: 1,200 feet. The Lower Arapahoe Formation in this area has been decreed to be located between 1,041 and 1,270 feet. Uses: Domestic, commercial, industrial, irrigation, and all municipal purposes. The subject well will be used to supply water for domestic and irrigation purposes. The water to be produced has been decreed for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for replacement of depletions resulting from other use of water from other sources, and for augmentation purposes. Amount of water Applicants intend to change: 2.0 acre-feet, annually, owned by Applicants. Detailed description of proposed change: Background: Applicants own property at 37037 E 12TH Place, Watkins, CO 80137, further described as Parcel 15, Watkins Ranch Subdivision. Applicants currently supply domestic water to their property via a domestic exempt well, permitted as State Engineer’s Office Well Permit No. 234054. Applicants plan to subdivide their property. That well will remain exempt after subdivision under C.R.S. § 37-92-602(3)(b)(IV) and will continue to serve the existing home. The Case No. 81CW410 Decree determined, using the criteria set forth in C.R.S. § 37-90-137(4), that 185 acre-feet of non-tributary groundwater from the Arapahoe Formation is available for appropriation under 622 acres, located in Section 4, T4S, R64W, 6TH P.M. Those lands were subdivided and a corresponding allotment in the 81CW410 non-tributary groundwater decreed to the FHWSW Well A-1 was conveyed with the parcels. Applicants own 45 of the original 622 acres and 2.0 acre-feet per year of the non-tributary groundwater decreed to the FHWSW Well A-1. Applicants will use this water to provide water supply to the newly created residential parcel. Therefore, Applicant’s request a change in point of diversion for their 2.0 acre-feet interest in the FHWSW Well A-1 Arapahoe Formation water rights. Proposed change: Point of diversion: Applicants propose to change the decreed point of diversion for their interest in the FHWSW Well A-1 to their property (“Sierra POD”). The Sierra POD will be located in the NW 1/4 NE 1/4 of Section 4, Township 4 South, Range 64 West of the 6TH P.M., at a point approximately 981 feet from the north section line and 2,593 feet from the east section line (Arapahoe County). UTM NAD 83 Z13: Northing – 4398589, Easting – 538138. A map is on file with the court as Exhibit A. Amount: This change will only apply to Applicants’ 2.0 acre-feet per year. The original 622 acres was subdivided into 17 separate lots. Therefore, Applicants request a pumping rate of 12.94 g.p.m. for the Sierra POD. This amount is 1/17 the decreed pumping rate. Use: Applicants do not request a change in type of place of use. Applicants will divert their 2.0 acre-feet per year at a new well to be drilled on and serve Applicants’ property. Land ownership: The original point of diversion for the FHWSW Well A-1 is located on land owned by the David J. Tiedeman Trust and the Angela L. Tiedeman Trust, an adjacent lot. Applicants own the land upon which the Sierra POD will be located and where the changed water will be put to beneficial use. Remark: Applicant will obtain a new well permit for their interest in the FHWSW Well A-1 after entry of a final decree in this case.

**22CW3012 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND PLAN FOR AUGMENTATION IN DOUGLAS COUNTY**. I. Name and Address of APPLICANT: WINDSWEPT HILLS LLLP, C/O: John and Alyssa Kopenhafer, 8800 E Greenland Rd., Franktown, CO

80116. Name and Address of Attorneys: Chris D. Cummins, #35154, Emilie B. Polley, #51296, MONSON, CUMMINS, SHOHET & FARR, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212, E-mail: [cdc@cowaterlaw.com](mailto:cdc@cowaterlaw.com); [ebp@cowaterlaw.com](mailto:ebp@cowaterlaw.com). **II. Summary of Application.** Windswept Hills LLLP (“Applicant”) seeks to quantify the Denver Basin groundwater underlying its approximately 338-acre property in Douglas County, Colorado and approval of a plan for augmentation for depletions associated with pumping of the Denver Basin groundwater underlying Applicant’s property, as well as for the augmentation of evaporative depletions that may be associated with existing ponds on Applicant’s property. **III. Application for Underground Water Rights.** **A. Legal Description of Wells.** 1. Property Description. The Applicant’s approximately 338-acre property (“Applicant’s Property”) has current schedule number 2773-010-00-008 and is located at 8800 E Greenland Rd, Franktown, CO 80116, in Douglas County, Colorado, and is more specifically depicted on the attached **Exhibit A** map. 2. Existing Wells. There are four existing wells on the Property described as follows: i. Windswept Hills Well No. 1. There is an existing exempt domestic well upon Applicant’s Property with Division of Water Resources Permit No. 136507, attached as **Exhibit B**. The Windswept Hills Well No. 1 is located in the SW 1/4 SE 1/4 of Section 1, Township 10 South, Range 66 West of the 6th P.M., approximately 1150 feet from the South section line, and 1950 feet from the East section line, and was completed to the not-nontributary Dawson aquifer on January 15, 1985 to a total depth of 362 feet. Applicant will re-permit the well for non-exempt uses upon entry of a decree approving the plan for augmentation requested herein. ii. Windswept Hills Well No. 2. There is a second existing exempt domestic well upon Applicant’s Property with Division of Water Resources Permit No. Well with Permit No. 135932, attached as **Exhibit C**. The Windswept Hills Well No. 2 is drilled to a total depth of approximately 203 feet into the not-nontributary Dawson aquifer. The well permit states that it is located in the SW 1/4 SW 1/4 of Section 6, Township 10 South, Range 65 West of the 6th P.M., approximately 630 feet from the South section line, and 425 feet from the East section line. The Windswept Hills No. 2 location is incorrectly described in the well permit and is actually located 1,047.77 feet from the South section line, and 1 foot from the west section line. The well location in the well permit will be corrected to the actual location upon approval of the plan for augmentation. The Windswept Hills Well No. 2 is permitted as exempt domestic well pursuant to C.R.S. §37-92-602 et seq., and Applicant intends to maintain such exempt status following entry of a decree herein. iii. Windswept Hills Well No. 3. The Windswept Hills Well No. 3, with Division of Water Resources Permit No. 325478, is constructed to the not-nontributary Dawson aquifer. The well permit is attached as **Exhibit D**. It is located in the SE 1/4 SE 1/4 of Section 1, Township 10 South, Range 66 West of the 6th P.M., approximately 1,214 feet from the South section line, and 1,261 feet from the East section line. Applicant will re-permit the well for non-exempt uses upon entry of a decree approving the plan for augmentation requested herein. iv. Windswept Hills Well No. 4. The Windswept Hills Well No. 4 is completed to the not-nontributary Dawson aquifer and is permitted as Division of Water Resources Permit No. 325479, attached as **Exhibit E**. It is located in the NE 1/4 SE 1/4 of Section 1, Township 10 South, Range 66 West of the 6th P.M., approximately 1,338 feet from the South section line, and 1,094 feet from the East section line. The Windswept Hills Well No. 4 is permitted as exempt domestic well pursuant to C.R.S. §37-92-602 et seq., and Applicant intends to maintain such exempt status following entry of a decree herein. **B. Water Source.** 1. Not-Nontributary. The ground water to be withdrawn from the Upper Dawson aquifer underlying the Applicant’s Property is not-nontributary. Pursuant to C.R.S. §37-90-137(9)(c.5), the augmentation requirements for wells in the Upper Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary. The groundwater that will be withdrawn from the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. **C. Estimated Rates of Withdrawal and Ground Water Available.** 1. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver

Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

<b>Groundwater Quantification</b>			
Acres: 338			
<b>Denver Basin Aquifer</b>	<b>Net Sand (ft)</b>	<b>Total (AF)</b>	<b>100 Year (AF)</b>
Upper Dawson (NNT)	268.10	17655.87 <sup>1</sup>	176.56 <sup>2</sup>
Lower Dawson (NT)	158.80	10724.40	107.244
Denver (NT)	304.60	17485.23	174.852
Upper Arapahoe (NT)	342.40	19655.10	196.551
Laramie Fox Hills (NT)	191.20	9684.38	96.844

Decreed amounts may vary based upon the State's Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. D. Requested Uses. The Applicant requests the right to use the ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, greenhouse, barn, stock water, agriculture, recreation, hot tub/swimming pool, wildlife, piscatorial, wetlands, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct a well or use water from the not-nontributary Upper Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Fields. Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. F. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. G. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells are and will be located is owned by the Applicant. IV. Application for Approval of Plan for Augmentation. A. Structures to be Augmented. The structures to be augmented are the Windswept Wells Nos. 1 and 3 as are currently constructed to the not-nontributary Upper Dawson aquifer underlying the Applicant's Property, along with any replacement or additional wells associated therewith, an existing pond

<sup>1</sup> The total estimated amount of 18,105.87 has been reduced by 450 acre-feet to account for the annual pumping of 2.5 acre-feet from the Windswept Hills Well No. 2 and 2.0 acre-feet from the Windswept Hills Well No. 4.

<sup>2</sup> 181.059 The annual estimated amount of 181.06, based on a 100-year aquifer life, has been reduced by 4.5 annual acre-feet to account for pumping from the Windswept Hills Wells Nos. 2 and 4.

with sump permit no. 2708-F, attached as **Exhibit F**, and two existing ponds on the Applicant's Property previously adjudicated in Case No. W-6701 by Water Court, Division 1, attached as **Exhibit G** (collectively, "Windswept Hills Ponds"). The Windswept Hills Ponds are more particularly described as follows: 1. Fish Pond. i. *Legal Description*: SW 1/4 NE 1/4 of Section 12, Township 10 South, Range 66 West of the 6th P.M., approximately 2,025.18 feet from the East section line, and 1,635.35 feet from the North section line. ii. *Source*: Exposed groundwater. iii. *Surface Area*: 0.52 acres. iv. *Date of Appropriation*: October 10, 1959. v. *Date and Original Permit No.*: Permit No. 19748 was issued on April 30, 1960, and the enlargement replacement permit was issued on August 16, 1960 as Sump Permit No. 2708-F for irrigation purposes. vi. *Uses*: Irrigation, stockwatering, piscatorial, firefighting, and recreation. 2. Spring Pond No. 1. i. *Legal Description*: The Spring Pond No. 1 is located in the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 12, Township 10 South, Range 66 West of the 6th P.M., approximately 1,666.52 feet from the East section line, and 799.68 feet from the North section line. ii. *Source*: Exposed groundwater. iii. *Surface Area*: 0.20 acres. iv. *Date and Case No. of Original Decree*: March 31, 1977, Case No. W-6701, Water Court, Division 1, for the irrigation of 10 acres. v. *Date of Appropriation*: December 31, 1955. vi. *Uses*: Irrigation, stockwatering, piscatorial, firefighting, and recreation. vii. *Comments*: This pond was originally adjudicated as Welley Sump No. 2 in Case No. W-6701. The Spring Pond No. 1 will be re-permitted upon entry of a decree approving the plan for augmentation requested herein. 3. Southern Pond. i. *Legal Description*: The Southern Pond is located in the SE 1/4 NW 1/4 of Section 12, Township 10 South, Range 66 West of the 6th P.M., approximately 1,399.25 feet from the West section line, and 2,640.88 feet from the North section line. ii. *Source*: Exposed groundwater. iii. *Surface Area*: 0.13 acres. iv. *Date and Case No. of Original Decree*: March 31, 1977, Case No. W-6701, Water Court, Division 1, for the irrigation of 10 acres. v. *Date of Appropriation*: December 31, 1955. vi. *Uses*: Irrigation, stockwatering, piscatorial, firefighting, recreation. vii. *Comments*: This pond was originally adjudicated as Welley Sump No. 3. in Case No. W-6701. The Southern Pond will be re-permitted upon entry of a decree approving the plan for augmentation requested herein. B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping of the Windswept Hills Wells Nos. 1 and 3 and evaporative depletions of the Windswept Hills Ponds, are the return flows resulting from the pumping of the not-nontributary Upper Dawson aquifer Windswept Wells Nos. 1 and 3, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation to replace any injurious out-of-priority depletions which may result from Applicant's withdrawal of not-nontributary ground water within the Upper Dawson aquifer by the Windswept Hills Wells Nos. 1 and 3, described in paragraphs IV.A.2.i. and IV.A.2.iii, as well as the evaporative depletions associated with the Windswept Hills Ponds, described in paragraph IV.A., above, and as depicted on the **Exhibit A** map. D. Augmentation of Not-Nontributary Groundwater. 1. Use. The Windswept Hills Wells Nos. 1 and 3 will pump a combined maximum total of 3.7 acre-feet of water from the Dawson aquifer annually. Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, barn use, and the watering of horses, cattle, or equivalent livestock. An example breakdown of this combination of use is household use at 0.50 acre-feet, barn use at 0.20 acre-feet, plus outdoor use including the watering of up to 70 cattle or equivalent livestock with a water use of 0.80 acre-feet per year (10 gallons/day/head or 0.011 annual acre feet per head); irrigation of greenhouse, lawn, and garden of 0.20 acre-feet per year (0.05 annual acre feet per 1000 sq. ft.), and replacement of pond evaporative depletions at 2.0 acre-feet annually, as more particularly described in paragraph IV.E. 2. Depletions. It is estimated that maximum stream depletions over the 100-year pumping period for the Dawson aquifer amounts to approximately 12.15% percent of pumping. Maximum annual depletions for total pumping from the wells are therefore 0.44 acre-feet, in year 100. Should Applicant's pumping be less than the 3.7 acre-feet described herein, resulting depletions will be correspondingly reduced. 3. Augmentation of Depletions During Pumping. Pursuant to C.R.S. §37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of augmented wells to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems, and depletions from irrigation will be adequately replaced by irrigation return flows. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At

a household use rate of 0.25 acre-feet per residence per year, total of 0.50 acre-feet, 0.45 acre-feet is replaced to the stream system per year, assuming the use of two non-evaporative septic systems. Thus, during pumping, stream depletions will be more than adequately augmented. 4. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Windswept Hills Wells Nos. 1 and 3, Applicant will reserve water from the nontributary Laramie-Fox Hills aquifer, less the amount of actual stream depletions replaced during the plan pumping period. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive new well permits for the Windswept Hills Wells No. 1 and 3, for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137, with the Windswept Hills Wells Nos. 2 and 4 retaining their exempt well status. E. Augmentation of Evaporative Depletions. Applicant seeks approval of a plan for augmentation for replacement of any out-of-priority evaporative depletions which may result from the Windswept Hills Ponds, more specifically described in section IV.A, above. 1. Pond Evaporation: Applicant's consultant has determined the net evaporative depletions based on the application of local climate data to the standards of the State Engineer's Office for the determination of pond evaporation. Based thereon, the net evaporation from the combined maximum surface areas of the Fish Pond, Spring Pond No. 1, and the Southern Pond, being approximately 0.85 surface acres, is determined to be approximately 41 inches. The Windswept Hills Ponds therefore have associated evaporative depletions of approximately 2.0 annual acre-feet annually, in combination. 2. Augmentation for Replacement of Evaporative Depletions. The 2.0 annual acre-feet of evaporative depletions from the Windswept Hills Ponds will be replaced by monthly pumping from the Windswept Hills Wells Nos. 1 and 3, while depletions related to monthly pumping will be replaced by residential return flows from non-evaporative septic systems. In order to replace the evaporation amounts, Applicant will pump a combined total of 2.0 acre-feet per year from the Windswept Hills Wells Nos. 1 and 3, less Excess Return Flows, and pipe that replacement water on a monthly basis to a single point on West Cherry Creek on Applicant's Property to replace evaporative depletions. To the extent necessary, Applicant may make additional Windswept Hills Wells Nos. 1 and 3 diversions for replacement purposes for the Windswept Hills Ponds or otherwise, with those diversions being replaced by pumping 112.15% of any additional replacement water needed in order to meet the 12.15% percent replacement requirement, and so long as diversions do not exceed the rate of maximum residential return flows. V. Remarks. A. Applicant requests a finding that it has complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). B. The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. C. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. D. The Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. E. The wells shall be metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. F. Monthly accountings will be provided detailing plan operations and compliance, including (i) evaporation from the Windswept Hills Ponds, (ii) Windswept Hills Wells domestic diversions, (iii) septic system return flows as replacement water, (iv) 12.15 percent replacement obligations for the Windswept

Hills Wells, (v) excess septic return flows exceeding 12.15 percent replacement requirements for the Windswept Hills Wells, (vi) Windswept Hills Wells diversions for replacement water to the ponds, and (vii) balancing showing all replacement requirements have been met. G. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. H. Applicant will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

**22CW3013 CASE WITHDRAWN – CASE TO BE FILED IN DIVISION 2 AND RESUME TO BE PUBLISHED IN DIVISION 2.**

**22CW3014 (83CW002, 88CW191, 95CW105, 02CW21, 08CW281 and 15CW3043), APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE OF THE WILL-O-WISP METROPOLITAN DISTRICT IN PARK COUNTY.** 1. Name and address of Applicant: **WILL-O-WISP METROPOLITAN DISTRICT** (“Will-O-Wisp” or the “District”), 956 Wisp Creek Drive, Bailey, Colorado 80421. All correspondence and pleadings should be sent to both counsel for the Applicant: Lee H. Johnson, Katrina B. Fiscella, and Sarah B. Wiedemann, Carlson, Hammond & Paddock, LLC, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203; and Anita L. Marchant, Coaty Marchant Woods, P.C., 1202 Bergen Parkway, Suite 110, Evergreen, Colorado 80439. 2. Name of Structures: Glasman Ditch No. 2. 3. Description of conditional water right: A. Date of Original Decree: December 31, 1984, Case No. 83CW002, Water Court, Division 1, State of Colorado. B. Subsequent Diligence Decrees: May 31, 1989, Case No. 88CW191; February 13, 1996, Case No. 95CW105; December 11, 2002, Case No. 02CW21; April 23, 2009, Case No. 08CW281, February 24, 2016, Case No. 15CW3043, all Water Court, Division 1, State of Colorado. C. Location: In the NE 1/4 SW 1/4 Section 26, Township 6 South, Range 72 West of the 6th P.M., Park County. The decreed location of the headgate is further described as “at a point whence the W 1/4 Corner of Section 26 bears North 52° 44' West, 2030 feet.” D. Source: Elk Creek, a tributary to the North Fork of the South Platte River. E. Appropriation Date: August 31, 1981 for 0.70 c.f.s. F. Use: Domestic, commercial, irrigation, piscatorial, recreational and municipal. 4. Detailed outline of what has been done toward completion of the appropriation and application to a beneficial use. A. Will-O-Wisp operates an integrated Water Supply System under § 37-92-301(4)(b), C.R.S., including the Glasman Ditch No. 2 water right (the “Subject Water Right”). During the diligence period, Will-O-Wisp has continued the development of its Water Supply System. Activities have included obtaining annual approval of a substitute water supply plan covering evaporative depletions on certain ponds located within the District boundaries, operation of the District's existing augmentation plan, operation and maintenance of District water supply and wastewater treatment components, including a project to optimize total inorganic nitrogen removal consistent with a compliance schedule and site preparation for water storage tank expansion. Costs associated with these activities were incurred during the diligence period. B. During the diligence period, the District has continued efforts to complete its water supply for full buildout, including steps to complete the appropriation of the Subject Water Right. Due to circumstances beyond the District's control, (namely significant litigation involving parent company dissolution proceedings and a court-appointed receivership applicable to the largest landholder and land developer of property interests within the District boundaries), the funding sources for the District's water supply efforts have been significantly curtailed. Still, during the diligence period the District has continued to operate and improve its Water Supply System. To this end, the District entered into an agreement to provide wastewater treatment services to a neighboring development. Costs associated with these activities have been incurred during the diligence period. C. During the diligence period, the District has continued efforts on engineering design and review work on the pipeline and related components necessary to convey water to the District. These structures will be utilized in connection with diversions and beneficial use of the Glasman Ditch No. 2 water right. These efforts also included a review of the engineering design for treatment of diverted surface water to meet appropriate Safe Drinking Water Act standards. Costs associated with these activities have been incurred during the diligence period. D. As indicated above, the source of water for the Glasman Ditch No. 2 water right is from Elk Creek, a tributary to the North Fork of the South Platte River. The legal description of the

location of the Glasman Ditch No. 2 headgate pursuant to Case No. 83CW002 will be in the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 26, Township 6 South, Range 72 West of the 6th P.M., Park County. The District has previously obtained property interests associated with the construction and future operation of the Glasman Ditch No. 2 diversion structure to divert and pump water at a point on the south bank of Elk Creek in the NE 1/4 SW 1/4 Section 26, Township 6 South, Range 72 West of the 6th P.M., Park County. During the diligence period the District has preserved those property interests. The District provides the following coordinates to further identify the approximate location of the diversion structure utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83), Zone 13 North: (463700 E, 4371665 N). A map of the general location of the diversion point from Elk Creek is attached as Exhibit A. E. During the diligence period, the District has maintained its membership with the South Platte Water Related Activities Program, Inc. (SPWRAP), a Colorado nonprofit corporation established by Colorado water users for the purpose of representing water users' interests and partnering with the State of Colorado to implement the Platte River Recovery Implementation Program (PRRIP) in central Nebraska. SPWRAP's stated goals include assisting in the "recovery of species listed as threatened or endangered under the Endangered Species Act (ESA) through the development and operation of the Colorado Program component of the Platte River Recovery Implementation Program (PRRIP) in a manner that ensures the State of Colorado's compliance with PRRIP." This program potentially offers Colorado water users an option to address ESA issues on the Platte River related to the diversion and use of existing water rights and the development of new sources of water, including the Glasman Ditch No. 2 conditional water right. Membership expenses were incurred during the diligence period. 5. Water Applied to Beneficial Use: N/A 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The District holds recorded easements for the diversion facilities located on Elk Creek and pumping facilities adjacent to the same associated with the Glasman Ditch No. 2 water right. On information and belief, said easements are located on lands currently owned by John Boyle and Karen Lewis, 665 Meadow Drive, Pine, Colorado 80470, Mary and Douglas Windemuller, 350 Meadow Drive, P.O. Box 609, Pine, Colorado 80470 and Magness Land Holdings LLC, 4643 S. Ulster Street, #1400, Denver, Colorado 80237. The District will comply with any additional notice requirements contemplated under § 37-92-302(2)(b), C.R.S. WHEREFORE, Will-O-Wisp requests the Court to enter its decree and ruling as follows: To make a finding of reasonable diligence with respect to the conditional water right decreed for the Glasman Ditch No. 2 in Case No. 83CW002 and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence, or such other relief as the Court deems appropriate.

**22CW3015 BOULDER AND GILPIN COUNTIES - APPLICATION TO MAKE conditional water right ABSOLUTE OR FOR FINDING OF REASONABLE DILIGENCE - 1. Name, Address, Phone Number, and E-Mail Address of Applicant. ELDORA ENTERPRISES LLC ("Eldora"), c/o Brent Tregaskis, General Manager, 2861 Eldora Ski Road, Nederland, Colorado 80466; Phone: 303-416-8670; E-mail: btregaskis@eldora.com. Copies of all pleadings to: Richard A. Johnson, David F. Bower, Michael S. Davidson, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027. 2. Overview. Eldora operates Eldora Mountain Resort (the "Resort") on its fee property and adjacent Forest Service property, which is located primarily in the Middle Boulder Creek basin and partially in the South Boulder Creek basin west of the Town of Nederland. A general location map of the Resort and its water rights features is attached as Exhibit A. In Case No. 92CW153, Eldora was decreed a conditional storage right for Lake Eldora Reservoir. By this application, Eldora seeks to make the conditional storage right absolute or, in the alternative, for a finding of reasonable diligence. An engineering report supporting this application demonstrating that the Lake Eldora Reservoir storage right was filled in the amount claimed is attached as Exhibit B. 3. Description of Conditional Water Storage Right. (a) Name of Structure. Lake Eldora Reservoir. (b) Original and Relevant Subsequent Decrees. The decree for the Lake Eldora Reservoir conditional storage right was entered on June 14, 2000, in Case No. 92CW153, Water Division 1. The conditional water right was continued in its entirety by the decrees entered on December 31, 2008, in Case**

No. 06CW151, Water Division 1, and on February 3, 2016, in Case No. 14CW3159, Water Division 1. (c) Legal Description. The outlet dam for Lake Eldora Reservoir is in the NW1/4 of the NE1/4 of the NW1/4, Section 28, Township 1 South, Range 73 West of the 6th P.M. (d) Sources. (i) Surface flows tributary to Middle Boulder Creek. (ii) The Lake Eldora Seepage Sump, the beginning of which is located at a point whence the NW corner of Section 29, Township 1 South, Range 73 West of the 6th P.M. bears North 79°30' West, 2,250 feet. A water right for the Lake Eldora Seepage Sump was decreed on April 20, 1972, in Case No. W-322, Water Division 1, for a rate of 1.0 cubic feet per second, with an appropriation date of December 31, 1968, for snowmaking. The source for the Lake Eldora Seepage Sump is groundwater and subsurface seepage tributary to Boulder Creek. (e) Date of Appropriation. December 31, 1929 for domestic, irrigation, recreational (including fishing and wildlife), and fire protection uses. December 31, 1961 for municipal, industrial, snowmaking, and augmentation uses. (f) Amount. 33.3 acre-feet, conditional. (g) Uses. Municipal, domestic, irrigation, industrial, recreational (including fishing and wildlife), fire protection, snowmaking, and augmentation purposes. The water stored in Lake Eldora Reservoir may be pumped directly for use or released into Peterson Lake. **4. Claim to Make Absolute**. Applicant is requesting that the entire 33.3 acre-feet Lake Eldora Reservoir conditional storage right be recognized as absolute for all its decreed uses. The stage-volume diversion records on file with CDSS show that Lake Eldora was full in May and June of 2017, June and July of 2019, and May of 2020. Eldora's accounting shows that this right was paper-filled pursuant to the General Administration Guidelines for Reservoirs, dated October 2011 and amended February 2016. The engineering report, prepared by BBA Water Consultants, Inc. ("BBA"), evidencing this accounting is attached as Exhibit B. Consistent with DWR Written Instruction 2020-01, the paper-fill procedure was prescribed by law, and therefore, the Lake Eldora Reservoir storage right may be recognized as absolute. **5. Alternative Claim for Finding of Reasonable Diligence**. During the subject diligence period, Eldora stored under the conditional Lake Eldora storage right, which shows effort towards developing and using the water right. In addition, the following activities were undertaken toward completion and application of the subject right to its decreed beneficial uses. (a) Lake Eldora Investigations. On November 15, 2016, BBA, Deere & Ault Consultants, Inc., and undersigned counsel visited Lake Eldora to investigate the structure, discuss operations, and explore options for Eldora to improve the reservoir structure, including potentially lining Lake Eldora. Eldora also commissioned BBA to examine long-term on-site storage options and the costs and benefits of implementing certain projects. BBA has also performed multiple other site visits to Lake Eldora during the last six years. (b) General Engineering. Eldora incurred significant expenses for general water resources consulting and engineering services. As part of this work, BBA: (i) accounted for and coordinated the operation of Eldora's water rights, plan for augmentation, and return flow recapture plan, including the Lake Eldora right decreed in Case No. 92CW153; (ii) prepared and submitted Eldora's accounting to the Division Engineer's Office; (iii) actively assisted Eldora in its acquisition of new and leased water rights for use at the Resort, including providing expert witness services in conjunction with changing the rights in the Division 1 Water Court; and (iv) produced engineering reports to assist Eldora in its long-term water rights planning. (c) Resort Improvements and Capital Investments. Eldora has continued its efforts to expand the skiable terrain and to perform other improvements at the Resort. After many years of work, on April 25, 2019, Eldora received approval from the United States Forest Service to increase the amount of skiable terrain in the South Boulder Creek basin with snowmaking. Similarly, on February 11, 2020, Eldora received approval from the Boulder County Board of Commissioners to expand the Resort's parking lots. Both projects required a great deal of time and expense to receive permitting and demonstrate Eldora's continued efforts to expand the Resort's operations. In addition, Eldora continues to expend significant sums in improving the guest experience. In late 2017, Eldora launched the new Alpenglow lift, a high-speed six-pack lift which replaced two older fixed-grip lifts on the front side of the main mountain. Eldora also acquired a new Zaugg terrain-shaping machine. All of these improvements and capital investments show Eldora's continued efforts to fully develop and use its water rights portfolio, including Lake Eldora. (d) Additional Water Rights Cases. During the subject diligence period, Eldora prosecuted and obtained change decrees in Case Nos. 12CW87 and 16CW3015, both of which added senior irrigation rights to Eldora's water rights portfolio. Eldora also received diligence decrees in Case Nos. 14CW3159, 19CW3122, 19CW3160, and 20CW3121. In addition,

Eldora is currently prosecuting an application in Case No. 19CW3250 to enlarge its Jenny Creek Exchange right in the South Boulder Creek basin. All these cases are connected to and show Eldora’s intention to fully-utilize all aspects of its water rights portfolio. (e) *Protection of Eldora’s Existing Water Rights*. To protect its existing water rights, Eldora actively participated in water rights cases filed by other parties during the subject diligence period. In participating in these cases, Eldora incurred significant legal and engineering expenses. **6. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** No new or modified structures are required by this application. Lake Eldora Reservoir is on land owned by the Eldora Property LLC and Energy Resources Technology Land, Inc., c/o Donna Cartwright, 229 Terry Street, Longmont Colorado 80501. WHEREFORE, for all the foregoing reasons, Eldora respectfully requests that the Water Court enter a decree finding that (i) the Lake Eldora Reservoir storage right has been made absolute as set forth above or, in the alternative, (ii) Eldora has been reasonably diligent in its efforts to develop the right and that the same shall be continued in full force and effect. ( \_\_ pages plus exhibits)

**22CW3016 SANVEN HOLDINGS LLC**; c/o Sankar Chava; 21097 E Nichols Pkwy; Aurora, Colorado 80016. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION in ELBERT COUNTY.** Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazareus Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111. 2. Overview. Applicant seeks to adjudicate the Denver Basin Aquifers underlying approximately 400 acres owned by Applicant in Elbert County, Colorado (“Property”), depicted on **Exhibit A**. This includes not-nontributary water in the Upper Dawson Aquifer and nontributary water in the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers. Applicant also seeks approval of a plan for augmentation for withdrawals of the not-nontributary groundwater from the Upper Dawson Aquifer. 3. Jurisdiction. The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). 4. Underground Water Rights Claimed. A. Wells. Wells that will withdraw the groundwater sought to be decreed by this Application have not yet been constructed, nor have applications for well permits been filed. Prior to constructing any additional wells to withdraw the subject groundwater, Applicant will apply to the State Engineer for a permit to construct that well, and the Applicant requests that the Court require, as a condition of the decree entered in this case, that well permits be issued upon application for any such wells in accordance with said decree. B. Legal Description of Wells and Subject Property. The wells will be located on the Property and Applicant seeks to adjudicate the Denver Basin Aquifers underlying all of the Property, which is located in portions of Section 14 and Section 23, Township 9 South, Range 65 West, 6th P.M., Elbert County, Colorado. C. Source of Water Rights. The source of the groundwater to be withdrawn from the Upper Dawson Aquifer is not-nontributary as described in C.R.S. § 37-90-103(10.7). The source of groundwater to be withdrawn from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers is nontributary. D. Parcel Ownership. Applicant represents the sole owners of the Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). E. Estimated Amounts and Rates of Withdrawal. The wells will withdraw the groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicant waives any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicant, based on the Colorado Division of Water Resources online aquifer determination tool, estimates the following annual amounts of nontributary and not-nontributary underlie the Property:

<b>Water Supply Availability (af/yr)</b>						
	<b>Upper Dawson*</b>	<b>Lower Dawson</b>	<b>Denver</b>	<b>Arapahoe</b>	<b>Laramie-Fox Hills</b>	<b>Totals</b>

<b>Not-Nontributary (NNT)</b>	173.16	0.00	0.00	0.00	0.00	173.16
<b>Nontributary (NT)</b>	0.00	100.24	162.38	149.94	116.94	529.50
<b>Total Combined NNT and NT</b>						702.66
* Annual amount reduced by 3 acre-feet per year for Well Permit No. 260949, an exempt domestic well located on the Property.						

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicant claims the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7. F. Wellfield. Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Property through wells which may be located anywhere on the Property and any additional wells which may be completed in the future as Applicant’s wellfields. As additional wells are constructed, well permit applications will be filed in accordance with C.R.S. § 37-90-137(10). G. Proposed Uses. Municipal, domestic, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement. Applicant also claims the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise dispose of the water. H. Places of Use. Applicant seeks the right to use the legally available groundwater lying below the Property both on the Property and off the Property. Uses off the Property include, but are not limited to, other lands contiguous to the Property and owned by the Applicant. 5. Description of Plan for Augmentation. A. Groundwater to be Augmented. All withdrawals of not-nontributary Upper Dawson Aquifer groundwater underlying the Property, as requested herein. B. Water Rights to be Used for Augmentation: i. Not-nontributary groundwater from the Upper Dawson Aquifer underlying the Property as decreed herein; and ii. Nontributary groundwater from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers underlying the Property as decreed herein. C. Statement of Plan for Augmentation. During pumping, Applicant will replace depletions associated with the withdrawal of the not-nontributary groundwater decreed herein pursuant to C.R.S. § 37-90-137(9)(c.5) (i.e., actual depletions associated with withdrawals from the not-nontributary Upper Dawson Aquifer). To ensure such replacements are made, Applicant will develop accounting to document replacements that accrue by (i) return flows from irrigation; and (ii) treated wastewater discharges. Further, direct releases of not-nontributary and nontributary groundwater may be used for augmentation. To meet post-pumping depletion requirements for not-nontributary withdrawals of groundwater underlying the Property, Applicant will reserve an amount of nontributary groundwater equal to the post-pumping depletions. D. Augmentation Plan Assumptions. Applicant will develop augmentation plan assumptions and measuring devices to account for replacement water. Consumptive use is expected to be approximately 10% for all groundwater pumped for indoor use to account for any treatment and inhouse loss. For irrigation, sprinkler irrigation is expected to be approximately 85% consumptive and drip irrigation is expected to be approximately 95% consumptive. Applicant reserves the right to use reclaimed water or gray water for irrigation and will separately measure and account for such uses. WHEREFORE, Applicant respectfully requests the Court enter a ruling that: (1) grants the determination of groundwater rights requested herein for the nontributary Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Upper Dawson Aquifer; (2) grants the plan for augmentation described in Paragraph 5; and (3) grants such other and further relief as the Court deems appropriate. (6 pages, 1 exhibit)

**22CW3017 SHARI FISHER HINDS AND DAVID HINDS**, 5309 Best Road, Larkspur, Colorado 80118, Telephone: 510-282-8388. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES in DOUGLAS COUNTY**. Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarens Stack & Wombacher LLC, 5299 DTC Blvd., Suite 610, Greenwood Village, Colorado 80111. 2. Overview. Applicants seek to adjudicate the Denver Basin Aquifers underlying approximately 40 acres owned by

Applicants in Douglas County, Colorado (“Property”), depicted on **Exhibit A**. This includes not-nontributary water in the Upper Dawson Aquifer and nontributary water in the Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers. 3. Subject Property. 40 acres located in the SW1/4 of the SW1/4 of Section 16, Township 10 South, Range 66 West of the 6th P.M., also known as 5309 Best Road, Larkspur, Colorado 80118 in Douglas County, as shown on Exhibit A. Applicants are the sole owners of the Property and have provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). 4. Well Permits. There is one existing domestic well on the Property under Well Permit 141685. This well will continue to operate under its existing permit. Additional well permits will be applied for prior to construction of additional wells. 5. Source of Water Rights. The source of the groundwater to be withdrawn from the Upper Dawson Aquifer is not-nontributary as described in C.R.S. § 37-90-103(10.7). The source of groundwater to be withdrawn from the Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers is nontributary as defined in C.R.S. § 37-90-103(10.5).6. Estimated Amounts and Rates of Withdrawal. The wells will withdraw the groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicant waives any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicants, based on the Colorado Division of Water Resources online aquifer determination tool, estimate the following annual amounts of nontributary and not-nontributary underlie the Property:

<b>Water Supply Availability</b>					
	<b>Upper Dawson*</b>	<b>Denver</b>	<b>Upper Arapahoe</b>	<b>Laramie-Fox Hills</b>	<b>Totals</b>
<b>Not-Nontributary (NNT)</b>	28.3	0.00	0.00	0.00	28.3
<b>Nontributary (NT)</b>	0.00	35.0	22.9	13.0	70.9
<b>Total Combined NNT and NT</b>					99.2
*Annual amount reduced by 1 acre-foot per year for Well Permit No. 141685, an exempt domestic and livestock well located on the Property.					

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicants claim the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7. 7. Proposed Uses. Domestic, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement, both on and off the Property. Applicants also claim the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise dispose of the water. 8. Places of Use. Applicant seeks the right to use the legally available groundwater lying below the Property both on the Property and off the Property. Uses off the Property include, but are not limited to, other lands contiguous to the Property and owned by the Applicant. 9. Jurisdiction. The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). WHEREFORE, Applicants respectfully request the Court enter a ruling that grants the determination of groundwater rights requested herein for the nontributary Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Upper Dawson Aquifer, and grants such other and further relief as the Court deems appropriate.

**22CW3018 (2006CW285) SOUTH ADAMS COUNTY WATER AND SANITATION DISTRICT**  
6595 E. 70th Avenue, P. O. Box 597, Commerce City, CO 80022 (c/o Richard J. Mehren, Joshua B. Boissevain, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Blvd., Suite 300, Boulder, CO 80302 (303) 443-8782) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS AND WELD COUNTIES** 2. Description of Conditional Appropriative Rights of Exchange: 2.1

Original Decree: The subject conditional appropriative rights of exchange were originally decreed by this Court in Case No. 2006CW285 on February 8, 2016 (“06CW285 Decree”). The exchanges decreed in the 06CW285 Decree are collectively referred to as the “SACWSD 06CW285 Exchanges.” 2.2 Previous diligence decree: N/A. 2.3 Description of the SACWSD 06CW285 Exchanges: The SACWSD 06CW285 Exchanges are or will be operated by the District for the replacement of stream depletions occurring in the locations where South Adams’ wells deplete the South Platte River (the “01CW258 Depletion Reach”), as described in paragraph 36.d. of the 2001CW258 Decree, for replacement of return flow obligations, and also to allow for the diversion of the 5K Water, as defined and described in paragraph 3.4.1.4 below, and the Wastewater Reusable Return Flows, as defined and described in paragraph 3.4.1.3 below, at certain ditch headgates for delivery to storage for subsequent use by South Adams, with consumptively usable water delivered to the river at downstream locations. 3. Names of structures involved and legal descriptions: 3.1 Exchange-To Points: The Exchange-To Points are described in Paragraphs 3.1.1 through 3.1.3 below and are shown on attached **Exhibit A**. UTM coordinates for each of the Exchange-To Points are provided in **Exhibit B**. 3.1.1 Fulton Ditch headgate: The headgate of the Fulton Ditch, located on the east bank of the South Platte River in the NE1/4 NE1/4 SE1/4, Section 17, T2S, R67W of the 6th P.M., at a point approximately 2,815 feet south and 145 feet west of the northeast corner of said Section 17, for storage of the 5K Water and the Wastewater Reusable Return Flows for storage in Howe-Haller A and Howe-Haller B (f/k/a Howe-Haller), Hazeltine (f/k/a Hazeltine, Road Runners Rest II, and Brinkmann-Woodward), and Dunes Reservoirs, located in portions of Sections 2, 3, 4 and 9, T2S, R67W of the 6th P.M., and Tanabe Reservoir in Section 10, T2S, R67W of the 6th P.M. (collectively, the “North Reservoir Complex”) (f/k/a “Joint Denver Gravel Pit Lakes”) and subsequent use by South Adams. 3.1.2 Brighton Ditch headgate: The headgate of the Brighton Ditch, located on the west bank of the South Platte River in the SE1/4 SE1/4, Section 11, T1S, R67W of the 6th P.M. for storage of the 5K Water and the Wastewater Reusable Return Flows in Wattenberg Reservoir and subsequent use by South Adams. Wattenberg Reservoir is proposed to be located in Sections 25 and 36, T1N, R67W of the 6th P.M., and in Section 30, T1N, R66W of the 6th P.M. 3.1.3 The 2001CW258 Depletion Reach, which begins at an upstream point at or below the confluence of Sand Creek and the South Platte River near the South quarter corner of Section 1, T3S, R68W of the 6th P.M., and extends downstream to a point in the City of Brighton at the Colorado State Highway 7 bridge at the southerly section line of Section 1, T1S, R67W of the 6th P.M., for use of the 5K Water as well as the fully-reusable portion of return flows attributable to South Adams’ use of the 5K Water and the Prospect Valley Water described in Paragraph 11 below (“Reusable Return Flows”). As described in paragraph 36.d. of the 2001CW258 Decree, the Depletion Reach is divided into four sub-reaches for purposes of calculating the location of South Adams’ depletions and accretions under its plan for augmentation. These four sub-reaches, which are described in Paragraphs 3.1.3.1 through 3.1.3.4 below, are used to administer and account for the exchanges decreed in Case Nos. 2001CW258 and 06CW285. The downstream end of each of the sub-reaches is defined by the existing diversion ditches located within the Depletion Reach (the Fulton, Brantner, and Brighton Ditches), as well as by the downstream end of the Depletion Reach (the South Platte River at the Highway 7 Bridge). Therefore, the downstream end of each of the three upper sub-reaches corresponds with potential locations of dry-up calls within the Depletion Reach, based upon historical conditions. In the event that additional structures, with water rights that are senior to the exchanges approved in the 06CW285 Decree, place a dry-up call in the future within the Depletion Reach, South Adams will account for the amounts exchanged at the point of such dry-up calls. 3.1.3.1 Depletion Reach 1, is located along the South Platte River from the confluence with Sand Creek to just upstream of the Fulton Ditch headgate and is approximately 6.07 miles long. The upstream-most point of Depletion Reach 1 is on the South Platte River at the confluence with Sand Creek, near the south quarter corner of Section 1, T3S, R68W of the 6th P.M. The downstream-most point of Depletion Reach 1 is on the South Platte River just above the headgate of the Fulton Ditch, located as described in paragraph 3.1.1 above. 3.1.3.2 Depletion Reach 2, is located along the South Platte River from just below the Fulton Ditch headgate to just upstream of the Brantner Ditch headgate and is approximately 2.22 miles long. The upstream-most point of Depletion Reach 2 is on the South Platte River just below the headgate of the Fulton Ditch, located as described in paragraph 3.1.1 above. The downstream-most point of Depletion Reach 2 is on the South

Platte River just above the headgate of the Brantner Ditch, located on the west bank of the South Platte River in the NE1/4 SW1/4, Section 4, T2S, R67W of the 6th P.M. 3.1.3.3 Depletion Reach 3, is located along the South Platte River from just below the Brantner Ditch headgate to just upstream of the Brighton Ditch headgate and is approximately 6.75 miles long. The upstream-most point of Depletion Reach 3 is on the South Platte River just below the headgate of the Brantner Ditch, located as described in paragraph 3.1.3.2 above. The downstream-most point of Depletion Reach 3 is on the South Platte River just above the headgate of the Brighton Ditch, located as described in paragraph 3.1.2 above. 3.1.3.4 Depletion Reach 4, is located along the South Platte River from just below the Brighton Ditch headgate to the end of the Depletion Reach and is approximately 1.58 miles long. The upstream-most point of Depletion Reach 4 is on the South Platte River just below the headgate of the Brighton Ditch, located as described in paragraph 3.1.2 above. The downstream-most point of Depletion Reach 4 is the end of the Depletion Reach on the South Platte River at the southerly section line of Section 1, T1S, R67W of the 6th P.M. 3.2 Exchange-From Points: The Exchange-From Points are described in Paragraphs 3.2.1 through 3.2.11 below and are shown on attached **Exhibit A**. UTM coordinates for each of the Exchange-From Points are provided in **Exhibit B**. 3.2.1 South Platte River just above the headgate of the Brantner Ditch, as described in Paragraph 3.1.3.2 above, at the point at which South Adams quantifies its Reusable LIRFs and Municipal System Loss Reusable Return Flows, as described in paragraphs 3.4.1.1 and 3.4.1.2 below, respectively, in accordance with the 06CW285 Decree. 3.2.2 South Platte River just above the headgate of the Brighton Ditch, as described in Paragraph 3.1.2 above, at the point at which South Adams quantifies its Reusable LIRFs and Municipal System Loss Reusable Return Flows, in accordance with the 06CW285 Decree. 3.2.3 South Platte River just above the point where the South Platte River crosses the Colorado State Highway 7 bridge at the southerly section line of Section 1, T1S, R67W of the 6th P.M. at the point at which South Adams quantifies Reusable LIRFs and Municipal System Loss Reusable Return Flows in accordance with the 06CW285 Decree. 3.2.4 Confluence of First Creek and the South Platte River, located in the SW1/4 NE1/4, Section 4, T2S, R67W of the 6th P.M., at the point at which South Adams quantifies its Reusable LIRFs and Municipal System Loss Reusable Return Flows in accordance with the 06CW285 Decree. 3.2.5 Confluence of Second Creek and the South Platte River, located in the NW1/4 NE1/4, Section 23, T1S, R67W of the 6th P.M. at the point at which South Adams quantifies its Reusable LIRFs and Municipal System Loss Reusable Return Flows in accordance with the 06CW285 Decree. 3.2.6 Confluence of Third Creek and the South Platte River, located in the NW1/4 SW1/4, Section 6, T1S, R66W of the 6th P.M. at the point at which South Adams quantifies its Reusable LIRFs and Municipal System Loss Reusable Return Flows in accordance with the 06CW285 Decree. 3.2.7 Outlet of Wattenberg Reservoir, as described in Paragraph 3.1.2 above. 3.2.8 Outlet of the North Reservoir Complex, as described in Paragraph 3.1.1 above. 3.2.9 Outlet of Welby and Bambei-Walker Reservoirs, located on the west bank of the South Platte River in the NE1/4 NW1/4, Section 1, T3S, R68W of the 6th P.M., Adams County, Colorado, approximately 997 feet from the North section line and 2,477 feet from the West section line. 3.2.10 Outfall of the South Adams' Williams-Monaco Wastewater Treatment Plant ("Williams-Monaco WWTP") with the South Platte River, located in the SE1/4, Section 17, T2S, R67W of the 6th P.M. 3.2.11 Outfall of the Northern Treatment Plant ("NTP") with the South Platte River, which is expected to be located in the SE1/4 SW1/4, Section 31, T1N, R66W of the 6th P.M. 3.3 Exchange Reach: The downstream extent of the exchanges on the South Platte River is the outlet of Wattenberg Reservoir with the South Platte River, as described in Paragraph 3.1.2 above. The upstream extent of the exchanges is the confluence of Sand Creek and the South Platte River, as described in Paragraph 3.1.3 above. The overall exchange reach is shown on attached **Exhibit A**. The individual exchange reaches are summarized in the exchange matrix attached as **Exhibit C**, and shown on attached **Exhibit A**. 3.4 Sources of Substitute Supply: 3.4.1 For exchanges to the 2001CW258 Depletion Reach: 3.4.1.1 The Reusable LIRFs: South Adams' Reusable Return Flows accruing to the South Platte River and its tributaries by means of the ground water system in the form of lawn irrigation return flows ("LIRFs"), as defined and described in paragraph 14.1 of the 06CW285 Decree. 3.4.1.2 The Municipal System Loss Reusable Return Flows: South Adams' reusable return flows accruing to the South Platte River and its tributaries by means of the ground water system from municipal system losses, as defined and described in paragraph 14.2 of the 06CW285 Decree. 3.4.1.3 The Wastewater

Reusable Return Flows: South Adams’ reusable return flows in the form of wastewater return flows to the South Platte River, as defined and described in paragraph 14.3 of the 06CW285 Decree. 3.4.1.4 The 5K Water: 5,000 acre-feet of reusable water in each delivery year, as defined and described in paragraph 7 of the 06CW285 Decree. 3.4.2 For exchanges to the headgate of the Fulton Ditch, and the headgate of the Brighton Ditch: 3.4.2.1 The Wastewater Reusable Return Flows: As described in paragraph 3.4.1.3 above. 3.4.2.2 The 5K Water: As described in paragraph 3.4.1.4 above. 3.5 Appropriation Date: December 28, 2006. 3.6 Use of Exchanged Water: Consistent with the decreed uses of the sources of substitute supply, under the decrees listed in Paragraph 7 of the 06CW285 Decree (5K Water) and Paragraph 11 of the 06CW285 Decree (Prospect Valley Water), South Adams will use the exchanged water for augmentation, irrigation, commercial, industrial, and all other municipal purposes, including without limitation domestic, mechanical, manufacturing, sewage treatment, street sprinkling, irrigation of parks, lawns, gardens, grounds, and open spaces, replacement, and substitution and exchange purposes, and including, for all of the above-described purposes, both immediate application to such purposes and storage in the structures described in Paragraphs 8 and 21.1.2 of the 06CW285 Decree for subsequent application to such purposes. South Adams will fully consume the exchanged water, as it is entitled to fully consume the sources of substitute supply given in replacement or exchange, and will do so by direct use, storage and subsequent release, reuse, successive use, further exchange, and disposition. 4. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use: The diligence period for the SACWSD 06CW285 Exchanges is February 2016 through February 2022 (“Diligence Period”). The SACWSD 06CW285 Exchanges are integral to the District’s overall water supply system, and the District has during the Diligence Period and will continue to pursue development and beneficial use of these water rights as growth continues and water demands increase within District. The District provides water and wastewater services to approximately 65,000 customers in Commerce City and Adams County. The District maintains a diverse portfolio of water rights – both conditional and absolute – in order to provide potable and non-potable water to its present and future customers. The SACWSD 06CW285 Exchanges are part of the District’s integrated water supply system to supply water for municipal purposes. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown on the development of the water rights for all features of the entire project or system.” C.R.S. §37-92-301(4)(b). Consequently, all work and expenditures by the District in connection with its municipal water system directly and indirectly constitute part of the District’s reasonable diligence in developing the SACWSD 06CW285 Exchanges. The SACWSD 06CW285 Exchanges, in conjunction with the operation of the District’s plan for augmentation, are and will be used by the District to augment stream depletions or to exchange the District’s fully consumable water associated with certain sources of substitute supply into storage for use within the District’s municipal system and/or for subsequent release for augmentation purposes. During the Diligence Period, the District has engaged in the following activities and incurred the following costs in its efforts to develop, operate and maintain its municipal water supply system and develop the SACWSD 06CW285 Exchanges, to complete the appropriation, and place the water to beneficial use: 4.1 The District has incurred an average of approximately \$3,800,000 per year in general costs and expenses in support of its municipal water supply system and for maintaining, protecting and expanding its system. 4.2 Over the Diligence Period, the District has incurred an average of \$76,000 per year in engineering fees for engineering work in support of its municipal supply system generally, and has incurred additional engineering fees each year associated with specific capital improvement projects. 4.3 On average during the Diligence Period, the District spent approximately \$3,500,000 per year on capital improvement projects associated with its municipal supply system. Since 2016, the District’s improvements have been focused on increasing the availability of non-potable water for irrigation uses within the District, and beginning in 2017, the District undertook an expansion of its non-potable irrigation supply. The District estimates that it will ultimately spend more than \$202 million for build-out of its municipal system by 2056. 4.4 The District incurred a total of \$750,000 in engineering fees associated with maintenance of its existing water supplies, including but not limited to such activities as accounting for the District’s water use, operation of and accounting for the District’s plan for augmentation, protecting the

District's water rights from injury by opposing water court applications, and assisting the District with daily water operations. Of the total amount of engineering fees incurred during the Diligence Period, \$10,000 was spent on operating, maintaining and accounting for the District's plan for augmentation, under which the SACWSD 06CW285 Exchanges are or will be operated. 4.5 The District has incurred more than \$1,500,000 in legal fees to obtain decrees for water rights that are part of the District's integrated water system and for participating as an opposer in various Water Court cases to protect the District's water rights against injury from other water users. 4.6 Additionally, the District has and continues to work with the City of Commerce City on planning, growth projections and water supply demands, as the District's service area is primarily within the City's boundaries. In addition to in-house staff time at the District, the District incurred \$1,400,000 in consultants' fees for planning-related work during the Diligence Period. 5. 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: 5.1 Wattenberg Reservoir: City of Westminster, c/o Director of Public Works, 4800 West 92<sup>nd</sup> Avenue, Westminster, CO 80030. 5.2 North Reservoir Complex , Welby Reservoir, and Bambei-Walker Reservoir: City and County Of Denver Acting By and Through Its Board of Water Commissioners, 1600 W 12th Ave., Denver, CO 80204-3412. WHEREFORE, the District respectfully requests that the Court enter a decree finding that the District has proceeded with reasonable diligence toward the completion of the appropriation of the SACWSD 06CW285 Exchanges, and continuing in full force and effect for an additional diligence period the SACWSD 06CW285 Exchanges.

## **22CW3019 NOT ASSIGNED A CASE – NO RESUME TO POST**

**22CW3020 FELDPAUSCH HOLSTEINS, LLC**, 20830 County Rd 24 Fort Morgan, CO 80701. Please send all future correspondence and pleadings to Daniel K. Brown, Donald E. Frick, and Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN MORGAN COUNTY.** 2. Description of Conditional Water Right. 2.1 Original Decree: Case No. 04CW223, District Court, Water Division No. 1, dated September 16, 2009. 2.1 Name of Structure. T&M Exchange. 2.3 Legal Description of Termini 2.3.1 Upstream Terminus (exchange-to point). The headgate of the Deuel and Snyder Canal, located in the NW 1/4 SW 1/4 of Section 26, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. 2.3.2 Downstream Terminus (exchange-from point). The NE 1/4 of Section 31, T. 4 North, R. 57 West of the 6th P.M. (in the vicinity of Highway 52 as it crosses the South Platte River) to approximately the SE 1/4 of Section 19, T. 4 North, R. 56 West of the 6th P.M. (at the point where Wildcat Creek enters the South Platte River), in Morgan County, Colorado. 2.4 Date of Appropriation. October 22, 2008. 2.5 Amount. Applicant intends to exchange water at rate equal to the maximum rate of its excess recharge accretions. The rate of exchange is conditional and will not exceed 84 c.f.s. 3 Outline of Continued Diligence. The T&M Exchange is part of the Applicant's integrated water supply system, which includes the augmentation plan decreed in Case No. 04CW223 that provides augmentation for out-of-priority depletions caused by use of water from the Doty Well No. 1-14163, which is used for commercial feedlot, dust suppression, and livestock watering purposes. Applicant has demonstrated continued intent and progress toward finalizing this conditional exchange and has further shown the conditional decree is being pursued in a manner that confirms that beneficial uses of the conditional exchange can and will occur. During the diligence period, Applicant has developed planning, taken action, and expended funds to protect and improve its water supply system, including filing a water court application in pending Case No. 19CW3146 to increase recharge accretions to make T&M Augmentation Plan decreed in Case No. 04CW223 more robust. Specifically, Applicant has expended more than \$200,000 to plan, develop, and construct other improvements to its integrated water supply system, including but not limited to: installing a floater pump to divert water under the new surface right claimed in Case No. 19CW3146; developing and constructing a new recharge pond operating under the T&M Augmentation Plan; designing and installing an underground pipeline to deliver water to the new recharge pond; and designing and installing an above-

ground pipe to deliver water across Wildcat Creek to the new recharge pond. The Applicant has incurred more than \$8,500 to date during the diligence period in costs and fees, including attorneys' fees, related to the application in Case No. 19CW3146, and Applicant also pays roughly \$500 annually for accounting services related to the T&M Augmentation Plan. 4. Right to Supplement and Present Additional Information. Applicant reserves the right to supplement this Application with additional information related to its claim for diligence and may present additional information related to its claim for diligence before and during trial in this matter. 5. Name and Address of Owners of Structures. The Duel and Snyder Improvement Company, P.O. Box 89, Fort Morgan, Colorado 80701, owns and operates the Duel and Snyder Improvement Company Canal headgate, which is the exchange-to point for the T&M Exchange. WHEREFORE, Applicant respectfully requests a ruling and decree finding that Applicant has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 15CW3124 toward the conditional exchange set forth herein and continuing in full force and effect such conditional water right for an additional six-year period, and for such other relief as the Court may deem proper. (4 pages).

**22CW3021 APPLICANTS: GARY HOWARD**, 8739 WCR 4, Brighton, CO 80603; John Howard, 8679 WCR 4, Brighton, CO 80603; D&C Farms LLLP, 8709 WCR 4, Brighton, CO 80603. Please send correspondence and pleadings to: David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; david@lcwaterlaw.com. **CONCERNING THE APPLICATION TO MAKE WATER RIGHTS ABSOLUTE, OR IN THE ALTERNATIVE, FOR A FINDING OF REASONABLE DILIGENCE, IN ADAMS AND WELD COUNTIES**. 2. Previous Decrees: Case No. 13CW3149, dated February 24, 2016. 2.1. Name of Structure. Thompson Reservoir 2.1.1. Legal Description: NE 1/4 of the SW 1/4 of Section 21, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado. Structure ID No.: 3920. 2.1.2. Source. Big Dry Creek, tributary to the South Platte River. 2.1.3. Date of Appropriation. June 1, 1965. 2.1.4. How Appropriation was Initiated: Appropriation was initiated by construction of the reservoir, storage and beneficial use of water. 2.1.5. Amount: 63.09 AF, with the annual right to an initial fill and two refills. The initial fill of 63.09 AF is absolute. The two annual refills, totaling 126.18 AF, are conditional. Fill rate through the Big Dry Creek Ditch: 5.21 cfs absolute, 19.79 cfs conditional. 2.1.6. Uses: Irrigation, stock watering, recreation, and wildlife. Number of acres irrigated: 127.3 acres in Section 21, Township 1 North, Range 67 West of the 6th<sup>h</sup> P.M., Weld County, Colorado. Stock watering, recreation, and wildlife uses take place at the reservoir. 2.2. Mathison Reservoir 2.2.1. Legal Description: NW 1/4 of the NW 1/4 of Section 28, Township 1 North, 67 West of the 6th P.M., Weld County, Colorado. Structure ID No. : 3919. 2.2.2. Source: Big Dry Creek, tributary to the South Platte River. 2.2.3. Date of Appropriation: June 1, 1965. 2.2.4. How Appropriation was Initiated: Appropriation was initiated by construction of the reservoir, storage and beneficial use of water. 2.2.5. Amount: 39.44 AF, with the annual right to an initial fill and two refills. The initial fill of 39.44 AF is conditional. The two annual refills, totaling 78.88 AF, are conditional. Fill rate through the Big Dry Creek Ditch: 20 cfs, conditional. 2.2.6. Uses: Irrigation, stock watering, recreation, and wildlife. Number of acres irrigated: 168.7 acres in Section 28, Township 1 North, 67 West of the 6th P.M., Weld County, Colorado. Stock watering, recreation, and wildlife uses take place at the reservoir. 2.3. Karsh Reservoir 2.3.1. Legal Description: NW 1/4 of the SE 1/4 of Section 29, Township 1 North, 67 West of the 6th P.M., Weld County, Colorado. Structure ID No.: 3921. 2.3.2. Source: Big Dry Creek, tributary to the South Platte River. 2.3.3. Date of Appropriation: June 1, 1965. 2.3.4. How Appropriation was Initiated: Appropriation was initiated by construction of the reservoir, storage and beneficial use of water. 2.3.5. Amount: 30.29 AF, with the annual right to an initial fill and two refills. The initial fill of 30.29 AF is conditional. The two annual refills, totaling 60.58 AF, are conditional. Fill rate through the Big Dry Creek Ditch: 20 cfs, conditional. 2.3.6. Uses: Irrigation, stock watering, recreation, and wildlife. Number of acres irrigated: 94.84 acres in Sections 28 and 29, Township 1 North, 67 West of the 6th P.M., Weld County, Colorado. Stock watering, recreation and wildlife uses take place at the reservoir. 3. Outline of Work and Evidence toward Completion of the Appropriation during the Diligence Period. During the diligence period, and particularly in 2018, Applicant completed the first and second

refills of each reservoir. The water has been used for the decreed in-place uses of recreation, wildlife habitat, and stock watering of approximately 85 head of cattle. Water from the ponds was also released and used for irrigation on approximately 315 acres. 4. Applicant seeks a decree making the water rights absolute for all decreed uses and amounts. Alternatively, Applicant seeks a finding that it has been reasonably diligent in the development of the conditional water rights and to maintain the conditional water rights for an additional 6-year period.

The original format of this application is four pages in length.

**22CW3022 APPLICANTS: CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“CENTRAL”), AND THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS” AND TOGETHER WITH CENTRAL, “APPLICANTS”),** 3209 West 28th Street, Greeley, Colorado 80631; (970) 330-4540; wmihelich@ccwcd.org. Please send correspondence and pleadings to: David P. Jones and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; david@lcwaterlaw.com; rebecca@lcwaterlaw.com. **CONCERNING THE APPLICATION FOR CHANGE OF WATER RIGHTS, IN LARIMER AND WELD COUNTIES.**

2. Decreed Water Right for Which Change is Sought: 2.1. Name of Structures: Canal No. Three (a/k/a Greeley Canal No. 3) and Fossil Creek Reservoir. (Represented by 6.50 shares of the Greeley Irrigation Company (“Subject Shares”). 3. Previous Decrees: 3.1. Canal No. Three: A decree was entered in Civil Action No. 320 in the District Court, County of Larimer, State of Colorado on April 11, 1882 for Canal No. Three. 3.1.1. Location. The headgate of Canal No. Three is located on the south side of the Cache La Poudre River in the NE 1/4 of the NW 1/4 of the SE 1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 1,900 feet West and 2,200 feet North of the southeast corner of said Section 32. 3.1.2. Decree Source. The source of water is the Cache La Poudre River. 3.1.3. Decreed Use and Amounts. The decreed use is for irrigation and domestic purposes with the following appropriation dates and amounts as designated in CA320:

<u>Priority No.</u>	<u>Appropriation Date</u>	<u>Decreed Amount</u>
35	04/01/1870	52.0 cfs
46	10/01/1871	41.0 cfs
50	07/15/1872	63.13 cfs
58	05/15/1873	16.67 cfs

Total: 172.8 cfs

Canal No. Three and the above water rights are jointly owned, with 5/8ths interest belonging to Greeley Irrigation Company (“GIC”) and 3/8ths interest belonging to the City of Greeley. 3.2. Fossil Creek Reservoir: GIC also owns 60 preferred rights in Fossil Creek Reservoir. Fossil Creek Reservoir was decreed in Civil Action No. 1591 in the District Court of Larimer County, State of Colorado on October 28, 1909, and Civil Action Nos. 2031 and 11217 in the District Court, County of Larimer, State of Colorado on April 22, 1922, and September 10, 1953, respectively. 3.2.1. Location. Fossil Creek Reservoir stores water from Fossil Creek, a tributary to the Cache la Poudre River and is located in the SW 1/4 SW 1/4 of Section 10, Township 6 North, Range 68 West of the 6th P.M. in Larimer County, Colorado. 3.2.2. Decreed Use and Amounts. The decreed use is irrigation and the amounts decreed to Fossil Creek Reservoir are as follows:

<u>Priority No.</u>	<u>Appropriation Date</u>	<u>Decreed Amount (acre feet)</u>
Original Constr. (Priority No. 40)	3/5/1901	12,052
First Enlargement (Priority No. 66)	6/1/1904	1,545
Second Filling (Priority No. 136E)	3/5/1901	12,052

3.3. Case No. 96CW658. A decree was entered in Case No. 96CW658 on June 15, 1998 (“Poudre Prairie Decree”), based on a ditch wide analysis of the GIC’s direct flow water rights and Fossil Creek Reservoir

water rights, as those rights are described in subparagraphs 3.1 and 3.2, above (collectively, the “GIC Water Rights”), and quantified the consumptive use of each share of the Company. The Poudre Prairie Decree changed certain shares of the GIC for multiple uses including augmentation, replacement, exchange, irrigation, domestic, commercial, industrial, fire protection, watering of livestock, recreational, piscatorial, and wildlife propagation. 3.4. Central and/or its Subdistricts previously changed 20 shares of GIC in Case No. 97CW078, 65.75 shares of GIC in Case No. 03CW348, 12 shares of GIC in Case No. 05CW54, 2 shares of GIC in Case No. 10CW173, 10.8 shares of GIC in Case No. 11CW20, 2.9 shares of GIC in Case No. 12CW163, and 8 shares of GIC in Case No. 16CW3008. A change of 6.5 shares of GIC are pending in Applicants’ Case No. 18CW3106. 4. Proposed Change: 4.1. Applicants seek confirmation of the historical consumptive use of the Subject Shares based on the Poudre Prairie Decree as described below and approval to change the use of the Subject Shares to allow the consumptive use credit to be used as a source of augmentation, substitution, and replacement water in plans for augmentation operated by Applicants or that Applicants may obtain in the future for replacing well depletions and return flows and in the operation of exchanges, with the right to completely consume the consumable portion of the Subject Shares, either by first use, successive use, or disposition and either directly, or after storage, recharge, or exchange. GMS operates a plan for augmentation decreed in Case No. 2002CW335 (“GMS Augmentation Plan”). GMS seeks approval to store and recharge the Subject Shares consistent with Colorado law, including, without limitation, in GMS’s storage and recharge facilities identified on **Exhibit A**. GMS may lease the Subject Shares to others for the uses decreed herein including, without limitation, leases to Central and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (“WAS”) as a replacement source in the operation of exchanges, and to WAS for use in their augmentation plan decreed in Case No. 03CW99 (“WAS Augmentation Plan”). 5. Historical Use. The Subject Shares were originally described in the Poudre Prairie Decree, as depicted on **Exhibit B** and summarized as the following: 5.1. Wiggett Share. 1.00 share owned by Ms. Virginia Wiggett and Harold Wiggett; used on Farm Id. No. E-17; identified at Table A in the Poudre Prairie Decree. The Wiggett Farm is located in the SW 1/4, Section 9, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, as shown on **Exhibit B**. The Wiggett Share was acquired by Applicant GMS in 2019 and is represented by Stock Certificate No. 3448. Applicants will rely on physical dry-up of 4.46 acres and dry-up of 2.28 acres from the dry-up pool, for a total dry-up of 6.74 acres. 5.2. Naill Share. 0.20 share was historically owned by David and Wendy Naill (the “Naill Shares”) and used on Farm Id. No. E-45 identified on Table C in the Poudre Prairie Decree. The Naill Farm is located in the SW ¼, Section 9, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado, as shown on **Exhibit B**. Applicant GMS purchased the Naill Share, represented by Stock Certificate No. 3447, from Dayle and Brenda Gaylin in November 2019. Applicants will rely on physical dry-up of 0.51 acre and dry-up of 1.35 acres from the dry-up pool, for a total dry-up of 1.86 acres. 5.3. Straight Shares. 3.00 shares were historically owned by Lowell and Dorothy Straight and used on Farm Id. Nos. E-62a, E-62b and E-62c identified at Table A in the Poudre Prairie Decree. The Straight Farm is located in the SE 1/4 of the SW 1/4 of Section 10, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado, as shown on **Exhibit B**. The Straight Shares were acquired by Applicant GMS in February 2020 and are represented by Stock Certificate Nos. 3451 (1 Share) and 3452 (2 Shares). Applicants will rely on physical dry-up of 16.60 acres and dry-up of 3.62 acres from the dry-up pool, for a total dry-up of 20.22 acres. 5.4. May Share. 0.25 share was historically owned by Ronnie and Judy May and used on Farm Id. No. W-37 identified on Table A of the Poudre Prairie Decree. The May Farm is located in the SW 1/4, Section 31, Township 6 North, Range 65 West, and NW 1/4, Section 6, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado, as shown on **Exhibit B**. The May Share was acquired by Applicant GMS in January 2020 and is represented by Stock Certificate No. 3450. Applicants will rely on physical dry-up of 1.49 acres and dry-up of 0.20 acre from the dry-up pool, for a total dry-up of 1.69 acres. 5.5. Gross Share. 1.00 share was historically owned by Ronald and Shirley Gross and used on Farm Id. No. E-15 identified on Table A of the Poudre Prairie Decree. The Gross Farm is located in the SW 1/4, Section 9, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado, as shown on **Exhibit B**. The Gross Share was acquired by Applicant GMS in August 2020 and is represented by Stock Certificate No. 3456. Applicants will rely on physical dry-up of 1.81 acres and dry-

up of 4.93 acres from the dry-up pool, for a total dry-up of 6.74 acres. 5.6. Reed Share. 0.45 share historically owned by David and Donna Reed and used on Farm Id. No. E-26 identified on Table A of the Poudre Prairie Decree. The Reed Farm is located in the SE 1/4, Section 9, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado, as shown on **Exhibit B**. The Reed Share was acquired by Applicant GMS in May 2021 and is represented by Stock Certificate No. 3466. Applicants will rely on physical dry-up of 0.39 acres and dry-up of 2.64 acres from the dry-up pool, for a total dry-up of 3.03 acres. 5.7. Eckhardt Share. 0.60 share historically owned by Ronald and Bonnie Eckhardt and used on Farm Id. No. E-32 identified on Table A of the Poudre Prairie Decree. The Eckhardt Farm is located in the NW 1/4 SE 1/4, Section 9, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado, as shown on **Exhibit B**. The Eckhardt Share was acquired by Applicant GMS in May 2021 and is represented by Stock Certificate No. 3465. Applicants will rely on dry-up of 4.04 acres from the dry-up pool, for a total dry-up of 4.04 acres. 5.8. The historical use of the GIC Water Rights was previously quantified and decreed in the Poudre Prairie Decree using a ditch wide analysis based on the period of 1950 through 1979. This period encompassed wet years, dry years and years of average supply and the court found it to be representative of the historical use of the rights. During that study period, the average annual diversion of the GIC direct flow water rights was 11,400 acre-feet. The amount of those diversions attributable to the Subject Shares was 142.6 acre-feet total, which equals 21.94 acre-feet per share. Applicants propose to limit future use of the Subject Shares consistent with the Poudre Prairie Decree. Applicants propose to limit future deliveries of GIC direct flow water associated with the Subject Shares to an annual maximum farm headgate delivery of 164.3 acre-feet total, 25.27 acre-feet per share, and a maximum cumulative 10-year farm headgate delivery of 1,211.8 acre-feet total, 186.44 acre-feet per share. The average consumptive use of the Subject Shares equals 67.02 acre-feet total, which equals 10.31 acre-feet per share. 6. Dry Up. The total acreage proposed to be removed from irrigation with this application is 44.32 acres. The 25.26 acres identified for Farm Id. Nos. E-17, E-45, E-62a, E-62b, E-62c, W-37, E-15, and E-26 historically irrigated by 5.90 of the Subject Shares are subject to dry-up covenants (attached as **Exhibit C**) or have been dried up in fact. The formerly irrigated acres identified for Farm Id. E-32 will rely entirely on dry-up from the dry-up pool defined by the Poudre Prairie Decree. In total, Applicants will rely on 19.06 acres of the lands identified by the Poudre Prairie Decree as removed from irrigation due to urbanization to provide at least 6.74 acres of dry-up per share. 7. Return Flows – Replacement. Applicants will replace the historical return flow obligation, which includes both a surface and subsurface component, with the Subject Shares or with their other water supplies identified on **Exhibit A**. Applicants intend to utilize the surface and subsurface return flow factors as determined in the Poudre Prairie Decree and applied to the GIC direct flow and Fossil Creek Reservoir water, respectively. These return flow factors are based on the ditch wide analysis. Applicants will replace return flows above any downstream calling right, including exchanges. Return flow and augmentation water may be delivered to the river at any of the following locations at GIC’s sole discretion: 1) the F Street structure; 2) the 23rd Avenue structure; 3) the 16th Street structure; or 4) any other structure approved by GIC. GIC will determine the delivery location for return flow and augmentation purposes at any given time based on operations of the ditch, with consideration being given to the delivery location requested by the shareholder and the needs of GIC and its shareholders. Deliveries of return flow and augmentation water will be coordinated with the Water Commissioner. 8. Administration and Delivery. Applicants will continue diverting the Subject Shares through the Canal No. Three headgate. The Subject Shares will be delivered at the F-Street Structure, the 23rd Avenue structure, and the 16th Street Structure as described above. All of these structures are currently equipped with measuring and continuous recording devices. 9. Name and Address of Owners of Structures: Applicants and Greeley Irrigation Company, c/o Ms. Donna Coble, 3005 W. 29th Street, Suite G1, Greeley, CO 80631. The original format of this application is seven pages in length plus three exhibits which are on file with the Court.

**22CW3023\_SOVEREIGN ONE LLC, 7623 Ingalls Street, Arvada, CO 80003; [fireflysmg@gmail.com](mailto:fireflysmg@gmail.com); 303-910-1107.** Please send all correspondence and pleadings to: Steven P. Jeffers, Matthew Machado, Lyons Gaddis, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027;

[sjeffers@lyonsgaddis.com](mailto:sjeffers@lyonsgaddis.com); [mmachado@lyonsgaddis.com](mailto:mmachado@lyonsgaddis.com) (720) 726-3671. **APPLICATION FOR CHANGE OF WATER RIGHTS IN THE NONTRIBUTARY ARAPAHOE AQUIFER IN ADAMS COUNTY.** 2. **Name of structure to be changed:** Planet Well No. A-22802-F 2.1. Date of original decree: November 20, 1983. Case No: 80CW232. Court: District Court for Water Division No. 1. Date of subsequent decree: December 9, 2002. Case No. 01CW185. District Court for Water Division No. 1. 2.2. Decreed location of structure as described in most recent decree: SW 1/4 SW 1/4 Section 32, T3S, R64W, 6th PM, at a point 1,200 feet from the south line and 800 feet from the west line in Adams County, Colorado. See map attached as **EXHIBIT A**. 2.3. Decreed source of water: Nontributary Arapahoe aquifer. 2.4. Appropriation Date: September 26, 1977, but not subject to administration on priority basis. 2.5. Decreed amount: 57.6 acre-feet per year, 3 gpm (0.0067 cfs). 2.6. Decreed use: Agricultural and municipal. 2.7. Amount of water that applicant intends to change: 2.43 acre-feet per year. 3. **Detailed description of proposed changes:** Applicant owns approximately 7.253 acres of land described as Lot 1, Block 1, Watkins Storage Subdivision, a/k/a 1970 Imboden Road, Watkins, CO 80137 (“Applicant’s Land”) pursuant to special warranty deed recorded June 17, 2021, and the right to divert 2.43 acre-feet per year from the Arapahoe aquifer previously owned by Lylla Jenkins in the SW 1/4 of Section 32 pursuant to Quitclaim deed recorded June 17, 2021, in Adams County, copies of which are attached as **EXHIBIT B**. The State Engineer has refused to issue a permit for Applicant to drill an Arapahoe aquifer well on Applicant’s Land to withdraw and use this water, because Applicant’s Land is not located within 200 feet of the decreed location for Well A-22802-F. Applicant desires to vacate that portion of the decree that quantified the water available from the Arapahoe aquifer under Applicant’s Land so that Applicant may obtain a permit for a new well in the Upper Arapahoe aquifer on its land pursuant to statute and the Denver Basin Rules. The decree in 80CW232 approved the right to divert 124.6 acre-feet per year from the nontributary Arapahoe aquifer based on the original applicant’s ownership of 375 acres, including 231 acres in the S 1/2 of Section 31, and 144 acres in the SW 1/4 of Section 32. The decree approved 57.6 acre-feet of pumping from this well A-22802-F and 67 acre-feet per year from Well Nos. C-26522-F and D-26523-F combined. In Case No. 01CW185, the court determined that Aurora was entitled to divert and use 76.7 acre-feet per year underlying and associated with the 231 acres in Section 31, and the owners of the 144 acres in Section 32 were entitled to divert 47.9 acre-feet per year. Lylla Jensen was entitled to divert and use 8.1 acre-feet per year as the owner of 24 acres out of the original 144 acres in Section 32. Applicant request the court vacate the findings and decree in Case No. 80CW232 regarding all water available in the Arapahoe aquifer underlying the Applicant’s land in Section 32, to allow Applicant to obtain a permit for a new well on its own land to divert and use Applicant’s interest in the Arapahoe Aquifer. Applicant does not seek to change any portion of the decree related to any other owners’ interest in the Arapahoe aquifer, or change any portion of the decree related to the quantification or use of water from any other Aquifer or change any terms and conditions approved in that case. 4. **Name and address of owner or reputed owner 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.** Applicant does not propose to construct any new facilities on any other lands. Applicant owns all lands involved in this case. 5. **Comments:** A map showing the location of Applicant’s Land is attached as **EXHIBIT A**. Deeds to Applicant’s Land are attached as **EXHIBIT B**. A plat with the legal description of Applicant’s Land is attached as **EXHIBIT C**. WHEREFORE, Applicant respectfully requests the Court enter a decree approving the changes requested in this application. Number of pages in application: 4, excluding exhibits.

**22CW3024 THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY**, P.O. Box 758, 915 10<sup>th</sup> Street Greeley, CO 80632. (970) 304-6496, **THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT AND THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28th Street Greeley, CO 80634. (970) 330-4540. Ryan M. Donovan, David L. Strait, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970)622-8181; **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN WELD COUNTY.** 2. **Description of Conditional Water Right:** 2.1 **Summary:** A conditional water

right was decreed to The Geisert Reservoir on February 1, 2016 in Case No. 12CW304-A. The initial Application for The Geisert Reservoir was filed on December 29, 2012 in Case No. 12CW304. On May 6, 2015 the Court entered an Order bifurcating Case No. 12CW304 into two claims, an Augmentation Plan claim and a Storage Right claim. Also on May 6, 2015, the Court entered an order joining Central as Co-Applicant with Weld County in the bifurcated portion of the case involving the storage claim ultimately decreed in Case No. 12CW304-A. Weld County continued as Applicant in the portion of the case involving the plan for augmentation for certain unlined cells associated with the mining of the Geisert Pit known as the Geisert Pit Cell 1. Weld County was decreed a plan for augmentation for the Geisert Pit Cell 1 on February 1, 2016 in Case No. 12CW304-B. The Court entered an Order on August 12, 2015 in Case No. 12CW304-A granting Co-Applicant's motion to amend the original application for the purpose of adding an alternate point of diversion, and to request an additional diversion amount of 15.0cfs, in addition to the 40.0cfs listed in the original Application. This Application for Finding of Reasonable Diligence and to Make Absolute pertains to the storage water right in Geisert Reservoir decreed in Case No. 12CW304-A.

2.2 Name of Structure: The Geisert Reservoir. 2.3 Appropriation Dates: February 9, 2011 for the first 40.0cfs diverted from either or a combination of both points of diversion described in Paragraph 2.7 herein; and August 7, 2015 for the additional 15.0cfs diverted from either or a combination of both points of diversion. 2.4 Date of Original Decree: February 1, 2016 in Case No. 12CW304-A. 2.5 Diligence Decrees: None. 2.6 Legal Description: The Geisert Reservoir is located in Section 31, Township 6 North, Range 65 West, 6th P.M. Weld County, Colorado. 2.7 Structures used to fill reservoir and points of diversion: Water is delivered to the Geisert Reservoir from the north bank of the Cache la Poudre River via a pump station located in NW/4SE/4 of Section 31, Township 6 North, Range 65 West, 6th P.M. Weld County, Colorado. An alternate location for the point of diversion will be a structure located in the NE/4SW/4 of Section 31, Township 6 North, Range 65 West, 6th P.M. Weld County, Colorado. 2.8 Source: Cache la Poudre River. 2.9 Diversion Amount: 55.0 cfs conditional. 2.10 Surface Area at High Water Line: 43.5 acres. 2.11 Volume; Capacity of Reservoir: Pursuant to the Decree is Case No. 12CW304-A, Central has the right to fill the Geisert Reservoir to a capacity of 2,180 acre-feet, conditional, and the right to one refill up to 2,180 acre-feet. Weld County has the right to fill the Geisert Reservoir to a capacity of 20.0 acre-feet, conditional, with the right to one refill up to 20.0 acre-feet. Collectively, Co-Applicants have the right to fill the Geisert Reservoir to a total capacity of 2,200 acre-feet, conditional, with the right to one refill of up to an additional 2,200 acre-feet in priority. 2.12 Uses: Weld County uses water from Geisert Reservoir for augmentation, agricultural, industrial, mineral resource development, mining operations and construction of public works projects including operating air emissions control devices; controlling fugitive particulate emissions; washing and processing sand, gravel and aggregate; washing equipment; replacement of evaporative losses of water from mined materials stockpiled or removed from the site, irrigation or landscaping, reclamation of construction sites for public facilities, fire suppression, and emergency response. Central uses water from the Geisert Reservoir for augmentation, agricultural, industrial, mineral resource development, and irrigation. Water in Geisert Reservoir is used by Weld County and Central within their respective boundaries. 2.13 Use in Previously Decreed Plans for Augmentation: Water diverted under the Geisert Reservoir water right may be used by Central's in its augmentation plans decreed in Case Nos. 02CW335 and 03CW99. Water diverted under the Geisert Reservoir water may also be used in Weld County's augmentation plans decreed in Case Nos. 12CW304-B, 06CW274, 12CW109, 04CW359, and 09CW100 upon incorporation as an augmentation supply in the respective decrees pursuant to the terms therein.

**3. Outline of Work Toward Completion of Appropriation During the Diligence Period:** 3.1 For the water year beginning April 1, 2021 and ending March 31, 2022, Co-Applicants diverted water at a maximum rate of 19.09 cfs and beneficially used the same storing a maximum amount of 1,977.07 acre-feet in Geisert Reservoir. 1,957.07 acre-feet of the total 1,977.07 acre-feet was diverted in priority for the benefit of Central. 20.0 acre-feet of the total 1,977.07 acre-feet water diverted in priority for the benefit of Weld County. The maximum diversion rate of 19.09 cfs occurred on February 21, 2022. 3.2 During the diligence period, Central spent \$3,650,749.00 in capital expenses related to Geisert Reservoir, including construction and maintenance of delivery structures and field equipment expenses. 3.3 During the diligence period, Central spent \$109,403.00 in operating expenses related to Geisert Reservoir, including legal, engineering,

maintenance, equipment rental, utilities, and running fee expenses. 3.4 During the diligence period, Central spent \$1,500,000.00 to purchase the Geisert Reservoir and surrounding land from Weld County. **4. Claim for Finding of Reasonable Diligence:** As described in Paragraph 3 hereto, Co-Applicants have taken various steps in developing the Geisert Reservoir water right for beneficial use. 4.1 Pursuant to C.R.S. § 37-92-301(4), Co-Applicants request the Court find that it has been reasonably diligent with respect to completing the appropriation of the Geisert Reservoir, decreed in Case No. 12CW304-A, and order the same to continue as a conditional water right in the amounts of 35.91 cfs. 4.2 Pursuant to C.R.S. § 37-92-301(4), Central requests the Court find that it has been reasonably diligent with respect to completing the appropriation of the Geisert Reservoir, decreed in Case No. 12CW304-A, and order the same to continue as a conditional water right in the amounts of 222.93 acre-feet for the first fill, and a refill right of 2,180 acre-feet. 4.3 Pursuant to C.R.S. § 37-92-301(4), Weld County requests the Court find that it has been reasonably diligent with respect to completing the appropriation of the Geisert Reservoir, decreed in Case No. 12CW304-A, and order the same to continue as a conditional water right in the amount of 20.00 acre-foot right to refill. **5. Claim to Make Absolute:** Co-Applicants have diverted water into the Geisert Reservoir, in the amounts described herein and have applied the same to beneficial use. 5.1 Pursuant to C.R.S. § 37-92-301(2), Co-Applicants hereby requests a decree making the Geisert Reservoir water right, decreed in Case No. 12CW304-A, absolute in the amounts of 19.09 cfs. 5.2 Pursuant to C.R.S. § 37-92-301(2), Central hereby requests a decree making the Geisert Reservoir water right, decreed in Case No. 12CW304-A, absolute in the amount of 1,957.07 acre-foot right to a first fill. 5.3 Pursuant to C.R.S. § 37-92-301(2), Weld County hereby requests a decree making the Geisert Reservoir water right, decreed in Case No. 12CW304-A, absolute in the amount of 20.0 acre-foot right to a first fill. **6. Names and Addresses of Owners or Reputed Owners of Land/Structures:** Central own the lands upon which Geisert Reservoir is located. WHEREFORE, Co-Applicants request the Court to enter a decree finding as follows: (1) Co-Applicants have been reasonably diligent in the development of the Geisert Reservoir water right; (2) Central has diverted and beneficially used the Geisert Reservoir water right, in the amount of 19.09 cfs and a first fill of 1,957.07 acre-feet, and is entitled to a decree making that amount of the water right absolute; (3) Weld County has diverted and beneficially used the Geisert Reservoir water right, in the amount of 19.09 cfs and a first fill right of 20.0 acre-feet and is entitled to a decree making that amount of the water right absolute; (4) that the Geisert Reservoir water right remain conditional in the amount of 35.91 cfs; with Central's right for a first fill of 222.93 acre-feet, and refill of 2,180 acre-feet, and Weld County's right for a refill of 20.0 acre-feet; (5) all pursuant to C.R.S. § 37-92-301(2) and C.R.S. § 37-92-301(4); and (6) granting such other and further relief as the Court finds just. This Application consists of six (6) pages.

**2022CW3025 THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“GMS”),** 3209 West 28th Street, Greeley, Colorado 80631 C/O Bradley C. Grasmick and Rebecca E. Spence, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd. Ste. 1, Johnstown, Colorado 80534, (970) 622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN WELD COUNTY.** Name, mailing address, telephone number, and email of Applicants: Ground Water Management Subdistrict of the Central Colorado Water Conservancy District and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, CO 80634, (970) 330-4540, [wmihelich@ccwcd.org](mailto:wmihelich@ccwcd.org). 2. Name of Structure: Shores Lake. 2.1. Associated Decrees: Original Decree - Case No. 00CW83, Weld County District Court Water Division 1, entered July 22, 2009; and Diligence Decree - Case No. 15CW3096, Weld County District Court Water Division 1, entered February 19, 2016. 2.2. Legal Description: In the SE 1/4 of the NE 1/4 and E 1/2 of the SE 1/4 of Section 2, W 1/2 of the SW 1/4 and S 1/2 of the NW 1/4 and SW 1/4 of the NE 1/4 of Section 1, all in Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 2.3. Sources: 2.3.1. Godding Hollow. Seepage and drainage water from Godding Hollow which originates in the NW 1/4 and the SE 1/4 of Section 15, Township 1 North, Range 68 West of the 6th P.M., Weld County, Colorado and flows north to Shores Lake and unnamed draws draining into Godding Hollow. 2.3.2. Mayfield Hollow. Seepage and drainage water from Mayfield Hollow which originates in the W 1/2 of Section 19, Township

2 North, Range 67 West of the 6th P.M., Weld County, Colorado and flows north to Shores Lake and unnamed draws draining into Mayfield Hollow. 2.3.3. Cole Seepage Ditch. Seepage and drainage water from the Cole Seepage Ditch, the headgate of which is on the East bank of Godding Hollow at a point about 1155 feet North and 1073 feet East of the southwest corner of Section 1, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 2.3.4. Boulder Creek through the Rural Ditch. The headgate of the Rural Ditch diverts water from Boulder Creek in the NE 1/4 of Section 20, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 2.3.5. Boulder Creek through the Godding Ditch. The Godding Ditch, also known as the Highland South Side Ditch, diverts water from Boulder Creek in the NE 1/4 NW 1/4 SW 1/4 of Section 21, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 2.4. Appropriation Dates and Amounts. 2.4.1. May 31, 2000 – 3,500 acre-feet, 775.42 acre-feet were made absolute in the 15CW3096 diligence filing, and 2,724.58 acre-feet remain conditional, with the right to refill, conditional. 2.4.2. October 7, 2002 – 1,000 acre-feet, conditional. 2.4.3. August 12, 2008 – for the use of the Godding Ditch as a point of diversion to storage, conditional, of the amounts in ¶¶2.4.1 and 2.4.2. The total amount of storage from all sources and points of diversion shall not exceed the amounts set forth in ¶¶ 2.4.1 and 2.4.2. 2.5. Use: Recreation, fish, wildlife, augmentation, and replacement. Recreation, fish, and wildlife uses will take place within the reservoir's high water line. Augmentation and replacement will take place anywhere within the geographical boundaries of the Applicants. Applicants intend to fully utilize the water claimed, 100% to extinction to the extent it is feasible to account for the same. 3. 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 water right, including expenditures: During the diligence period, Applicants have stored water and released water from Shores Lake for purposes of augmentation and replacement in connection with WAS's augmentation plan decreed in Case No. 03CW99. In place uses for recreation, fish, and wildlife purposes have also occurred. Applicants, individually or together, adjudicated changes of water rights in Case Nos.: 14CW3123, 16CW3008, 16CW3119, 16CW3202, 17CW3191, 18CW3106, and 18CW3125. The total expenditures at Shores Lake during the diligence period exceeded \$3.5 Million for construction and delivery of structures and field equipment including, but not limited to installation of a new pump station, construction and installation of a new pipeline from Shores Pond C to the Rural Ditch/St. Vrain Creek, a diversion structure from the Rural Ditch into Shores Pond C, a measurement structure at the entry point of the pipeline into the Rural Ditch, and erosion prevention work on the banks of the Shores Pond C, including reshaping and addition of rip-rap. Additional sums were spent on operating costs including, but not limited to, maintenance of the structures, equipment rental, utilities, running fees, and legal and engineering fees in the water court cases listed above. Shores Lake is part of the integrated system of water rights and supplies for the GMS Augmentation Plan decreed in Case No. 02CW335. Applicants have spent substantial sums on the water rights already in their portfolios and have filed numerous applications and obtained decrees for water rights and changes of water rights during the diligence period including, but not limited to the following: Case No. 19CW3066 – a decree was entered on December 6, 2021; Case No. 20CW3055 – a motion for entry of decree was filed on February 17, 2022; Case No. 20CW3125 – an application was filed on August 31, 2020; Case No. 20CW3162 – an application was filed on October 30, 2020; Case No. 17CW3042 – a decree was entered on August 25, 2017; Case No. 17CW3053 – a decree was entered on September 1, 2017; Case No. 17CW3069 – a decree was entered on December 27, 2017; Case No. 17CW3126 – a decree was entered on May 2, 2018; Case No. 17CW3188 – a decree was entered on August 14, 2018; Case No. 17CW3191 – a decree was entered on January 1, 2019; Case No. 18CW3045 – a decree was entered on January 4, 2019; Case No. 18CW3116 - a decree was entered on March 20, 2019; Case No. 19CW3050 - a decree was entered on September 12, 2019; Case No. 19CW3085 – a decree was entered on January 3, 2020; Case No. 19CW3213 – a decree was entered on July 30, 2020; Case No. 20CW0325 – a decree was entered on August 20, 2020; Case No. 20CW3080 – a decree was entered on December 22, 2020; Case No. 21CW3193 – an application was filed on October 29, 2021; Case No. 18CW3106 – an application was filed on July 20, 2018; Case No. 19CW3066 – a decree was entered on October 6, 2021; Case No. 21CW3211 – an application was filed on December 15, 2021; Case No. 21CW3133 – an application was filed on July 30, 2021; Case No. 21CW3091 – an application was filed on June 29, 2021; Case No. 21CW3070 – an

application was filed on May 25, 2021; Case No. 21CW3093 – an application was filed on April 30, 2021; Case No. 21CW3036 – a decree was entered on September 22, 2021; Case No. 20CW3158 – a decree was entered October 29, 2021. 4. If claim to make absolute in whole or in part: 4.1. Applicants are requesting that the remaining 2,724.58 acre-feet of the May 31, 2000 right, the full amount (1,000 acre-feet) of the October 7, 2002 right, and 559 acre-feet of the May 31, 2000 refill right be made absolute. 4.2. Applicants stored water under the decreed water rights in each year of the diligence period. The maximum amount stored in any year was the full amount of the May 31, 2000 water right, which is 3,500 acre-feet, the full amount of the October 7, 2002 water right, which is 1,000 acre-feet, and 559 acre feet of the 3,500 acre-foot May 31, 2000 refill right. The above amounts were stored during the following period June 2017-March 2018. These amounts are the total amounts diverted from all sources listed in paragraph 2.3 above during the stated time. Applicants have assembled diversion records from Central’s files and from the Colorado Division of Water Resources, along with call records, which demonstrate that the amount claimed absolute was diverted in priority. Such records are available to any party upon request. 4.3. Description of place of use where water is applied to beneficial use: Shores Lake as described above. 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. 5.1. Applicants own Shores Lake. 5.2. Shores Lake is located on parcels owned by Hall-Irwin Aggregates, Inc., 5586 19th Street, Suite 2000, Greeley, CO 80634-2982. 5.3. The Rural Ditch is owned by the Rural Ditch Company, P.O. Box 1826 Longmont, CO 80502-1826. 5.4. The Godding Ditch is owned by the Godding Ditch Company, P.O. Box 1826, Longmont, CO 80502-1826.

**2022CW3026 APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND PLAN FOR AUGMENTATION OF MARK D. AND ROBERTA A. SUTFIN, IN ELBERT COUNTY.** I. Name and Address of Applicant: Mark D. and Roberta A. Sutfin, 1777 County Road 86, Elbert, CO 80106. Name and Address of Attorneys: Ryan W. Farr, #39394, Emilie B. Polley, #51296, MONSON, CUMMINS, SHOHET & FARR, LLC, 13511 Northgate Estates Dr., Ste. 250, Colorado Springs, Colorado 80921, (719) 471-1212, E-mail: [rwf@cowaterlaw.com](mailto:rwf@cowaterlaw.com); [ebp@cowaterlaw.com](mailto:ebp@cowaterlaw.com). II. Summary of Application. Mark and Roberta Sutfin (“Applicants”) seek to quantify the Denver Basin groundwater underlying their 40-acre property in Elbert County, Colorado, and approval of a plan for augmentation for the use thereof. III. Application for Underground Water Rights. A. Legal Description of Well. 1. Property Description. The Applicants’ 40-acre property (“Applicants’ Property”) is located in the SE 1/4 SE 1/4 Section 14, Township 10 South, Range 65 West of the 6th P.M. in Elbert County, Colorado, more specifically described as 1777 County Road 86, Elbert, CO 80106, and depicted on the **Exhibit A** map. 2. Existing Well. There is an existing “exempt” domestic well with Division of Water Resources Permit No. 50113 (“Sutfin Well”), permit attached hereto as **Exhibit B**. The Sutfin Well is drilled to a total depth of 345 feet to the Dawson aquifer, and is located approximately 700 feet from the South section line and 1,174 feet from the East section line, UTM Easting 531983 and Northing 4336265. This well will be re-permitted upon approval of this plan for augmentation. B. Water Source. 1. Not-Nontributary The ground water to be withdrawn from the Upper 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 Upper Dawson aquifer will require the replacement of actual stream depletions. 2. Nontributary The groundwater that will be withdrawn from the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicants’ Property is nontributary. C. Estimated Rates of Withdrawal and Ground Water Available. 1. Estimated Rates of Withdrawal. Pumping from the well will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. 2. Estimated Average Annual Amounts of Ground Water Available. Applicants request a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicants’ Property. Said amounts may be withdrawn over

the 100-year aquifer life pursuant to C.R.S. §37-90-137(4). Applicants estimate that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicants' Property:

<b>Groundwater Quantification</b>			
<b>Denver Basin Aquifer</b>	<b>Net Sand (ft)</b>	<b>Total (AF)</b>	<b>100 Year (AF)</b>
Upper Dawson (NNT)	258.7	2069.6	20.70
Lower Dawson (NT)	158.9	1271.2	12.71
Denver (NT)	246.2	1674.1	16.74
Upper Arapahoe (NT)	290.0	1972.0	19.72
Laramie Fox Hills (NT)	202.5	1215.0	12.15

Decreed amounts may vary based upon the State's Determination of Facts. Pursuant to C.R.S. §37-92-305(11), the Applicants further request that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicants request the right to use the ground water for beneficial uses upon the Applicants' Property consisting of domestic, irrigation, stock water, agricultural, recreation, wildlife, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicants also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicants' Property subject, however, to the requirement of C.R.S. §37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicants may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, that Applicants shall only be entitled to use water from the not-nontributary Upper Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. §37-90-137(9)(c.5). E. Well Field. Applicants request that they be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying Applicants' Property through any combination of wells. Applicants request that these wells be treated as a well field. F. Averaging of Withdrawals. Applicants request that they be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicants' Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicants are entitled to withdraw from the aquifers underlying the Applicants' Property. G. Owner of Land Upon Which Well(s) are to Be Located. The land and underlying groundwater upon which the wells are located is owned by the Applicants. IV. Application for Approval of Plan for Augmentation. A. Structure to be Augmented The structure to be augmented is the Sutfin Well, as is constructed to the not-nontributary Upper Dawson aquifer underlying the Applicants' Property, along with any replacement or additional wells associated therewith. B. 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 Upper Dawson aquifer from the Sutfin Well, together with water rights from the nontributary Laramie-Fox Hills aquifer for any injurious post pumping depletions. C. Statement of Plan for Augmentation. Applicants wish to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Upper Dawson aquifer by one well herein. Water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: 1. Uses. i. Household Use Only: 0.25 acre-feet annually within a single-family dwelling, with a maximum of ten percent consumptive use based on a non-evaporative septic leach field disposal system. The annual consumptive use will therefore be 0.025 acre-feet, with return flows of 0.225 acre-feet accruing to the stream system annually. ii. Landscape Irrigation: 0.05 acre-feet annually per 1,000 square feet (2.18 acre-feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each

1,000 square feet of lawn and garden irrigated is therefore 0.042 acre-feet. iii. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. 2. Amounts. The Sutfin Well will pump a maximum total of 3.26 acre-feet of water from the Upper Dawson aquifer annually. Such use shall be a combination of household use, irrigation of lawn, garden, crops, and greenhouse, and the watering of horses or equivalent livestock. An example breakdown of this combination of use, utilizing the factors described above, is household use of 0.25 acre-feet, with the additional 3.01 acre-feet per year available for irrigation of lawn, garden, crops, and greenhouse, and the watering of horses or equivalent livestock. 3. Depletions It is estimated that maximum stream depletions over the 100-year pumping period for the Upper Dawson aquifer amounts to approximately 6.89% percent of pumping. Maximum annual depletions are therefore 0.2246 acre-feet in year 100. Should Applicants' pumping be less than the 3.26 acre-feet described herein, resulting depletions will be correspondingly reduced. 4. 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 augmented wells to the Upper Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from a non-evaporative septic system. The annual consumptive use for a non-evaporative septic system is 10% per year. At a household use rate of 0.25 acre-feet annually, 0.225 acre-feet is replaced to the stream system per year. Thus, during pumping, stream depletions will be adequately augmented. 5. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Sutfin Well, Applicants will reserve water from the nontributary Laramie-Fox Hills aquifer, less the amount of actual 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 Laramie-Fox Hills groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Sutfin Well, for the uses in accordance with this Application and otherwise in compliance with C.R.S. §37-90-137. V. Remarks. A. Applicants request a finding that they have complied with C.R.S. §37-90-137(4), and that the ground water requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving an augmentation plan pursuant to C.R.S. §37-90-137(9)(c.5). B. The term of this augmentation plan is for 100 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well only to the extent related to that well's actual pumping. C. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of ground water withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. D. The Applicants request a finding that vested water rights of others will not be materially injured by the withdrawals of ground water and the proposed plan for augmentation. E. The well(s) shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicants shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicants shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this plan of augmentation. F. The Applicants intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicants' Property. G. Applicants will comply with any lienholder notice provisions set forth in C.R.S. §37-92-302(2)(b) and §37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application.

**2022CW3027 BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF GILPIN c/o**  
County Manager, P.O. Box 366; 203 Eureka St., Central City, Colorado 80427 (Attorney: County Attorney  
Bradford Benning. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR  
EXCHANGE AND TO MAKE ABSOLUTE ADDITIONAL AMOUNT OF EXCHANGE**

**ABSOLUTE, IN GILPIN COUNTY, Name of Appropriative Rights of Substitution and Exchange:** Gilpin County Ralston Creek Exchange (“Exchange”). **Introduction.** In Case No. 2003CW217, Gilpin County obtained a decree amending its augmentation plan that included operation of an exchange of water from Tucker Lake to both Dory Lake and the Dory Lake Inlet Ditch (hereinafter collectively “Dory Lake”). The exchange allows Gilpin County to store water upstream in Dory Lake for a like amount of Gilpin County’s Tucker Lake water available at Tucker Lake. The exchange will be operated by transferring, delivering, or releasing Gilpin County’s water in Tucker Lake at the Tucker Lake Inlet or at Tucker Lake itself. In Case No. 2003CW217, Gilpin County did not apply for a decreed priority for this exchange and subsequently obtained a decree for this Exchange in Case No. 2011CW272. **Legal Description of Exchange Reach and Points of Substitution and Exchange:** *Exchange Reach.* The attached Exhibit 1 Map from the decree in Case No. 11CW272 shows the approximate locations of the exchange reach, exchange-to-points, and exchange-from-points. The Map is incorporated herein by reference. The exchange reach extends from Tucker Lake, including but not limited to Tucker Lake itself and any future outlet works and its inlet through the Haines and Piquette Ditch on Ralston Creek in Jefferson County, upstream to both the Dory Lake Inlet Ditch and to Dory Lake itself in Gilpin County. *Exchange-to-Points/Points of Diversion:* Water will be diverted under the claimed exchange at the following points of diversion. Dory Lake Inlet Ditch: The Inlet Ditch to Dory Lake is located in the SE1/4 NW1/4, Section 29, T2S, R72W, 6th P.M., Gilpin County, Colorado, at a point approximately 1,350 feet east of the West Section Line and 2,225 feet south of the North Section Line of said Section 29. Dory Lake: Dory Lake is located in the SE1/4 NW1/4, Section 29, T2S, R72W, 6th P.M., Gilpin County, Colorado. Dory Lake itself is a decreed point of diversion for Dory Lake, diverting inflows and local runoff. *Exchange-from-Points/Points of Release of Substitute Supply:* A substitute supply of water will be released, booked over, or delivered under the exchange from or at the following locations. Tucker Lake Inlet: Tucker Lake is filled by the Haines and Piquette Ditch, the headgate of which is located on the north bank of Ralston Creek in the SE1/4 SW1/4, Section 33, T2S, R70W, 6th P.M., Jefferson County, Colorado. Tucker Lake: Tucker Lake is located in the S1/2 SW1/4, Section 35, T2S, R70W and the N1/2 NW1/4, Section 2, T3S, R70W, 6th P.M., Jefferson County, Colorado. This includes any release structure that currently exists or could be constructed in the future from Tucker Lake. Gilpin County’s available Tucker Lake water will be transferred from Gilpin County’s Tucker Lake storage account into Denver View’s account, Arvada’s account, or other accounts in Tucker Lake. Additionally, the water will also be released from Tucker Lake through outlet works that may be constructed in the future in Section 2, T3S, R70W and Section 35, T2S, R70W, 6th P.M., Jefferson County, Colorado. Gilpin County will not attempt to construct any outlet structure without first demonstrating or obtaining a legal right to do so. **Water and Water Rights to Be Used for Substitution and Exchange Supply:** Tucker Lake Water Rights. Gilpin County owns 8 of the 300 shares of capital stock of the Denver View Reservoir and Irrigation Company (“Denver View”), or 2.67% of Denver View. Denver View stock represents water rights totaling 1,064.6 acre-feet, which water rights are owned pro rata by the shareholders of Denver View. The Gilpin County portion of the Tucker Lake water rights are further described in Case Nos. 94CW277 and 2003CW217. Under these decrees, Gilpin County is entitled to storage and full consumptive use of up to 21.2 acre-feet annually under its Tucker Lake water rights; 11.15 acre-feet per year under Priority 2 (June 1, 1869) and 10.05 acre-feet under Priority No. 4 (March 19, 1899). **Source:** The source of water to be diverted by exchange at Dory Lake and/or through the Dory Lake Inlet Ditch is an unnamed tributary of Ralston Creek sometimes referred to as South Ralston Creek and waters tributary to Ralston Creek. The source of water and water rights to be used for the substitution and exchange supply described herein is Ralston Creek. **Date of Initiation of Appropriation:** November 23, 2010. **Amount Decreed:** 21.2 acre-feet per year in total at a rate that is the lesser of either: (1) 3.0 c.f.s. or (2) the combined flow rate available at the Dory Lake Inlet Ditch and Dory Lake itself. A total of 8.27 acre-feet of this amount and 0.64 c.f.s was decreed absolute and the remaining 12.93 acre-feet and 2.36 c.f.s. was decreed conditional. **Decreed Use:** All municipal uses, including without limitation irrigation, domestic, commercial, fire protection, recreational, and piscatorial, directly, after storage, or by augmentation of uses pursuant to the plan for augmentation decreed in Case No. 2003CW217 and 2011CW273 or a separately decreed augmentation plan. The water diverted by substitution and exchange is fully consumable and will

be fully consumed by first use, reuse, and successive use or disposition to extinction and completely disposed of for the above- described purposes. **Additional Amount Claimed Absolute.** During the 2016 through 2021 seasons, Gilpin County has utilized and continued to work towards perfecting all of its Ralston Creek Exchange. Gilpin County has exchanged a portion of its Tucker Lake water up to Dory Lake in every year except 2016. In 2016, Gilpin County was able to fill Dory Lake under its own priorities. In the remaining years, the exchange was completed by diversions of water into storage in Dory Lake during times of a call from water rights owned by City of Arvada, with a like amount of water booked-over to Arvada in Tucker Lake. The maximum amount of water exchanged during this six-year period occurred in 2020. In 2020, water was delivered to storage in Dory Lake by exchange beginning May 11, 2020 and continuing through May 30, 2020. During this period a total of 14.78 ac-ft was exchanged to the Dory Lake Inlet Ditch. The decree in Case No. 11CW272 made 8.27 ac-ft of the 21.2 ac-ft exchange right absolute. Based on the water exchanged in 2020, an additional 6.51 ac-ft has been diverted and put to beneficial use since the original filing and should be determined absolute. During the diligence period, the maximum rate of exchange of 0.555 c.f.s. occurred on May 15, 2020. This exchange rate is less than the previously decreed absolute exchange rate of 0.64 c.f.s. Therefore, no additional exchange rate is being claimed absolute herein. All exchanges occurred with the knowledge and approval of the Water Commissioner and the City of Arvada, which operates Tucker Lake. **Reasonable Diligence.** Unified Water System Activities. The Gilpin County Ralston Creek Exchange is an integral feature in Gilpin County's unified water system and integrated project supporting Gilpin County's water needs in Gilpin County. The Exchange is dependent upon continued adequate water supplies, measurement, accounting, and operations of, water rights, the augmentation plan, and Dory Lake. This Exchange supports Gilpin County's water use from its Justice Center Wells on the Justice Center Complex, which is the location of Gilpin County's Combined Courts, Recreation Center, Event Arena, athletic fields and sites, parks, certain County government offices, as well as supporting Gilpin County's Public Works and Road and Bridge Department in maintaining Gilpin County roads and other projects throughout Gilpin County. The use of water from Gilpin County's Justice Center Wells impacts both Ralston Creek and North Clear Creek. See Case Nos. 94CW277, 2003CW217, 2011CW273, 2011CW272, and 2011CW271. Consequently, Gilpin County needs a multifaceted means of replacing depletions and effectively and efficiently managing its water needs, supplies, and development in both of these river systems. The Ralston Creek Exchange is an integral part of Gilpin County's unified water system by providing for Gilpin County's water needs and helping to better manage its water needs and replacement obligations within the Ralston Creek stream system. This Exchange allows Gilpin County to store water in Dory Lake, a location higher upstream and within the headwaters of Ralston Creek. This provides at times for greater utility in both water storage efficiency and replacement to impacted senior rights above Tucker Lake as well as providing redundancy and an alternate storage option depending on the circumstances. The exchange is part of the County's unified water system and integrated project allowing water use for the County's Justice Center Complex. Gilpin County's diligence includes retaining BBA Water Consultants, Inc. and formerly retained the now defunct private legal counsel (Petrock, Fendel & Poznanovic, P.C. fka Petrock & Fendel, P.C.) to assisting in all water and water rights matters including the Gilpin County Ralston Creek Exchange. Additionally, Gilpin County's employees assist Gilpin County with this Exchange and other water and water rights matters. During the diligence period for Case No. 11CW272, Gilpin County expended approximately \$170,000 to BBA Water Consultants, for water resource consulting services pertaining to the County's plan for augmentation for the Justice Center and Recreation Center facilities, including, but not limited to, assistance with operating Dory Lake, augmentation accounting, and communications with the water commissioner and City of Arvada. These efforts included tasks applicable to Ralston Creek operations, Clear Creek basin operations and both basins. These efforts are further described below:

**Ralston Creek Basin-Specific Tasks:** Preparation of annual summaries of Dory Lake storage volume amounts for compliance with DLPOA lease agreement. Communications with the City of Arvada regarding Tucker Lake operations and Gilpin's storage accounts every month. Communication and coordination with the Water Commissioner and City of Arvada each year for in-priority diversion of water into Dory Lake during limited periods of available water. Monitoring of weather forecasts and spring runoff conditions for

potential opportunities to store water in Dory Lake. Multiple site visits to Dory Lake to calibrate lake data logger and inlet ditch transducer. Communications with Road and Bridge Department regarding use of Slough Pond for diversions when needed and as water becomes legally available. Reviewed a SWSP Request by Colorado Parks and Wildlife (CPW) regarding pond depletions on Ralston Creek. Evaluated potential impact of depletions and replacement plan on Gilpin County's augmentation plan and Dory Lake operations. Reviewed Youth With a Mission SWSP Request on Ralston Creek and provided comments and concerns. Followed SWSP process. Various activities researching and assisted with the purchase of additional Tucker Lake share from Randolph property. Researched and obtained available historical photographs Review of County Assessor records regarding property ownership. Review prior change of use decrees for Tucker Lake shares, prepare summary table and provide to County Attorney. Various activities researching historical information and approximate value of Tucker Lake share potentially available and provided a brief summary to client. **Clear Creek Basin-Specific Tasks:** Requested and coordinated releases to be made by Central City on behalf of Gilpin to provide additional water supplies. Various communications with Central City and Black Hawk regarding joint use of Clear Creek basin water facilities (e.g., emails with CC regarding acquisition of storage space in Chase Gulch Q1 2021). Communications with Central City regarding potential exchange operations. **Tasks Applicable to Both Ralston and Clear Creek Basins:** Revisions to and finalization of Gilpin County's accounting forms for Case No. 11CW273 based upon requests by the Water Commissioner and the Division Engineer's Office. Prepare, review, and submit Gilpin County's monthly water accounting report to the State. Ongoing monitoring of Ralston Creek and Clear Creek streamflow and call conditions. Annual communication with Farmers Highline augmentation station operator regarding Gilpin County's augmentation station deliveries. Provided assistance with Gilpin County's well meter calibration. Reviewed Gilpin County's well permits and provided recommendations and considerations regarding the potential conditions of the well structures and pumps, including the Justice Center wells and a well located on a property acquired by Gilpin County. Communicated with client and subcontractors regarding replacement and upgrade of water monitoring devices. Prepared detailed workplan regarding the same. Participated in installation of water monitoring devices. Prepared a memorandum to document the installation of new water monitoring devices at Dory Lake. In response to a residential well complaint, reviewed information on Black Hawk wells, including diversion records, decrees, and agreements between Black Hawk and Gilpin County; prepared a memorandum summarizing Black Hawk and Gilpin County Justice Center municipal groundwater withdrawals and trends, and implications of those withdrawals to nearby wells. Prepared a map of Black Hawk and Gilpin County wells and various residential wells. Updated a figure presenting Gilpin County Justice Center well pumping and water levels. Researched and summarized well pumping amounts by Black Hawk. Interviewed local well driller and pump installer. Various activities related to a leak at potable water storage tank. Requested approval from DWR to deduct tank leakage from well pumping volume. Addressed issues regarding possible water quality issues associated with County effluent used in Plan for Augmentation. Review of water rights applications by others in both Ralston and Clear Creek basins to ensure protection of County water resources and water rights. Preparation of County water operations manual/SOP guidelines for operations in both Clear Creek and Ralston Creek basins. Outside Legal Counsel Diligence Work. Gilpin County's former water attorneys (Petrock Fendel Poznanovic P.C. fka Petrock & Fendel, P.C) regularly reviewed water court resumes and other matters that could affect the exchange operation to determine if action was needed. Gilpin County's attorneys filed statements of opposition and participated in water court proceedings during the diligence period to protect its water rights including the Exchange. This work was done between 2016 and 2019. In 2020, Brad Benning, former partner with Petrock Fendel Pozanovic, P.C., accepted an offer to come inhouse as the County Attorney for Gilpin County. Petrock Fendel Poznanovic regularly reviewed monthly resumes to protect Gilpin County's water rights and review accounting and regular updated provided by BBA Water Consulting, Inc. Petrock Fendel Pozanovic, P.C. completed final litigation and settlement necessary to obtain its decree in Case No. 2011CW271 in March 2016, which is part of Gilpin County's integrated water project and unified water system. Petrock Fendel Pozanovic, P.C. obtained a diligence decree in Case No. 2017CW3016 for an exchange originally decreed in Case No. 2003CW217 for return flows from water used from the Justice

Center Wells. This exchange was also found to be part of Gilpin County's unified water system and integrated project. County Personnel Diligence Work and County. Gilpin County's staff performed regular maintenance, repair, and work on the unified water system and recorded data for the County's accounting for its augmentation plan and operations of Dory Lake and worked with the County's water engineers, BBA Water Consultants, as well as Petrock Fendel Pozanovic, P.C., former water law firm for Gilpin County. Gilpin County staff undertook investigation into improving the pumps and pump design and placement for better operation, longevity, capability, and efficiency. This work is presently ongoing. Gilpin County staff engaged in water planning and development research periodically during this diligence period to assess the current needs, projects, and actions needed to address Gilpin needs in addressing its water needs including diligence and use of its water rights and exchanges. Gilpin County's legal department including the County Attorney and paralegal assist in reviewing all water and water rights related matters including the operation of this Exchange and related water matters, reviewing accounting provided by BBA Water Consultants, reviewing water resumes for applications or other matters of concern, pursuing water rights purchases addressing Gilpin County's water need, maintaining contracts, payments, and business relationships with the ditch companies, Gilpin County further paid \$158,224.83 in this diligence period to preserve and continue Gilpin County's water rights and rights to use water infrastructure necessary for operations of its unified water system including annual payments for use of the Coors' augmentation station; lease of Dory Lake storage capacity from the Dory Lakes Property Owners' Association; Church Ditch Water Authority annual member fees and costs; and Denver View Reservoir and Irrigation Co. (Denver View) annual shareholder dues; Gilpin County purchased 1 additional share in the Denver View in 2020 at a price of \$100,001.00 to be changed or otherwise incorporated into Gilpin County's water supply in the future. **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.** Property owner of Tucker Lake: The City of Arvada, c/o Ken Peterson, Water Resources Administrator, P.O. Box 8101, Arvada, CO 80001-8101 Wendy Essert at 8101 Ralston Rd., Arvada, CO 80002, Email: [ken-p@arvada.org](mailto:ken-p@arvada.org) with copy to Wendy Essert at [wessert@arvada.org](mailto:wessert@arvada.org); and Arvada's water attorneys: Steven P. Jeffers and Madoline Wallace-Gross, Lyons Gaddis, PC Attorneys for City of Arvada, 950 Spruce Street, Suite 1B Louisville, CO 80027, Telephone: (720) 726-3671, E-mail: [sjeffers@lyonsgaddis.com](mailto:sjeffers@lyonsgaddis.com); [mwg@lyonsgaddis.com](mailto:mwg@lyonsgaddis.com). Property owner of Dory Lake: Dory Lakes Property Owners Association (DLPOA), c/o , Gary Sloneker, president of the DLPOA a P.O. Box 666, Black Hawk, CO 80422, Email: [dorylakespoa@gmail.com](mailto:dorylakespoa@gmail.com); and DLPOA's water attorney Gilbert Marchand, Alperstein & Covell, P.C., 2299 Pearl St., Ste. 400-C, Boulder, CO 80302; Email: [gym@alpersteincovell.com](mailto:gym@alpersteincovell.com).

**2022CW3028 RICHARD B GREEN LIVING TRUST**, ATTN: Richard B. Green, Trustee, 11245 E Parker Rd, Parker, CO, 80138. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION IN DOUGLAS COUNTY.** Subject Property: 2 contiguous parcels totaling 79.101 acres generally located in the E1/2 of the W1/2, and the W1/2 of the E1/2, of the SW1/4, Section 16, Township 6 South, Range 65 West of the 6th P.M., Parker, CO, 80104, Douglas County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). Applicant is the sole owner of the Subject Property and has provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). Well Permits: There is currently one Lower Dawson Aquifer well on the Subject Property operating under Well Permit No. 42729-F, which will continue to operate under its existing permit. Additional, well permits will be applied for prior to construction of wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Amounts Decreed in Prior Cases: The water in the Lower Dawson, Denver, Arapahoe and Laramie Fox Hills aquifers underlying the Subject Property was quantified in the following prior cases: Case No. 1993CW113: The decree in Case No. 1993CW113 (the "93CW113 Decree") quantified the following amounts underlying the E1/2 of the W1/2 of the SW1/4, Section 16, Township 6 South, Range 65 West of the 6th P.M., Douglas County:

Aquifer	Annual Amount (acre-feet)
Lower Dawson (NT)	7.6
Denver (NT)	23.0
Arapahoe (NT)	18.3
Laramie-Fox Hills (NT)	13.0

93CW113 Decreed Uses: Used and reused, successively used, and after use leased, sold or otherwise disposed of for municipal, domestic, industrial, agricultural, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, exchange, storage, and augmentation. Case No. 1994CW061: The decree in Case No. 1994CW061 (the “94CW61 Decree”) quantified the following amounts underlying the W1/2 of the E1/2 of the SW1/4, Section 16, Township 6 South, Range 65 West of the 6th P.M., Douglas County:

Aquifer	Annual Amount (acre-feet)
Lower Dawson (NT)	7.4
Denver (NT)	23.3
Arapahoe (NT)	18.2
Laramie-Fox Hills (NT)	13.1

94CW61 Decreed Uses: Used and reused, successively used, and after use leased, sold or otherwise disposed of for municipal, domestic, industrial, agricultural, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, exchange, storage, and augmentation. Estimated Amounts: Applicant estimates the following annual amount of Upper Dawson Aquifer groundwater may be available for withdrawal:

Aquifer	Annual Amount (acre-feet)
Upper Dawson (NNT)*	14.3

\*The total estimated amount of Upper Dawson Aquifer groundwater is 18.3 acre-feet per year. The amount in this application is reduced by 4 acre-feet annually and reserved for any exempt purposes. Proposed Uses: Use and reuse, successive use, and after use leased, sold or otherwise disposed of for domestic, industrial, agricultural, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, exchange, storage, and augmentation. 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: Approximately 10 acre-feet per year for 100 years of Upper Dawson Aquifer groundwater, as follows: 0.3 acre-feet per year for in-house use in 1 single-family residence, 0.2 acre-feet per year for watering of up to 16 large domestic animals, and 9.5 acre-feet per year for up to 4.3 acres of irrigation of home lawn, garden, trees, hay, and pasture. 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 Upper Dawson aquifer groundwater will be used for domestic purposes, including in-house use, irrigation, stockwatering, and fire protection, through one or more wells, both on and off 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 flows from in-house use will be approximately 90% of that use, and return flows 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 Cherry Creek stream system and return flows accrue to that creek system 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 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. 5 Pages.

**\*\*\*AMENDED\*\*\*21CW3185, TOWN OF CASTLE ROCK**, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720)733-6000, [mmarlowe@crgov.com](mailto:mmarlowe@crgov.com). Serve all pleadings on: Madoline Wallace-Gross and Anthony J. Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900. [mwg@lyonsgaddis.com](mailto:mwg@lyonsgaddis.com); [abasile@lyonsgaddis.com](mailto:abasile@lyonsgaddis.com). **FIRST AMENDED APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS AND FOR CONDITIONAL APPROPRIATIVE RIGHT OF EXCHANGE IN MORGAN, LOGAN, WASHINGTON, AND DOUGLAS COUNTIES**. 2. **Background**. In the original application, Applicant sought a conditional water storage right in Prewitt Reservoir via the Prewitt Inlet Canal and a conditional water storage right in Fremont Butte Reservoir via a pump and pipeline from the Prewitt Reservoir. A delivery pipeline from Prewitt Reservoir to Fremont Butte Reservoir may be used to convey water to storage in Fremont Butte Reservoir and to deliver water back to Prewitt Reservoir or directly to a pipeline from or in the vicinity of Prewitt Reservoir to Rueter-Hess Reservoir for Applicant's use. In this amended application, Applicant seeks an alternate point of diversion for the Prewitt Inlet Canal at the Bravo Ditch and an alternate point of storage for the Prewitt Reservoir in the Bravo Reservoir Complex for transportation to Fremont Butte Reservoir via a pump and pipeline. Applicant further seeks a conditional appropriative right of exchange between the Bravo Reservoir Complex and the Prewitt Inlet Canal for delivery to Fremont Butte Reservoir. Maps showing the location of the relevant structures and exchange points are attached hereto as **EXHIBITS A, B, and C**. **Conditional Storage Rights** 3. **Name of Structures**: TCR - Prewitt Reservoir and Bravo Reservoir Complex. A. **Legal description of location of reservoirs**: i. **Original Point of Storage**. Storage space within the existing off-channel Prewitt Reservoir which is located in all or parts of Sections 1, 2, 10, 11, 12, 13, 14, and 15 in T.5N., R.54W. of the 6th P.M. and in parts of Sections 5, 6, and 7 in T.5N., R.53W. of the 6th P.M., in Washington County, Colorado and in part of Section 31, T.6N., R.53W. of the 6th P.M. and part of Section 36, T.6N., R.54W. of the 6th P.M. in Logan County, Colorado. The center of the outlet works in the dam of Prewitt Reservoir is located at: SE ¼ NE ¼ Section 2, T.5N., R.54W. of the 6th P.M. in Washington County, Colorado. ii. **Alternate Points of Storage**. Bravo Reservoir Complex will consist of any one or more of the following separate off-channel reservoirs as shown on **EXHIBIT A** attached hereto. a. **Bravo Reservoir**: to be located in all or parts of Sections 32 and 33 of T.9N., R.51W., 6th P.M., and Sections 3, 4 and 5 of T.8N., R.51W., 6th P.M. b. **Talbott Reservoir**: to be located in all or parts of Sections 22 and 27 of T.9N., R.51W., 6th P.M. c. **Board Held Reservoir**: to be located in all or parts of Section 6 of T.8N., R.51W., 6th P.M., and Section 1 of T.8N., R.52W., 6th P.M. d. **Veeman Reservoir**: to be located in all or parts of Sections 4, 5, and 8 of T.8N., R.51W., 6th P.M. B. **Source**: South Platte River. C. **Name, capacity and point of diversion of ditch used to fill reservoir**: i. **Original Point of Diversion**. Prewitt Inlet Canal, which has an intake in the SE 1/4 SW 1/4 Section 24, T.5N., R.55W. of the 6th P.M. in Morgan County, Colorado, at a point approximately 1470 feet from the west line and 520 feet from the south line of said Section 24; the present capacity is estimated to be 695 cfs, but it may be capable of carrying 1,000 cfs. ii. **Alternate Point of Diversion**. Bravo Ditch diversion from the south side of the South Platte River in the SE/4 of Sec. 12, T.8N., R.52W. of the 6th P.M. in Logan County, at a point 1,710 feet from the south section line and 1,645 feet from the east section line. The decreed capacity of said ditch is a total of 60 cfs. D. **Date of Appropriation**: January 17, 2017. E. **How appropriation was initiated**: Applicant initiated this appropriation by: investigating junior storage opportunities on the lower South Platte River for its long term renewable water supply; discussing joint junior storage projects with Parker Water and Sanitation District ("Parker"); passing of Resolution No. 2017-012, by Town Council, which accepted the 2016 Water Resources Strategic Master Plan wherein the Town described this project with Parker; including the estimated cost of the project in capital planning and rates and fees studies conducted since 2017; conducting engineering studies to support the appropriation of new water supplies; passing a director's resolution

evidencing the appropriation; and approving and filing the application. F. **Date water applied to beneficial use**: Not applicable. G. **Volume claimed**: 722 acre-feet, conditional cumulative with original point of storage at Prewitt Reservoir and alternate point of storage at Bravo Reservoir Complex, with the right to one refill, for storage and as a forebay for conveyance to and from storage in Fremont Butte Reservoir. H. **Flow rate claimed**: 111 cfs cumulative at the original point of diversion at Prewitt Inlet Canal and alternate point of diversion at the Bravo Ditch. I. **Capacity and surface area of reservoirs**: i. Prewitt Reservoir. Surface area is 2321 acres. Total storage of 32,300 acre-feet, with a current restriction of approximately 28,600 acre-feet. ii. Bravo Reservoir Complex. Combined surface area of the Bravo Reservoir Complex is estimated to be up to 1,310 acres. Total cumulative storage 6,500 acre-feet. J. **Proposed Uses**: All municipal purposes including augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction within Applicant's service area boundaries by direct use, after storage and by exchange. K. **Place of Use**: Lands within Applicant's water service area boundaries, as such boundaries currently exist or may exist in the future, and lands outside such boundaries by contract as of the filing of this application. A map of the Applicant's current service area is attached hereto as **EXHIBIT D**. L. **Reuse and Successive Use Operations**: Applicant intends to fully consume water diverted pursuant to this storage right, and Applicant is appropriating the sewer and nonsewered return flows generated from the water right that accrues to Plum Creek and Cherry Creek and their respective tributaries. Sewered effluent attributable to this water right will be discharged at the Plum Creek Water Reclamation Authority Wastewater Treatment Plant Outfall located in the SW 1/4 SW 1/4 Section 21, T.7S., R.67W., 6th P.M., at a point 770 feet from the south section line and 100 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508185, Northing 4363729. Sewered effluent attributable to this water right will also be discharged to Cherry Creek at the Pinery Wastewater Treatment Plant Outfall, located in the NE 1/4 of the NW 1/4 Section 10, T.7S., R.66W. of the 6th P.M. at a point 200 feet from the north section line and 1,440 feet from the west section line of said Section 10, or any location where the discharge may be relocated in the future. The sewer and non-sewered return flows will be used, reused and successively used by direct use and exchange on Plum Creek and Cherry Creek. M. **Operations**: Water stored in Prewitt Reservoir or the Bravo Reservoir Complex will be released, delivered and/or transported via reservoirs (including Fremont Butte Reservoir), outlets, pumps and pipelines for ultimate delivery to storage in Rueter-Hess Reservoir, which intercepts Newlin Gulch at a point in the S1/4 SW 1/4 of Section 30, T.6S., R.66W., 6th PM in Douglas County Colorado. 4. **Name of Structure**: TCR- Fremont Butte Reservoir. A. **Legal description of location of dam centerline**: An on-channel reservoir where the dam axis crosses the thread of an unnamed draw at a point located in the NW 1/4, Section 35, T.4N., R.53W., 6th P.M. on the northern section line of Section 35 and is 885 feet from the west section line, in Washington County, Colorado. The western abutment will be in the SE 1/4, Section 27, T.4N., R.53W., 6th P.M., approximately 2,200 ft. from the east line and 200 ft. from the south line; the eastern abutment will be in the NE 1/4 NE 1/4 of Section 35, T.4N., R.53W., 6th P.M., approximately 800 ft. from the east line and 700 ft. from the north line. Applicant anticipates that Fremont Butte Reservoir will be located in all or parts of Sections 27, 33, 34, and 35, T.4N., R.53W., 6th P.M. and Sections 2, 3, 4, 10, and 11, T.3N., R.53W., 6th P.M. B. **Source**: South Platte River. C. **Surface area of high-water line**: 1,870 acres. D. **Vertical height of dam**: 105 feet. E. **Length of dam**: Approximately 7,000 feet. F. **Total capacity of reservoir**: 72,000 acre-feet. Active capacity: 72,000 acre-feet. Dead storage: none (0 acre-feet). G. **Volume claimed**: 8,000 acre-feet, conditional, with the right to one refill. H. **Name, capacity and point of diversion of ditch used to fill reservoir**: Prewitt Inlet Canal described in paragraph 3.C.i or the Bravo Ditch described in paragraph 3.C.ii. I. **Flow Rate Claimed**: 111 cfs. This flow rate is cumulative for diversion to storage in Prewitt Reservoir, the Bravo Reservoir Complex, and Fremont Butte Reservoir as further described in paragraph 3. J. **Date of Appropriation**: January 17, 2017. K. **How appropriation was initiated**: Applicant initiated this appropriation by: investigating junior storage opportunities on the lower South Platte River for its long term renewable water supply; discussing joint junior storage projects with Parker; passing of Resolution No. 2017-012, by Town Council, which accepted the 2016 Water Resources Strategic Master Plan wherein the Town described this project with Parker; including the estimated cost of the project in capital planning and rates and fees studies conducted

since 2017; conducting engineering studies to support the appropriation of new water supplies; passing a director's resolution evidencing the appropriation; and approving and filing the application. L. **Date water applied to beneficial use**: Not applicable. M. **Proposed Uses**: See paragraph 3.J. N. **Place of Use**: See paragraph 3.K. O. **Reuse and Successive Use Operations**: See paragraph 3.L. P. **Operations**: Water may be diverted at the Prewitt Inlet Canal on the South Platte River, either directly or by utilizing the TCR-Bravo-Prewitt Exchange (as further set forth in paragraph 5 and its subparts), delivered into space in Prewitt Reservoir, pumped at a rate of up to 250 cfs from Prewitt Reservoir (at the Fremont Butte Pumping Works and Pipeline), and delivered via pipeline to Fremont Butte Reservoir. Water may also be diverted at the Bravo Ditch on the South Platte River, delivered into space in the Bravo Reservoir Complex, and delivered via pipeline to Fremont Butte Reservoir or exchanged to the Prewitt Inlet Canal utilizing the TCR-Bravo-Prewitt Exchange (as further set forth in paragraph 5 and its subparts) and delivered by pipeline to Fremont Butte Reservoir. **Conditional APPROPRIATIVE Right OF EXCHANGE** 5. **Name of Exchange**: TCR Bravo – Prewitt Exchange A. **Downstream Termini**: i. a point in Section 36, T.9N., R.52W., 6th P.M., 0 feet for the north section line and 2,150 feet from the west section line. ii. a point in Section 16, T.9N., R.51W., 6th P.M., 500 feet from the south section line and 0 feet from the east section line. iii. a point in Section 1, T.8N., R.52W., 6th P.M., 0 feet from the north section line and 850 feet from the east section line. B. **Upstream Terminus**: Prewitt Inlet Canal, see paragraph 3.C.i. C. **Source**: South Platte River. D. **Date of Appropriation**: January 17, 2017. E. Applicant initiated this appropriation by: investigating junior storage opportunities on the lower South Platte River for its long term renewable water supply; discussing joint junior storage projects with Parker; passing of Resolution No. 2017-012, by Town Council, which accepted the 2016 Water Resources Strategic Master Plan wherein the Town described this project with Parker; including the estimated cost of the project in capital planning and rates and fees studies conducted since 2017; conducting engineering studies to support the appropriation of new water supplies; passing a director's resolution evidencing the appropriation; and approving and filing the amended application. F. **Date Water Applied to Beneficial Use**: Not applicable. G. **Amount Claimed**: 111 cfs, conditional. H. **Use**: See paragraph 3.J. I. **Operation**: Applicant will cause lawfully stored water to be exchanged from one or more of the downstream termini at the Bravo Reservoir Complex up the South Platte River to the Prewitt Inlet Canal for diversion and subsequent storage and conveyance consistent with the operations outlined in this Amended Application. 6. **Integrated Water Supply Plan**. The storage water rights described herein are components of Applicant's integrated water supply system, which consists of underground water rights, storage water rights, appropriative rights of exchange, surface water rights, non-tributary groundwater rights and plans for augmentation. Pursuant to C.R.S. § 37- 92-301(4)(B), work on one feature of the integrated system shall be considered in finding that reasonable diligence has been shown for all features of the integrated system. 7. **Owners of land upon which structures are or will be located**. 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. **Prewitt Inlet Canal and Diversion Structure**. State of Colorado, Dept. of Natural Resources, 122 E. Edison St., Brush, CO 80723 and Dixie Water LLC, 400 Poydras St., Ste 2100, New Orleans, LA 70130. B. **Prewitt Reservoir**. Prewitt Reservoir Land Co. and/or Logan Irr. Dist., Iliff Irr. Dist., and Morgan-Prewitt Res. Co., PO Box 333, Sterling, CO 80751; and Patrick J. and Luann August Gebauer, c/o Luann August, 15488 Co. Rd. 57, Hillrose, CO 80733; Brundage Family Limited; Partnership Rlllp, 7837 South Perry Park Road, Larkspur, CO 80118; Colorado Board of Land Commissioners, 1127 Sherman Street, Denver, CO 80203; Colorado Division Of Wildlife & Wildlife Commission, 6060 Broadway, Denver, CO 80216; DPG Farms, LLC, 3300 South Parker Road, Ste 300, Aurora, CO 80014; Fritzier Andrew S Sub Trust; Ua Dtd 2-5-16 Created Under Harold Fritzier Living Trust; 16126 County Road 59.5, Merino, CO 80741; Fritzier Brian Douglas Sub Trust; Ua Dtd 2-5-2016 Created Under Harold Fritzier Living Trust; 15998 County Road 59.5, Merino, CO 80741; Fritzier Donna, 43205 Co Rd AA, Akron, CO 80720; Gen3 Farms LLC, PO Box 178, Merino, CO 80741; Kaiser Hilde Gill &; Jerald R Kaiser, 11213 West Asbury Avenue, Lakewood, CO 80227; Thompson Jeanne Gill, 3623 East Geddes Drive, Centennial, CO 80122; and 22 Ranch, 15335 US Highway 6, Rt 1, Box 86G, Merino, CO 80741. C. **Bravo Reservoir may be constructed on land owned**

**by:** Don Manuello, 18295 Co. Rd. 367, Sterling, CO 80751; Timothy Ramey, 16263 Co. Rd. 32, Sterling, CO 80751; Donna and Darrin Manuello, 26335 Co. Rd. 385, Sterling, CO 80751; Home Ranch of Wyoming, 136 Washington Rd., Wheatland, WY 82201; Veeman Dairy, P.O. Box 336640, Greeley, CO 80633; AgCountry Revocable Trust, 19495 Co. Rd., 72, Eaton, CO 80615; and Colorado State Land Board, 1127 Sherman St., Suite 300, Denver, CO 80203. D. **Talbott Reservoir may be constructed on land owned by:** Talbott Ranch, LLC, 28651 Co. Rd. 385, Iliff, CO 80736; Home Ranch of Wyoming, 136 Washington Rd., Wheatland, WY 82201; and Alan Gerk, 27256 Co. Rd. 285, Iliff, CO 80736. E. **Board Held Reservoir may be constructed on land owned by:** Colorado State Land Board, 1127 Sherman St., Suite 300, Denver, CO 80203; Veeman Dairy, P.O. Box 336640, Greeley, CO 80633; John Held, P.O. Box 1321, Sterling, CO 80751; Sterling Investments, LLC, 2220 Downing St., Denver, CO 80205; and Colorado Division of Wildlife, 6060 Broadway, Denver, CO 80216. F. **Veeman Reservoir may be constructed on land owned by:** Veeman Dairy, P.O. Box 336640, Greeley, Co 80633; and AgCountry Revocable Trust, 19495 Co. Rd. 72, Eaton, CO 80615. G. **The diversion structure of the Bravo Ditch is on land owned by:** The Bravo Ditch Company, 24833 CR 385, Sterling, CO 80751; and City of Sterling, P.O. Box 4000, Sterling, CO 80751. H. **Fremont Butte Reservoir.** Gary R. & Judith A. Anderson, 20750 Co. Rd. 46, Akron, CO 80720; Michael P. & Kendra A. Anderson, 46043 Co. Rd. Y, Akron, CO 80720; Vickie L. Armstrong, 678 W. 11th St., Akron, CO 80720; Arthur D. Cline, 46667 Co. Rd. AA, Akron, CO 80720; Colorado State Land Board, Department of Natural Resources, 1313 Sherman St., Rm. 620, Denver, CO 80203; Phyllis E. Covey, 15267 S. Co. Rd. 212, Blair, OK 73526; Fincher Land Company LLC, 45997 Co. Rd. U, Akron, CO 80720; David E. Garcia, 309 Bocage Drive, Cheyenne, WY 82009; Kory A. & Shanah Nicole Kessinger, 21250 Co. Rd. 50, Akron, CO 80720; Lila L. Kessinger, PO Box 414, Akron, CO 80720; and Ellen W. Stratton, c/o Jill Dreher, PO Box 248, Akron, CO 80720. WHEREFORE, Applicant respectfully requests the Court enter a decree approving Applicant's conditional storage rights, alternate points of diversion and storage, and conditional appropriative right of exchange as amended and described herein. **EXHIBIT LIST** A. Map of Fremont Butte and Prewitt structures B. Map of Bravo Reservoir Complex and Exchange-from Points C. Map of Potential Pipeline Alignments and Exchange-to Point D. Town of Castle Rock service area. Number of pages in application: 10 pages, excluding exhibits.

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 **APRIL 30, 2022** (forms available on [www.courts.state.co.us](http://www.courts.state.co.us) or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.