

DISTRICT COURT, WATER DIVISION 1, COLORADO

JANUARY 2025 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 **JANUARY 2025** for each County affected. (This publication can be viewed in its entirety on the state court website at: www.coloradojudicial.gov)

CASE NUMBER 2025CW3000 GLENN MAHR (Mr. Mahr), 148 Bill Davis Road, Franktown, CO 80116, (303) 829-2983. Please direct all court filings and communications to Alan E. Curtis, Nicoli R. Bowley, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, alanc@cjzwaterlaw.com, nicolib@cjzwaterlaw.com. **APPLICATION TO CONFIRM UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN DOUGLAS COUNTY.** 2. **Background.** Mr. Mahr owns 20.47 acres of land located in the NW1/4 of the NE1/4 of Section 16, Township 8 South, Range 65 West of the 6th P.M. in Douglas County, Colorado (Mahr Property). A map of the Mahr Property is attached as **EXHIBIT A**. The application in this case (Application) seeks a decree adjudicating the nontributary and not-nontributary ground water in the Denver Basin aquifers underlying the Mahr Property (Denver Basin Ground Water), as previously determined available under The Denver Basin Rules (2 CCR 402-6). Mr. Mahr intends to use up to the full annual amounts of the Denver Basin Ground Water to which he is entitled in the amounts described below. Mr. Mahr reserves the right to revise the amounts of available Denver Basin Ground Water based on additional data, without amending or republishing the Application. a. Upper Dawson Aquifer. 7.246 acre-feet per year (not-nontributary). b. Lower Dawson Aquifer. 4.340 acre-feet per year (nontributary). c. Denver Aquifer. 6.438 acre-feet per year (nontributary). d. Upper Arapahoe Aquifer. 8.839 acre-feet per year (nontributary). e. Laramie-Fox Hills Aquifer. 6.602 acre-feet per year (nontributary). f. Lower Arapahoe Aquifer. The Application does not seek to adjudicate ground water in the Lower Arapahoe Aquifer, but Mr. Mahr reserves the right to do so by future Water Court application. 3. **Existing Wells.** The following permitted Upper Dawson Aquifer wells are located on the Mahr Property: a. Well Permit No. 206795. See well permit file attached as **EXHIBIT B**. i. Location. NW1/4 of the NE1/4 of Section 16, Township 8 South, Range 65 West of the 6th P.M., 1,200 feet from the North Section line and 2,525 feet from the East Section line. ii. Depth. 340 feet. iii. Permitted Amount. 15 gallons per minute (gpm), not to exceed 1 acre-foot per year. b. Well Permit No. 185789-A. See well permit file attached as **EXHIBIT C**. i. Location. NW¼ of the NE¼ of Section 16, Township 8 South, Range 65 West of the 6th P.M., 880 feet from the North Section line and 2,220 feet from the East Section line. ii. Depth. 335 feet. Iii. Permitted Amount. 15 gpm, not to exceed 1 acre-foot per year. c. Well Permit No. 185788-A. See well permit file attached as **EXHIBIT D**. i. Location. NW1/4 of the NE1/4 of Section 16, Township 8 South, Range 65 West of the 6th P.M., 1,100 feet from the North Section line and 2,200 feet from the East Section line. ii. Depth. 347 feet. iii. Permitted Amount. 15 gpm, not to exceed 1 acre-foot per year. 4. **Banking.** Mr. Mahr claims the right to withdraw more than the allowed average annual amount adjudicated and decreed to each of the aquifers identified in paragraph 2, above, pursuant to Rule 8.A of The Statewide Nontributary Ground Water Rules, 2 CCR 402-7. 5. **Ownership Certification.** As required by C.R.S. § 37-92-302(2), Mr. Mahr certifies that he owns the Mahr Property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the Mahr Property. 6. **Requested Ruling.** Mr. Mahr respectfully requests a decree: (1) adjudicating the Denver Basin Ground Water; and (2) such other relief as the Court deems proper. (4 pages, 4 exhibits)

CASE NUMBER 2025CW3001 RANGEVIEW METROPOLITAN DISTRICT, 34501 E Quincy Ave, Bldg 1, Ste D, Watkins, CO 80137. THE STATE OF COLORADO, BY AND THROUGH THE COLORADO BOARD OF LAND COMMISSIONERS, 1127 Sherman St, Denver, CO 80203. Matthew

S. Poznanovic, John D Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ARAPAHOE AND ELBERT COUNTIES.** The State Land Board is the owner of the conditional water rights at issue and the land on which the water rights are located. Rangeview is the Lessee of the water rights and rights of way on the land pursuant to the 2014 Amended and Restated Lease executed July 10, 2014, Lease No. S-37280. **DESCRIPTION OF CONDITIONAL WATER RIGHTS:** Name of Structure: Rangeview East Water System. Original decree: Consolidated Case Nos. 94CW191, 88CW253, 88CW254, and 87CW033 (“Consolidated Decree”. Subsequent diligence decrees: Case Nos. 08CW313 and 18CW3036. Location/point of diversion: Box Elder Creek Diversion: the diversion structure will be located in Box Elder Creek at a point located in the SW 1/4 of the SE 1/4 of Section 34, Township 5 South, Range 64 West of the 6th P.M. at a point located approximately 2,600 feet from the east section line and approximately 50 feet from the south section line of said section. Source: Box Elder Creek, tributary to the South Platte River. Appropriation date: October 13, 1986. Amount: 250 cfs (conditional) and limited to a maximum of 6500 acre-feet per year not to exceed 53,900 acre-feet in a 20-year period. Name of Structure: Rangeview West Water System. Original decree: Consolidated Decree. Subsequent decrees: Case Nos. 03CW173 (alternate point of diversion), 08CW313 (diligence), and 18CW3036 (diligence). Location/point of diversion: Coal Creek Diversion: The diversion structure will be located in Coal Creek at a point located in the SE 1/4 of the NW 1/4 of Section 36, Township 5 South, Range 65 West of the 6th P.M. at a point located approximately 3,200 feet from the east section line and approximately 2,200 feet from the south section line of said Section. Pursuant to the decree in 03CW173, applicants may withdraw 450 gpm of this water right from the alternate point of diversion located in the NE 1/4 of the NE 1/4 of Section 33, Township 4 South, Range 65 West of the 6th P.M. at a point approximately 600 feet from the north and 1,050 feet from the east section lines of Section 33. Source: Coal Creek, tributary to the South Platte River. Appropriation date: October 13, 1986. Amount: 150 cfs (conditional) and limited to a maximum of 1,625 acre-feet per year not to exceed 12,320 acre-feet in a 20-year period. Name of Structure: OAR Reservoir A. Original decree: Consolidated Decree. Subsequent diligence decrees: Case Nos. 08CW313 and 18CW3036. Location/point of diversion: In the W 1/2 and SE 1/4 of Section 26, E 1/2 and SW 1/4 of Section 27, N 1/2 of Section 34, and NW 1/4 of Section 35, all in Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County, Colorado, whence the left abutment of the dam will be approximately located at a point on the west section line of Section 26, Township 5 South, Range 65 West, at a point approximately 600 feet south of the NW corner of said Section 26. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 6,200 acre-feet. Dead storage – 998 acre-feet (all conditional). Name of Structure: OAR Reservoir B. Original decree: Consolidated Decree. Subsequent diligence decrees: Case Nos. 08CW313 and 18CW3036. Location/point of diversion: In the S 1/2 and SW 1/4 of Section 11, E 1/2 and the NW 1/4, W 1/2 of the NE 1/4, and SW 1/4 of Section 14, and the E 1/2 of the E 1/2 of Section 15, and the NW 1/4 of Section 23, all in Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County, Colorado and whence the left abutment of the dam will be approximately located at a point on the west section line of Section 11, Township 5 South, Range 65 West, at a point approximately 600 feet north of the southwest corner of said Section 11. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 10,200 acre-feet. Dead storage – 1,545 acre-feet (all conditional). Name of Structure: OAR Reservoir C. Original decree: Consolidated Decree. Subsequent diligence decrees: Case Nos. 08CW313 and 18CW3036. Location/point of diversion: In the S 1/2 of Section 19, and the W 1/2 of the NW 1/4 of Section 29, and the N 1/2 of Section 30, all in Township 5 South, Range 64 West of the 6th P.M. and the E 1/2 of the SE 1/4 of Section 24, and the NE 1/4 of the NE 1/4 of Section 25, all in Township 5 South, Range 65 West of the 6th P.M. in Arapahoe County, Colorado and whence the left abutment of the dam will be located at a point in the west section line of Section 30, Township 5 South, Range 64 West of the 6th P.M., at a point approximately 700 feet south of the northwest corner of said Section 30. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 4500 acre-feet. Dead storage – 819

acre-feet (all conditional). Name of Structure: OAR Reservoir D. Original decree: Consolidated Decree. Subsequent diligence decrees: Case Nos. 08CW313 and 18CW3036. Location/point of diversion: In the SW 1/4 of the NW 1/4, and the W 1/2 of the SW 1/4 of Section 36 and the SE 1/4 of the NE 1/4, the SE 1/4, and the S 1/2 of the SW 1/4 of Section 35 in Township 5 South, Range 65 West of the 6th P.M., in Arapahoe County, Colorado, and the N 1/2 of the NW 1/4 of Section 2 in Township 6 South, Range 65 West of the 6th P.M. in Elbert County, Colorado and whence the left abutment of the dam will be approximately located at a point approximately 1,980 feet south of the north and 150 feet east of the west section lines of Section 36, Township 5 South, Range 65 West.. Source: Coal Creek, Box Elder Creek, and Denver Basin groundwater described in paragraph 12 of the Consolidated Decree. Appropriation date: June, 1984. Amount: Active storage – 4,000 acre-feet. Dead storage – 1,000 acre-feet (all conditional). Use: Municipal, irrigation, augmentation, domestic, piscatorial, commercial, industrial, recreation and storage, within Applicant’s service area in all or parts of Sections 33 and 34, Township 4 South, Range 65 West of the 6th P.M., Sections 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 5 South, Range 65 West of the 6th P.M, and Sections 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 of Township 5 South, Range 64 West of the 6th P.M., as shown on Attachment A to the original decree.. Claims for changes of water rights for certain conditional water rights included in this application and amendment of an associated augmentation plan are pending in Case No. 20CW3214. Additional details regarding those claims are available in Case No. 20CW3214. Case No. 20CW3214 is still pending before the Water Court for Water Division 1 as of the date of this application. **CLAIM FOR FINDING OF REASONABLE DILIGENCE.** This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, C.R.S. § 37-92-302. During this diligence period, in continuing the development of the conditional water rights, the State Land Board and Rangeview, and Rangeview’s service provider, Pure Cycle Corporation, have been engaged in the legal defense and protection of said water rights and have diligently worked toward making the conditional water rights absolute. The work and expenditures listed herein are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. These activities include, but are not limited to, the following: Rangeview: Rangeview continues to develop surface water, augmentation supplies, and storage facilities through continued engineering, site specific and system-wide diligence work. Rangeview’s activities and expenses during the diligence period include: **Infrastructure and Capital Expenses: \$22,446,567.** 11.1.1.1 – Box Elder Creek Infrastructure. Installation and maintenance of a surface water stream gage in the Box Elder Creek basin in the vicinity of County Line Road.. Installation of five monitoring wells in the Box Elder Creek drainage basin. Installation of equipment allowing augmentation water to be delivered to Box Elder Creek at the location of Box Elder Creek alluvial well 1. Construction, operation, and maintenance of Box Elder Creek alluvial wells 1-4 along with the associated pipeline, appurtenances, and measuring devices. Construction of the Lowry Ridge Storage Pond and ancillary facilities. 11.1.1.2 – Augmentation Supplies Purchase into the WISE system and pro rata share of associated infrastructure. Construction of three Denver Basin wells and installation of pumps, motors, and appurtenances. Purchase of five groundwater rights in the Lost Creek Designated Ground Water Basin. Redrilling two alluvial wells in the Lost Creek Designated Ground Water Basin. Purchase and installation of pumps, motors, and well equipment in five alluvial wells in the Lost Creek Ground Water Basin along with installing interconnected piping. 11.1.1.3 – Operation and Maintenance Expenses. Replacement of multiple pump and motor sets in Denver Basin wells. Continued operation and maintenance of the Lowry Ridge Storage Pond for blending of groundwater and surface water diversions. **Engineering expenses: \$1,219,501.** Engineering analysis and support for the preparation, filing, and prosecution of the application in Case No. 20CW3214 for changes of the conditional water rights described in paragraphs 2-9 (“Subject Water Rights”) and an amendment of the augmentation plan adjudicated in the Consolidated Decree to allow more efficient diversion and use of the Subject Water Rights. Engineering analysis and support for acquisition of five groundwater rights in the Lost Creek Designated Ground Water Basin, including applications to change the use of the groundwater rights to allow use in Rangeview’s municipal system and in the amendment to the Consolidated Decree augmentation plan requested in Case No. 20CW3214, among other claims. Engineering assistance with

opposition to applications identified as potentially injurious to the Subject Water Rights. Engineering analysis and permitting for proposed Box Elder Creek alluvial wells 5-8. **Legal expenses: \$556,929.** Review and support associated with acquisition of five groundwater rights in the Lost Creek Designated Ground Water Basin to be used for augmentation. Prepare, file and prosecute applications to change the use of the groundwater rights in the Lost Creek Designated Ground Water Basin which includes use in Rangeview's municipal system and in the amendment to the Consolidated Decree augmentation plan requested in Colorado Groundwater Commission Case Nos. 21GW02, 24GW02 and 24GW04 and Water Court Case No. 20CW3214. Prepare, file and prosecute application in Case No. 20CW3214 for changes of the Subject Water Rights and an amendment of the Consolidated Decree augmentation plan. Review of water court resume to identify applications that could adversely affect the Subject Water Rights and filing and prosecution of statements of opposition to said applications. Total for Rangeview during diligence period: \$24,222,997. State Land Board: During the diligence period, the State Land Board has conducted diligence activities in the development of these conditional surface and water storage rights, and has expended funds for staff, legal, and operations in support of those activities including: Filing statements of opposition in water court for the protection of the conditional water rights and ground water rights associated with the Lowry Ranch; Hiring a full time water manager to oversee the State Land Board's water assets, including those identified in this application; Reviewing water court resumes for applications potentially affecting water rights and ground water rights associated with the Lowry Ranch; Developing surface use of the Lowry Ranch, including issuing leases for grazing, oil and gas development, recreation, and military training; Updating the Lease Agreement with Rangeview for the development of these water rights to include the permitting and construction of a measurement structure on Box Elder Creek as a part of the Rangeview East Water System, permitting and construction of new wells, permitting and construction of pipelines and a water treatment complex, and entering into an option agreement for future use of existing water assets on Lowry Ranch; Participating in the development of a comprehensive area plan regarding oil and gas development relating to the reservoirs identified in this application; Participating as a co-applicant in Case No. 20CW3214, for changes of the conditional water rights and an amendment of the augmentation plan adjudicated in the Consolidated Decree, including participating in trial. Name and addresses of owner or reputed owner of the land upon which diversion and storage structures are located or proposed to be located: The State Land Board owns the land on which all structures are located or are proposed to be located. WHEREFORE, Applicants request that this Court enter a decree finding that Applicants have exercised reasonable diligence in the development of the conditional water rights, continuing the conditional water rights, and for such other and further relief as this Court deems just and proper in the premises. 8 PAGES.

CASE NUMBER 2025CW3002 – MISFILED DIGLIGENCE APPLICATION - WITHDRAWN AND REFILED IN WATER DIVISION FIVE

CASE NUMBER 2025CW3003 JIM SARCHET, 9435 County Rd 41, Fort Lupton, Colorado 80621. (970) 567-1124. jimsarchet@gmail.com. Bradley C. Grasmick, Nicholas P. Espenan, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, (970) 622-8181. brad@lcwaterlaw.com; nick@lcwaterlaw.com. **APPLICATION FOR CHANGE OF WATER RIGHT TO INCLUDE ALTERNATE POINT OF DIVERSION IN WELD COUNTY**. 2. Applicant operates wells on his property for irrigation, well permit Nos. 811-R and 812-R-R, Case No. W-523. Applicant seeks to change the point of diversion for well 811-R to well 812-R-R. 3. Name of Structure for Which Change is Sought: Permit No. 811-R. 3.1 Description of Change Requested: Applicant seeks approval to change the well permit No. 811-R water right to add an alternate point of diversion through well permit No. 812-R-R. 3.2 Description of Water Right for which change is sought: 3.2.1 Name of Structure: Well No. 811-R 3.2.2 Date of Decree: September 1, 1971, Case No. W-523, Water Division 1. 3.2.3 Legal Description: 777 feet West and 20 feet North of East 1/4 corner in the SE 1/4 of NE 1/4, Section 20, Township 2 North, Range 65 West of the 6th P.M., Weld County, Colorado 3.2.4 Source of Water: Groundwater 3.2.5 Appropriation Date: May, 1955 3.2.6 Amount: 2.44 cubic feet per second, absolute

3.2.7 Decreed Uses: Irrigation on 160 acres in NE 1/4, Section 20, Township 2 North, Range 65 West; 3.3 Description of Alternate Point of Diversion: 3.3.1 Name of Structure: Well No. 812-R-R. 3.3.2. Legal Description of Location of New Point of Diversion: 245 feet West and 20 feet North of the E 1/4 corner in the SE 1/4 NE 1/4 of said Section 20, UTM NAD83 Zone 13 Easting 527324.8 m, Northing 4441575.7 m). 3.3.3. Source: Groundwater 3.3.4. Diversion Rate: Up to 1200 g.p.m., maximum diversion rate for the Well, not to exceed 2.67 cubic feet per second. 3.3.5. Use: Irrigation in SE 1/4 NE 1/4. Section 20, Township 2 North, Range 65 West. 3.3.6. Remarks: The alternate point of diversion claimed is to correct the irrigated acres amount mentioned within the original decree. As decreed Well No. 812-R-R use is irrigation in Southeast 1/4 Northeast 1/4, Section 20, Township 2 North, Range 65 West. Historically, Well No. 812-R-R has irrigated the 160 acres of the Sarchet Farm. Additionally, the alternate point of diversion is to correct a typo within the W-523 decree, the decree rules that Well No. 812 was awarded 2.67 cubic feet per second but contains a typo earlier in the decree for 2.64 cubic feet per second. 1200 gpm or 2.67 cubic feet per second is the correct decreed amount. 4. Name and Address of Owners of Structures and Land: Applicant owns the Wells and the lands upon which the structure is located. This application consists of four (4) pages.

CASE NUMBER 2025CW3004 LOT HOLDING INVESTMENTS, LLC, 1613 Pelican Lakes Pt., Suite 201, P.O. Box 38, Windsor, CO 80550, P. Andrew Jones, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO 80550. **APPLICATION FOR CONDITIONAL WATER RIGHT AND CONDITIONAL WATER STORAGE RIGHT. CONDITIONAL WATER RIGHT IN WELD COUNTY.** Pheasant Hill Direct Flow Right 2. Name of Structure: Pheasant Hills Direct Flow Right. 3. Location of Point of Diversion: 3.1 UTM 3.1.1. Easting: 511252 Northing: 4462277 3.1.2 Zone 13 3.1.3 Source: Spotted from map (centroid location given). 3.1.4. Accuracy: N/A 3.2 PLSS 3.2.1 In the Southwest 1/4 of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.2.2 40 feet from the West section line, 2,200 feet from South section line. 3.2.3 Source: Map 3.3 See Attached Exhibit "A" for map. 4. Source: Knaub Seep 5. Appropriation: 5.1 Date of Appropriation: Date of filing. 5.2 How Appropriation was Initiated: Site acquisition, formation of intent to appropriate, engineering review, filing of application. 6. Amount Claimed: 20 c.f.s., conditional 7. Uses: Irrigation of 800 acres in Section 14 and the Northeast 1/4 of Section 15, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, use in Pheasant Hills Storage Reservoir and related ponds, waterways and water features for piscatorial, recreational, aesthetic and sonic purposes. **CONDITIONAL WATER STORAGE RIGHT** Pheasant Hills Storage Reservoir 8. Name of Reservoir: Pheasant Hills Storage Reservoir 9. Legal Description: (a) UTM (i) Easting: 511623 Northing: 4462971 (ii) Zone 13 (iii) Source: Spotted from map (centroid location given). (iv) Accuracy: N/A (b) PLSS (i) In the Northwest 1/4 of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (ii) 700 feet from the North section line, 1,250 feet from West section line. (iii) Source: Map (c) See Attached Exhibit "A" for map. 10. Sources: Big Thompson River, Knaub Seep 11. Fill Ditches: (a) Consolidated Hillsborough Ditch (i) Capacity: 120 c.f.s. (Hillsborough Ditch); 5 c.f.s. at Reservoir. (ii) Point of Diversion: In the Southeast Quarter of the Northwest Quarter of Section 21, Township 5 North, Range 68 West of the 6th P.M. (iii) Comment: Water will be delivered through Consolidated Hillsborough Ditch and then in a lateral system to Pheasant Hills Storage Reservoir. (b) Knaub Seep Diversion (i) Capacity: 5 c.f.s. (ii) Point of Diversion: In the Southwest 1/4 of Section 14, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. (iii) Comment: Water from the Knaub Seep will be diverted into Pheasant Hill Reservoir. 12. Date of Appropriation: Date of filing. 13. How Appropriation was Initiated: Site acquisition, formation of intent to appropriate, engineering review, filing of application. 14. Amount Claimed: 100 acre feet, with right to fill and refill as many times as priority will allow, conditional. 15. Uses: Storage and use in Pheasant Hills Storage Reservoir and related ponds, waterways and water features for piscatorial, recreational, aesthetic and sonic purposes, irrigation of 800 acres in Section 14 and the Northeast 1/4 of Section 15, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, replacement of return flows by direct delivery or seepage from Reservoir, if available. 16. Surface Area at High Water Line: 14 acres (approximate). No dam will be constructed. Any berm surrounding the reservoir will be less than 10 feet in height. See Exhibit "A," attached. 17. Name of Owners of Land and Structures: Consolidated

Hillsborough Ditch Company, PO Box 186, Johnstown, CO 80534, owns its diversion structure on the Big Thompson River and its Ditch(es) that deliver water diverted at that location. Dated January 24, 2025.

CASE NUMBER 2025CW3005 (17CW3096) (98CW476) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY – 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicant. MARTIN MARIETTA MATERIALS, INC., c/o James Sharn, Natural Resource Manager, 1627 Cole Boulevard, Suite 200, Lakewood, Colorado 80401; Phone: (720) 245-6400; Email: James.Sharn@martinmarietta.com. Copies of all pleadings and other correspondence to David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900; Fax: (303) 442-0191; Email: dfbower@j-rlaw.com and ccfrazier@j-rlaw.com. **2. Original and Subsequent Decrees.** The conditional water right that is the subject of this diligence application was originally decreed by the Division 1 Water Court in Case No. 98CW476, dated June 3, 2011. A subsequent diligence decree continuing the conditional water right was entered by the Division 1 Water Court in Case No. 17CW3096, dated January 7, 2019. **3. Description of Conditional Storage Right to be Continued.** (a) Name of Structure. 35th Avenue Reservoir [WDID 0303844]. (b) Description of Structure. 35th Avenue Reservoir is a below-grade reservoir or series of reservoirs that is being created through the excavation of gravel. (c) Location of Reservoir. E1/2 NE1/4 of Section 34 and N1/2 and N1/2 SE1/4 of Section 35, Township 6 North, Range 66 West of the 6th P.M. The centroid of the existing lined reservoir cell is at a point described as Zone 13, NAD 83, Easting 521200.0, Northing 4477500.0. A map showing the general location of the 35th Avenue Reservoir is attached to the application as Exhibit A. The legal description of the tract of land where the 35th Avenue Reservoir is decreed to be located is attached to the application as Exhibit B. (d) Names, Locations, and Diversion Rates of Ditches Used to Fill Reservoir. (i) Boyd and Freeman Ditch [WDID 0300935]. NE1/4 SE1/4 SW1/4 of Section 34, Township 6 North, Range 66 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 519960.0, Northing 4476710.0, at a rate of 54.05 cfs. (ii) Greeley Canal No. 3 [WDID 0300934]. NE1/4 NW1/4 SE1/4 of Section 32, Township 6 North, Range 66 West of the 6th P.M., at a point described as Zone 13, NAD 83, Easting 517030.0, Northing 4476960.0, at a rate of 25 cfs. (iii) 35th Avenue Infiltration Gallery No. 1 [WDID 0305025]. SE1/4 NE1/4 of Section 34, Township 6 North, Range 66 West of the 6th P.M., at a rate of 25 cfs. (iv) 35th Avenue Infiltration Gallery No. 2 [WDID 0305026]. NW1/4 NW1/4 of Section 35, Township 6 North, Range 66 West of the 6th P.M., at a rate of 25 cfs. (v) 35th Avenue Infiltration Gallery No. 3 [WDID 0305027]. NE1/4 NW1/4 of Section 35, Township 6 North, Range 66 West of the 6th P.M., at a rate of 25 cfs. (vi) 35th Avenue Infiltration Gallery No. 4 [WDID 0305028]. NW1/4 NE1/4 of Section 35, Township 6 North, Range 66 West of the 6th P.M., at a rate of 25 cfs. (vii) 35th Avenue Infiltration Gallery No. 5 [WDID 0305032]. NE1/4 NE1/4 of Section 35, Township 6 North, Range 66 West of the 6th P.M., at a rate of 25 cfs. (viii) 35th Avenue Infiltration Gallery No. 6 [WDID 0305029]. NE1/4 NE1/4 of Section 34, Township 6 North, Range 66 West of the 6th P.M., at a rate of 25 cfs. (e) Source. The Cache la Poudre River, tributary to the South Platte River. (f) Appropriation Date. December 31, 1998. (g) Amount. 8,010 acre-feet, conditional, with the right to fill and refill up to 1,230 acre-feet per year, and a maximum cumulative rate of diversion of 229.05 cfs, conditional. Up to 500 acre-feet per year may be released from the reservoir for its beneficial uses. (h) Uses. Commercial, industrial, fire protection, mining, wash water for sand and gravel mining, augmentation (including replacement of return flow obligations incurred in connection with Water Court or State Engineer approved changes of water rights for augmentation or substitute supplies), replacement of evaporative losses, dust suppression, and reclamation and irrigation necessary for reclamation activities in connection with sand and gravel mining operations. Following release from the 35th Avenue Reservoir, such water may be used directly or be re-diverted or exchanged into other storage sites for later use. (i) Remarks. Applicant acknowledges that it presently has no right to use the Boyd and Freeman Ditch or Greeley Canal No. 3 for carriage of water, and that a carriage agreement with the Boyd and Freeman Ditch Company, City of Greeley, and/or Greeley Irrigation Company, as applicable, will be required to use these structures. **4. Claim for Finding of Reasonable Diligence.** Applicant seeks to continue as conditional the water right decreed to the 35th Avenue Reservoir for its full decreed amount and uses. During the diligence period from January 2019

through January 2025, the following activities were performed to develop the subject water right and show that Applicant continues to have a need for the conditional right: (a) Mining and Excavation Work. Applicant has continued to mine and develop the 35th Avenue Reservoir site during the most recent diligence period so that the decreed water right can be stored and put to beneficial use for its decreed purposes. (b) Facility and Equipment Upgrades. As part of those mining operations, Applicant has maintained the 35th Avenue Reservoir site by repairing and replacing multiple dewatering pumps and meters in the unlined and active mining areas. (c) Permitting Activities. Throughout the diligence period, Applicant has maintained existing permits and evaluated additional permits necessary to operate the mine site, including Section 404 permits with the U.S. Army Corps of Engineers, a Clean Air Act and Discharge Permit through the Colorado Department of Health and Environment, a mining permit with the Colorado Division of Reclamation, Mining, and Safety (“DRMS”), and a Special Use Permit with Weld County. (d) Reclamation Bond. Applicant’s DRMS permit requires a bond in the amount of \$5,848,567, which costs approximately \$19,000 annually. This is in addition to the annual permit fee and other related costs. (e) Storage Right Diversion Investigation. Applicant’s engineering consultant, BBA Water Consultants, Inc. (“BBA”), performed a site visit to investigate the best development plans for the decreed points of diversion for the 35th Avenue Reservoir. A preliminary survey was completed for the purposes of determining potential paths and required work to deliver water to 35th Avenue Reservoir through the Boyd and Freeman Ditch. Applicant also discussed reconstruction of the Boyd and Freeman Ditch and related delivery laterals and other infrastructure with nearby entities. (f) Substitute Water Supply Plans. Applicant, with the assistance of BBA, prepared and submitted requests for substitute water supply plan (“SWSP”) renewals for mining depletions. The Division Engineer’s Office approved the most recent SWSP request on March 21, 2023. BBA also submitted an SWSP request on January 31, 2024, which is still pending, and will be submitting a 2025 SWSP renewal forthwith. (g) SWSP Operations. Applicant has continued to operate its SWSP approvals to replace water depletions associated with mining operations. As part of these operations, BBA has prepared and submitted monthly SWSP water accounting from May 2012 to present. (h) General Legal and Engineering Costs. Applicant has also incurred general legal and engineering costs during the subject diligence period in performing water rights related work, including review of water agreements for the mine site and monitoring and evaluating other water rights cases in the South Platte River basin in order to protect the subject rights and other water rights in its portfolio against injury. **5. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** The 35th Avenue Reservoir and 35th Avenue Infiltration Gallery Nos. 1 through 6 are located on land owned by Applicant. The Boyd and Freeman Ditch is located on land owned by the Boyd Irrigation Company, c/o Lisa Van Vorous, 1001 11th Avenue, Suite 200, Greeley, Colorado 80631. The Greeley Canal No. 3 is located on land owned by (i) the City of Greeley, c/o Real Estate Management, 1100 10th Street, Suite 300, Greeley, Colorado 80631, and (ii) the Greeley Irrigation Company, c/o Donna Coble, 3005 W. 29th Street, Suite G1, Greeley, Colorado 80631. WHEREFORE, Applicant respectfully requests that the Water Court enter a finding of reasonable diligence with respect to the 35th Avenue conditional water right described above, and order that such right be continued in full force and effect for an additional six-year period or until such time as a determination is made that the right has been made absolute or otherwise disposed of.

CASE NUMBER 2025CW3006 (Case No. 16CW3058) **THE CITY OF AURORA, COLORADO**, a municipal corporation of the Counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE. IN ADAMS, ARAPAHOE, DOUGLAS AND WELD COUNTIES**. Attorneys for the City of Aurora, by and through its Utility Enterprise, please send all correspondence to: Stephen C. Cann, #24498 Ian J. Best, #46020 15151 E. Alameda Parkway, Suite 5300 Aurora, CO 80012-1555 (303) 739-7030 scann@auroragov.org; ibest@auroragov.org. This Application seeks a finding of reasonable diligence on a conditional water storage right originally decreed in Case No. 16CW3058 decreed January 10, 2019 (hereinafter referred to as the “Original Decree”). The water right for which diligence is sought herein remains subject to all of the terms and conditions set forth in the Original Decree. **1. NAME, MAILING ADDRESS, AND**

TELEPHONE NUMBER OF APPLICANT: The City of Aurora, Colorado, a home rule municipal corporation of the counties of Adams, Arapahoe, and Douglas, acting by and through its Utility Enterprise ("Aurora"): 15151 East Alameda Parkway, Suite 5300 Aurora, Colorado 80012-1555 Telephone: 303-739-7030 E-Mail: CityAttorneyNotice@auroragov.org.

2. DESCRIPTION OF CONDITIONAL WATER STORAGE RIGHT ("SUBJECT WATER RIGHT"): Name of Structure: Aurora-Gilcrest Reservoir (the "Reservoir"). The Reservoir will consist of two interconnected water storage cells, each of which are surrounded by an impermeable bentonite-based slurry wall keyed into the shale bedrock of a reclaimed sand and gravel pit. The Reservoir is located within a part of Section 2, Township 3 North, Range 67 West and Section 35, Township 4 North, Range 67 West of the 6th P.M. in Weld County, Colorado. Application is also made for three conditional surface diversions to fill the Reservoir. Date of Original Decree: January 10, 2019, Case No.16CW3058, District Court Water Division 1, Colorado. Date of Subsequent Diligence Decrees: None. Legal Description. The Reservoir will encompass approximately 570 acres of land and is located within parts of Section 2, Township 3 North, Range 67 West and Section 35, Township 4 North, Range 67 West of the 6th P.M. in Weld County, Colorado, and more specifically described as follows: Cell A: High Water Line Surface Area: 179 acres. Legal Description of cell: NW1/4 and SE1/4 of Section 2, T3N, R67W, 2,180 feet from the South section line and 1,580 feet from the East section line. See Exhibit A. Volume: 9,900 acre feet. Maximum Depth: 70 feet. Cell B: High Water Line Surface Area: 112 acres. Legal Description of cell: NW1/4 and NE1/4 of Section 2, T3N, R67W, 185 feet from the North section line and 1,715 feet from the East section line. See Exhibit A. Volume: 5,300 acre feet. Maximum Depth: 58 feet. Water Source For Subject Water Right. South Platte River. Additional Water Sources for Reservoir - Other Fully Consumable Water. Aurora will also divert and store other fully consumable water that is not subject to this Decree ("Other Fully Consumable Water"). Other Fully Consumable Water includes, but is not limited to, Aurora's fully consumable effluent released after treatment by the Metropolitan Wastewater Reclamation District from any of its treatment facilities, Aurora's Sand Creek Wastewater Treatment Plant and any future wastewater treatment facility operated by Aurora or the Metropolitan Wastewater Reclamation District; decreed lawn irrigation return flows; water rights to be acquired and changed by water court decree in the future; not non-tributary and non-tributary Denver Basin ground water rights that are decreed for Aurora's use; any other water rights that may be decreed for storage in the Reservoir; other water that is decreed to be fully consumable that is purchased, leased or otherwise acquired from others; and the reusable portion of the effluent generated by sewage flows arising in the East Cherry Creek Valley Water and Sanitation District ("ECCV") and delivered to the Aurora system pursuant to the agreement between Aurora and ECCV, dated May 15, 1976, as amended. Points of Diversion. See Exhibit A. Diversion No. 1: Western Mutual Ditch (a.k.a. Hewes Cook Ditch). The headgate of the Western Mutual Ditch is on the east bank of the South Platte River in the SE1/4 of the SW1/4 of Section 11, 230 feet from the South Section Line, 2,510 feet from the West Section Line, in Township 3 North, Range 67 West of the 6th P.M., Weld, County Colorado. No groundwater will be intercepted from or diverted at Diversion No. 1. Diversion No. 2, which has not been constructed, is planned to divert surface water from the South Platte River on the east bank of the South Platte River, adjacent to the Jay Thomas Ditch Diversion Dam, in the NE1/4 of the NW1/4 of Section 11, 950 feet from the North Section Line, 1,515 feet from the West Section Line, in Township 3 North, Range 67 West of the 6th P.M., Weld, County Colorado. No groundwater will be intercepted from or diverted at Diversion No. 2. Diversion No. 3, which has not been finalized, is planned to divert surface water from the South Platte River on the south bank of the South Platte River in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld, County, Colorado. No groundwater will be intercepted from or diverted at Diversion No. 3. Date of Appropriation: April 29, 2016. Date Water Applied to Beneficial Use: Not applicable, conditional water right. Amount. Aurora-Gilcrest Reservoir: 15,200 acre feet, conditional, total, with the right of one fill and one refill. Filling Rate. Diversion No. 1 (Western Mutual Ditch): rate of diversion to storage: 185 cfs, conditional. Diversion No. 2 (South Platte River): rate of diversion to storage: 260cfs, conditional. Diversion No. 3 (South Platte River): rate of diversion to storage: 260 cfs, conditional. Uses. Aurora will use the Subject Water Right after storage for municipal, domestic, commercial, industrial, recreational, fish and wildlife propagation, water treatment, fire protection, irrigation, return flow replacement, augmentation and exchange. Aurora

may use, reuse and successively use the Subject Water Right to extinction for the same purposes, subject to the terms and conditions of the 16CW3058 Decree. The place of use of the Subject Water Right will be any area within the existing or future water service area of the City of Aurora, located in Adams, Arapahoe and Douglas Counties, or any extra-territorial area in which the City of Aurora contracts to provide augmentation and/or municipal water service. Recreational and fish and wildlife propagation uses will be confined to the Reservoir. Aurora may fully consume the water diverted after storage and subsequent release, reuse, successive use, further exchange and disposition to the point of extinction subject to the terms and conditions of the 16CW3058 Decree. Size of Reservoir. Surface Area of Reservoir at High Water Line. Approximately 291 acres. Cell A: Maximum height of dam: 28 feet. Length of dam: 10,723 feet. Cell B: Maximum height of dam: 30 feet. Length of dam: 7,408 feet. Total Capacity of Reservoir. 15,200 acre feet, conditional (maximum volume, with no freeboard and no dead volume). If the final as-built total capacity of the reservoir is less than 15,200 acre-feet, the excess volume will be abandoned as described in paragraph 39, of the Original Decree. **3. OTHER PERTINENT INFORMATION.** Aurora will not seek to use any property or point of diversion that Aurora does not own until it has obtained the legal right to do so. **4. CLAIM FOR A FINDING OF REASONABLE DILIGENCE.** Detailed outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed: Pursuant to the Original Decree, the Subject Water Right is part of an integrated system of water rights and structures under C.R.S. 37-92-301(4)(b). It is part of an extensive system for the collection, treatment and distribution of water operated by Aurora. For the purposes of showing diligence toward completion of the appropriative right decreed in the Original Decree, diligent development as to any part of the Aurora water rights system used to operate or benefits from these conditional rights shall be diligence as to the completion of the above right. Project Specific Efforts: During the diligence period of February 2019 through December 2024, Aurora has done at least the following work toward completion of the appropriation and application of the Subject Water Right to beneficial use (expenditure numbers are rounded to the nearest \$1,000). Acquisition of Site: Aurora has acquired the site for the Gilcrest Reservoir depicted on Exhibit A. Prairie Waters Project: The Prairie Waters Project is a large comprehensive water recapture, supply, storage and treatment project which in part recovers reusable return flows from Aurora's water sources from the South Platte River. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. Reuse water recovered by this project is one of the sources at Aurora's water treatment plants for replacement under the operations at issue here. During the diligence period, Aurora obtained a decree in Case No. 20CW3058, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW414 (decreed April 22, 2014) and 13CW3088 (decreed 11/4/2020), Aurora obtained a decree in Case No. 21CW3028, WD-1, (decreed 12/09/2021) finding reasonable diligence for the water rights decreed conditionally in 03CW415 (decreed March 2, 2015) and in 14CW3065, and Aurora filed an application in Case No. 23CW3175 seeking to make absolute portions of the rights decreed conditionally in Case No. 06CW104, and 15CW3064, WD-1, and seeking a finding of reasonable diligence on the remainder. Aurora has expended at least \$28,259,000 on elements of the Prairie Waters Project during this diligence period. Metro Wastewater Reclamation District Charges: Aurora expended at least \$230,105,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for release of this water into the South Platte River Basin as a source of reusable water for storage under uses contemplated herein. Sand Creek Water Reuse Plant Improvements: Aurora operates this 5-million-gallon per day facility that provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for the exchanges herein. Improvements of this facility and operating costs completed during this diligence period cost at least \$23,627,000. These improvements are necessary for use of this water as a substitute supply under the rights decreed herein. Quantification and Determination of Lawn Irrigation Return Flows: Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. During this

diligence period, Aurora has expended over \$62,000 in engineering costs requantifying the LIRFs adjudicated in Case No. 02CW341 available for uses contemplated herein. Acquisition and Change of Use of Water Rights: Aurora has acquired senior irrigation ditch rights and mutual ditch company shares over the diligence period, including in the South Platte basin at a cost of over \$250,000,000. Aurora has filed change of water right applications to the Division 1 water court to change water rights and has obtained decrees for changes of shares of the Lupton Bottom and Lupton Meadows Ditch ditch companies in 18CW3121, in the Brighton Ditch in 21CW3103 and in the New Brantner Ditch in 21CW3092. Aurora contemplates storing water decreed in these and other cases in Gilcrest Reservoir. Systemwide Efforts: During the diligence period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights (expenditure numbers are rounded to the nearest \$1,000). South Platte River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the South Platte River Basin which are necessary for continuation of its reusable supplies from the South Platte River Basin. Spinney Mountain Reservoir: Aurora expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. Spinney is an important upstream reservoir for storage of water that will eventually end up being recovered in Gilcrest Reservoir. Griswold Water Treatment Plant Renovations. This facility treats a portion of the raw water that is delivered to Aurora's customers and subsequently partially recovered in Gilcrest Reservoir. More than \$76,538,000 was spent by Aurora during this diligence period for improvements to this facility. This includes expenditures directly by Aurora for renovation of the facility. Wemlinger Water Treatment Plant Improvements. During this diligence period, Aurora spent more than \$40,398,000 for improvements to the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water that may be recovered in Gilcrest in part after it is delivered to Aurora's customers. Rampart Reservoir Improvement. More than \$20,611,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system, including improvements to the 54" raw water transmission pipeline between Rampart Reservoir and storage and water treatment facilities within the city. Rampart Reservoir is used to store the water that has been exchanged from the Arkansas and Colorado River Basins and transported to the South Platte River before it is transported through the parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines. Improvements to Extend or Improve Water Service in and to Aurora: More than \$123,494,000 was spent by Aurora during this diligence period for extension and upgrade of its water transmission and distribution system necessary to deliver the water that is the subject of the operations described herein to Aurora's customers. Automated Meter Reading System: Aurora spent more than \$18,729,000 during this diligence period for upgrades to its automated utility reading system. South Platte Exchange: On June 24, 2020, Aurora obtained a decree in Case No. 19CW3185, Water Division 1, granting a finding of reasonable diligence and making absolute portions of conditional exchange rights originally decreed in 79CW375 and decreed as to diligence and partially absolute in Case Nos. 89CW078, 98CW294 and 08CW253. These water rights allow Aurora to exchange certain reusable water from the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir. Binney Water Purification Facility: This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the city. Over \$17,148,000 was spent by Aurora during the diligence period for improvements to this facility. Arkansas River Basin: Aurora made the following diligence efforts with regard to maintaining and enlarging its water supply system components in the Arkansas River Basin which are necessary for continuation and transport of its reusable supplies from the Arkansas River Basin. Payment for purchase and lease of Rocky Ford Ditch shares. Aurora spent more than \$584,000 during this diligence period for repayment of bonds, including principal and interest, that were issued or refunded for purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18, that are a reusable source for the exchanges herein. Revegetation: Aurora has expended at least \$1,479,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No.

83CW18. Aurora also expended an additional \$1,413,000 for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). Payments to Otero County: Aurora and Otero County entered into an Intergovernmental Agreement (“IGA”) on February 22, 1994, and amended that Agreement on October 29, 2001, under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are a reusable source for the exchanges herein. During this diligence period, Aurora made payments in excess of \$378,000. Pueblo Reservoir Storage: During the diligence period, Aurora paid the Bureau of Reclamation more than \$6,858,000 for use of Pueblo Reservoir in the storage and exchange of Arkansas River Basin water upstream for transport and use by Aurora in the South Platte Basin. Intergovernmental Agreement with SECWCD: On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District (“SECWCD”), replacing an agreement between the parties dated December 7, 2001. Aurora’s use of Fryingpan-Arkansas facilities for certain water rights is discussed under this IGA. During the diligence period, Aurora made payments of more than \$1,295,000 to SECWCD under this IGA. Agreements for Use of the Holbrook Reservoir System Facilities: On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. During this diligence period, Aurora made payments of approximately \$563,000 to Holbrook under this agreement. Intergovernmental Agreement with LAVWCD: Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District (“LAVWCD”), Aurora paid approximately \$750,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. Recovery of Yield (“ROY”): On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo’s RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. This case lays the foundation for those exchanges. Aurora expended significant sums on these efforts during the diligence period. The ROY partners have acquired land to prospectively be used as a reservoir site at a cost of \$1,160,000 to Aurora. Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch. During this diligence period, Aurora paid the following in annual assessments: approximately \$450,000 for Twin Lakes Company (necessary for storage); at least \$2,040,000 for the Colorado Canal/Lake Henry/Lake Meredith (necessary for storage); and approximately \$1,450,000 for the Rocky Ford Ditch for the shares attributable to the Subject Rocky Ford Ditch Water Right. Colorado River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the Colorado River Basin that are necessary for continuation of its reusable supplies from the Colorado River Basin. During this diligence period, Aurora negotiated with Objectors in Case No. 19CW3159, Water Division 5, and entered into Stipulations all of the Objectors in that case, which adjudicated an exchange of water released by Aurora from its Twin Lakes Reservoir and Canal Company water rights in the Roaring Fork River basin. A decree in this matter was issued October 31, 2024. During this diligence period Aurora embarked on a rehabilitation project of the Carlton (Busk Ivanhoe) Tunnel. This project will repair damage and cave-ins inside the tunnel that conveys Aurora’s Busk Ivanhoe water from Ivanhoe Reservoir to the eastern slope and Turquoise Reservoir. To date this project has cost Aurora over \$4,000,000. Aurora has continued to pursue development of a joint project or projects as contemplated in a 1998 Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company and the Colorado River Water Conservation District. On June 21, 2004, the City of Aurora entered into an additional Water Exchange Agreement with the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Eagle River Water and Sanitation District, the Upper Eagle Regional Water

Authority, and Vail Associates, Inc. to supplement a 1998 Water Exchange Agreement. This agreement affects operations of the Homestake water rights and deliveries of reusable water to Aurora for use in the exchanges that facilitate delivery of water to the structure addressed herein. On January 5, 2010, the City of Aurora entered into a Consolidated Water Exchange Agreement to supplement, merge and consolidate the 1998 and 2004 agreements. Aurora seeks to further maximize the operations of the Homestake water rights with these projects. A diligence application was filed by the parties to the agreements in regard to the aforementioned exchange rights in 2023. Homestake Project: During this diligence period, work was done on the Homestake Arkansas River Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Additionally, Homestake Reservoir underwent resurfacing and improvement. Once water is transported over the Continental Divide through the Otero Pump Station and Homestake Pipeline, it is then transported to Spinney Mountain Reservoir in the South Platte Basin. During this diligence period, Aurora prosecuted Case Nos. 23CW3031, 20CW3024 and 23CW3087 in Water Division 5 through the Homestake Partners, comprising the City of Aurora and the City of Colorado Springs Utility. These water court matters seek a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case No. 98CW270, which comprise part of the Homestake Project. On March 31, 2017, Aurora and the City of Colorado Springs jointly filed Case No. 17CW3064 seeking diligence on the Homestake Project exchanges originally decreed in Case No. 95CW272(A), Water Division 5. During this diligence period a decree was entered by the court on June 10, 2018. During this diligence period, Aurora executed a Recovery Agreement (3-27-20) with the United States and Wildlife Service regarding the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program). The purpose of the Recovery Agreement is to formalize Aurora's participation in the Recovery Program, provide certainty that Aurora's Colorado River depletions can occur consistent with the Endangered Species Act, and provide that Aurora will take reasonable actions to support implementation for the Recovery Elements specified in the 1999 Programmatic Biological Opinion. During the previous diligence period, the Upper Colorado River Endangered Fish Recovery Program, Recovery Implementation Program and Recovery Action Plan Participation Agreement (11-01-13) was executed with Northern Colorado Water Conservancy District, and a Ruedi Insurance Water Cost Participation Agreement (11-01-13) with the City and County of Denver. Through implementation of these agreements, the east slope water users' commitment for 5412.5 acre-feet of water annually to the Recovery Program is being met. Aurora has and continues to provide its annual prorata share of operation and maintenance costs associated with these agreements. In addition, Aurora participates and annually contributes to the Colorado Water Congress Colorado River Project for collaboration and support of the Recovery Program by the water users in Colorado, Utah, and Wyoming. Non-Basin Specific: Protection Efforts: During this diligence period, Aurora spent more than \$5,000,000 on legal services for participation in Water Divisions 1, 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system and prosecution of changes of water rights to integrate acquired water rights into Aurora's municipal water rights portfolio. Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. **5. NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED.** City of Aurora, 15151 E. Alameda Parkway, Suite 5300, Aurora, CO 80015-

1555. Kim Y. Houston and Raymond S. Houston, 15649 County Rd 17, Platteville, CO 80651-9424. Public Service Company of Colorado, PO Box 197, Denver, CO 80201-1979. United Milliken Reservoir Enterprise, LLC, 8301 E Prentice Ave, Suite 100, Greenwood Village, CO 80111-2904. Western Mutual Ditch Company, 21454 Weld County Road 33, LaSalle, CO 80645. WHEREFORE, Applicant respectfully requests that the Court find diligence in the development of the appropriative right as set forth herein and continue the conditional decree for said structures and conditional amounts for the statutory period and provide any other relief it finds just and appropriate in these circumstances.

CASE NUMBER 2025CW3007; ERKER ESTATES LTD., Attn. Nicholas E. Erker, 17590 County Road T.5 Fort Morgan, CO 80701. Please address all pleadings and inquiries on this matter to Applicant's attorney: James Eklund, Hannah Mink, Erick J. Franz Hughes, Taft Stettinius & Hollister LLP, jeklund@taftlaw.com, hmink@taftlaw.com, ehughes@taftlaw.com, (303) 299-2900. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. NAME OF STRUCTURE:** Erker Gravel Pit. **DESCRIPTION OF CONDITIONAL WATER RIGHT IN MORGAN COUNTY:** **Date of Original Decrees:** January 28, 1993; Case No. 87CW011, Division 1 Water Court. **Date of Subsequent diligence decrees:** Case No. 98CW437, Water Division No. 1, decree dated May 27, 1999, making absolute and finding reasonable diligence. Case No. 2005CW118, Water Division No. 1, decree dated December 28, 2005, finding reasonable diligence. Case No. 2011CW269, Water Division No. 1, decree dated June 4, 2012, finding reasonable diligence. Case No. 2018CW3095, Water Division No. 1, decree dated January 4, 2019, finding reasonable diligence. **Legal description of the Location of the Erker Gravel Pit:** That part of the N1/2NW1/4SW1/4 of Section 33, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, described as commencing at a point on the North line of said N1/2NW1/4SW1/4 from which the W1/4 corner of said Section 33 bears N89°00'W at 570.0 feet; thence S89°00'E along the North line of said N1/2NW1/4SW1/4 753.0 feet to the NE corner of said NW1/4SW1/4; thence S47°00'W 550.0 feet; thence S79°22'W 485.0 feet; thence N14°46'E 494.1 feet to the point of beginning containing in all 5.76 acres more or less, AND that part of the S1/2S1/2S1/2NW1/4 of Section 33, Township 4 North, Range 57 West of the 6th P.M., Morgan County, Colorado, described as commencing at a point on the South line of said S1/2S1/2S1/2NW1/4 from which the W1/4 corner of said Section 33 bears N89°00'W at 570.0 feet; thence S89°00'E along the South line of said S1/2S1/2S1/2NW1/4 753.0 feet to the SE corner of said S1/2S1/2S1/2NW1/4; thence N00°20'E along the East line of said S1/2S1/2S1/2NW1/4 200.0 feet; thence N89°00'W and parallel to said South line 701.7 feet; thence S144°6'W 205.9 feet to the point of beginning containing in all 3.39 acres more or less. Total acreage of both parcels equals 9.15 acres. See **Exhibit A**, on file with the Court, for map showing location of Erker Gravel Pit. **Source of water:** South Platte River and its tributaries. **Appropriation date:** January 27, 1987. **Absolute and/or Conditional Amounts Previously Decreed:** 17 acre-feet, absolute, for piscatorial and recreation purposes; and 3.1 acre-feet, absolute, and 13.9 acre-feet, conditional, for the beneficial use of the extraction of sand and gravel. **The conditional water right described herein is located on land owned by Applicant. Detailed outline of work performed, and expenditures made toward completion of the appropriation and application of water to a beneficial use as conditionally decreed:** See application filed with the Court. WHEREFORE, Applicant respectfully requests the Court to enter a decree finding and ordering the following: Applicant exercised reasonable diligence with respect to the conditional water rights decreed to the Erker Gravel Pit, as outlined above, toward the completion of appropriations in a reasonably expedient and efficient manner under all of the facts and circumstances. The Erker Gravel Pit conditional water right is continued through the next diligence period for the amounts and uses described herein.

CASE NUMBER 2025CW3008 Applicant: **DIAMOND G GRAVEL COMPANY, LLLP** ("Applicant"), c/o Reginald V. Golden, General Partner, 7899 St. Vrain Road, Longmont, CO 80503, Serve all pleadings on: Jeffrey J. Kahn and Casey J. Weaver, Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978, (303) 776-9900 jkahn@lyonsgaddis.com, cweaver@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY.** 2. Name of conditional water rights: Neighbors Pond Nos. 1 and 2. 3. Description of the conditional water rights: 3.1. Original

decree: The District Court, Water Division No. 1 (the “Court”) entered the original decree confirming the conditional water rights for Neighbors Pond Nos. 1 and 2 in Case No. 1984CW298(B) on December 21, 1992. 3.2. Subsequent decrees: The Court entered subsequent decrees finding that the Applicant had exercised reasonable diligence toward completing and continuing the conditional water rights in Case No. 1998CW455, on September 30, 1999; 2005CW253 on March 16, 2006; 2012CW65 on August 21, 2012; and 18CW3129 on January 24, 2019. 3.3. Legal description of Neighbors Pond Nos. 1 and 2: 3.3.1. Neighbors Pond No. 1 is located in a portion of the West 1/2 of the West 1/2 of Section 5, Township 2 North, Range 69 West, of the 6th P.M. in Boulder County, Colorado, more fully described as follows: Commencing at a point on the North line of said Section 5 whence the Northwest corner thereof bears North 89°29’55” West 1127.21 feet; thence South 00°30’05” West 338.90 feet to the Point of Beginning; thence South 28°57’00” East 316.00 feet; thence South 02°46’00” East 935.00 feet; thence North 69°36’00” West 305.00 feet; thence North 89°53’00” West 174.00 feet; thence North 69°09’00” West 715.00 feet; thence North 28°50’00” East 222.00 feet; thence North 05°21’00” West 560.00 feet; thence North 68°05’00” East 160.00 feet; thence North 87°02’45” East a distance of 727.64 feet to the Point of Beginning, containing 23.788 acres, more or less. 3.3.2. Neighbors Pond No. 2 is located in a portion of the west 1/2 of the west 1/2 of Section 5, Township 2 North, Range 69 West, of the 6th P.M., in Boulder County, Colorado, more fully described as follows: Commencing at a point on the North line of said Section 5 whence the Northwest corner thereof bears North 89°29’55” West 403.27 feet; thence South 00°30’05” West 1488.46 feet to the Point of Beginning; thence South 73°05’00” East 906 feet; thence South 07°30’00” West 175.00 feet; thence South 26°28’00” East 195 feet; thence South 03°33’00” West 560.00 feet; thence South 89°03’00” West 323.00 feet; thence South 49°14’00” West 207.00 feet; thence North 88°00’00” West 277.00 feet; thence North 50°48’00” West 378.00 feet; thence North 00°39’00” West 673.00 feet; thence North 22°26’41” East a distance of 421.54 feet to the Point of Beginning, containing 26.057 acres, more or less. See map attached as **Exhibit A**. 3.4. Sources of water: 3.4.1. Neighbors Pond No. 1: St. Vrain Creek via the Zweck & Turner Ditch. 3.4.2. Neighbors Pond No. 2: St. Vrain Creek via the James Mason Ditch, a/k/a the Mason Meadow Ditch. 3.5. Appropriation date for the conditional water rights: May 16, 1984. 3.6. Amounts: 3.6.1. Neighbors Pond No. 1: 123 acre feet, at a flow rate of 25 cfs, conditional. 3.6.2. Neighbors Pond No. 2: 105 acre feet, at a flow rate of 5.45 cfs, conditional. 3.7. Uses: Agricultural, recreation, fish propagation, and industrial (in the making of concrete and washing gravel at Applicant’s Sunset Street Plant). The lands proposed to be irrigated are 676 acres, described as follows: 3.7.1. The Fredstrom parcel, 271 acres, located in the SE 1/4 of Section 36, T3N, R70W; the W 1/2, SW 1/4 of Section 31, T3N, R69W; the NE 1/4, NE 1/4 of Section 1, T2N, R70W; and the NW 1/4, NW 1/4 of Section 6, T2N, R69W. 3.7.2. The Golden-Nelson parcel, 147 acres, located in the SE 1/4 of Section 5, T2N, R69W; and the E 1/2, SW 1/4 of Section 5, T2N, R69W. 3.7.3. The Golden Farm parcel, 60 acres, located in the W 1/2 of Section 5, T2N, R69W. 3.7.4. The Golf Range parcel, 38 acres, located in the NW 1/4, NE 1/4 of Section 9, T2N, R69W. 3.7.5. The Redman parcel (South Flat Land Company), 120 acres, located in the E 1/2, NE 1/4 of Section 6, T2N, R69W; and the NW 1/4, NW 1/4 of Section 5, T2N, R69W. 3.7.6. The Stewart Golden parcel, 40 acres, located in the SE 1/4, NE 1/4 of Section 6, T2N, R69W. 4. Claim of diligence: During the diligence period, Applicant maintained the site on which the completed structures will be located. That maintenance included ongoing revegetation and weed management and general post-mining reclamation activities. Applicant also has and is currently seeking funding to assist in the construction of the infrastructure needed to store the conditional water rights. Applicant’s specific activities taken toward completion of the conditional water rights during the diligence period include: 4.1. In 2019, Applicant mowed the site for weed and vegetation control and maintained the pipes, inlets, and outlets for the presently unlined ponds on the site. The approximate amount of the expenditures was \$900. 4.2. In 2020, Applicant cut and removed trees from the site, mowed to control weeds and vegetation, and maintained the ponds’ pipes, inlets, and outlets. The approximate amount of the expenditures was \$1,200. 4.3. In 2021, Applicant removed structures from the site, mowed for weed and vegetation control, and maintained the ponds’ pipes, inlets, and outlets. The approximate amount of the expenditures was \$2,500. 4.4. In 2022, Applicant installed security signs, mowed for weed and vegetation control, and maintained the ponds’ pipes, inlets, and outlets. The approximate amount of the expenditures was \$1,400. 4.5. In 2023, Applicant mowed to

control weeds and vegetation and maintained the ponds' pipes, inlets, and outlets. The approximate amount of the expenditures was \$900. 4.6. In 2024, Applicant installed additional security signs, removed additional structures from the site, trimmed tress, mowed for weed and vegetation control, and maintained the ponds' pipes, inlets, and outlets. The approximate amount of the expenditures was \$8,000. 4.7. During the diligence period, Applicant entered into discussions regarding the submission of an application for PL 566 funding to assist with Applicant's completion of the reservoirs and perfection of the conditional water rights. During the diligence period the approximate amount of expenditures was \$14,900. 5. Name and address of the owners of the land upon which any new structure or structure to be modified is or will be constructed or modified or upon which water is or will be stored: 5.1. Kent P. Nelson, Carol N. Coburn, Dianne C. D. Living Trust, VV Golden Foundation Inc. 805 Hillside Ct. Longmont, CO 80501 5.2. Golden Farm, LLLP c/o Reginald V. Golden PO Box 54 Longmont, CO 80502.

CASE NUMBER 2025CW3009 (Prior Case No. 2016CW3019) **TODD CREEK VILLAGE METROPOLITAN DISTRICT** **1. Name, Address, and Telephone Number of Applicant.** Todd Creek Village Metropolitan District ("Todd Creek" or "Applicant") 10450 E. 159th Court Brighton, Colorado 80602 Telephone: 303-637-0344 c/o Michael P. Smith Brownstein Hyatt Farber Schreck 675 Fifteenth Street, Suite 2900 Denver, CO 80202-4432 303-223-1100. Please send all correspondence and pleadings to: Wayne F. Forman, Colo. Atty. Reg. No. 14082 and Michael P. Smith, Colo. Atty. Reg. No. 48730 Brownstein Hyatt Farber Schreck, LLP at 675 Fifteenth Street, Suite 2900 Denver, CO 80202-4432 Telephone: 303-223-1100 E-mail: wforman@bhfs.com, msmith@bhfs.com **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART IN ADAMS COUNTY.** **2. Description of Conditional Water Right.** Applicant is the owner of, and seeks to make absolute in part, a conditional storage water right for Mann Lakes Reservoir (the "Reservoir") decreed in Case No. 16CW3019 on January 2, 2019 ("Original Decree"). The Reservoir is an off-channel, lined gravel pit reservoir complex comprised of three interconnected cells known as Mann Lake No. 1, Mann Lake No. 2, and Mann Lake No. 3. Todd Creek stores water in the Reservoir in a dedicated storage space and on a space-available basis, consistent with certain intergovernmental agreements regarding the Reservoir with South Adams County Water and Sanitation District and Adams County. The maps attached as **Exhibits A, B, and C**, show Todd Creek's service area, the location of the Reservoir, and the location of the Reservoir within the larger context of Todd Creek's facilities, respectively. **2.1. Name of Structure:** Mann Lakes Reservoir. **2.2. Legal Description of Location:** The Reservoir is located in Section 34 and the SE1/4 of Section 33, all in Township 1 South, Range 67 West of the 6th P.M. as shown on the map attached as **Exhibit B**. The outlet for the Reservoir (the "Outlet") is located in SE1/4 of the NE1/4 of Section 34, Township 1 South, Range 67 West of the 6th P.M. at a point approximately 2,392 feet from the North Section line and 1,049 feet from the East Section line of said Section 34 as shown in **Exhibit B**. The UTM coordinates for the proposed location of the Outlet are: 13N 511179.79 E, 4419130.4 N. The actual location of the Outlet for the Reservoir may change from this location but will be located in the E1/2 of said Section 34. The Outlet will release water to the South Platte River and will have a capacity of 27.41 c.f.s. **2.3. Surface Area:** 2.3.1. Mann Lake No. 1: 45 acres. 2.3.2. Mann Lake No. 2: 59 acres. 2.3.3. Mann Lake No. 3: 56 acres. **2.4. Total Capacity:** The estimated total capacity of the Reservoir is 3,741 acre-feet, comprising active capacity of 3,741 acre-feet and dead storage of 0 acre-feet. **2.5 Source:** South Platte River. **2.6 Points of Diversion:** **2.6.1. Brantner Ditch:** The headgate of the Brantner Ditch is located on the west bank of the South Platte River at a point in the NE1/4 of the SW1/4 of Section 4, Township 2 South, Range 67 West of the 6th P.M. at a point approximately 2,550 feet from the South Section line and 2,150 feet from the West Section line of said Section 4. The UTM coordinates for the Brantner Ditch headgate are: 13N 508940 E, 4417400 N. **2.6.2. Mann Lakes South Platte River Diversion:** This point of diversion for the Reservoir will be located at a point in the SE1/4 of the SW1/4 of Section 34, Township 1 South, Range 67 West of the 6th P.M., at a point approximately 787 feet from the South Section Line and 2,300 feet from the West Section Line of said Section 34, as shown on **Exhibit B**. The UTM coordinates for the South Platte point of diversion are: 13N 510594.64 E, 4418484.1 N. The Mann Lakes South Platte River Diversion will divert surface water only and will not

divert groundwater. 2.7 Amount: Subject to the volumetric limitations set forth in paragraph 23.9 of the Original Decree, a right to one fill and one refill in each water year, equal to the lesser of (a) the actual, as-built total volume of the Reservoir, or (b) 3,741 acre-feet, at the following rates of diversion to storage: 2.7.1. Brantner Ditch: 110 c.f.s. 2.7.2 Mann Lakes South Platte River Diversion: 21 c.f.s. 2.7.3. Todd Creek may exercise its right to refill after it commences beneficial use of its original fill or temporary storage of its original fill in the structures listed in paragraph 2.10.2, below. In exercising its right to fill and refill the Reservoir, Todd Creek may divert water to storage at any time that this water right is in priority, subject to the terms and conditions of the Original Decree and the volumetric limitations of this paragraph 2.7 and of paragraph 23.9 of the Original Decree. 2.8 Appropriation Date: December 30, 2015. 2.9 Date of Original Decree: January 2, 2019; Case No. 16CW3019, District Court, Water Division No. 1, Colorado. 2.10 Use: Use, reuse, and successive use to extinction within Applicant's service area as depicted on **Exhibit A**, as the same may be modified or expanded in the future, and to serve Todd Creek's existing extraterritorial service agreements dated November 13, 2013, as superseded by successor agreement dated December 1, 2017, amended by Amendment Nos. 1–5 (collectively, Water Storage and Purchase Agreement), and April 23, 2003 (Agreement for Extraterritorial Water Service), for augmentation, substitution, exchange, and replacement purposes, including for use in Applicant's augmentation plan decreed in Case No. 13CW3181, and for all municipal purposes, including but not limited to domestic, commercial, industrial, irrigation, recreation, piscatorial, and fire protection purposes. All of the aforementioned uses will be made after storage in the Reservoir, or after release from the Reservoir to the South Platte River through the Outlet and through re-diversion at and/or storage in the structures which are described below and depicted on the map attached as **Exhibit C**. Todd Creek will take return flow credit for water applied to beneficial use by tracking and accounting for wastewater treated and released from the wastewater treatment plant—either the Hite Plant or Northern Treatment Plant—at which Todd Creek's wastewater is treated, and for return flows from lawn grass irrigation and septic systems. Prior to taking credit for such return flows, Todd Creek will file a new application to quantify the return flows. Although the Reservoir is decreed for exchange and augmentation uses, no appropriative right of exchange or plan for augmentation is decreed herein. Applicant's use of the Reservoir in Applicant's augmentation plan decreed in Case No. 13CW3181 is subject to the procedures decreed in that case, including paragraphs 9.2.7, 9.2.8, and 9.2.9. Additionally, although the water right is decreed for reuse and successive use to extinction, no reuse or successive use of the water right may occur until a subsequent decree authorizes reuse and successive use, quantifies the rate, timing, and location of water available for such reuse and successive use, and approves the points of diversion or re-diversion for the water available for such reuse and successive use. 2.10.1. Points of Re-Diversion: 2.10.1.1. TCVS-01 and TCVS-02. 2.10.1.1.1. Location – TCVS-01: A point in the NE1/4 of the SE1/4 of Section 1, T.1S., R.67W., of the 6th P.M., 1,704 feet from the South Section Line and 496 feet from the East Section Line of said Section. 2.10.1.1.2. Location – TCVS-02: A point in the NE1/4 of the SE1/4 of Section 1, T.1S., R.67W., of the 6th P.M., 1,802 feet from the South Section Line and 471 feet from the East Section Line of said Section. 2.10.2. Places of Storage Following Re-Diversion: 2.10.2.1. J.B. Smith Reservoir. 2.10.2.1.1. Location: The center of the dam is located in the NE1/4 SW1/4 of Section 9, T.1S., R.67W., 6th P.M., Adams County, Colorado, 1,559 feet from the South Section Line and 2,584 feet from the West Section Line of said Section 9. 2.10.2.2. Signal Reservoir 1. 2.10.2.2.1. Location: The center of the dam is located in the NE1/4 NW1/4 Section 4, T.1S., R.67W., 6th P.M., Adams County, Colorado, 565 feet from the North Section Line and 1,474 feet from the West Section Line of said Section 4. 2.10.2.3. Signal Reservoir 2 and Signal Reservoir 2 Enlargement. 2.10.2.3.1. Location: The center of the dam is located in the SW1/4 NE1/4 Section 4, T.1S., R.67W., 6th P.M., Adams County, Colorado, 1,493 feet from the North Section Line and 2,190 feet from the East Section Line of said Section 4. 2.10.2.4. Marcus Reservoir. 2.10.2.4.1. Location: The center of the dam is located in the SW1/4 NE1/4 Section 4, T.1S., R.67W., 6th P.M., Adams County, Colorado, 2,294 feet from the North Section Line and 1,731 feet from the East Section Line of said Section 4. 2.10.2.5. Baseline East and West Reservoirs (aka Guthrie Reservoirs 1 and 2). 2.10.2.5.1. Location – Baseline East: Center of the dam is located in the SW1/4 NW1/4 Section 2, T.1S., R.67W., 6th P.M., Adams County, Colorado, 1,485 feet from the North Section Line and 869 feet from the West Section Line of said Section

2. 2.10.2.5.2. Location – Baseline West: Center of the dam is located in the NE1/4 NE1/4 Section 3, T.1S., R.67W., 6th P.M., Adams County, Colorado, 978 feet from the North Section Line and 162 feet from the East Section Line of said Section 3. 2.10.2.6. Enlargement of Baseline East and Baseline West Reservoirs. 2.10.2.6.1. Location: The center of the combined Baseline East and Baseline West Reservoirs is to be located in the SW1/4 NW1/4 Section 2, T.1S., R.67W., 6th P.M., Adams County, Colorado, 1,498 feet from the North Section Line and 13 feet from the West Section Line of said Section 2. 2.11. Rights to Reservoir: Adams County owns the Reservoir. Todd Creek has entered into two intergovernmental agreements, dated December 8, 2015, with Adams County and South Adams County Water and Sanitation District allocating the storage capacity in the Reservoir under the terms and conditions provided therein. **Finding of Diligence** 3. **Detailed outline of activity during the diligence period**. Pursuant to C.R.S. § 37-92-301(4)(b), “[t]he measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” The above-described conditional storage water right decreed in Case No. 16CW3019 is part of the Todd Creek water system that now provides, and in the future will provide, water for Todd Creek residents and customers. These rights comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b) and, as such, Applicant’s work on any part of the Todd Creek water system constitutes reasonable diligence on the conditional water rights decreed in Case No. 16CW3019. Since receiving the decree in Case No. 16CW3019 in January 2019, Applicant has diligently pursued its water rights by, including but not limited to, the activities and expenditures described below:

3.1. Applicant spent more than \$9,338,766.03 in designing, constructing maintaining, and/or repairing water diversion, storage, and delivery structures and systems, including gravity line improvements, irrigation pump station upgrades, Mann Lakes Reservoir, River 1 pipeline, Signal Reservoir Nos. 1 and 2, and water treatment plant upgrades. 3.2. Applicant, West South Platte Water & Reservoir Company, LLLP, BennT Creek Regional Water Authority, and SP Regional Water Company, LLC negotiated and executed various agreements for the benefit of Applicant, including but not limited to those related to a regional water supply project, extraterritorial water service, and oil and gas water deliveries. 3.3. Water Consulting Activities. Applicant spent more than \$1,181,030 in consulting work to defend and perfect the Mann Lakes Reservoir conditional storage water rights as well as other rights in the system, and to appropriate new water rights for its integrated system of water rights. This work included, but was not limited to:

3.3.1. Developing and finalizing the accounting forms required under the decree entered in Case No. 16CW3019. 3.3.2. Managing the recording of surface and well diversions and staff gages, compiling surface and well diversion records, accounting for Applicants’ water rights operations and projections required under the decree entered in Case Nos. 13CW3181 and 16CW3019, reporting the same to state water officials, interacting with water commissioners, and conferring with counsel. 3.3.3. Providing analysis in support of the water rights applications in Case Nos. 19CW3061, 19CW3247, 20CW3215, and 23CW3047, as summarized below. 3.3.4. Providing analysis in opposition to the water rights applications summarized below. Water Counsel Actions. Todd Creek spent more than \$1,971,852 in legal fees to defend its decreed water rights and to appropriate new water rights for its integrated system of water rights. This work included, but was not limited to:

3.4.1. Protecting Applicant’s integrated system of water rights by filing statements of opposition and/or participating in various water rights cases, directly and as a member of co-applicant BennT Creek Regional Water Authority, to include Case Nos. 16CW3200, 18CW3158, 18CW3159, 18CW3195, 19CW3016, 19CW3062, 19CW3073, 19CW3074, 19CW3075, 19CW3084, 19CW3148, 19CW3246, 19CW3253, 20CW3096, 20CW3125, 20CW3146, 20CW3147, 20CW3156, 20CW3199, 20CW3200, 20CW3209, 20CW3216, 21CW3061, 21CW3185, 21CW3193, 22CW3001, 22CW3063, 22CW3130, 22CW3207, 22CW3208, 22CW3209, 22CW3215, 23CW3012, 23CW3068, 23CW3180, and 24CW3110. 3.4.2. Negotiating and/or preparing various agreements related to the exercise of the Mann Lakes Reservoir conditional storage water rights. 3.4.3. Filing an application, and obtaining a decree in Case No. 23CW3047, for findings of reasonable diligence and to make conditional water rights originally decreed in Case No. 13CW3181 absolute in part. 3.4.4. Filing, on behalf of Applicant as co-

applicant, an application for and obtaining a decree in Case No. 19CW3061 for changes of conditional water storage rights decreed in Baseline East, Baseline West, and Marcus Reservoirs; conditional water storage rights in Signal Reservoir Nos. 1 and 2; conditional water storage rights in Mann Lakes Reservoir (Third Fill); and conditional direct flow surface water rights at points of diversion WSP-1 through -14.

3.4.5. Filing, on behalf of Applicant as co-applicant, an application for and obtaining a decree in Case No. 19CW3247 for conditional direct flow surface water rights at points of diversion TCVS-01 and TCV-02; conditional storage water rights at J.B. Smith Reservoir; and a plan for augmentation and appropriative rights of exchange at points of diversion WSP-6-11 and WSP-12-14.

3.4.6. Filing, on behalf of Applicant as a member of co-applicant BennT Creek Regional Water Authority, an application in pending Case No. 20CW3215 for conditional direct flow surface water rights at SP Diversions, and for conditional storage water rights at Beaver Creek Surface Reservoir, Bennett Reservoir, Mann Lakes Reservoir (Fourth Fill), and Beaver Creek Porosity Reservoir.

4. Claim to Make Conditional Water Right Absolute In Part. Applicant has diverted water and applied the water to beneficial use under the Mann Lakes Reservoir conditional storage water right in the following manner:

4.1 Date Water Applied to Beneficial Use: 2023 Water Year.

4.2 Amount: 1,562.24 acre-feet.

4.3 Beneficial Uses: As described in Paragraph 2.10 above.

4.4 Places of Use: As described in Paragraph 2.10 above.

5. Name and Address of Owners or Reputed Owners of the Land Upon Which Any New or Existing Diversion or Storage Structure, or Modification Thereof, Is or Will Be Located:

5.1 Adams County 4430 S Adams County Pkwy, Ste C5000A Brighton, CO 80601-8204

5.2 Aggregate Industries-WCR Inc. 6211 N Ann Arbor Rd. Dundee, MI 48131-9527

5.3 South Adams County Water and Sanitation District 6595 East 70th Avenue P.O. Box 597 Commerce City, CO 80037

5.4 New Brantner Extension Ditch Company c/o Brice Steele, Esq. 25 South 4th Avenue Brighton, CO 80601

5.5 The Brantner Ditch Company c/o Marc Pedrucci, Secretary 9755 Henderson Road Brighton, CO 80601

WHEREFORE, Applicant respectfully requests the Court enter a decree:

1. Making the Mann Lakes Reservoir conditional storage water right absolute in part for all decreed uses in the following amount: 1,562.24 acre-feet.
2. Finding that Applicant has been reasonable diligent in the steady application of effort to complete the appropriation of the Mann Lakes Reservoir conditional storage water right for all decreed uses in a reasonably expedient and efficient manner under the facts and circumstances, and continuing said Mann Lakes Reservoir conditional storage water right in full force and effect, in the following amount: 4,785.76 acre-feet (based on one fill and one refill).
3. Granting such other relief as the Court deems just and proper.

CASE NUMBER 2025CW3010, Name, mailing address, and telephone number of Applicant: **CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“Central”), 3209 West 28th Street, Greeley, CO 80631, 970-330-4540 with all correspondence connected herewith being sent to Applicant’s counsel, Bradley C. Grasmick or David P. Jones, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181.

APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER AND WELD COUNTIES. Conditional Water Right.

2.1. **Name of Structure.** Rinn Valley Reservoir.

2.2. Information from Previous Decree dated January 25, 2019, Case No. 16CW3119, Water Division 1.

2.2.1. Legal Description of Location. SW1/4 of Section 10, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado; and W1/2 of SE1/4 of Section 10, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado.

2.2.2. Sources. Water tributary to the South Platte River from Boulder Creek and Idaho Creek.

2.2.3. **Points of Diversion.**

2.2.3.1. The Rinn Valley-Rural Ditch Diversion No. 1. [which diverts water from Boulder Creek in the NE 1/4 of Section 20, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, approximately 1400 feet west of the east section line of said Section 20 and approximately 2275 feet south of the north section line of said Section 20].

2.2.3.2. The Rinn Valley-Rural Ditch Diversion No. 2. [which diverts water from Idaho Creek in the SE 1/4 of Section 16, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, approximately 420 feet west of the east section line of said Section 16 and approximately 1300 feet north of the south section line of said Section 16].

2.2.3.3. The Rinn Valley-Idaho Creek Diversion No. 3. [which diverts water from Boulder Creek in the SW 1/4 of Section 29, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, approximately 45 feet, more or less, east of the west section line of said Section 29 and approximately 2560 feet, more or less,

north of the south section line of said Section 29]. 2.2.3.4. Idaho Creek Diversion NW will be located on Idaho Creek in the NW1/4 SW1/4 Section 10, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado. 2.2.3.5. Idaho Creek Diversion North will be located on Idaho Creek in the N1/2 SW1/4 Section 10, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado. 2.2.3.6. Godding Ditch Diversion will be located on Idaho Creek in the SW1/4 Section 21, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado. The point of diversion is the existing diversion structure which is owned by the Godding Ditch Company (referred to as the Highlands South Side Ditch). 2.2.4. Appropriation date: April 19, 2016. 2.2.5. Amounts claimed (hereinafter “the 2016 Storage Right”): 2.2.5.1. 800 acre-feet, conditional, and one annual refill of 3000 acre-feet. 2.2.5.2. The Rinn Valley-Rural Ditch Diversion No. 1: 90 cfs, conditional, combined with diversions at the Rinn Valley-Rural Ditch Diversion No. 2. 2.2.5.3. The Rinn Valley-Rural Ditch Diversion No. 2: 90 cfs, conditional, combined with diversions at the Rinn Valley-Rural Ditch Diversion No. 1. 2.2.5.4. The Rinn Valley-Idaho Creek Diversion No. 3: 80 cfs, conditional. 2.2.5.5. Idaho Creek Diversion NW: 10 cfs, conditional. 2.2.5.6. Idaho Creek Diversion North: 50 cfs, conditional. 2.2.5.7. Godding Ditch Diversion: 50 cfs, conditional. 2.3. Uses: Recreation and piscatorial uses within the storage cells; augmentation, recharge, replacement, irrigation, industrial, and exchange. Applicant claims the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition. The water right may be used as source of augmentation and replacement supply in the plans for augmentation in Case No. 02CW335 and Case No. 03CW99, consistent with the terms and conditions of those decrees, and such other decreed augmentation plans as Applicant, GMS, or WAS shall obtain, for replacing well depletions and return flows. The water right may be leased to others for use within the boundaries of Central and its subdistricts as they exist now or in the future and in a manner consistent with this Decree, and in accordance with the terms and conditions of such other decree(s) or approved substitute water supply plans as are applicable to lessees. 2.3.1. Place of Irrigation Use. The Rinn Valley Parcel shown on Figure 2, attached as **Exhibit 1**, hereto. 2.3.2. Future Consumptive Uses. Applicant may re-divert, or otherwise capture, control or possess releases of the 2016 Storage Right to extinction, subject to the same limitations contained in ¶¶9.4.1 through 9.4.6 [of the original decree] for Consumptive Use Credits. 2.4. Terms and Conditions for Rinn Valley Reservoir. 2.4.1. Operations. Water will be diverted from Boulder Creek and Idaho Creek at the points of diversion described in [¶ 2.2.3 above] and at the flow rates described in [¶ 2.2.5 above]. A portion of the first annual fill, up to 2,200 acre-feet, will be diverted pursuant to the 2005 Storage Right [decreed in Case No 05CW315]. The remainder of the first annual fill, up to 800 acre-feet, will be diverted pursuant to the 2016 Storage Right initial fill right. Refill of the Rinn Valley Reservoir, up to 3,000 acre-feet, will be diverted pursuant to the 2016 Storage Right. Releases may be made from the reservoir by any lawful means, including but not limited to pumping from the reservoir to Boulder Creek or Idaho Creek, or by pumping to the Rural Ditch for subsequent delivery to the St. Vrain Creek. Except for those provisions which have been expressly modified by this Decree, the Rinn Valley Reservoir shall be operated according to the applicable provisions of the Colorado Division of Water Resources October 2011, Amended February 2016, General Administration Guidelines for Reservoirs, a copy of which is attached [as Exhibit 5 to the original decree]. Water will be delivered through the Rural Ditch pursuant to an agreement between L.G. Everist, Inc. and the Rural Ditch Company dated March 27, 2014, which agreement has been assigned to Central on December 29, 2017, and pursuant to agreements between Central and the Rural Ditch Company, dated June 12, 2002, March 8, 2004, February 20, 2007, and January 6, 2009. 2.4.2. Measurement. Applicant shall measure all measurable diversions, deliveries to, and releases of water from the Rinn Valley Reservoir on a daily basis using a continuous recording measuring device. The staff gage in the Rinn Valley Reservoir and all existing measurement devices used to measure inflows and outflows from the reservoir have been approved by the water commissioner. The continuous recording measuring device(s) used to record stage of the reservoir will be verified using the staff gage every other week. 2.4.3. Reservoir Accounting. Accounting is an administrative tool required by this Decree to confirm diversions and releases are in accordance with the terms and conditions of this Decree. Applicant has demonstrated an appropriate method for accounting for diversions and releases of water under this Decree. The initial accounting forms are attached [as Exhibit 3 to the original decree]. These accounting forms may be integrated with Applicant’s other accounting forms.

Exhibit 3 is not decreed herein, and if otherwise consistent with the provisions of this Decree, may be modified from time to time as required by or with the approval of the Division Engineer and notice to all Objectors in this case, provided that all information contained in Exhibit 3 and required by this Decree is included. Applicant shall serve notice to Objectors when any changes to Exhibit 3 are submitted to the Division Engineer. Objectors shall have 35 days from the date of service of notice of changes to the accounting form to provide comments to the Division Engineer regarding such proposed changes. Any accounting form used by Applicant shall include the following data: river call in effect each day by date, name, priority date; and administration number; daily diversions of the 2005 Storage Right and 2016 Storage Right measured at the respective diversion points; daily Reservoir deliveries measured at the inlet of the reservoir; daily amounts of unmeasured inflows including precipitation, seepage and local runoff; daily Reservoir surface area (as determined by the reservoir stage) and evaporation (total and by water type if multiple sources of water are stored); daily releases of out-of-priority inflows; daily amounts of water released from the Reservoir; daily amounts of storage in the Reservoir by source (if multiple sources of water are stored); running totals of the fill and refill, any bookover to the 2005 Storage Right or paper-fill of the 2005 Storage Right or 2016 Storage Right imposed by the Water Commissioner or Division Engineer consistent with the Colorado Division of Water Resources October 2011, Amended February 2016, General Administration Guidelines for Reservoirs, and any other information contained on the accounting form attached [as Exhibit 3 to original decree]. All accounting shall be performed daily and submitted monthly, unless required more often at the reasonable request of the Division Engineer or Water Commissioner. The Accounting shall be made available to any Objector in this case upon reasonable request.

2.4.4. Water Year. For purposes of accounting for the water stored in the Rinn Valley Reservoir, pursuant to both the 2005 Storage Right and the 2016 Storage Right, and the 2016 Storage Right refill right, the water year shall be April 1 through March 31. Because the water year for the 2005 Storage Right was November 1 to October 31 under the terms of the 05CW315 Decree, any water in storage at the time this Decree is entered shall be carried over into the respective initial fill and refill accounts for the initial April 1 to March 31 water year.

2.4.5. Unmeasured Inflows. Unmeasured inflows into the Rinn Valley Reservoir (including precipitation, local runoff, and groundwater seepage) shall be calculated daily using the following equation: $\text{Unmeasured Reservoir Inflow} = \text{Change in Reservoir Storage} + \text{Estimated Gross Reservoir Evaporation} + \text{Measured Reservoir Releases} - \text{Measured Reservoir Inflows}$. Applicant shall account for all unmeasured inflows and outflows to and from the Rinn Valley Reservoir and return to the stream all out of priority inflows to the Rinn Valley Reservoir within 72 hours, unless a lesser timeframe is required in writing by the Water Commissioner or Division Engineer. No appropriation of groundwater is made herein. This includes groundwater inflows into the Reservoir in excess of the State Engineer Guidelines for Lining Criteria for Gravel Pits (1999).

2.4.6. Evaporation Losses. Evaporation losses from the Rinn Valley Reservoir shall be calculated individually for each cell by multiplying the total ice-free water surface area in acres by gross reservoir evaporation in feet. Real time gross reservoir evaporation in feet shall be determined on a daily basis using the following method: Gross pan. Please refer to Table in original application.

2.4.7. Design Performance. The liners for each of the cells comprising the Rinn Valley Reservoir have been approved as of the date of this decree. If a liner fails as defined in paragraph 5.0 of the August 1999 State Engineer Guidelines for Lining Criteria for Gravel Pits ("1999 SEO Guidelines"), Applicant shall be required to repair the lining in accordance with the requirements of that paragraph as the same may be amended or modified. If the Reservoir's liner fails, then any out-of-priority depletions of groundwater evaporation from the pond must be replaced in accordance with a plan of augmentation approved by the Court or substitute water supply plan approved by the Division Engineer.

2.4.8. Stage-Area-Capacity: Stage area capacity tables for each of the cells comprising the Rinn Valley Reservoir have been developed as of the date of [the original Decree] and are included in Exhibit 4 [to the original decree]. The stage-area-capacity tables represent the maximum volume that can currently be stored in each reservoir cell. If additional space should be made available following the entry of this Decree (up to the amount decreed herein) in the cells comprising the Rinn Valley Reservoir, Applicant shall provide notice to the Water Commissioner, Division Engineer, and parties of record in this case describing the additional volume and include an updated stage area capacity table or tables. Central shall maintain a staff gage in Rinn Valley Reservoir that indicates

water levels within one-tenth of a foot. When accounting for the volume of water within Rinn Valley Reservoir, Central shall interpolate the volume of water in storage based on such staff gage readings and the calculated difference in volume between each contour level provided in Exhibit 4 [to the original Decree]. 3. Outline of What Has Been Done Toward Completion of the Appropriation. Rinn Valley Reservoir is an existing structure with an original decree in Case no. 05CW315. This right was changed for use by Central in Case No. 16CW3119. Central has diverted water to fill the reservoir during the diligence period, and has released water for augmentation use, but only under the 2005 right. During the diligence period, Central has spent approximately \$15,000 to maintain the reservoir. Additionally, Rinn Valley Reservoir is part of Central's integrated system of water rights. See Paragraph 34, Case. No. 16CW3119. Central has worked on and developed other aspects of its integrated system during the diligence period. Central has operated and developed its integrated system during the diligence period, including its Plans for Augmentation decreed in Case Nos. 02CW335, 03CW99 and 16CW3202 and has retained legal counsel and engineering consultants to assist in such operation and development. Central has filed and prosecuted applications for the addition and removal of wells to and from its Plans. Central has acquired water rights represented by shares in various ditch companies and has prosecuted applications changing those water rights for use by Central in its Plans. Central has acquired various gravel pits and made capital improvements for storage of water. Central has appropriated new water rights and has leased water rights on a temporary basis for use in its Plans. Central has participated as an opposer in numerous water court applications to protect its water rights, including Rinn Valley Reservoir. Central has prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights. Central has expended more than \$24,500,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 4. Claim for Finding of Reasonable Diligence. Central seeks a finding that under the unique facts and circumstances of this case, Central has been reasonably diligent in development of the subject conditional water right and requests an order continuing the water right as conditional for the statutory period, and such other relief as justice requires and the court deems proper. The original application contains 8 pages and 1 exhibit.

CASE NUMBER 2025CW3011 CONCERNING THE APPLICATION FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. 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; gym@alpersteincovell.com; alb@alpersteincovell.com and Attorneys for Co-Applicant, 7RS, LLC, Austin Hamre, #17823, Teri L. Petitt, #17002 (Special Counsel), 188 Inverness Drive West, Suite 430, Englewood, CO 80112-5204, Telephone: (303)779-0200, E-mail: ahamre@hroplaw.com; tpetitt@hroplaw.com; mail@hroplaw.com. **1. Name, mailing address, e-mail address, and telephone number of applicant and co-applicant: LEGACY LAKE, LLC** ("Legacy" or "Opposer"), c/o Greg Shaw, 9067 Ogallala Road, Longmont, Colorado 80503, (808) 960-5054; alohashaw2003@gmail.com, and co-applicant: **7RS, LLC**, Box 1030, Stevensville, MT 59870, (307) 413-9055. **2. The decreed water right for which correction is sought is referred to herein as the "Hauck Ditch Water Right," and is described as follows: A. Name of structure:** Hauck Ditch. **B. Date of original and all relevant subsequent decrees, including case number and court:** The Hauck Ditch water right was decreed on May 18, 1972 by the District Court, Water Division No. 1 in Case No. W-1350. The decree is referred to herein as the "W-1350 Decree." **C. Legal description of structure: (1):** The W-1350 Decree describes the point of diversion of the Hauck Ditch Water Right as being located at a point whence the Southwest corner of Section 29, T2N, R68W of the 6th P.M. bears South 68 degrees 59 minutes West 1377 feet. **(2):** The actual location of the Hauck Ditch Water Right is at a point whence the Southwest corner of Section 29, T2N, R68W of the 6th P.M. bears North 78 degrees 59 minutes West 1377 feet, or in the NE 1/4 of the NW 1/4 of Section 32, T2N, R68W, of the 6th P.M., Weld County, CO. The distances from section lines and UTM coordinates are 216 feet from the North Section line and 1,363 feet from the West Section line of Section 32 (UTM 13 N 497273.74 m E, 4439048.38 m N). **(3):** The established location is approximately 723 feet from the decreed point of diversion in the W-1350 Decree. A map depicting both

the established location of the Hauck Ditch Water Right and the erroneous location described in the W-1350 Decree is attached as Figure 1 of the application filed with the Court in this case. **D. Decreed source of water:** Peterson Slough, tributary to Boulder Creek. **E. Appropriation date:** April 18, 1906. **F. Total amount decreed to structure in gallons per minute (gpm) or cubic feet per second (cfs):** 3.5 cubic feet of water per second of time, absolute. **G. Decreed use or uses:** irrigation and stock watering. **3. Detailed description of proposed correction to established but erroneously described point of diversion pursuant to Section 37-92-305(3.6)(a) and (b), C.R.S.:** Co-applicants, Legacy Lake, LLC, and 7RS, LLC, are the owners and users of the Hauck Ditch Water Right. The point of diversion of the Hauck Ditch Water Right has been at the physical location described in paragraph 2.C.(2), above, since long before the W-1350 Decree confirmed the water right, and is the point from which co-applicants and their predecessors have diverted water with the intent to divert pursuant to the W-1350 Decree. Upon information and belief, the point of diversion described in the W-1350 Decree is the result of a clerical error deriving from the map and statement filed for the Hauck Ditch No. 3 water right with the Colorado State Engineer in 1906. That map depicts the actual point of diversion as bearing South 78 degrees 59 minutes East for 1,377 feet from the southwest corner of Section 29, T2N, R68W, 6th P.M. However, the text in the first paragraph of the statement accompanying the map describes the headgate as being “located at a point on the left bank of The Peterson Slough (a tributary of Idaho Creek) from which it derives its supply of water, whence the S.W. Cor. of Sec. 29, T. 2 N., R68W., 6P.M. bears S 68 [degrees] 59 [minutes] W 1377 feet.” The map shows the correct actual location of the point of diversion, whereas the accompanying text describes an erroneous point to the north of the actual location. The description in the text was carried forward to the application and decree in Case No. W-1350, thereby causing an erroneously decreed description of the actual location. Co-applicant, Legacy Lake, LLC, became aware of the erroneous description of the point of diversion in late 2023 or early 2024, and co-applicant, 7RS, became aware of it in December of 2024. Co-applicants are filing this application within three years of the date that they were informed of the error. **4. Remarks:** This application does not include, and will not be consolidated or joined with, an action seeking any type of change of water right or diligence proceeding or application to make absolute the Hauck Ditch Water Right (which is already absolute). **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:** Not applicable. **WHEREFORE**, pursuant to C.R.S. Section 37-92-305(3.6), co-applicants request the court: to find that co-applicants have satisfied the requirements for the correction of an established but erroneously described point of diversion set forth in C.R.S. Section 37-92-305(3.6); that the correction to the established but erroneously described point of diversion sought herein will not cause an enlargement of the historical use associated with the Hauck Ditch Water Right and will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right; and to enter a decree correcting the established but erroneously described point of diversion as described herein and granting such other relief as the Court deems proper under the circumstances. (Five pages, plus one exhibit).

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 **MARCH 2025** (forms available on www.courts.state.co.us or in the Clerk’s office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served

upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.