

DISTRICT COURT, WATER DIVISION 1, COLORADO

OCTOBER 2024 WATER RESUME PUBLICATION

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

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

CASE NUMBER 2024CW3138 (16CW3178), TOWN OF CASTLE ROCK, Attn: Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109, (720) 733-6000. Serve all pleadings on: Madoline Wallace-Gross, Anthony Basile, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303)776-9900, mwg@lyonsgaddis.com; abasile@lyonsgaddis.com; **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE IN DOUGLAS AND JEFFERSON COUNTIES.** 2. **Name of Water Right:** Chatfield Reservoir-Castle Rock Pump Station. 2.1. Legal Description of Point of Diversion: The Chatfield Reservoir-Castle Rock Pump Station will be located at the point where the Chatfield Reservoir Outlet Manifold intersects the centerline of Chatfield Dam at a point whence the northwest corner of Section 1, Township 6 South, Range 69 West of the 6th P.M. Jefferson County, bears north 49° west a distance of 4,070 feet, which point is 2,670 feet from the north and 3,072 feet from the west section lines of said Section 1. A map of the point of diversion is attached hereto as **EXHIBIT A**. 2.2. Sources: South Platte River and Plum Creek. 2.3. Date of Appropriation: April 27, 2016. 2.4. Amount: 30 c.f.s., conditional. 2.5. Uses: Direct use for all municipal uses, industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. 2.6. 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. A map of the place of use is attached hereto as **EXHIBIT B**. 2.7. Claim to Make Absolute: Not applicable. 3. **Name of Water Right:** Chatfield Reservoir-Castle Rock Refill. 3.1. Legal Description of Chatfield Reservoir: The right abutment of the dam is located in Douglas County, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M. The left abutment of the dam is located in Jefferson County, in Section 1, Township 6 South, Range 69 West of the 6th P.M. A map of the storage reservoir is attached hereto as **EXHIBIT A**. 3.2. Sources: South Platte River and Plum Creek. 3.3. Date of Appropriation: April 27, 2016. 3.4. Surface Area at High Water Line: 5,000 acres. 3.5. Length of Dam: 12,200 feet. 3.6. Active Capacity of Applicant's Portion: 2,000 acre-feet. 3.7. Dead Storage of Applicant's Portion: 0 acre-feet. 3.8. Amount: 2000 acre-feet, conditional. 3.9. Uses: Storage and release for all municipal uses, industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. 3.10. Place of Use: See ¶ 2.6. 3.11. Claim to Make Absolute: 3.11.1. Amount: 8.99 acre-feet. 3.11.2. Uses: All decreed uses described in ¶ 2.10. 3.11.3. Date Applied to Beneficial Use: February 5, 2024. 3.11.4. Evidence of Absolute Claim: See **EXHIBIT C**. 3.11.5. Remarks: Applicant reserves the right to claim additional amounts absolute to the extent those amounts are legally stored during the pendency of this application. 3. **Previous Decree for Water Rights:** Case No. 16CW3178, District Court, Water Division No. 1 entered on October 23, 2018. 4. **Integrated System:** The water rights are part of an integrated water supply system owned and developed by the Town of Castle Rock, pursuant to § 37-92-301(4)(b), C.R.S. Applicant's integrated water supply consists of tributary water rights, augmentation plans, appropriative rights of exchange, conditional water rights and nontributary groundwater rights. 5. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the subject diligence period, Applicant spent more than \$256 million on various aspects of its integrated water system. Specifically, among other things, Applicant: 5.1. Diverted and stored 2,000 acre-feet under the Chatfield Reservoir water right originally

decreed in Case No. 89CW169, District Court, Water Division No. 1 and made fully absolute in Case No. 23CW3002, District Court, Water Division No. 1. 5.2. Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$7,011,000. 5.2.1. Associated legal and administrative costs totaled approximately \$10,000. 5.2.2. As of 2024, Applicant owns 848 acre-feet of capacity in Chatfield Reservoir, with plans to exercise the option to acquire additional capacity up to 2,000 acre-feet of conditional storage. 5.3. Completed the following work related to the Plum Creek Water Purification Facility: 5.3.1. Designed and constructed the Plum Creek Water Purification Facility with a treatment capacity of 4 MGD at a cost of approximately \$17,600,000. 5.3.2. Purchased and installed an additional Pall membrane equipment rack with a treatment capacity of 2 MGD at a cost of approximately \$1,006,000. 5.3.3. Conducted a Plum Creek Water Purification Facility Planning Study with Jar testing at a cost of approximately \$20,000. 5.3.4. Created a Basis of Design Report for the Plum Creek Water Purification Facility advanced treatment project (including biologically active carbon (BAC) filtration system) at a cost of approximately \$87,000. 5.3.5. Hired consultants for negotiating and implementing contracts related to the advanced treatment project at a cost of approximately \$25,000. 5.3.6. Completed pilot testing related to the advanced treatment project, including BAC filtration, as required by Colorado Department of Health and the Environment at a cost of approximately \$200,000. 5.3.7. Began design of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$1,300,000. 5.3.8. Began construction of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$30,000,000. 5.3.9. Relocated generator from PS Miller Water Treatment Plant to Plum Creek Water Purification Facility at a cost of approximately \$120,000. 5.3.10. Conducted an aquifer storage and recovery pilot study associated with Plum Creek Water Purification Facility at a cost of approximately \$500,000. 5.4. Conducted studies, designed and constructed the expansion to Plum Creek Water Reclamation Authority's Wastewater Treatment Plant at a cost of approximately \$67,000,000. 5.5. Completed the following work related to Plum Creek Diversion, Castle Rock Reservoir No. 1 (also known as Sedalia Reservoir) and Castle Rock Reservoir No. 2. 5.5.1. The Town spent approximately \$935,000 designing improvements to Castle Rock Reservoirs No. 1 and No. 2. 5.5.2. The Town began the construction of Castle Rock Reservoir No. 2 and an expansion of Castle Rock Reservoir No. 1 at a cost of approximately \$26,500,000. 5.6. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 5.7. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW3206, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, 22CW3111, 23CW3121, 23CW3124, 23CW3129, 23CW3180, 24CW3088, and 24CW3094. 5.8. Filed applications in Case Nos. 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150, 22CW3155, 23CW3002, 23CW3061, 24CW3037, and 24CW3052. 6. **Owner of land upon which the structures are located:** U.S. Army Corps of Engineers, 9307 South Wadsworth Blvd. Littleton, CO 80128 **WHEREFORE**, Applicant respectfully requests the Court enter a decree finding that Applicant: A. Made a portion of the Chatfield Reservoir-Castle Rock Refill water right absolute in the amount of 8.99 acre-feet; B. Has been reasonably diligent in perfecting the remaining portion of the Chatfield Reservoir-Castle Rock Refill water right; and C. Has been reasonably diligent in perfecting the Chatfield Reservoir-Castle Rock Pump Station water right. Number of pages in application: 7, excluding exhibits.

CASE NUMBER 2024CW3139 LOOKOUT MOUNTAIN WATER DISTRICT, c/o Dylan Woods, Coaty and Woods, P.C., 1202 Bergen Parkway, Suite 110, Evergreen, Colorado 80439, c/o Peter J. Ampe and Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec Street, Suite 3400, Denver, Colorado 80207. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, IN PART, IN CLEAR CREEK AND JEFFERSON COUNTIES.** 2. **Names and legal descriptions of "Exchange To" structures:** A. Confluence of Beaver Brook and Clear Creek: located at a point in the NW/4 of Section 3, Township 4 South, Range 71 West of the 6th P.M. in Jefferson County,

Colorado. B. The Beaver Brook Reservoir: located on the south fork or branch of Beaver Brook in the NW/4 NE/4, Section 14, Township 4 South, Range 72 West, 6th P.M. in Clear Creek County. C. The Upper Beaver Brook Reservoir: located on the south fork or branch of Beaver Brook in the SW/4 SE/4, Section 15, and the N/2, Section 22, Township 4 South, Range 72 West, 6th P.M. in Clear Creek County. D. The Beaver Brook Pipeline: located in the NW/4 NE/4, Section 14, Township 4 South, Range 72 West, 6th P.M. in Clear Creek County. The headgate thereof is located at a point on the south bank of North Beaver Brook whence the northeast corner of the said Section 14 bears north 86°15' east a distance of 2,190 feet. The total length of the pipeline is approximately 700 feet and is used to convey water diverted from North Beaver Brook to the Beaver Brook Reservoir. E. The Golden Pipeline No. 1: is approximately ten (10) miles in length, having its upper terminus located at the outlets of the Upper Beaver Brook Reservoir and the Beaver Brook Reservoir and its lower terminus at the inlet of Lookout Mountain Reservoir (a/k/a Beaver Brook Reservoir No. 3) located on Lookout Mountain in the NE/4 SE/4, Section 5, Township 4 South, Range 70 West, 6th P.M. in Jefferson County.

3. Describe conditional water right (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: A. Date of Original Decree: October 1, 1992; **Case No.** 87CW303; **Court**: Water Division 1. B. Legal description of "Exchange From" Structures: An augmentation station located proximate to the Farmers' High Line Canal headgate. The Farmers' High Line Canal headgate on Clear Creek is located on the north bank thereof in the N/2 SW/4, Section 27, Township 3 South, Range 70 West of the 6th P.M., Jefferson County Colorado, at a point located approximately 860 feet south 7°30' east from the northeast corner of the W/2 of said Section 27. Lookout Mountain Reservoir is located on Lookout Mountain in the NE/4 SE/4, Section 5, Township 4 South, Range 70 West, 6th P.M., Jefferson County, Colorado. C. Source: water divertible from Clear Creek or its tributaries by exchange of water available to applicant from its six (6) Farmers' High Line Canal shares pursuant to the decree in Case No. 94CW291 and/or water released from Lookout Mountain Reservoir (a/k/a Beaver Brook Reservoir No.3, a/k/a Golden Reservoir No.3). D. Appropriation date and amounts: For the exchange from the Farmers' High Line Canal: 2 c.f.s. on an average flow basis; up to a maximum rate of exchange of 4 c.f.s. on an instantaneous flow basis; provided that the annual quantity of water exchanged shall not exceed 174 acre-feet with an appropriation date of August 30, 1982. For the exchange from Lookout Mountain Reservoir: 2 c.f.s. maximum instantaneous rate of exchange; provided that the annual quantity of water exchanged shall not exceed 101.1 acre-feet under an appropriation date of August 30, 1982. E. Use: All municipal purposes, including storage and subsequent application to beneficial use, augmentation and replacement of depletions, domestic, industrial, commercial, irrigation, recreation, and fish and wildlife uses. F. Amount made absolute: The Water Court found in Case No. 17CW3034 that: (1) 112.0 acre-feet of the 174 acre-feet conditional exchange from the Farmers' High Line Canal and 1.36 c.f.s. of the 2 c.f.s. rate of flow for said conditional exchange were made absolute; and (2) 72.0 acre-feet of the 101.1 acre-feet conditional exchange from Lookout Mountain Reservoir and 1.33 c.f.s. of the 2 c.f.s. rate of flow for said conditional exchange were made absolute.

4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Applicant has expended approximately \$11,800,000.00 to operate, maintain, and repair the Lookout Mountain Water District water system and for capital expenditures for maintenance, repair, and improvement of the diversion and storage facilities utilized in connection with the subject conditional water rights.

5. Claim to make absolute: A. Farmers' High Line Canal exchange: In Water Year 2021, Applicant made an additional 0.21 c.f.s. of the rate of the Farmers' High Line Canal exchange absolute by exchanging at a rate of 1.57 c.f.s. on June 27, 2021. B. Lookout Mountain exchange: N/A. 6. **Names(s) and address(es) of owner(s) of the land on which structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use:** All of the above structures are owned by or within the boundaries of the Lookout Mountain Water District. WHEREFORE, Applicant requests that the Court enter a decree making the Farmers' High Line Canal and Lookout Mountain Reservoir exchanges absolute, in part, as more fully described above, and finding that the Applicant has exercised reasonable diligence in the development of the conditional water right to the extent that it has not

yet been made absolute; and requests that the Court enter a decree affording the applicant such other relief as the Court deems appropriate. Number of pages of Application: 5.

CASE NUMBER 2024CW3140 (17CW3176) DISTRICT COURT, WATER DIVISION 1, COLORADO, 901 9th Avenue, P.O. Box 2038, Greeley, Colorado 80632, (970) 475-2540, CONCERNING THE APPLICATION FOR WATER RIGHTS OF CENTENNIAL WATER AND SANITATION DISTRICT. APPLICATION TO MAKE WATER RIGHT ABSOLUTE IN DOUGLAS AND JEFFERSON COUNTIES.

1. Name, address, e-mail address and telephone number of applicant: Centennial Water and Sanitation District (“Centennial”), c/o General Manager, 62 Plaza Drive, Highlands Ranch, Colorado 80129, SCalkins@highlandsranch.org, (303) 791-0430. Direct all pleadings in this matter to: P. Fritz Holleman, Kate Bosh, Bushong & Holleman PC, 1966 13th Street, Suite 270, Boulder, Colorado 80302, fhollenman@bh-lawyers.com; kbosh@bh-lawyers.com, (303) 431-9141. 2. Name of structure: Chatfield Reservoir. 3. Description of conditional water right: 3.1. Date of original decree: March 29, 1989. Case No.: 83CW184. Court: District Court, Water Division 1. 3.2. Subsequent decrees: Decrees finding reasonable diligence were entered in Case Nos. 95CW111 on February 13, 1996, 02CW41 on May 20, 2003, 09CW76 on November 6, 2011, and 17CW3176 on October 23, 2018, all District Court, Water Division 1. 3.3. Location: Chatfield Reservoir, which is the reservoir formed by the Chatfield Dam, an existing structure located on the mainstem of the South Platte River; the right abutment of which is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West, of the 6th P.M. and the left abutment of which is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West, of the 6th P.M., as generally depicted in **Exhibit A**. 3.4. Source: The South Platte River and its tributaries. 3.5. Appropriation date: August 24, 1984. 3.6. Amount: 4,100 acre-feet, CONDITIONAL, of the 26,400 acre-feet per year decreed in Case No. 83CW184. 3.7. Uses: Augmentation, replacement, exchange, irrigation, commercial, industrial, recreation, municipal, domestic and all other beneficial uses.

4. Description of Work Done to Apply the Water Right to Beneficial Use: Applicant requests a finding that it has made the subject water right described in paragraph 3 above absolute, as described in paragraph 5 below. If the Court determines that Applicant has not made the subject water right absolute in the amount requested, or that Applicant has only made a portion of the subject water right absolute, Applicant seeks in the alternative a finding that it has exercised reasonable diligence in the development of the subject water right described in paragraph 3 above, for all conditional amounts and uses. During the subject diligence period, Applicant’s efforts toward development of the subject water rights include, but are not limited to, the following: 4.1. The subject water right is part of an integrated water supply system to provide a unified water supply and wastewater system for Highlands Ranch. Applicant spent a total of approximately \$150,026,000 on water and wastewater system improvements. Improvements were made to Applicant’s raw water storage facilities, raw water source of supply, water treatment plant, booster pump stations, treated water storage reservoirs, wastewater treatment plant, water infrastructure, groundwater wells, and wastewater infrastructure. 4.2. The Chatfield Reservoir Mitigation Company, formed in 2015, conducts business to satisfy both the federal and state financial and mitigation obligations of members related to the Chatfield Storage Reallocation Project. During the diligence period, Applicant has paid annual assessments for the operations of the Chatfield Reservoir Mitigation Company totaling \$2,725,450. 4.3. Applicant has supported the Chatfield Storage Reallocation Project by continuously being a member on each of the following three project management committees: the Board of Directors of the Chatfield Reservoir Mitigation Company, the Project Coordination Team, and the Operations Advisory Committee. 4.4. Applicant continues to operate its integrated water system to provide water service to its current and future customers. 4.5. Applicant continues to file statements of opposition to numerous Water Court applications to protect Applicant’s water rights, including the water rights subject to this Application. 5. Request to Make Water Right Absolute: Applicant diverted and stored 4,100 acre-feet in Chatfield Reservoir on May 12, 13, and 14, 2023, and concurrently applied the water to beneficial use for recreation. Applicant’s accounting records from May, 2023 are attached hereto as **Exhibit B**. The entire stored amount of 4,100 acre-feet of water in Chatfield Reservoir was used in the reservoir for recreational purposes. The entire stored amount of 4,100 acre-feet, minus the amount lost to evaporation, was then released and used for

municipal purposes by Centennial within Centennial's service area between July 16, 2023 and August 6, 2024. Applicant's accounting records from July, 2023 to August, 2024 are attached hereto as **Exhibit C**. An affidavit made by Applicant's Water Rights Administrator in support of the accounting records is attached as **Exhibit D**. Pursuant to C.R.S. § 37-92-301(4)(e), "[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." Accordingly, Applicant requests that the Chatfield Reservoir water storage right described in paragraph 3 be made absolute for all decreed uses identified in paragraph 3.7, in the absolute amount of 4,100 acre-feet with an appropriation date of August 24, 1984. 6. Name and address of owner of land upon which any new diversion or storage structure or modification to an existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored: No new diversion or storage structures are or will be constructed and no modifications to existing diversion or storage structures or existing storage pool are or will be constructed. The land on which Chatfield Reservoir is located is owned by the United States Army Corps of Engineers, 9307 South Wadsworth Blvd., Littleton, CO 80128. WHEREFORE, the Applicant requests the Court to enter a decree making the Chatfield Reservoir storage right absolute in the amount of 4,100 acre-feet, for the uses described in paragraph 3.7, so that the Applicant may continue to divert and store up 4,100 acre-feet per year under the Chatfield Reservoir storage right as described in paragraph 3, and that the Court grant such other relief as it may deem just and proper.

(5 Pages + Exhibits)

CASE NUMBER 2024CW3141 Applicant: **DEUEL AND SNYDER IMPROVEMENT COMPANY** c/o Brian Kembel, Ditch Board President, P.O. Box 89, Fort Morgan, CO 80701; send all correspondence connected herewith to Applicant's counsel, David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN MORGAN COUNTY**. 2. Information from previous Decree: 2.1. Date of Original Decree: October 25, 2018. 2.2. Case No. 17CW3025, District Court, Water Division 1 3. Name of Structure: D&S Augmentation Well No. 10 (Weisbart Well); WDID 0108867, Permit No. 8550-R-R. 3.1. Legal Description: The well is located in the NW 1/4 of Section 31, Township 4 North, Range 57 West of the 6th P.m. at a point 993 feet from the North section line and 1213 feet from the West Section line. (UTM: Northing 4458740, Easting 601474). 3.2. Source: Groundwater tributary to the South Platte River. 3.3. Amount: 1925 g.p.m., Conditional. 3.4. Date of Appropriation: February 22, 2017. 3.5. Landowner: Rule Feeders, LLC, P.O. Box 217, Brush, CO 80723. 4. Name of Structure: D&S Augmentation Well No. 11 (Guthrie Land Co. 1); WDID 0106776, Permit No. 6117-R. 4.1. Legal Description: The well is located in the SE 1/4 of the SE 1/4 of Section 28, Township 4 North, Range 57 West of the 6th P.M. (UTM: Northing 4459462, Easting 605958). 4.2. Source: Groundwater tributary to the South Platte River. 4.3. Amount: 1800 g.p.m., Conditional. 4.4. Date of Appropriation: February 22, 2017. 4.5. Landowner: Joe & Irma Baumberger, 21486 MCR T.5, Ft. Morgan, CO 80701. 5. Name of Structure: D&S Augmentation Well No. 12 (Guthrie Land Co. 3); WDID 0106778 Permit No. 6045-R. 5.1. Legal Description: The well is located in the NW 1/4 of the NE 1/4 of Section 33, Township 4 North, Range 57 West of the 6th P.M. (UTM: Northing 4458823, Easting 605172). 5.2. Source: Groundwater tributary to the South Platte River. 5.3. Amount: 2000 g.p.m., Conditional. 5.4. Date of Appropriation: February 22, 2017. 5.5. Landowner: Joe & Irma Baumberger, 21486 MCR T.5, Fort Morgan, CO 80701. 6. Name of Structure: D&S Augmentation Well No. 13 (Guthrie Land Co. 2); WDID 0106777, Permit No. 3027-F-R. 6.1. Legal Description: The well is located in the SW 1/4 of the SW 1/4 of Section 27, Township 4 North, Range 57 West of the 6th P.M. at a point 211 from the South section line and 1215 from the West section line. (UTM: Northing 4459161, Easting 606337). 6.2. Source: Groundwater tributary to the South Platte River. 6.3. Amount: 1945 g.p.m., Conditional. 6.4. Date of Appropriation: February 22, 2017. 6.5. Landowner: Joe & Irma Baumberger, 21486 MCR T.5, Fort Morgan, CO 80701. 7. Name of Structure: D&S Augmentation Well No. 14 (Twamore Farms 2); WDID 0108673, Permit No. 11310-R. 7.1. Legal Description: The well is located in the SW 1/4 of the SE 1/4 of Section 29, Township 4 North, Range 57 West of the 6th P.M. (UTM: Northing 4459069, Easting 603551). 7.2. Source: Groundwater tributary to

the South Platte River. 7.3. Amount: 1800 g.p.m., Conditional. 7.4. Date of Appropriation: February 22, 2017. 7.5. Landowner: Brian & Kolleen Kembel, 19525 County Road T, Fort Morgan, CO 80701. 8. Outline of What Has Been Done Toward Completion During the Diligence Period: During the diligence period, Applicant operated its plan for augmentation decreed in Case No. 03CW222 for which the Subject Augmentation Wells are a decreed source of replacement supply. Applicant did not need to operate the Subject Wells during this diligence period. Additionally, Applicant performed work to maintain its integrated system, including filing and prosecuting applications in Case Nos. 20CW3098, 22CW3067, 23CW3032, and 23CW3111. 9. Claim for Finding of Reasonable Diligence: Applicant seeks a finding that it has been reasonable diligent in the development of the conditional water rights described herein and seeks entry of a decree maintaining the water rights as conditional for the statutory period.

CASE NUMBER 2024CW3142 WESTERN EQUIPMENT AND TRUCK, INC. 2055 1st Avenue, Greeley, CO 80631, 970-353-6682 (P. Andrew Jones, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, 970-235-0252, ajones@pandrewjones.com). **APPLICATION FOR UNDERGROUND WATER RIGHT AND FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN WELD COUNTY.** 2. General Description of Application: Applicant seeks to adjudicate a water right for and an augmentation plan including exchange supporting WETCO Pond No. 1, which is a former gravel pit that exposes groundwater. **APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT.** 3. Name of Water Right: WETCO Pond No. 1 a. Location of Point of Diversion: i. PLSS: NW 1/4 of the SE 1/4, Section 2, Township 4 North, Range 67 West of the 6th PM. ii. GPS coordinates: 1. Format: UTM 2. Zone: 13. 3. Units: Meters. 4. Datum: NAD 83. 5. Setting: True North. 6. Northing (Y): 512204.0. 7. Easting (X): 4465414.2. b. Source: Ground water tributary to the South Platte River. c. Date of Appropriation: Date of filing. d. How appropriation was initiated: Construction, filing. e. Amount claimed: 4.56 acre-feet per year. f. Surface Area at High Water Line: 1.71 acres. g. Use: Recreational, piscatorial, fish and wildlife. All uses will occur within the high water line. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION.** 4. Name of Structure to be Augmented: WETCO Pond No. 1, to be decreed herein. 5. Water Rights to Be Used for Augmentation: Applicant has entered into a Water Supply Agreement with United Water and Sanitation District (“United”) to provide augmentation for evaporative losses from WETCO Pond No. 1 (“United Agreement”). United owns or controls various water rights decreed for augmentation purposes including, without limitation, the sources identified on Exhibit A. United is obligated under the terms of the United Agreement to deliver up to 20 acre-feet per year to the South Platte River annually on WETCO’s behalf, in perpetuity. 6. Statement of Plan for Augmentation including Exchange: Evaporative losses occurring from the surface of WETCO Pond No. 1 cause lagged depletions to the Big Thompson River in the location depicted on the map attached as Exhibit B. Monthly unlagged and lagged depletions are attached as Exhibit C. United will deliver fully consumable augmentation supply to the South Platte River pursuant to the United Agreement at the confluence of the Big Thompson and South Platte Rivers, to prevent injury to vested water rights and decreed conditional water rights. 7. Name and Addresses of Owners of Land: a. Applicant owns the land upon which WETCO Pond No. 1 is located. b. United Water and Sanitation District, 8301 E. Prentice Ave, #120, Greenwood Village, CO 80111, owns the water rights that will be used to deliver augmentation water to Applicant. The following parties own interests in the lands and facilities used by United to deliver the water rights to Applicant: i. United Reservoir No. 3: United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111 holds a perpetual easement, granted by Henderson Aggregate, LTD, for United Diversion Facility No. 3: The diversion structure is owned by United. ii. Holton Reservoir: The Holton Reservoir complex is owned by CAW Equities, LLC. iii. Milliken Reservoir: Milliken Reservoir is owned by the United Milliken Reservoir Enterprise, LLC, 8301 E. Prentice Ave, Ste 100, Greenwood Village, CO 80111 and Scout Investments, LLC, 8301 E. Prentice Ave, Ste 100, Greenwood Village, CO 80111. iv. 70 Ranch Reservoir is owned by United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. Dated October 20, 2024.

CASE NUMBER 2024CW3143 APPLICATION FOR CHANGE OF WATER RIGHT IN BOULDER AND WELD COUNTIES. 1. Name, address and telephone number of Applicant: **CITY OF LONGMONT** (“Longmont” or “City”) c/o Water & Waste Department, Water Resources Division, 375 Airport Road, Longmont, CO 80503(303) 651-8376 water@longmontcolorado.gov c/o David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980, dhayes@hpkwaterlaw.com john@hpkwaterlaw.com 2. Introduction: This application requests a change of water rights for 121.66 shares (“Subject Shares”) of the capital stock of the Beckwith Ditch Company (“Company”). Of the foregoing, Longmont is the sole owner of 117.66 shares (“Longmont Shares”). The remaining 4.00 Subject Shares are presently owned by other entities, and Longmont has obtained the consent of the owners to change these shares in anticipation of future acquisition of the shares by Longmont through dedication pursuant to Longmont’s annexation requirements or by other means (“Future Annexation Shares”). The Company is a mutual ditch company incorporated and existing pursuant to the laws of the State of Colorado, with a total of 217 shares of issued and outstanding stock. 3. Description of water right for which change is sought: A. Name of structure: Beckwith Ditch. B. Prior decrees: The original decree for the Beckwith Ditch was entered on June 2, 1882, by the District Court in and for Boulder County, Colorado, in Civil Action No. 1320. In Case No. 87CW215, Longmont changed 95.34 shares in the Company, which shares are not included in this application and are not part of the Subject Shares. C. Location: The original decree for the Beckwith Ditch describes the headgate as being “located in Section 5, Township 2 North, Range 69 West, 6th P.M., Boulder County, Colorado.” More specifically, the Beckwith Ditch headgate is located on the south bank of St. Vrain Creek in the SE1/4, NW1/4, Section 5, Township 2 North, Range 69 West, 6th P.M., as depicted on Exhibits A and B attached hereto. D. Source: St. Vrain Creek. E. Appropriation date: March 8, 1861. F. Amount: 14.21 c.f.s total; with the pro rata rate attributable to the Subject Shares (56.06%) being 7.97 c.f.s. G. Use: Irrigation. 4. Detailed description of proposed change: A. Amount changed: Longmont requests a change of water rights, as more fully described below, of the 7.97 c.f.s associated with the Subject Shares. B. Historical use: The Subject Shares have historically been used to irrigate an estimated average of 115.93 acres of land during the period from 1950 to 1986, as shown on the map attached to the Application as Exhibits A and B. Diversion records for this same period are summarized on Exhibit C. (Exhibits to the application are available for inspection at the office of the Division 1 Water Clerk or via Colorado Courts E-filing.) Longmont will utilize an area specific analysis to quantify historical use of the Subject Shares. C. Changes requested: Longmont seeks to change the Subject Shares as follows: i. Type of use: Longmont requests approval of alternate uses for the Subject Shares for direct use and storage for municipal, replacement, and augmentation, including by substitution and exchange. “Municipal use” includes all municipal uses, such as, but not by way of limitation, domestic, commercial, manufacturing, industrial, agricultural, watering of parks and lawns and gardens, fire protection, generation of electric power and power generally, in-reservoir recreation, in-reservoir fish and wildlife propagation, wastewater treatment, street sprinkling, and maintenance of adequate storage reserves for the above uses. Replacement may include use of the Subject Shares for exchange replacements and to meet Longmont’s historical return flow obligations for its existing, pending, and future acquired and changed water rights in Water Division No. 1, and any other return flow obligations that it has agreed to replace by contract or agreement. Any use of the Subject Shares for augmentation or for replacement must be pursuant to subsequent decrees including the Subject Shares as a source of augmentation or replacement supply, pursuant to an existing decree and any applicable procedures therein, or pursuant to a substitute water supply plan approved by the State Engineer pursuant to section 37-92-308, C.R.S., or successor statute. ii. Place of use: Use of water attributable to the Subject Shares will occur both within Longmont’s city limits and service area (including extraterritorial service), as they now exist or may exist in the future, and for lands, replacements of depletions and/or return flows, delivery, and contractual obligations in Boulder and Weld Counties pursuant to Longmont’s decreed and contractual service obligations. iii. Manner of use: Use of the Subject Shares for the foregoing alternate uses may be made, when in priority, (a) by diverting water at the alternate points of diversion and storage described below, and/or (b) by bypassing water at the Beckwith headgate and claiming net stream depletion credits. The amount of water available for such bypass credits shall be determined through measurement via reestablishment of the

Colorado Division of Water Resources' streamflow gage "St. Vrain Creek at Longmont, CO" (SVLONGCO, WDID 0503206), or a new stream gage in the vicinity of the Beckwith Ditch headgate. iv. Alternate Points of Diversion: a. The "South Pipeline," also known as the Longmont Pipeline, the headgate or point of intake of which is on South St. Vrain Creek at a point whence the West quarter corner of Section 19, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, bears South 70°30' West a distance of 1,657 feet. b. The "North Pipeline," also known as the Longmont Water Works Pipeline, the headgate or point of intake of which is on North St. Vrain Creek at a point whence the Northeast corner of Section 16, Township 3 North, Range 71 West of the 6th P.M., Boulder County, Colorado, bears North 45°37' East a distance of 2,532 feet. c. The "North Pipeline Alternate Point A" (a/k/a Town of Lyons Diversion Structure) located on North St. Vrain Creek in Section 12, Township 3 North, Range 71 West of the 6th P.M., Boulder County, Colorado, at a point from whence the Northwest corner of said Section 12 bears North 84°00'30" East, 1,057.37, more or less. d. The "North Pipeline Alternate Point B" (a/k/a Apple Valley Diversion Structure) located on North St. Vrain Creek in Section 13, Township 3 North, Range 71 West of the 6th P.M., Boulder County, Colorado, at a point from whence the Northeast corner of said Section 13 bears North 59°55'31" East, 2,083.5, more or less. e. The headgate of the Supply Ditch located on the north side of St. Vrain Creek in the N1/2 of Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 86°46' West a distance of 470 feet more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. f. The headgate of the St. Vrain and Palmerton Ditch, also known as the Palmerton Ditch, located on St. Vrain Creek in the N1/2 of Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 49°51' West a distance of 3,750 feet more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. g. The headgate of the Highland Ditch, located on St. Vrain Creek in the N1/2 of Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 39°18' West a distance of 1,720 feet more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. h. The headgate of the Rough and Ready Ditch, located on St. Vrain Creek in the N1/2 of Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, at a point whence the Northwest corner of said Section 20 bears North 49°57' West a distance of 3,730 feet more or less; the North line of the NW1/4 of said Section 20 as bearing North 84° West with all bearings relative thereto. i. The headgate of the Niwot Ditch located on St. Vrain Creek in the SE1/4 SE1/4 of Section 36, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado.

v. Alternate locations of storage and points of diversion for the storage locations: a. Button Rock Reservoir, also known as the Ralph Price Reservoir, and any enlargement thereof, located onstream on North St. Vrain Creek in Sections 17, 18, 19 and 20, Township 3 North, Range 71 West of the 6th P.M., and Sections 13 and 24, Township 3 North, Range 72 West of the 6th P.M., Boulder County, Colorado. b. McCall Reservoir, located in Sections 22, 23, 26 and 27, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. McCall Reservoir receives water through the St. Vrain and Palmerton Ditch, the headgate of which is described above. c. Burch Lake, also known as Oligarchy Reservoir No. 1, located in Sections 25 and 26, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Burch Lake receives water through the St. Vrain and Palmerton Ditch and the Highland Ditch, the headgates of which are described above. d. Union Reservoir and any enlargement thereof, located in Sections 29, 30, 31 and 32, Township 3 North, Range 68 West of the 6th P.M. and upon parts of Sections 5 and 6, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. Union Reservoir receives water through the Oligarchy Ditch, the headgate of which is located in the SE1/4 NE1/4 of Section 27, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, at a point whence the East quarter corner of said Section 27 bears South 27°26' East a distance of 560 feet more or less; the East line of the NE1/4 of said Section 27 as bearing N 0°32'42" West with all bearings relative thereto, and a ditch from Spring Gulch, a tributary of St. Vrain Creek. The headgate of the ditch from Spring Gulch is located at a point whence the Southwest corner of Section 31, Township 3 North, Range 68 West of the 6th P.M. bears South 12° West a distance of 800 feet. In addition, water may be diverted into the reservoir from the following:

the headgates of the Supply Ditch and Highland Ditch, which headgates are described above, with the water then transported to the reservoir via proposed pipelines; the existing St. Vrain Creek Pump Station No. 1 with an inlet located at the approx., center of the NE1/4 of Section 10, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado at a point on the north bank of St. Vrain Creek with UTM coordinates 491671 mE, 4445056 mN, Zone 13T. e. McIntosh Reservoir, located in parts of Sections 29 and 30, Township 3 North, Range 69 West of the 6th P.M., Boulder County, Colorado. McIntosh Reservoir receives water through the Oligarchy Ditch and a lateral therefrom, the headgate of which is described above. f. Southwestern Portland Pits A and C (a/k/a St. Vrain – Portland No.1 Reservoir (Case No. 84CW177)) constructed by Southdown, Inc. Pits A and C are located in Section 28, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Pits A and C receive water through one or more of the following: the Foothills Reservoir Feeder Canal, the headgate of which is located on the south or right bank of St. Vrain Creek at a point in the NW1/4 SE1/4 of Section 21, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado; the Swede Ditch, the headgate of which is located on the south side of St. Vrain Creek in the SW1/4 NE1/4 of Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado, at a point whence the North quarter corner of said Section 20 bears North 13°59' West a distance of 2,590 feet more or less, the North line of the NW1/4 of said Section 20 bearing North 84° West with all bearings relative thereto; the Smead Ditch, the headgate of which is located on St. Vrain Creek in the SW1/4 NE1/4 of Section 20, Township 3 North, Range 7 West of the 6th P.M., Boulder County, Colorado, at a point whence the North quarter corner of said Section 20 bears North 13°59' West a distance of 2,580 feet more or less, the North line of the NW1/4 of said Section 20 bearing North 84° West with all bearings relative thereto; and the South Ledge Ditch (a/k/a Bradford & Stiles ditch), the headgate of which is located on the east bank of South St. Vrain Creek at a point South 73° East a distance of 953 feet from the West quarter corner of Section 19, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. g. Pleasant Valley Reservoir (a/k/a Terry Lake), located in portions of Sections 9, 15, and 16, Township 3 North, Range 69 West of the 6th P.M., Boulder County, Colorado. Pleasant Valley Reservoir receives water from St. Vrain Creek through the Rough & Ready Ditch, the headgate of which is described above. h. Elliot Pond Nos. 1, 2, & 3, also known as Golden Ponds 1, 2, & 3. Elliott Pond No. 1, located in a portion of the North half of Section 5, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. Elliott Pond No. 2, including its expansion, located in a portion of the North half of Section 5, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. Elliott Pond No. 3, including its expansion, located in a portion of the North half of Section 5, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. Water is diverted from St. Vrain Creek into Elliott Pond Nos. 1, 2 and 3 using the following structures: Denio-Taylor Mill Ditch, the headgate of which is located on St. Vrain Creek in the NW1/4 of Section 35, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Zweck & Turner Ditch, the headgate of which is located on St. Vrain Creek in the NW1/4 NE1/4 of Section 35, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. The Golden Ponds Diversion Structure on the north bank of St. Vrain Creek, more specifically located as follows: commencing at the center quarter corner of Section 5, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado, whence the South quarter corner of said Section 5 bears South 00°45'49" East 2,647.1 feet, thence North 45°45'26" West 677 feet to the point of diversion from St. Vrain Creek. i. Clover Basin Reservoir, located in portions of Sections 11 and 12, Township 2 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Clover Basin Reservoir receives water from St. Vrain Creek through the James Ditch, the headgate of which is located in the SE1/4 SE1/4 of Section 27, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. j. Izaak Walton Pond No. 1, located in the SE1/4 of Section 4, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. Izaak Walton Pond receives water from St. Vrain Creek through the Denio-Taylor Mill Ditch, the headgate of which is described above. Longmont will not divert or store the Subject Shares at any facilities not owned by Longmont without prior written consent of the owners of the facilities, or without otherwise acquiring the lawful right to use such facilities. vi. Reuse, successive use, and disposition: In addition to the uses described above, Longmont claims the right to use, reuse, successively use and dispose of, by sale, lease, exchange, augmentation, or otherwise, to extinction, all water available pursuant

to the Subject Shares, including return flows attributable to the alternate use of the Subject Shares so long as all return flow obligations are otherwise met. The amount of reusable return flows attributable to the alternate use of the Subject Shares shall be equal to the amount of water from the Subject Shares delivered each day to Longmont's water treatment plants (by direct flow or from storage) times a monthly factor that defines the amount of return flow as a percentage of the amount of treated water delivered to Longmont. The amount of reusable return flows do not include lawn irrigation return flows and Longmont reserves the right to file application(s) to the water court in the future in order to claim lawn irrigation return flow credits from use of the changed Beckwith Ditch water rights. Longmont's point of discharge of treated municipal wastewater is presently located in the SW1/4 of the NE1/4 of Section 11, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado, as shown on the map attached as Exhibit B. vii. Remarks: The alternate points of diversion and storage sought by this application are subject to the instream flow rights decreed to the Colorado Water Conservation Board in Case Nos. 87CW278, 87CW282, and 87CW283, Water Division No. 1, and shall not be exercised to the extent that the flows within the relevant instream flow reach would be reduced below the decreed instream flow rates by virtue of the exercise of such alternate points. D. Maintenance of return flows: Historical return flows attributable to the Subject Shares returned to St. Vrain Creek in a reach generally from the Beckwith Ditch headgate to the Left Hand Creek/St. Vrain Creek confluence and to the lower end of Left Hand Creek above that confluence. Longmont will maintain historical return flows using water available in-priority under the Subject Shares and/or any other water available to Longmont that is fully consumable or is otherwise lawfully available for such purposes, including, without limitation, the following: i. Longmont's right to transmountain water derived from the United States Department of the Interior, Bureau of Reclamation, Colorado-Big Thompson Project, via the St. Vrain Supply Canal and the Southern Pipeline. The point of delivery to St. Vrain Creek of said Supply Canal is located in the NW1/4 NW1/4 of Section 20, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. Said Supply Canal has a capacity of 575 c.f.s. These rights will include Longmont's share of water rights resulting from the Windy Gap Project (a/k/a Six Cities Transmountain Diversion). The Windy Gap Project is a transmountain water diversion project that delivers water from the Colorado River Basin to the South Platte River Basin. Decrees for the Windy Gap Project include, without limitation, the decrees entered on October 27, 1980 in Civil Action No. 1768, District Court, Grand County, State of Colorado and Case Nos. W-4001 and 80CW108, District Court, Water Division No. 5; the decree entered on February 6, 1989 in Case No. 88CW169, District Court, Water Division No. 5, State of Colorado; the decree entered on July 19, 1990 in Case No. 89CW298, District Court, Water Division No. 5, State of Colorado; and the decree entered on August 16, 2020 in Case No. 17CW3176, District Court, Water Division No. 5, State of Colorado. Notwithstanding the foregoing, any decree entered pursuant to this Application shall be subject to and shall not affect in any way the right of the Northern Colorado Water Conservancy District ("Northern Water") to regulate any such use of Colorado-Big Thompson project ("C-BT") water or facilities by Longmont pursuant to and in accordance with applicable law, the provisions of the July 5, 1938 contract between Northern Water and the United States of America, the allotment contracts between Longmont and Northern Water, and the rules, regulations and policies of Northern Water, as may be amended from time to time. The rules, regulations and policies of Northern Water presently prohibit use of C-BT water to replace historical return flows under an adjudicated change of water right; accordingly, Longmont shall not use C-BT water as a source to replace historical return flows pursuant to this Application, unless, prior to such use, Longmont notifies and obtains written approval from Northern Water specifically allowing such use. ii. Button Rock Reservoir (Amended Lyons Storage Reservoir), Reservoir Priority No. 33, appropriation date February 8, 1910, for 1,765 acre-feet; Button Rock Reservoir (Enlarged and Amended Longmont Reservoir No. 3), Reservoir Priority No. 35, appropriation date July 3, 1926, for 2,866.5 acre-feet; Button Rock Reservoir (Enlarged and Amended Longmont Reservoir No. 3) First Enlargement, Reservoir Priority No. 53A, appropriation date May 27, 1964, for 13,330.7 acre-feet; Button Rock Reservoir (Enlarged and Amended Longmont Reservoir No. 3) Second Enlargement, Reservoir Priority No. 53B, appropriation date May 27, 1964, for 32,551.1 acre-feet, conditional. The foregoing rights and priorities were adjudicated by decree dated February 25, 1971, in Civil Action No. 20716 in the District Court in and for Boulder County. This instream reservoir is located

on the North St. Vrain Creek in Sections 17, 18, 19 and 20, Township 3 North, Range 71 West of the 6th P.M., and Sections 13 and 24, Township 3 North, Range 72 West of the 6th P.M., Boulder County, Colorado. iii. Longmont's right to Union Reservoir water derived from its ownership in the Union Reservoir Company under the following water rights and priorities: Priority No. 51, New Series, adjudicated March 13, 1907 by the District Court, Boulder County, for 13,219 acre-feet of storage with an appropriation date of October 6, 1902; refill decree entered March of 1977 in Case No. W-7486, District Court, Water Division No. 1, for 5,879 acre-feet of storage with an appropriation date of May 1, 1973; conditional storage right for Union Reservoir enlargement entered in Case No. 86CW394, District Court, Water Division No. 1, on February 19, 1991 for 19,802 acre-feet of storage with an appropriation date of October 28, 1986; and any other of Longmont's water rights decreed for storage in Union Reservoir and for augmentation, replacement, and exchange. Releases from Union Reservoir are delivered, via Spring Gulch, to the Saint Vrain Creek in the SE1/4 of Section 7, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. iv. Replacement, augmentation and exchange water available from Longmont's interests in the following ditches diverting from St. Vrain Creek pursuant to decrees entered by the District Court in and for Water Division No. 1 on May 20, 1983, in the following cases: Case No. 81CW355, Longmont Supply Ditch; Case No. 81CW356, Rough & Ready Ditch; Case No. 81CW357, Smead Ditch; Case No. 81CW360, Palmerton Ditch; Case No. 81CW361, Oligarchy Ditch; and Case No. 81CW362, Swede Ditch. v. Replacement, augmentation and exchange water available from Longmont's interests in the following ditches diverting from St. Vrain Creek pursuant to decrees entered by the District Court in and for Water Division No. 1 on October 29, 1991, in the following cases: Case No. 87CW212, Longmont Supply Ditch; Case No. 87CW213, Rough & Ready Ditch; and Case No. 87CW214, Oligarchy Ditch. vi. Replacement, augmentation and exchange water available from Longmont's interests in the following ditches diverting from St. Vrain Creek pursuant to decrees entered by the District Court in and for Water Division No. 1 on August 10, 1995 in the following cases: Case No. 87CW215, Beckwith Ditch; Case No. 87CW219, Pella Ditch; Case No. 87CW220, South Flat Ditch; Case No. 87CW221, Zweck & Turner Ditch; Case No. 87CW218, Niwot Ditch; and Case No. 87CW216, Clover Basin Ditch (a/k/a Pella Ditch–Second Enlargement). vii. Replacement, augmentation and exchange water available from Longmont's interests in the Clough Private Ditch, the Clough and True Ditch, the Montgomery Private Ditch, and the Smead Ditch, all diverting from St. Vrain Creek, pursuant to the decree entered by the District Court in and for Water Division No. 1 on April 17, 2006 in Case No. 01CW188. viii. Replacement, augmentation and exchange water available from Longmont's interests in the Rough & Ready Ditch and the Oligarchy Ditch pursuant to decrees entered by the District Court in and for Water Division No. 1 on or about November 20, 2008 in Case Nos. 00CW240 and 00CW241. ix. Replacement, augmentation and exchange water made available to Longmont by decrees entered by the District Court in and for Water Division No. 1 involving Longmont's interests in the following ditches: James Ditch (Case No. 00CW239) and Peck Lateral Ditch (Case No. 07CW330), both diverting from St. Vrain Creek, and Coffin & Davis Ditch (Case No. 09CW271), diverting from Dry Creek, a tributary of St. Vrain Creek. x. Replacement, augmentation and exchange water made available to Longmont by the decree entered by the District Court in and for Water Division No. 1 involving Longmont's interests in the Bonus Ditch (Case No. 20CW3179). xi. Replacement, augmentation and exchange water made available to Longmont pursuant to the decree entered in Case No. 21CW3209, District Court, Water Division No. 1, Colorado. xii. Replacement, augmentation and exchange water to be made available from Longmont's interests in the following reservoirs diverting from St. Vrain Creek pursuant to decrees entered by the District Court in and for Water Division No. 1 in the following cases: Case No. 87CW235, Oligarchy Reservoir No. 1; Case No. 87CW231, Pleasant Valley Reservoir; Case No. 87CW222, Union Reservoir; Case No. 87CW253, McIntosh Reservoir; Case No. 87CW232, McCall Reservoir; and Case No. 87CW233, Clover Basin Reservoir. xiii. Replacement, augmentation, and exchange water made available to Longmont by any subsequent decree(s) entered changing Longmont's interests in the following ditches, in which Longmont owns shares or an interest that is presently unchanged, to include use for replacement, augmentation, and exchange: Clough Private Ditch, Clough & True Ditch, Clover Basin Ditch, Cushman Ditch, Davis & Downing Ditch, Denio & Taylor Ditch, Highland Ditch, Island Ditch, James Ditch, Longmont Supply Ditch, Montgomery Ditch, Niwot Ditch, Oligarchy Ditch,

Palmerton Ditch, Peck Ditch, Pella Ditch, Rough & Ready Ditch, Smead Ditch, Smith & Emmons, South Flat Ditch, Supply Ditch, Swede Ditch, Zweck & Turner Ditch, Belcher Ditch, Leggett Ditch, Lefthand Ditch, Plumb & Dailey, Niwot Ditch, Oscar Beckwith Ditch, Taylor Ditch No 1, Taylor Ditch No 2, Upper Baldwin Ditch, Feltham's Ditch, Hansen Ditch, Spring Gulch Ditch, Spring Gulch Priority #4 (Last Chance), Seewald Pipeline, Isaac Walton Ditch No. 1. Water made available to Longmont pursuant to the decrees and from the sources described above shall include reusable municipal return flows resulting from such sources and uses. The point of discharge of Longmont's wastewater treatment plant effluent is presently located in the SW1/4 NE1/4 of Section 11, Township 2 North, Range 69 West of the 6th P.M., Boulder County, Colorado. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Oligarchy Ditch Company, PO Box 119 , Longmont CO 80502; Lake McIntosh Reservoir Company, 4309 State Hwy 66 STE 3, Longmont CO 80504; Pleasant Valley Reservoir Company, PO Box 119, Longmont CO, 80502; Cemex Inc., 1501 Belvedere Rd, West Palm Beach FL, 33406; Union Reservoir Company, PO Box 445, Greeley , CO 80632. **WHEREFORE**, Longmont respectfully requests that the Court enter a judgment and decree that: A. Grants this application; B. Approves the change of water right for the Subject Shares described herein; C. Finds that the subject change of water rights will not injuriously affect the owners of or persons entitled to use water under a vested water right or decreed conditional water right; and D. Grants such other relief to Longmont as the Court deems just and proper.

CASE NUMBER 2024CW3144 Applicant: **LAKE ARROWHEAD WATER ASSOCIATION, INC.** c/o Jim Freeman, President, 5758 Arrowhead Drive, Greeley, CO 80634, 970-339-5112; c/o Blair Howe, 5623 Arrowhead Drive, Greeley, CO 80634, 970-538-6207 with all correspondence connected herewith being sent to Applicant's counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Regan Blvd, Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. Name of Structure: Lake Arrowhead. 3. Information from Previous Decrees: 3.1. Original Decree: Case No. 96CW942, dated October 26, 2000, District Court, Water Division 1. 3.2. Subsequent Decrees: Case No. 06CW127, dated March 15, 2012; Case No. 18CW3053, dated October 23, 2018. 3.3. Legal Description of Diversion Point: The location of the North end of Dam is in the Northeast Quarter of the Northeast Quarter, Section 27, Township 5 North, Range 66 West, Weld County, Colorado, at a point 26 feet from the East section line and 520 feet from the North section line of said Section 27. 3.4. Source of Water: Ashcroft Draw, a tributary to the South Platte River. 3.5. Date of Appropriation: December 19, 1963. 3.6. Amount: 148.6 acre-feet, with the right to fill and refill up to a total of 510-acre feet. 168-acre feet absolute and 342-acre feet conditional. 3.7. Use: Irrigation of 226.7 acres in Lake Arrowhead Subdivision described as a tract of land situated in the North One-Half of Section 27, in Township 5 North of Range 66 West of the 6th P.M., County of Weld, State of Colorado and for fire protection, recreation, piscatorial and wildlife purposes. 3.8. Remarks: An additional 32 acre-feet was made absolute in Case No. 18CW3053 making the total absolute 200 acre-feet; and continuing 310 acre-feet of the refill right as conditional. 4. Outline of What Has Been Done Toward Completion of Appropriation: During the diligence period, Applicant has performed work to maintain the reservoir. In 2019 and March of 2024, Applicant cleaned the inlet canal for a total cost of \$30,000, and \$31,699, respectively. Applicant has sprayed and removed noxious weeds on annual basis at an annual cost of \$1000. In May 2024, Applicant installed rip-rap on the south and southeast banks of the reservoir at an approximate cost of \$9100. The Applicant has had the dam inspected and is planning for the removal of certain trees. The Applicant maintains its association, accounting, and liability insurance for the reservoir, and has retained engineering consultants and legal counsel during the diligence period. 5. Claim for Finding of Reasonable Diligence: Applicant seeks a finding that it has been reasonable diligent in the development of the conditional water right and to maintain the right as conditional in the amount of 310-acre feet for the statutory period.

CASE NUMBER 2024CW3145 CAMP ST. MALO RETREAT AND CONFERENCE CENTER, INC., c/o Real Estate Department, 1300 S. Steele St., Denver, CO 80210-2599; Email: realestate@archden.org; Telephone: (303) 715-3194. Please direct all correspondence and pleadings to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Telephone Number: (303) 443-6151; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN BOULDER COUNTY.** 2. Name of structure: Camp St. Malo Pond No. 6. 3. Description of Conditional Water Right: a. Original decree: Camp St. Malo Pond No. 6 conditional water right was originally decreed in Case No. 17CW3200, District Court, Water Division 1, on October 29, 2018. b. Subsequent decrees awarding diligence: N/A. This is the first application for findings of diligence. 4. Legal Description: Camp St. Malo Pond No. 6 is located in the NE1/4 NW1/4 of Section 11 and the SE1/4 SW1/4 of Section 2, T3N R73W, 6th P.M., Boulder County, with outlet works located at a point approximately 1,800 feet east of the NW corner of Section 11. The UTM coordinates are 4455281N, 454474E, UTM Zone 13N NAD83. PLSS distances and UTM coordinates were determined electronically using ArcGIS. A map showing Camp St. Malo Pond No. 6 is attached hereto as **Exhibit 1**. a. Source: Cabin Creek and Rock Creek, both tributary to St. Vrain Creek. Camp St. Malo Pond No. 6 does not intercept groundwater. b. Amount claimed: 1.0 acre, conditional, in any water year plus the right to refill continuously in accordance with the claimed priority. c. Surface area at high water line: Approximately 0.3 acre. d. Total capacity: Approximately 1.0 acre-foot. e. Date of appropriation: April 30, 2016. 5. Proposed Uses: Applicant has historically operated various church-related facilities at the property on which Camp St. Malo Pond No. 6 is located, including a camp, chapel, and visitor center. **Exhibit 1** shows the boundaries of Applicant's property. Applicant is currently repairing and redeveloping the facilities on this property following a fire that destroyed the majority of those facilities, and following the September 2013 floods, which caused significant additional damage to Applicant's facilities and altered the natural landscape. Applicant will use the water right for multiple uses associated with the redeveloped facilities on the property, including, but not limited to, recreational, piscatorial, storage, flood protection, and environmental mitigation and restoration. a. Camp St. Malo Pond No. 6 Operations: Camp St. Malo Pond No. 6 is an unlined, on-channel structure that fills with surface water from Cabin Creek and Rock Creek. The surface area and capacity described herein are estimates based on available information at the time of filing this application. The actual surface area at the high water line may be larger or smaller. 6. Absolute Claim: N/A. Applicant does not seek to make any portion of the Camp St. Malo Pond No. 6 conditional water right absolute in this application. 7. Diligence Claim: Applicant intends to pursue the full decreed diversion and beneficially use the Camp St. Malo Pond No. 6 conditional water right. Applicant seeks a determination from the Court pursuant to § 37-92-301(4), C.R.S., that it has been reasonably diligent in the development of the Camp St. Malo Pond No. 6 conditional water right. 8. Detailed outline of what has been done towards completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: a. Applicant obtained a decree in Case No. 2017CW3201, Water Division 1, which amended the augmentation plan decreed in Case No. 86CW390, Water Division 1, to include Camp St. Malo Pond No. 6 as a structure to be augmented under said augmentation plan. b. Applicant partnered with The Watershed Center for the Camp St. Malo Resilient Headwaters Design Project, which will have a total estimated cost of approximately \$960,000. The Camp St. Malo Resilient Headwaters Design Project aims to improve watershed resilience by restoring and enhancing natural ecological and geomorphic process for diverse flora and fauna while also protecting downstream communities and infrastructure by improving floodplain connectivity and the capacity of the Cabin Creek to sustain flood, fire, and other disturbances. In 2021, a Colorado Water Conservation Board grant of \$75,000 was awarded to the Camp St. Malo Resilient Headwaters Design Project for the Watershed Restoration Design portion of the project. Applicant also allocated \$75,000 in matching funds for the Watershed Restoration Design portion of the project. As of the time of this application, Applicant and the Watershed Center have expended over \$70,000 of these grant funds for the Watershed Restoration Design portion of the project. Beginning in 2021, the Watershed Center worked with Applicant and other project partners (including Boulder Valley and Left Hand Conservation District, City of Longmont, Colorado Parks

and Wildlife, National Parks Service, St. Vrain and Left Hand Water Conservancy District, and Town of Lyons) to develop three conceptual design alternatives for the Camp St. Malo property that would remediate 2013 flood impacts, reconnect Cabin Creek with its floodplain, protect instream infrastructure and water resources, mitigate impacts from post-wildfire hazards, and increase geomorphic complexity and ecological function while maintaining water rights and offering a natural space for learning and education. In 2023, Applicant and its project partners selected a preferred alternative for developing engineered designs and permitting. The proposed project will advance these designs towards construction while incorporating water rights considerations and prioritizing stakeholder engagement throughout the process. In 2024, Applicant and its partners obtained an additional grant of \$185,000 from the State of Colorado to advance the conceptual designs towards construction-ready designs. The anticipated construction work includes the rehabilitation of the Camp St. Malo Pond No. 6 structure so that the pond can impound water. 9. Integrated System: The conditional water rights claimed herein will be a part of the integrated water system operated by Applicant, which includes without limitation Camp St. Malo Wells No. 1 and 2, as well as Camp St. Malo Ponds 1 through 6 utilized by Applicant for various camp purposes including without limitation commercial, domestic, irrigation, recreational, fire protection, piscatorial, storage, flood protection, and environmental mitigation and restoration uses. 10. 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: All lands upon which Camp Saint Malo Pond No. 6 is located are owned by Applicant. WHEREFORE, Applicant seeks entry of a decree by the Court that grants a finding of reasonable diligence for the subject conditional water right in its entirety, continues the conditional subject conditional water right for another diligence period, and confirms Applicant's right to complete the appropriation to the full decreed extent. (7 pgs., 1 Exhibit)

CASE NUMBER 2024CW3146 (Prior Case Nos. 13CW3144 and 14CW3134) TIMBRO RANCH & CATTLE COMPANY, LLC ("Applicant" or Timbro") seeks a finding of reasonable diligence on the conditional water rights included within its integrated water project. Applicant also seeks a finding that it made a portion of its conditional water rights absolute during the diligence period. 1. Name, Address, and Telephone Number of Applicant. Timbro Ranch & Cattle Company, LLC 5566 S. Sycamore Street P.O. Box 368 Littleton, Colorado 80160 Telephone: (303) 955-2534. Please Send all Pleadings and Correspondence to Applicant's Counsel: Steven O. Sims, Colo. Atty. Reg. No. 9961, Dulcinea Z. Hanuschak, Colo. Atty. Reg. No. 44342, Katherine J. Duncan, Colo. Atty. Reg. No. 47890 of Brownstein Hyatt Farber Schreck, LLP 675 Fifteenth Street, Suite 2900 Denver, CO 80202-4432 Phone: (303) 223-1100 Fax: (303) 223-1111 E-mail: ssims@bhfs.com; dhanuschak@bhfs.com; kduncan@bhfs.com **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND CLAIM TO MAKE WATER RIGHTS PARTIALLY ABSOLUTE IN WELD COUNTY.** 2. Description of Conditional Water Rights. The Timbro Wells No. 1–6 ("Timbro Wells") and a conditional appropriative right of exchange ("Timbro Exchange") are the conditional water rights subject of this diligence filing. Applicant operates the six Timbro Wells completed into the Upper Pierre Aquifer on the South Timmerman Ranch in northeastern Weld County, Colorado. The attached map, **Figure 1**, shows the location of the Timbro Wells and the South Timmerman Ranch. Applicant operates an augmentation plan including the Timbro Exchange and the CBI recharge facility that augments out of priority depletions caused by the Timbro Wells and replaces return flows associated with the Weldon Valley shares used in the plan for augmentation. The attached map, **Figure 2**, shows the location of the Timbro Exchange and CBI recharge facility used in the plan for augmentation. 3. Conditional Underground Water Rights 3.1. Timbro Well No. 1 3.1.1. Permit number: 78058-F, WDID #6406928 3.1.2. Legal description: 3.1.2.1. UTM format: UTM Zone 13; NAD83; Easting: 588968 meters; Northing: 4512507 meters. 3.1.2.2. PLSS format: SE 1/4 of SW 1/4, Section 11, Township 9 North, Range 59 West, 6th P.M., 216 feet from South section line, 2449 feet from West section line, Weld County, Colorado. 3.1.3. Date of appropriation: November 27, 2013. 3.1.4. Amount: 300 gpm, 300 acre-feet per year, conditional. 3.1.5. Depth of well: 1,550 feet. 3.2. Timbro Well No. 2 3.2.1. Permit number: 77932-F, WDID #6406929 3.2.2. Legal description: 3.2.2.1. UTM format:

UTM Zone 13; NAD83; Easting: 587389 meters; Northing: 4512561 meters. 3.2.2.2. PLSS format: SE 1/4 of SW 1/4, Section 10, Township 9 North, Range 59 West, 6th P.M., 487 feet from South section line, 2554 feet from West section line, Weld County, Colorado. 3.2.3. Date of appropriation: November 27, 2013. 3.2.4. Amount: 300 gpm, 300 acre-feet per year, conditional. 3.2.5. Depth of well: 1,700 feet. 3.3. Timbro Well No. 3 3.3.1. Permit number: 78824-F, WDID #6406932 3.3.2. Legal description: 3.3.2.1. UTM format: UTM Zone 13; NAD83; Easting 585,296 meters; Northing 4,512,748 meters. 3.3.2.2. PLSS format: SW 1/4 of the SW 1/4 of Section 9, Township 9 North, Range 59 West, 6th P.M., 1,258 feet from the South section line, 879 feet from the West section line, Weld County, Colorado. 3.3.3. Date of appropriation: November 13, 2014. 3.3.4. Amount: 300 gpm, 300 acre-feet per year, conditional. Depth of Well: 1700 feet. 3.3.5. Depth of well: 1,700 feet. 3.4 Timbro Well No. 4 3.4.1. Permit number: 78825-F, WDID# 6406933 3.4.2. Legal description: 3.4.2.1. UTM format: UTM Zone 13; NAD83; Easting 583,516 meters; Northing 4,512,462 meters. 3.4.2.2. PLSS format: SW 1/4 of the SW 1/4 of Section 8, Township 9 North, Range 59 West, 6th P.M., 390 feet from the South section line, 281 feet from the West section line, Weld County, Colorado. 3.4.3. Date of appropriation: November 13, 2014. 3.4.4. Amount claimed: 300 gpm, 300 acre-feet per year, conditional. 3.4.5. Depth of well: 1,700 feet. 3.5. Timbro Well No. 5 3.5.1. Permit number: 81168-F, WDID #6406934 3.5.2. Legal description: 3.5.2.1. UTM format: UTM Zone 13; NAD83; Easting 590,651 meters; Northing 4,512,674 meters. 3.5.2.2. PLSS format: SW 1/4 of the SE 1/4 of Section 12, Township 9 North, Range 59 West, 6th P.M., 630 feet from the South section line, 2,519 feet from the East section line, Weld County, Colorado. 3.5.3. Dates of appropriation: November 13, 2014. 3.5.4. Amount claimed: 300 gpm, 300 acre-feet per year, conditional. 3.5.5. Depth of well: 1,700 feet. 3.6 Timbro Well No. 6 3.6.1. Permit number: 296695, WDID #6406935 3.6.2. Legal description: 3.6.2.1. UTM format: UTM Zone 13; NAD83; Easting 583,470 meters; Northing 4,513,894 meters. 3.6.2.2. PLSS format: NW 1/4 of the NW 1/4 of Section 8, Township 9 North, Range 59 West, 6th P.M., 179 feet from the North section line, 69 feet from the West section line, Weld County, Colorado. 3.6.3. Date of appropriation: November 13, 2014. 3.6.4. Amount claimed: 300 gpm, 300 acre-feet per year, conditional. 3.6.5. Depth of well: 1,700 feet. 3.7. Source for Timbro Wells: Upper Pierre Aquifer 3.8. Uses of Timbro Wells: Agricultural, irrigation, stock watering, industrial, oil and gas development. 3.9. Original decree for Timbro Wells: October 16, 2018 Amended Decree in Consolidated Case Nos. 13CW3144 and 2014CW3134 (the “Consolidated Decree”). 4. Conditional Appropriative Right of Exchange 4.1. Name of exchange: Timbro Exchange. 4.2. Downstream point of exchange: The South Platte River at approximately SW 1/4 of the NW 1/4 of Section 3, Township 4 North, Range 59 West. 4.2. Exchange-to point: Above the Fort Morgan Canal headgate at the point of accretion for historical irrigation return flows in Section 8, Township 4 North and Range 60 West, approximately 1,180 feet from the South Section Line, 1,820 feet from the West Section Line specified on Figure 2. 4.4. Source: South Platte River. 4.5. Date of appropriation: February 28, 2018. 4.6. Original decree: October 16, 2018 Consolidated Decree 4.7. Uses: Augmentation and replacement of non-irrigation season return flows. 4.8. Rate and volume limits on Timbro Exchange: The Timbro Exchange may be operated at a maximum of 50 acre-feet per year. 5. Detailed outline of activity during the diligence period. The Timbro Wells and Timbro Exchange comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). During this diligence period, Applicant has taken steps to diligently develop the Timbro Wells and Timbro Exchange including, but not limited to, the activities described in paragraphs 5.1 through 5.4. 5.1. During this period, Applicant has spent significant time and effort bringing to divert and put water to beneficial use, construct and use the recharge ponds, install a staff gauge and measuring devices, and complete monthly accounting. 5.2. Applicant diverted and put to use a total of 4,035.12 acre-feet of the 5,475 acre-feet of conditional water decreed to the six Timbro Wells. 5.3. Applicant applied for an amendment of its augmentation plan during the diligence period to extend the period for diversion of 5,475 acre-feet of water until December 31, 2033, modify the URFs to reflect new pumping limitations, and remove a right to use certain recharge accretions as an augmentation source. 5.4 Applicant spent more than \$245,778.50 on legal counsel and engineers amend the plan for augmentation and to design, permit, construct, operate and maintain the Timbro Wells and Recharge Ponds. The engineering firm also managed projects on the property and performed monthly accounting. 6. Claim to Make Conditional Water Rights Absolute In Part. Applicant has diverted water

and applied the water to a beneficial use for each structure listed below in manner described. 6.1. Timbro Well No. 1 6.1.1. Date water first applied to beneficial use: June 1, 2014 6.1.2. How appropriation was initiated: Pumping well water 6.1.3. Maximum annual amount made absolute: 199.4 acre-feet in 2017. 6.1.4. Amount remaining conditional 100.6 acre-feet. 6.1.5. Beneficial uses: Industrial, oil and gas development. 6.2 Timbro Well No.2 6.2.1. Date water first applied to beneficial use: November 2014 6.2.2. How appropriation was initiated: Pumping well water 6.2.3. Maximum annual amount diverted: 299.83 acre-feet in 2017 6.2.4. Amount remaining conditional 0.17 acre-feet 6.2.5. Beneficial uses: Industrial, oil and gas development. 6.3 Timbro Well No. 3 6.3.1. Date water applied to beneficial use: January 2015 6.3.2. How appropriation was initiated: Pumping well water 6.3.3. Maximum annual amount diverted: 274.08 acre-feet in 2017. 6.3.4. Amount remaining conditional 25.92 acre-feet. 6.3.5. Beneficial uses: Industrial, oil and gas development. 6.4. Timbro Well No. 4 6.4.1. Date water first applied to beneficial use: March 2015 6.4.2. How appropriation was initiated: Pumping well water. 6.4.3. Maximum annual amount diverted: 231.88 acre-feet in 2017. 6.4.4. Amount remaining conditional 68.12 acre-feet. 6.4.5. Beneficial uses: Industrial, oil and gas development. 6.5. Timbro Well No. 5. 6.5.1. Date water applied to beneficial use: November 1, 2017. 6.5.2. How appropriation was initiated: Pumping well water. 6.5.3. Maximum annual amount diverted: 165.45 acre-feet in 2017. 6.5.4. Amount remaining conditional 134.55 acre-feet. 6.5.5. Beneficial uses: Industrial, oil and gas development. 6.6 Timbro Well No. 6 (not yet constructed). 6.6.1. Date water applied to beneficial use: n/a. 6.6.2. How appropriation was initiated: n/a. 6.6.3. Maximum annual amount diverted: n/a. 6.6.4. Amount remaining conditional 300 acre-feet. 6.7. Timbro Exchange (not exercised) 6.7.1. Date water applied to beneficial use: n/a. 6.7.2. How appropriation was initiated: n/a. 6.7.3. Maximum annual amount diverted: n/a. 6.7.4. Amount remaining conditional 50 acre-feet. 7. Land ownership: 7.1. The real property on which the Timbro Wells are located are all owned by Applicant. 7.2. On information and belief, some recharge sites and augmentation structures used in the Timbro Exchange are located on lands owned by Joe Hawkins, 22411 Dunreath Ave, Orchard, CO 80649; Christensen Bros., Inc, Kerry Woods, President, 24951 Road 9.5 Weldona, CO 80653; DT Ranch, Inc., 1103 Oak Park Drive, Suite 110. Fort Collins, Colorado 80525; L.D. Groves, 1998 MCR X, Orchard, CO 80649; Mrs. Lucille Shaver, 8421 Hwy 144, Weldona, CO 80653; Orchard Ranch L.L.C., Dale Knapp, 1998 MCR W 7/10, Orchard, CO 80649; Larry and Ricky Lorenzini, 10222 MCR Y, Weldona, CO 80653; and, Gary and Beverly Carmin, 12801 MCR X.5, Weldona, CO 80653. WHEREFORE, Applicant respectfully requests the Court enter a decree: 1. Finding that the following conditional rights are absolute in part for all decreed uses; a) Timbro Well No. 1: 199.4 acre-feet; b) Timbro Well No. 2: 299.83 acre-feet; c) Timbro Well No. 3: 274.08 acre-feet; d) Timbro Well No. 4: 231.88 acre-feet; e) Timbro Well No. 5: 165.45 acre-feet. For any conditional right not made partially absolute as requested, Applicant requests that the right be continued in full force and effect. 2. Finding that Applicant has been reasonable diligent in the steady application of effort to complete the appropriation of the following conditional water rights for all decreed uses in a reasonably expedient and efficient manner under the facts and circumstances, and continuing the following conditional water rights in full force and effect: a) Timbro Well No. 1: 100.6 acre-feet; b) Timbro Well No. 2: 0.17 acre-feet; c) Timbro Well No. 3: 25.92 acre-feet; d) Timbro Well No. 4: 68.12 acre-feet; e) Timbro Well No. 5: 134.55 acre-feet; f) Timbro Well No. 6: 300 acre-feet; g) Timbro Exchange: 50 acre-feet. 3. Such other relief as the Court deems just and proper.

CASE NUMBER 2024CW3147 (2018CW3029) PUBLIC SERVICE COMPANY OF COLORADO, A COLORADO CORPORATION (“PSCo”) APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR CONDITIONAL WATER RIGHTS IN BOULDER, LARIMER and WELD COUNTIES. 1. Name, Address and Telephone of Applicant Public Service Company of Colorado, a Colorado Corporation (“PSCo”), 1800 Larimer Street, Suite 1300, Denver, Colorado 80202. Wesley.L.Eversole@xcelenergy.com Telephone: (303) 294-2128. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, Esq., James M. Noble, Esq., Matthew C. Nadel, Esq. Welborn Sullivan Meck & Tooley, P.C., 1401 Lawrence Street, Suite 1800, Denver, Colorado 80202. Telephone: (303) 830-2500. 2. Introduction: This is an application for a finding of reasonable diligence for the conditional appropriative rights of exchange, named the “Goosequill

Exchange,” and the “Jay Thomas Exchange” originally decreed in Case No. 95CW278 to serve the Fort St. Vrain Generating Station (the “Fort St. Vrain Station”).

3. Name of Structures: The following structures will be used in the exchanges:

3.1. The Goosequill Pump Station and Pipeline The Goosequill Pump Station and Pipeline diverts water from St. Vrain Creek, a tributary to the South Platte River, at a point 600 feet east of the west section line and 400 feet south of the north section line of Section 10, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. Water diverted by the Goosequill Pump Station is delivered to the Fort St. Vrain Station.

3.2. The Jay Thomas Pump Station and Pipeline. The Jay Thomas Pump Station and Pipeline diverts water from the South Platte River at a point 1,300 feet east of the west section line and 900 feet south of the north section line of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. Water diverted by the Jay Thomas Pump Station and Pipeline is delivered to the Fort St. Vrain Station.

3.3. The Colorado-Big Thompson Delivery Stations.

3.3.1. Colorado-Big Thompson (“C-BT”) water can be diverted into the Big Thompson River for delivery to the South Platte River at the Trifurcation Works, part of the United States Bureau of Reclamation’s Colorado-Big Thompson Project, located at NE1/4 of the NW1/4 of Section 10, Township 5 South, Range 70 West of the 6th P.M., Larimer County, Colorado..

3.3.2. C-BT water can also be diverted into the Little Thompson River for delivery to the South Platte River at the Little Thompson Delivery Station located in the NE1/4 of Section 3, Township 3 North, Range 70 West of the 6th P.M., Boulder, County, Colorado.

4. Description of Conditional Water Rights.

4.1. Original Decree: Two appropriative rights of exchange were originally decreed on December 28, 2000, by the Division No. 1 Water Court in Case No. 95CW278. The first exchange, entitled the “Goosequill Exchange,” allows PSCo to deliver C-BT Units to the South Platte River as a source of substitute supply in exchange for diversions made at the Goosequill Pump Station and Pipeline for use in the Fort St. Vrain Station. The second exchange, entitled the “Jay Thomas Exchange,” allows PSCo to deliver C-BT Units to the South Platte River as a source of substitute supply in exchange for diversions made at the Jay Thomas Pump Station and Pipeline for use in the Fort St. Vrain Station. See **Exhibit A** for a map illustrating the location of the exchanges.

4.2. Prior Diligence Decree: On February 28, 2012, a decree was entered in Case No. 06CW293, and on October 1, 2018, a decree was entered in Case No. 18CW3029. In both cases the Water Court found that PSCo had worked diligently toward completing the appropriation of the conditional water rights, and that the full amount of the conditional water rights should continue.

4.3. Description of Goosequill Exchange.

4.3.1. Exchange Reach. The downstream terminus of the exchange is the confluence of the South Platte and Big Thompson Rivers (the “Confluence”), where PSCo’s C-BT Units will be delivered. Simultaneous with delivery of PSCo’s C-BT Units to the Confluence, an equal amount of water shall be diverted at the Goosequill Pump Station and Pipeline, on St. Vrain Creek. The streams on which the exchange will be made are the South Platte River and St. Vrain Creek.

4.3.2. Rate of Exchange. 17.51 cfs, CONDITIONAL.

4.3.3. Source of Substitute Supply. The source of substitute supply for the Goosequill Exchange will be approximately 5,000 of PSCo’s C-BT Units.

4.3.4. Appropriation Date. December 29, 1995.

4.3.5. Decreed Uses. PSCo may deliver water diverted by exchange at the Goosequill Pump Station and Pipeline to the Fort St. Vrain Station to be used for all industrial purposes associated with the generation of electricity at the Fort St. Vrain Station, including, without limitation: industrial cooling, dust suppression, irrigation of lawns, trees, and gardens adjacent to the Fort St. Vrain Station, sanitary and fire protection purposes.

4.4 Description of the Jay Thomas Exchange.

4.4.1. Exchange Reach. The downstream terminus of the exchange is the Confluence, where PSCo’s C-BT Units will be delivered. Simultaneous with delivery of PSCo’s C-BT Units to the Confluence, an equal amount of water shall be diverted at the Jay Thomas Pump Station and Pipeline, on the South Platte River. The South Platte River is the only stream on which the Jay Thomas Exchange will be made.

4.4.2. Rate of Exchange. 11.83 cfs, CONDITIONAL.

4.4.3. Source of Substitute Supply. The source of substitute supply for the Jay Thomas Exchange will be approximately 5,000 of PSCo’s C-BT Units.

4.4.4. Appropriation Date. December 29, 1995.

4.4.5. Decreed Uses. PSCo may deliver water diverted by exchange at the Jay Thomas Pump Station and Pipeline to the Fort St. Vrain Station to be used for all industrial purposes associated with the generation of electricity, including, without limitation: industrial cooling, dust suppression, irrigation of lawns, trees, and gardens adjacent to the Fort St. Vrain Station, sanitary and fire protection purposes.

5. Evidence of Reasonable Diligence Towards Completing

Appropriation: The water rights that are the subject of this application are part of an integrated water supply system for the Fort St. Vrain Station, which includes numerous components. During the diligence period, PSCo undertook the following activities to develop this integrated system: 5.1. PSCo expended \$10,500,000 to rebuild the circulation water tower at the Fort. St. Vrain Station. This critical piece of water infrastructure allows the water used for cooling to circulate out of the plant, cool to ambient air temperatures, and then be recycled back into the plant's cooling system. 5.2. In addition to maintaining and operating the Goosequill Pump Station and Pipeline, PSCo expended over \$36,000 to purchase and operate river screen wash pumps for the Goosequill Pump Station to reduce the amount of sediment that accumulates at the pump intake. 5.3. In addition to routine maintenance and operation of the Jay Thomas Pump Station and Pipeline, PSCo expended \$76,000 to construct an augmentation station at the Jay Thomas Pump Station that allows for accurate accounting and augmentation deliveries directly to the South Platte River from this structure. PSCo rebuilt the diversion gate structure and installed a new flow measurement structure. 5.4. During the diligence period, PSCo participated as an opposer in several cases filed in the Division 1 Water Court that could affect the exchange potential on the South Platte River and St. Vrain Creek in the same reach as the exchanged decreed in Case No. 95CW278, and could affect PSCo's diversion structures. Some of the cases in which PSCo has participated as an objector during the diligence period include Case Nos. 17CW3202; 18CW3007; 18CW3090; 19CW3236; 21CW3138; 20CW3216; 21CW3070; and 22CW3176. 5.5. PSCo paid all annual assessments and performed other required tasks to maintain its C-BT units to be used as a substitute supply for the Goosequill Exchange and the Jay Thomas Exchange during the diligence period.

6. Names and Addresses of Owners of the Land Upon Which any New Diversion or Storage Structure, or Modification to any Existing Diversion or Storage Structure is or will be Constructed or upon Which Water is or will be Stored, Including any Modification to the existing Storage Pool. This application does not involve any new or modified diversion or storage structure. WHEREFORE, PSCo requests that the Court enter a decree finding that PSCo has satisfied the statutory standard of steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances; that reasonable diligence was performed during the diligence period in development of the Goosequill Exchange and the Jay Thomas Exchange; and that the conditional water rights should continue.

CASE NUMBER 2024CW3148 FOX ACRES COMMUNITY SERVICES, INC., c/o James Cates, General Manager, P.O. Box 38, Red Feather Lakes, CO 80545, (970) 881-2668 and **HIDDENLAKES GOLF AND TROUT CLUB, LLC,** c/o Stanley Gingerich, Manager, P.O. Box 130, Red Feather Lakes, CO 80545, (303) 434-1782. Please send all further pleadings to: Daniel K. Brown, Sara J.L. Irby, Whitney Phillips Coulter and Ryan Facinelli, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE in LARIMER COUNTY.** 3. Description of Conditional Water Right and Previous Decrees: 3.1. Original Decree. January 22, 1992, Case No. 88CW250, District Court, Water Division No. 1. 3.2. Findings of Reasonable Diligence: 3.2.1. November 29, 1999, Case No. 98CW010, District Court, Water Division No. 1 3.2.2. January 4, 2011, Case No. 05CW274, District Court, Water Division No. 1 3.2.3. October 4, 2018, Case No. 17CW3014, District Court, Water Division No.1. 3.3. Names and Locations of Structure: South Fork Pipeline. 3.3.1. Location: The point of diversion is located on the North bank of the South Lone Pine at the point in the SW 1/4 of the NE 1/4 of Section 33, Township 10 North, Range 73 West of the 6th P.M., 2,235 feet South of the North line of said Section 33, and 1,382 feet West of the East line of said Section 33, Larimer County, Colorado. 3.4. Source: South Fork of the Lone Pine, also known as the South Lone Pine, which is tributary to the Lone Pine, which in turn is tributary to the North Fork of the Cache La Poudre River. 3.5. Date of Appropriation: October 15, 1987. 3.6. Amounts: A total of 6.0 c.f.s., as further described below: 3.6.1. 1.91 c.f.s. CONDITIONAL; 4.09 c.f.s. ABSOLUTE (previously decreed in Case No. 98CW010). 3.6.2. 6.00 c.f.s. CONDITIONAL for domestic and augmentation. 3.7. Uses: Irrigation, domestic and augmentation. No augmentation use of the water will be made unless pursuant to a separately decreed augmentation plan allowing such use. 4. Claim to Continue Remaining Conditional Rights. Applicants have been reasonably diligent in developing the remaining portion of the conditional water rights, and, therefore, request that the Court continue the water rights described in paragraph 3 above. The

following sets forth what has been done toward completion of the conditional appropriation. Applicants have a continuing need for the water rights as development continues to occur at Fox Acres, including seven new homes that have been built and five in process. Thirty of the remaining sixty-six lots have been purchased by developers. The water diverted by the South Fork Pipeline for the uses described above is part of an integrated domestic water supply system, and work done on the total system is applicable in showing diligence in regard to the conditionally decreed rights. Additionally, during the diligence period, water diverted by the South Fork Pipeline was used and continues to be used to irrigate the golf course. The Applicants have been diligent during this diligence period, as evidenced by the diversion of the water right. Applicants have also continued to develop its integrated water system, by making improvements designed to increase maximum efficiency and conserve water throughout its system. In particular, Applicants have made significant improvements including over \$300,000 in a new irrigation system, new irrigation pumps and related wiring and infrastructures. Applicants also have spent over \$20,000 on storage tank improvements, water softener system improvements and repairs, and capital reserve study and legal fees. 5. Right to Supplement and Present Additional Information. Applicants reserve the right to supplement this Application with additional information related to its claim for diligence and may present additional information related to its claim for diligence before and during trial in this matter. 6. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: No new diversion structures or modifications to any existing diversion structures, are contemplated. WHEREFORE, Applicants respectfully request that the Court find that Applicants have demonstrated continued intent and progress toward finalizing the conditional water rights, and, therefore, continues the remaining portion of the conditional water right. (6 pages).

CASE NUMBER 2024CW3149 APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY UPPER DAWSON IN ELBERT COUNTY.

1. Name, Mailing Address, Email Address, and Telephone Number of Applicants: **VIVEKANAND ARUNACHALAM, SAI KRISHNA KALYAN BOGA, AND SHILPA BOGA**, 1263 E Legacy Lane, Winona Lake, IN 46590 viv4312@gmail.com, (574) 253-3126 c/o James J. Petrock, #2881, John D. Buchanan, #45191, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202 303-825-1980 jip@hpkwaterlaw.com, john@hpkwaterlaw.com. 2. Subject Property: A parcel totaling approximately 35 acres generally located in the NE1/4 of Section 3, Township 8 South, Range 65 West of the 6th P. M., Elbert County, as shown on Exhibit A ("Subject Property"). 3. Summary of Plan for Augmentation: 3.1 Groundwater to be Augmented: 255 acre-feet of not-nontributary Upper Dawson Aquifer groundwater, at an average annual withdrawal of 2.55 acre-feet per year for 300 years. This water was adjudicated in Case No. 97CW94, Water Division 1, entered on February 9, 1998. 3.2 Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. 3.3 Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be withdrawn through wells located on three lots on the Subject Property, to provide water for in-house use in two single-family dwellings per lot. The in-house use will be 0.3 acre-feet per year, per home, for a total of 1.8 acre-feet per year (0.6 acre-feet per year for each of the three lots); irrigation of up to 12,000 square feet of lawn, garden, and trees (4,000 square feet per lot for each of the three lots), for a total of 0.6 acre-feet per year for irrigation (0.2 acre-feet per year per lot); and watering of up to 12 large domestic animals (up to four animals per lot for each of the three lots), for a total of 0.15 acre-feet per year. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants reserve the right to amend the amount and uses of water and the claimed return flow amounts without

amending or republishing the application. 4. 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. Applicants request the Court approve this augmentation plan, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate.

CASE NUMBER 2024CW3150 Consolidated Case Nos. 2018CW3068; (W-9507-78; 84CW300; 88CW176; 96CW030; 02CW201; 10CW75) 2018CW3069; (95CW137; 98CW450/00CW253; 09CW269) **CITY OF STERLING** (Sterling), c/o Kevin L. Blankenship, City Manager, P.O. Box 4000, Sterling, CO 80751. Please direct all court filings and all communications to attorneys: Alan E. Curtis, Nicoli R. Bowley, Bryan T. Stacy, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234. Tele: (303) 595-9441. Email: alanc@cjzwaterlaw.com, nicolib@cjzwaterlaw.com, bryans@cjzwaterlaw.com. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN LOGAN, MORGAN AND WASHINGTON COUNTIES, COLORADO.** 2. SUMMARY OF APPLICATION. This application requests that the Water Court confirm the following Sterling water rights described below have been made absolute in the following amounts for all decreed uses: (a) Scalva Well Field: 2.50 c.f.s.; and (b) Sterling Recharge Sites 2 through 5: 2,063 acre-feet (collectively, Sterling's Absolute Claims). If the Water Court does not approve Sterling's Absolute Claims, Sterling requests that the remaining conditional portions of the water rights confirmed by: (a) the March 31, 1981 decree in Case No. W-9507-78, Water Division 1, including the (i) Sterling Wastewater Recharge Storage System (SWRSS) water right; and (ii) water right for the Sterling No. 30 Well; and (b) the December 31, 2003 decree in consolidated Case Nos. 98CW450 and 00CW253, Water Division 1 (Consolidated Decree) (collectively, Sterling's Conditional Water Rights) are continued in their full amounts for all decreed beneficial uses for an additional diligence period. A map showing the locations of Sterling's Conditional Water Rights is attached as **EXHIBIT A**. 3. DESCRIPTION OF STERLING'S CONDITIONAL WATER RIGHTS. a. SWRSS. The SWRSS is Sterling's original recharge system. i. Original Decree. The March 31, 1981 decree in Case No. W-9507-78, Water Division 1 confirmed: (1) the water right for the SWRSS (SWRSS Water Right); and (2) the water right for the Sterling No. 30 Well. ii. Subsequent Decrees. (1) Case No. 95CW137. The decree entered August 21, 1997, Water Division 1 established, among other things, a procedure and factors for quantifying recharge from the SWRSS. (2) Case No. 84CW300. Decree entered November 6, 1986, Water Division 1. (3) Case No. 88CW176. Decree entered February 28, 1990, Water Division 1. (4) Case No. 96CW030. Decree entered September 18, 1996. Water Division 1. (5) Case No. 02CW201. The Decree entered February 24, 2004, Water Division 1 confirmed, among other things, that the 2,066 acre-foot conditional portion of the SWRSS Water Right was continued in full force and effect for all decreed purposes. (6) Case No. 10CW75. The Decree entered April 13, 2012, Water Division 1 confirmed, among other things, that the 2,066 acre-foot conditional portion of the SWRSS Water Right was continued in full force and effect for all decreed purposes. (7) Consolidated Case Nos. 18CW3068 and 18CW3069. The October 1, 2018 Decree in consolidated Case Nos. 18CW3068 and 18CW3069, Water Division 1 (18CW3068/69 Decree) confirmed, among other things, that 1,648.71 acre-feet of the 3,500 acre-foot SWRSS Water Right was made absolute and the 1,851.29 acre-feet remaining conditional was continued in full force and effect for all decreed purposes. Only the remaining conditional portion of the SWRSS Water Right is at issue in this diligence proceeding. iii. Location. The components of the SWRSS are located as follows: (1) Sterling Wastewater Recharge Storage Reservoir. The Sterling Wastewater Recharge Storage Reservoir is located in the E1/2 NE1/4 of Section 24, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, and in the W1/2 NW1/4 of Section 19, Township 8 North, Range 51 West, 6th P.M., Logan County, Colorado. (2) Sterling Wastewater Treatment Plant. The Sterling Wastewater Treatment Plant outfall is located in the NW1/4 SE1/4 of Section 12, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado at a point approximately 1,650 feet north and 1,535 feet west of the southeast corner of said

Section 12. (3) Sterling Wastewater Treatment Plant Point of Discharge. The point of discharge of the pipeline from the Sterling Wastewater Treatment Plant to the Sterling Wastewater Recharge Storage Reservoir is located in the NE1/4 NE1/4 of Section 24, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, at a point 902 feet south and 654 feet west of the Northeast corner of Section 24. iv. Source. South Platte River. v. Appropriation Date. December 27, 1978. vi. Amount. 3,500 acre-feet (1,648.71 acre-feet absolute, 1,851.29 acre-feet conditional). vii. Use. Domestic, municipal, manufacturing, fire protection, piscatorial, recreation and all other beneficial uses. b. Consolidated Decree Water Rights. i. Original Decree. The Consolidated Decree confirmed Sterling Wells No. 7, 8, 10, 15 and 21 in addition to those absolute water rights previously confirmed by the July 6, 1976 decree in Case No. W-5708, Water Division 1 (W-5708 Decree) (collectively, Consolidated Decree Water Rights). ii. Subsequent Decrees. (1) Case No. 09CW269: The April 13, 2012 decree in Case No. 09CW269, Water Division 1 confirmed, among other things: (a) Sterling Wells No. 7, 8, 10, and 15 were absolute in their entirety; (b) 920 acre-feet of the 3,000 acre-foot per year adjudicated to Sterling Recharge Sites 2 through 5 was made absolute; (c) 6.26 c.f.s. of the 35 c.f.s. adjudicated to Sterling's Right of Exchange was made absolute; and (d) the remainder of the Consolidated Decree Water Rights were continued in full force and effect for all decreed purposes. (2) Consolidated Case Nos. 18CW3068 and 18CW3069. The 18CW3068/69 Decree confirmed, among other things: (a) The following portions of the Consolidated Decree Water Rights were made absolute: (1) Scalva Well Field: 2.35 c.f.s. (1,054 g.p.m.); (2) Sterling Well No. 21: 0.1732 c.f.s. (76.92 g.p.m.); and (3) Sterling Recharge Sites No. 2 through 5: 1,400.9 acre-feet. (b) All remaining conditional portions of the Consolidated Decree Water Rights were continued in full force and effect for all decreed purposes for the following amounts: (1) 13.25 c.f.s. for the Scalva Well Field; (2) 0.2768 c.f.s. for the Sterling Well No. 21; (3) 1,599.1 acre-feet for the Sterling Recharge Sites No. 2 through 5; and (4) 28.74 c.f.s. for Sterling's Right of Exchange. Only the remaining conditional portions of the Consolidated Decree Water Rights are at issue in this diligence proceeding. iii. Description of Consolidated Decree Water Rights. The Consolidated Decree Water Rights are as follows: (1) Scalva Well Field. Sterling is entitled by the Consolidated Decree to construct up to 15 wells in the Scalva Well Field. (a) Legal Description. The Scalva Well Field is located in the SW1/4 SW1/4 of Section 13, the SE1/4 SE1/4 of Section 14, the S1/2 SW1/4, the SE1/4, SE1/4 NE1/4, and the S1/2 SW1/4 NE1/4 of Section 22, the N1/2, and the N1/2 SW1/4 of Section 23, the W1/2 NW1/4 and the NW1/4 SW1/4 of Section 24, the NW1/4, the W1/2 NE1/4, and the NE1/4 NE1/4 of Section 27, all in Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado; and all of that part of the N1/2 SW1/4 of Section 27, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, which lies north of the right-of-way of the C.B. & Q. Railroad and west of the county road, containing 1,056 acres more or less. (b) Source. Underground water in the alluvium of the South Platte River. (c) Amount. 15.6 c.f.s. (7,000 g.p.m.) (2.35 c.f.s. (1,054 g.p.m.) absolute, 13.25 c.f.s. (5,946 g.p.m. conditional). (d) Appropriation Date. June 30, 1998. (e) Uses. All municipal uses, including, but not limited to, domestic, manufacturing, industrial, commercial, institutional, power generation, mechanical, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, and gardens and other public spaces, irrigation, recreation, piscatorial, wildlife preservation, aesthetic purposes, exchange, augmentation, substitution, and replacement, and for replacement, adjustment and regulation of Sterling's storage and delivery systems, and those of its users, among themselves and with others. Sterling may divert, store, recharge, and use the water directly, by exchange, augmentation, substitution, replacement or otherwise, as may be appropriate to maximize its lawful use. Sterling may reuse, successively use, dispose of, and/or otherwise fully consume such water. The water may be placed to use within the Sterling service area as it now exists or may exist in the future. (f) Depth of Wells. Scalva Wells No. 1 and 2 have each been completed to a depth of 81 feet. (2) Sterling Wells No. 21 and 31. (a) Legal Description. (i) Sterling Well No. 21. Sterling Well No. 21 is located in the SE1/4 SW1/4 of Section 27, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, at a point approximately 230 feet north and 1,890 feet east of the southwest corner of said Section 27. (ii) Sterling Well No. 31. Sterling Well No. 31 will be located in the SE1/4 SE1/4 of Section 25, Township 8 North, Range 53 West, 6th P.M., Logan County, Colorado. (b) Amounts. (i) Sterling Well No. 21. 0.45 c.f.s. (ii) Sterling Well No. 31. 2.67 c.f.s. (c) Source. Underground water in the alluvium of the South Platte River. (d) Appropriation Dates. (i) Sterling Well No. 21. June 30, 1998. (ii) Sterling Well No.

31. March 21, 2000. (e) Uses. As stated for the Scalva Well Field. (f) Depths. (i) Sterling Well No. 21. 58 feet. (ii) Sterling Well No. 31. Not yet constructed. (3) Pioneer Reservoir. (a) Legal Description. (i) Reservoir. The reservoir will be located in the SW1/4 NE1/4 of Section 20, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (b) Feeder Facilities. (i) Pioneer Reservoir Feeder Facility. The Pioneer Reservoir Feeder Facility will be located at a point on the north bank of the ditch 200 feet east from the southwest corner of the SW1/4 NE1/4 of Section 20, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (ii) Sterling No. 1 Ditch. The decreed location of the headgate of the Sterling No. 1 Ditch is on the South Platte River in the NW1/4 of Section 19, Township 7 North, Range 52 W, 6th P.M., Logan County, Colorado. (c) Sources. (i) Pioneer Reservoir Feeder Facility. Pioneer Drain. (ii) Sterling No. 1 Ditch. South Platte River. (d) Amount. 200 acre-feet, with a right to fill and refill in an amount not to exceed 510 acre-feet of total diversions in any Water Year (from November 1 to October 31). Any and all amounts of water diverted into the reservoir shall be counted toward this 510 acre-foot limit irrespective of whether such diversions occur pursuant to a call under the water right for the reservoir or under free river conditions. Once 510 acre-feet has been diverted into the reservoir during any Water Year (from November 1 to October 31) as described above, Sterling shall no longer be entitled to call for water under the water right for the reservoir during that same Water Year. (e) Appropriation Date. June 30, 1998. (f) Uses. All municipal uses, including, but not limited to, domestic, manufacturing, industrial, commercial, institutional, power generation, mechanical, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, gardens and other public spaces, irrigation, recreation, piscatorial, wildlife preservation, aesthetic purposes, exchange, augmentation, substitution, replacement, and for replacement, adjustment and regulation of Sterling's storage and delivery systems, and those of its users, among themselves and with others. Sterling may divert, store, recharge and use the water directly, by exchange, augmentation, substitution, replacement or otherwise, as may be appropriate to maximize its lawful use. Sterling may reuse, successively use, dispose of, and/or otherwise fully consume all such water. The water may be placed to use within the Sterling service area as it now exists or may exist in the future, and in any other location to which water may be delivered for application to the uses allowed by this decree. (4) Sterling Storage Reservoirs No. 1 and No. 2. (a) Legal Description. (i) Reservoirs. (1) Sterling Storage Reservoir No. 1. Sterling Storage Reservoir No. 1 will be located in the SW1/4 SW1/4 of Section 27, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (2) Sterling Storage Reservoir No. 2. Sterling Storage Reservoir No. 2 will be located in the NE1/4 NW1/4 of Section 27, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (ii) Feeder Facilities for Each Reservoir. (1) Henderson-Smith Ditch. The decreed location of the headgate of the Henderson-Smith Ditch is on the south bank of the South Platte River in the NE1/4 SE1/4 of Section 33, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (2) Henderson-Smith Wells. (a) Henderson-Smith Well No. 1 will be located in the SE1/4 NE1/4 of Section 33, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, 2,625 feet south and 300 feet west of the northeast section corner of Section 33. (b) Henderson-Smith Well No. 2 will be located in the NW1/4 NW1/4 of Section 34, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, 725 feet south and 750 feet east of the northwest section corner of Section 34. (c) Henderson-Smith Well No. 3 will be located in the NW1/4 NW1/4 of Section 34, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, 485 feet south and 815 feet east of the northwest corner of said Section 34. (d) Henderson-Smith Well No. 4 is located in the NW1/4 NW1/4 of Section 34, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, 340 feet south and 840 feet east of the northwest corner of said Section 34. UTM: NAD 83, Zone 13, 653956.3 m E, 4498738.3 m N. (e) Henderson Smith Well No. 5 will be located in the NW1/4 NW1/4 of Section 34, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, 375 feet south and 900 feet east from the northwest corner of said Section 34. (f) Henderson-Smith Well No. 6 is located in the NW1/4 SW1/4 of Section 27, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado, 2,100 feet north and 700 feet east of the southwest section corner of Section 27. UTM: NAD 83, Zone 13, 653878.9 m E, 4499480.0 m N. (b) Sources. (i) Henderson-Smith Ditch. South Platte River. (ii) Henderson-Smith Wells. Underground water in the alluvium of the South Platte River. (c) Amount for Each Reservoir. 200 acre-feet, with a right to fill and refill in an amount not to exceed 510 acre-feet of total diversions in any Water Year (from November 1 to October 31) per reservoir. Any and all amounts of water

diverted into the reservoir shall be counted toward this 510 acre-foot limit irrespective of whether such diversions occur pursuant to a call under the water right for the reservoir or under free river conditions. Once 510 acre-feet has been diverted into the reservoir during any Water Year (from November 1 to October 31) as described above, Sterling shall no longer be entitled to call for under the water right for the reservoir during that same Water Year. (d) Appropriation Date for Each Reservoir. June 30, 1998. (e) Uses. As stated for Pioneer Reservoir. (5) Sterling Recharge Sites No. 2 through 5. (a) Legal Description. (i) Recharge Sites. (1) Sterling Recharge Site No. 2 will be located in the NW1/4 SE1/4 of Section 22, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (2) Sterling Recharge Site No. 3 will be located in the SE1/4 NE1/4 of Section 22, Township 8 North, R52 West, 6th P.M., Logan County, Colorado. (3) Sterling Recharge Site No. 4 is located in the NE1/4 SW1/4 of Section 23, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (4) Sterling Recharge Site No. 5 will be located in the E1/2 SE1/4 NW1/4 and the W1/2 SW1/4 NE1/4 of Section 23, Township 8 North, Range 52 West, 6th P.M., Logan County, Colorado. (b) Feeder Facilities for Each of the Recharge Site. (i) Henderson-Smith Ditch. As described above. (ii) Henderson-Smith Wells. As described above. (c) Sources. (i) Henderson-Smith Wells. As described above. (ii) Henderson-Smith Ditch. As described above. (d) Amount. A total of 3,000 acre-feet annually (920 acre-feet, absolute; 2,080 acre-feet, conditional) for Recharge Sites No. 2 through 5. (e) Appropriation Date. June 30, 1998. (f) Uses. As stated for Pioneer Reservoir. (6) Sterling's Right of Exchange. (a) Location. The points of diversion by exchange are described in the Consolidated Decree. Sterling's Right of Exchange is decreed to operate on: (i) The South Platte River in the reach from the confluence of Cedar Creek and the South Platte River in the NE1/4 SW1/4, Section 25, Township 9 North, Range 52 West, 6th P.M., Logan County, Colorado to the headgate of the Sterling No. 1 Ditch in the NW1/4 of Section 19, Township 7 North, Range 52 West, 6th P.M., Logan County, Colorado. (ii) The South Platte River and Pioneer Drain are in the reach from the confluence of Cedar Creek and the South Platte River to the Pioneer Reservoir Feeder Facility described above. (b) Source. South Platte River. (c) Amount. 35 c.f.s. (6.26 c.f.s. absolute, 28.74 c.f.s. conditional). (d) Appropriation Date. June 30, 1998. (e) Uses. As stated for the Scalva Well Field. 4. STERLING'S ABSOLUTE CLAIMS. Sterling requests the Court determine and decree certain of the remaining conditional portions of the Consolidated Decree Water Rights have been made absolute as follows: a. Scalva Well Field. i. Date Water Applied to Beneficial Use. June 18, 2022. ii. Amount. 2.50 c.f.s. (1,120 g.p.m.). iii. Uses. All municipal uses, including, but not limited to, domestic, manufacturing, industrial, commercial, institutional, power generation, mechanical, fire protection, sewage treatment, street sprinkling, watering of parks, lawns, gardens and other public spaces, irrigation, recreation, piscatorial, wildlife preservation, aesthetic purposes, exchange, augmentation, substitution, and replacement, and for replacement, adjustment and regulation of Sterling's storage and delivery systems, and those of its users, among themselves and with others. Sterling may divert, store, recharge and use the water directly, by exchange, augmentation, substitution, replacement or otherwise, as may be appropriate to maximize its lawful use. Sterling may reuse, successively use, dispose of, and/or otherwise fully consume such water. The water may be placed to use within the Sterling service area as it now exists or may exist in the future. iv. Description of Place of Use. Sterling water service area. b. Sterling Recharge Sites 2 through 5. i. Date Water Diverted to Recharge Site No. 4. July 2023 through June 2024. ii. Date Water Applied to Beneficial Use. August 22, 2023. iii. Amount. 2,063 acre-feet. iv. Uses. Augmentation of depletions from use of Sterling Wells No. 1 through 30 for all municipal uses described above. v. Description of Place of Use. Water was supplied by recharge to the South Platte River to offset depletions from use of Sterling Wells No. 1 through 30 to supply water for use within Sterling's water service area. 5. STERLING'S DILIGENCE CLAIMS. a. Sterling's Water System. Sterling operates an integrated water and wastewater system to divert, treat and deliver potable water to its municipal users, supply public parks and other open spaces owned by Sterling, augment depletions from Sterling's wells and treat, dispose of and recharge water following its initial use. b. Integrated System. The 18CW3068/69 Decree confirmed Sterling's water system, including Sterling's Conditional Water Rights, Sterling's municipal well system, distribution, delivery, collection and treatment systems, and the water rights and structures which provide augmentation and replacement supplies for the municipal well system comprise an integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), work on other components of

Sterling's water system is evidence of diligence on Sterling's Conditional Water Rights. c. Diligence Period. The most recent diligence period for the remaining portions of Sterling's Conditional Water Rights was from October 1, 2018, when the 18CW3068/69 Decree was entered, through October 31, 2024 (Diligence Period).d. Activities and Expenditures. During the Diligence Period, Sterling, with the assistance of Curtis, Justus, & Zahedi, LLC and BBA Water Consultants, Inc., and other consultants, completed activities and expended funds exceeding Seven Million Fifty Thousand dollars (\$7,050,000.00). These actions and expenditures confirm Sterling's steady and diligent effort to complete the appropriation of the Sterling's Conditional Water Rights by applying water diverted under the remaining portions of Sterling's Conditional Water Rights to beneficial use (Sterling's Diligence Claims). These activities and expenditures include: i. Sterling Wells No. 21 and No. 31. Sterling has continued to use these wells under the water rights confirmed in the W-5708 Decree and the Consolidated Decree. The resulting depletions have been and continue to be replaced by Sterling using augmentation supplies, including Sterling's Conditional Water Rights. ii. SWRSS Water Right. Sterling has been consulting with the Colorado Department of Public Health and Environment regarding water quality for the SWRSS Water Right. Additionally, Sterling has been investigating alternative ways to operate the SWRSS Water Right. iii. Protection of Water Rights. Sterling protected its water rights, including Sterling's Conditional Water Rights, by: (1) Reviewing Division 1 Water Court resumes and substitute water supply plan notices to identify applications requiring opposition. (2) Filing statements of opposition in Water Division 1 Case Nos. 19CW3253, 20CW3113, 20CW3166, 20CW3215, 21CW3122, 21CW3125, 21CW3185, and 24CW3041. (3) Entering stipulations in Water Division 1 Case Nos. 17CW3178, 17CW3179, 17CW3218, 20CW3166, 21CW3122, and 21CW3125. (4) Participating in trial in Water Division 1 Case No. 20CW3113, including an appeal to the Colorado Supreme Court in Case No. 23SA258. iv. Water Court Applications. Sterling protected and expanded its existing water rights, including the SWRSS Water Right and the Consolidated Decree Water Rights, by: (1) Obtaining decrees in Case Nos. 17CW3093 and 19CW3012 from the Division 1 Water Court to confirm absolute water rights and findings of reasonable diligence for portions of the conditional water rights. (2) Filing an application to make conditional water rights absolute or, in the alternative, for findings of reasonable diligence in Water Division 1 Case No. 24CW3123. v. Operation, Maintenance and Improvement of Sterling's Water System. In addition to the specific activities discussed above, with the assistance of its engineering consultants, Sterling has undertaken substantial efforts to operate, maintain, improve and extend its overall water system and water rights portfolio to meet the requirements of its municipal users and its own public uses. 6. REQUESTED RULING. Based on the foregoing, Sterling respectfully requests: (a) the Water Court enter a decree approving Sterling's Absolute Claims; (b) if the Water Court does not approve Sterling's Absolute Claims, that the Water Court approve Sterling's Diligence Claims; and (c) grant such other and further relief as it deems appropriate. 7. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH STRUCTURES ARE LOCATED. Sterling is the owner of all lands on which diversion or storage structures associated with Sterling's Conditional Water Rights have been or will be constructed. (14 pages; 1 exhibit)

CASE NUMBER 2024CW3151 Applicant: **GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, ("Applicant"), 3209 West 28th Street, Greeley, Colorado 80631. (970) 330-4540 with all correspondence connected herewith being sent to Applicant's counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**. 2. Conditional Water Right. 2.1. Name of Structure: Lupton Bottom Ditch Recharge Project (LBD RP). 2.2. Previous Decrees: 2.2.1. Original Decree: Case No. 94CW199, Water Division No. 1, dated December 16, 1996. 2.2.2. Subsequent Decrees: Case Nos. 18CW3065, dated October 1, 2018; 09CW174 dated April 16, 2012; and 02CW318, dated November 24, 2003. 2.3. Legal Description of Diversion Point: The headgate of the Lupton Bottom Ditch, located just North of Wattenburg in Section 19, Township 1 North, Range 66 West on the West bank of the South Platte River in the Northwest Quarter of the Northwest Quarter of the Southwest Quarter of said section. 2.4. Source of Water: The South Platte River and its tributaries. 2.5.

Appropriation Date: October 18, 1994. 2.6. Amount: 40.2 c.f.s., absolute and 59.8 c.f.s., conditional. 2.7. Use: Augmentation, recharge, replacement and exchange. 3. Outline of What Has Been Done Toward Completion: During the diligence period, Applicant undertook extensive actions on and operated its integrated system of water rights, of which the subject water right is one component (as set forth in paragraph 5 of Applicant's decree in Case No. 94CW199 and in paragraphs 8.14 and 29 of Applicant's augmentation plan decree in Case No. 02CW335). Actions on Applicant's integrated system included, but were not limited to, the following: diversion of water rights and operation of its augmentation plan decreed in Case No. 02CW335; purchase and construction of storage reservoirs; purchase and leasing of water supplies to use for augmentation; payment of ditch company assessments on water stock used in the plan; prosecution of applications allowing augmentation use of numerous sources of water in the integrated system; prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights; and prosecution of statements of opposition in water court cases necessary to prevent injury to its integrated system. Applicant's expenses on these actions during diligence exceeded \$82 million. Applicant has a continued demand for use of the water right as shown by the fact that member well pumping in its plan for augmentation is limited to less than 100% by annual quota amounts. During the diligence period, pumping quotas ranged from 55% to 65%. 4. Claim for Finding of Reasonable Diligence. Applicant claims that it has been diligent in the completion of the appropriation of the Lupton Bottom Ditch Recharge Project and seeks a decree confirming and continuing the remaining conditional portion of the water right.

CASE NUMBER 2024CW3152 CONCERNING THE APPLICATION FOR WATER RIGHTS OF LEGACY LAKE, LLC. APPLICATION FOR FINDING OF DILIGENCE IN WELD COUNTY.

Attorneys for Applicant, Legacy Lake, LLC: Gilbert Y. Marchand, Jr., #19870, Andrea L. Benson, #33176, Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, phone: (303) 894-8191; fax: (303) 861-0420, gym@alpersteincovell.com; alb@alpersteincovell.com. **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Legacy Lake, LLC ("Legacy" or "Applicant"), c/o Greg Shaw, 9067 Ogallala Road, Longmont, Colorado 80503, (808) 960-5054; alohashaw2003@gmail.com. **2. Name of structure:** Shaw Drain #1. **3. Description of conditional water right:** **A.** The water right for Shaw Drain #1 was decreed in Case No. 02CW162, District Court, Water Division No. 1, on May 26, 2011 ("02CW162 Decree"). A decree finding diligence toward the completion of the appropriation was entered on October 9, 2018 in Case No. 17CW3074, District Court, Water Division No. 1. **B. Legal description:** The decreed location is in the SE1/4 of the NW1/4 of Section 29, Township 2 North, Range 68 West, of the 6th P.M., Weld County, Colorado, 2640 feet from the North section line and 1950 feet from the West section line. Attached to the application filed with the Court is a map illustrating the decreed location of the structure.. **C. Source of water:** Water tributary to Boulder Creek. **D. Appropriation date:** December 31, 1967 for irrigation, maintenance and preservation of wildlife, piscatorial, stock watering and recreation and August 20, 2002 for augmentation and exchange. **E. Amount:** 0.25 cfs, conditional. **F. Uses:** Irrigation of up to 30 acres in the SW1/4 of Section 29, the NW1/4 of Section 29, the NE1/4 of Section 29 and the SE1/4 of Section 20, Township 2 North, Range 68 West, of the 6th P.M., exchange and augmentation, maintenance and preservation of wildlife, piscatorial, stock watering, and recreation in Sections 20 and 29, Township 2 North, Range 68 West, of the 6th P.M. either directly or after storage in the lined gravel pit reservoirs as more particularly described in Case No. 03CW261. **4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** During the diligence period, Applicant has diligently pursued the completion of the appropriation. Applicant has diverted the water right and applied the diverted water to wildlife, piscatorial, recreation and irrigation uses. A map showing the location of the irrigated area is attached to the application on file with the Court. A measuring device was constructed and installed for the Shaw Drain #1. The work was performed by Hydrologic. The total expenditures associated with such work were approximately \$9,000.00. Approximately 10 head of livestock have been on the property and used water from the Shaw Drain #1 for drinking. Trees have been planted and maintained on the property to support maintenance and

preservation of wildlife. Piscatorial uses have been made via the maintenance of fish in South Shaw Lake, which is fed by Shaw Drain #1. Applicant has also maintained structures in South Shaw Lake to support the piscatorial use. Applicant secured a water tap for the property associated with the Shaw Drain #1. Applicant has incurred legal fees for representation in water court cases for the purpose of protecting Applicant's water rights, including the Shaw Drain #1. **5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Not applicable. **WHEREFORE**, Applicant, Legacy Lake, LLC, respectfully requests the Court to enter a decree finding diligence toward completion of the appropriation associated with the Shaw Drain #1 water right, continuing the water right in full force and effect, and for such other relief as may be appropriate. (Four pages, plus one exhibit).

****AMENDED** CASE NUMBER 2024CW3089 CITY OF THORNTON, COLORADO ("THORNTON")**, c/o Division of Water Resources, 12450 North Washington Street, Thornton, Colorado 80241. Telephone: (720) 977-6600. Please direct all communications related to this application to John P. Justus and Bryan T. Stacy, Curtis, Justus, & Zahedi, LLC, johnj@cjzwaterlaw.com, bryans@cjzwaterlaw.com. **FIRST AMENDED APPLICATION FOR SEXENNIAL FINDING OF REASONABLE DILIGENCE IN ADAMS, DENVER AND WELD COUNTIES.** **2. Description of Conditional Water Storage Rights.** a. **Name of structure.** Aylor Pond 7. i. Original Decree. 08CW0082 Decree, November 4, 2011. ii. Subsequent Decree awarding findings of diligence. 17CW3175 Decree, November 22, 2017. iii. Legal description of point of diversion. SE 1/4 of SE 1/4 of Section 20, Township 1 S., Range 67 W., 300 feet from S. section line and 610 feet from E. section line. iv. Source of water. Aylor Pond 7 is an on-channel reservoir with its source being an unnamed tributary of Bratner Gulch. v. Appropriation date. April 22, 2008. a.vi. Amount. 17.7 acre-feet (conditional). vii. Use. Municipal uses, including, but not limited to, watering of parks, lawns, gardens, and other public spaces, irrigation, agricultural, recreation, piscatorial, wildlife preservation, fire protection, street sprinkling, and aesthetic purposes, and for adjustment and regulation of Thornton's storage and delivery systems. Thornton may diver, store and subsequently use the water directly for the above uses, or by and for exchange, augmentation, substitution, replacement or otherwise, as may be appropriate to maximize its lawful use. Thornton may reuse, successively use, dispose of, and/or otherwise apply all such water to extinction, subject to the limitations set forth in 11.a.x. of the Decree in Case No. 08CW82. The return flow discharged or released by Thornton attributable to the exercise of these rights shall have associated with it the same rights of use, reuse, successive use and disposition, subject to the limitations set forth in 11.a.x. of the Decree entered in Case No. 08CW82. Through the accounting procedure, Thornton will maintain sufficient dominion over these waters and associated return flows to reuse to extinction. The water may be placed to use within the Thornton service area as it now exists or may exist in the future. viii. Names and addresses of owners or reputed owners of land. Thornton owns all of the land underlying Aylor Pond 7. b. Name of Structure. Lambertson Lake 3. i. Original Decree. 08CW0082 Decree, November 4, 2011. ii. Subsequent Decree awarding findings of reasonable diligence. 17C3175 Decree, November 22, 2017. iii. Legal description of point of diversion. SE 1/4 of NW 1/4 of Section 14, Township 2 S., Range 68 W., 1,710 feet from N. section line and 1,930 feet from W. section line. iv. Source of water. Lambertson Lake 3 is an on-channel reservoir with its source being Grange Hall Creek (a.k.a. Brewers Gulch). v. Appropriation date. April 22, 2008. vi. Amount. 1.9 acre-feet (conditional), 39.6 acre-feet (absolute). vii. Use. The same uses as stated for Aylor Pond 7. viii. Names and addresses of owners or reputed owners of land. Thornton owns all of the land underlying Lambertson Lake 3. **3. Name and Location of Conditional Exchanges.** Aylor Pond 7, Lambertson Lake 3, and the other Thornton Ponds described below, are located on or near tributaries to the South Platte River and Big Dry Creek. Pursuant to the Decree entered in Case No. 08CW82, at times Thornton provides augmentation water on a tributary downstream of the point of diversion and the out-of-priority place of storage in the Thornton Ponds. That operation includes exchanges. The seven Aylor Ponds are treated as a single exchange-to point, the three Grandview Ponds are treated as a single exchange-to point, and the three Lambertson Lakes are treated as a single exchange-to point

(collectively "Thornton Pond Exchanges"). a. From the confluence of Grange Hall Creek and the South Platte River, up Grange Hall Creek and its unnamed tributaries: i. To Grandview Ponds in the amount of 1.5 cfs (conditional), 1. Grandview Pond 1, located in the NE 1/4 of NW 1/4 of Section 18, T. 2 S., R. 67 W., 300 feet from N. section line and 2,220 feet from W. section line. 2. Grandview Pond 2, located in the NE 1/4 of NW 1/4 of Section 18, T. 2 S., R. 67 W., 640 feet from N. section line and 2,015 feet from W. section line; and 3. Grandview Pond 3, located in the NW 1/4 of NW 1/4 of Section 18, T. 2 S., R. 67 W., 1,215 feet from N. section line and 830 feet from W. section line. ii. To Lambertson Lakes in the amount of 8.7 cfs (conditional), 1. Lambertson Lake 1, located in the SW 1/4 of NW 1/4 of Section 14, T. 2 S., R. 68 W., 2,020 feet from N. section line and 315 feet from W. section line; 2. Lambertson Lake 2, located in the SW 1/4 of NW 1/4 of Section 14, T. 2 S., R. 68 W., 1,765 feet from N. section line and 1,085 feet from W. section line; and 3. Lambertson Lake 3, located as described in 2.b.iii, above. iii. To Civic Center Lake in the amount of 9.4 cfs (conditional), located in the SW 1/2 of Section 15, T. 2 S., R. 68 W., 6th P.M. iv. To Grange Creek Park Pond in the amount of 0.2 cfs (conditional), located in the NW 1/4 of Section 7, T. 2 S., R. 67 W., 6th P.M.; and v. To Recreation Center Pond in the amount of 3.75 cfs (absolute) and 6.65 cfs (conditional), located in the NE 1/4 of Section 12, T. 2 S., R. 68 W., 6th P.M. b. From the confluence of Brantner Gulch and the South Platte River, up Brantner Gulch and its unnamed tributaries: i. To Aylor Ponds in the amount of 5.4 cfs (conditional), 1. Aylor Pond 1, located in the SW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 133 feet from S. section line and 2,550 feet from E. section line. 2. Aylor Pond 2, located in the NW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,740 feet from S. section line and 2,210 feet from E. section line. 3. Aylor Pond 3, located in the NW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,630 feet from S. section line and 1,940 feet from E. section line. 4. Aylor Pond 4, located in the NW 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,835 feet from S. section line and 1,925 feet from E. section line. 5. Aylor Pond 5, located in the NE 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,590 feet from S. section line and 1,075 feet from E. section line. 6. Aylor Pond 6, located in the NE 1/4 of SE 1/4 of Section 20, T. 1 S., R. 67 W., 1,945 feet from S. section line and 625 feet from E. section line. 7. Aylor Pond 7, located as described in 2.a.iii above; ii. To Marshall Lake in the amount of 5.0 cfs (conditional), located in the NW 1/4 of Section 29, T. 1 S., R. 67 W., 6th P.M. iii. To Eastlake No. 3 in the amount of 16.3 cfs (conditional), located in the NW 1/4 of Section 36, T. 1 S., R. 68 W., 6th P.M. c. From the Confluence of Big Dry Creek and the South Platte River, up Big Dry Creek: i. To the point of discharge from Hunter's Glen Pond in the amount of 12.3 cfs (conditional), located in the SW 1/4 of Section 26, T. 1 S., R. 68 W., 6th P.M. d. From the Confluence of Big Dry Creek and the South Platte River, up the South Platte River to its confluence with Grange Hall Creek, up Grange Hall Creek and its unnamed tributaries: i. To Grandview Ponds 1, 2, and 3, at the locations described in 3.a.i., in the amount of 1.5 cfs (conditional), treated as a single exchange-to point; ii. To Lambertson Lakes 1, 2, and 3, at the locations described in 3.a.ii., in the amount of 8.7 cfs (conditional), treated as a single exchange-to point; iii. To Civic Center Lake, at the location described in 3.a.iii, in the amount of 9.4 cfs (conditional); iv. To Grange Creek Park Pond, at the location described in 3.a.iv., in the amount of 0.2 cfs (conditional); and v. To Recreation Center Pond, at the location described in 3.a.v., in the amount of 3.75 cfs (absolute) and 6.65 cfs (conditional). e. From the confluence of Big Dry Creek and the South Platte River, up the South Platte River to its confluence with Brantner Gulch, up Brantner Gulch and its unnamed tributaries: i. To Aylor Ponds 1, 2, 3, 4, 5, 6, and 7 at the locations described in 3.b.i., in the amount of 5.4 cfs (conditional), treated as a single exchange-to point; ii. To Marshall Lake, at the location described in 3.b.ii, in the amount of 5.0 cfs (conditional); and iii. To Eastlake No. 3, at the location described in 3.b.iii., in the amount of 16.3 cfs (conditional). f. Date of Appropriation. April 22, 2008. g. Source of Water. The substitute supply sources as listed in 15 of the Decree in Case No. 08CW82. h. Uses. Thornton may use the exchanges only for the plan for augmentation decreed in Case No. 08CW82. **4. Provide a detailed outline of what has been toward completion, including expenditures.** From December 1, 2017 through June 30, 2024, Thornton performed the following work and incurred the following costs, all or in part, concerning the remaining conditional portion of its Thornton Ponds water rights and its Thornton Pond exchanges, including work and expenditures on specific structures integral to the diversion and use of the subject water rights and in the further development of Thornton's integrated water supply systems within which the subject water rights have been and will be

placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional activities and costs in support of this application. a. Thornton Integrated System Activities. During the diligence period, Thornton has continued in the development and improvement of its Clear Creek and South Platte River water supply system including the structures used in the exercise of the subject water rights. The Thornton Ponds water rights and Thornton Pond Exchanges are components of the integrated water supply system that Thornton operates to provide itself and its customers with water for municipal purposes. The Thornton Ponds water rights and Thornton Pond Exchanges are operated in conjunction with and are integrated with other structures owned by Thornton. Costs incurred by Thornton during the diligence period totaled approximately \$3.8 million dollars, and include the following: i. Non-Potable Irrigation Rehabilitation: Thornton installed new pump operation controls for non-potable irrigation systems and facilitated repairs to damaged overflow pond pipes to decrease leakage, replacement of meters to irrigation, jetting of well casings to increase pumping performance, and meter telemetry communication upgrades which cost approximately \$48,000. ii. Aylor Open Space Master Plan and Lands Improvement: Thornton spent approximately \$985,000 on the creation of a master plan for the Thornton-owned Aylor Open Space and the start of its implementation, which has included the engineering, design and improvements to water delivery facilities. iii. Grange Hall Creek Improvements: Thornton spent approximately \$288,000 for the design and construction of park improvements including landscaping and irrigation rehabilitation and replacement, as well as channel stabilization. iv. Water Court: Thornton has actively participated in water court proceedings to protect the Subject Water Right decreed in Case No. 08CW82. Legal and engineering costs incurred relating to the protection of Thornton's Clear Creek and South Platte River water rights portfolio, including the Subject Water Right during the diligence period were approximately \$197,000. **5. Names and addresses of owners or reputed owners of land on which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be located, or upon which water is or will be stored.** No new diversion or storage structure or modification to any existing diversion or storage structure is necessary. All diversion and storage structures named in this application currently exist and do not need modification to exercise the subject water rights. Thornton owns the land upon which the water is and will be stored, except for Eastlake Reservoir No. 3 (a/k/a Eastlake Reservoir No. 2). Eastlake Reservoir No. 3 is owned by The Eastlake Water Company. Thornton is a shareholder in The Eastlake Water Company and has permission to use the structure for storage. The Eastlake Water Company, 12450 Washington Street, Thornton, Colorado 80241. WHEREFORE Thornton respectfully requests that this Court enter a judgment and decree of this Court that: 1. Thornton has exercised reasonable diligence in the development of the remaining conditional portions of the Thornton Ponds water rights and the Thornton Pond Exchanges; and 2. The remaining conditional portions of the Thornton Ponds and the Thornton Pond Exchanges be continued in full force and effect for a period of six years after entry of the Court's decree herein. (9 pages, 3 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 **DECEMBER 2024** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.