

DISTRICT COURT, WATER DIVISION 1, COLORADO

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

CASE NUMBER 2025CW2 GENESYS LEASING LLC – to be published in April 2025 Resume

CASE NUMBER 2025CW3 EDDIE JOE FITZPATRICK, PO BOX 743, Como, CO 80432. 303-906-5058. **APPLICATION FOR CHANGE OF WATER RIGHT IN PARK COUNTY**. Date of Original Decree: September 28, 2023, in Case No 2023CW9 in WD1. Name of Structure: Fitzpatrick Well located NW1/4, NW1/4, S15, T9S, R75W of the 6th PM in Park County. Subdivision: Indian Mountain, Lot 212, Filing 26, Unit 2, a/k/a 215 Hangman's Court, Como, CO 80432. Well Permit 80269-F. Decreed Source: Groundwater. Total amount decreed to structure in gallons per minute: Absolute 5 gpm. Decreed Use: Ordinary household use in one single family dwelling. Applicant requests change in augmentation plan requirement from W-7389 to any approved augmentation plan.

CASE NUMBER 2025CW3025 APPLICATION FOR WATER STORAGE RIGHT IN LARIMER COUNTY – **1. Name, Address, Phone Number, and E-Mail Address of Applicants.** EFTR, LLC, c/o Bill Edwards, Manager, 506 Shoshoni Street, Cheyenne, WY 82009; Phone: (307) 920-8400; E-mail: bill@edwardsdevelopment.com. Copies of all pleadings 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; E-mail: dfbower@j-rlaw.com and ccfrrazier@j-rlaw.com. **2. Overview.** Applicant is the owner of the Diamond Tail Ranch. By this application, Applicant claims an absolute water storage right for an existing on-channel pond named the Jenkins Pond. A map showing the location of the Jenkins Pond is attached to the application as Exhibit A. **3. Claim for Absolute Storage Right.** (a) Name of Storage Structure. Jenkins Pond. (b) Location. SW1/4 SE1/4 of Section 25, Township 11 North, Range 77 West of the 6th P.M., at a point described as Zone 13, NAD83, Easting 417400, Northing 4526820. (c) Source. Little Jenkins Creek, tributary to Jenkins Creek, tributary to LaGarde Creek, tributary to the Laramie River. (d) Appropriation Date. May 12, 1957. (e) Amount. 15 acre-feet, absolute, with the right to fill and refill. (f) Uses. Irrigation, stock watering, fish and wildlife habitat, and fire protection. (g) Surface Area of the High-Water Line. ~3 acres. (h) Remarks. Jenkins Pond is an existing structure that has been used as part of the Diamond Tail Ranch's historical agricultural operations. In addition, the Jenkins Pond serves as fish and wildlife habitat and is the primary source of fire protection water for the ranch. The amount claimed is based on Applicant's estimate of the maximum volume of the pond; however, the final dimensions and capacity of the Jenkins Pond are still being determined. **4. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, including any Modification to Storage Pool.** No new or modified diversion or storage structures are claimed as part of this application. The dam and the majority of the waterbody of the Jenkins Pond is located on land owned by Applicant. A small portion of the waterbody is located on land owned by Carolyn L. Durand, Jenkins Creek Ranch, 26269 County Road 103, Jelm, Wyoming 82063-9232. WHEREFORE, Applicant respectfully requests that the Court grant the claim for a water storage right for the Jenkins Pond as set forth above. (3 pages plus exhibit)

CASE NUMBER 2025CW3026 JAMES AND SUSAN SCARBOROUGH LIVING TRUST, 30153 Wild West Trail, Evergreen, Colorado 80439, through counsel Evan D. Ela, Joseph W. Norris, and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE FOR CONDITIONAL RIGHTS IN JEFFERSON COUNTY**. 1. Name, Address and Telephone Number of Applicant: James and Susan Scarborough Living Trust, 30153 Wild West Trail, Evergreen, Colorado 80439. 2. Name of Structure: Creek Vistas Well No. 4. 3. Description of Conditional Water Rights: 3.1 Creek Vistas Well No. 4: 3.1.1 Prior Decrees: 3.1.1.1 In Case No. 05CW56, entered on November 10, 2005, this Court confirmed appropriative rights of withdrawal and a plan for augmentation for Creek Vistas Well Nos. 1, 2, 3, and 4. 3.1.1.2 In Case No. 12CW34, entered on July 10, 2012, this Court confirmed findings of diligence for groundwater rights decreed in Case No. 05CW056. 3.1.1.3 In Case No. 18CW3123, this Court confirmed findings of reasonable diligence for Creek Vistas Well No. 4, and confirmed Creek Vistas Well No. 3 (also owned by the Applicant herein) as absolute. 3.1.2 Date of Appropriation: March 30, 2005. 3.1.3 Legal Description: To be located on Lot 3 of the Red Tail Ridge Subdivision in Jefferson County, Colorado, in the SW 1/4, Section 28, T5S, R71W of the 6th P.M. 3.1.4 Source: Groundwater that is tributary to Cub Creek, Bear Creek, and the South Platte River. 3.1.5 Uses: Domestic and ordinary household purposes, the watering of domestic animals, the irrigation of lawns and gardens, and fire protection purposes. 3.1.6 Decreed Amount: 15 g.p.m., conditional. 4. Outline of work done and funds expended by Applicant during the relevant diligence period toward completion of the appropriation: The conditional water rights that are the subject of this Application are part of an integrated water system for the Red Tail Ridge Subdivision (formerly known as the Creek Vistas Subdivision) that includes a plan for augmentation decreed in Case No. 05CW56. As such, work done on any aspect of the water rights that are the subject of the augmentation plan constitutes diligence towards all of the water rights decreed for use at the Subdivision. C.R.S. § 37-92-301(4)(b). During the diligence period, Applicant also completed work necessary to put the subject conditional water rights to beneficial use, including the following: 4.1 Applicant became the owner of Creek Vistas Well No. 4 and the property to which it is appurtenant during the diligence period, and has proceeded to improve and occupy such property. 4.2 Applicant engaged the undersigned legal counsel to evaluate the subject water right and file for continued diligence on the conditional right. 4.3 Applicant has engaged in extensive fire mitigation measures on the property to minimize the risk of fire damage, and has maintained a water cistern for fire suppression. 4.4 Applicant has annually paid assessments imposed by the Mountain Mutual Reservoir Company for shares associated with Creek Vistas Well Nos. 3 and 4 to maintain participation in the augmentation plan originally adjudicated in Case No. 05CW056 for replacement of depletions caused by Creek Vistas Well Nos. 1 – 4. 5. Landowners: Applicant owns the land on which the well will be located and upon which the water rights will be used. (4 pages)

CASE NUMBER 2025CW3027 Applicants WATSON CREEK LLC AND WILKINS RANCH LLC, 10809 N. 49th Street, Longmont, Colorado 80503. Attorneys for Applicants: Clark G. Edwards, Hutchinson Black and Cook, LLC, 921 Walnut Street, Boulder, CO 80302; Phone (303) 442-6514. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY**. Overview. Applicants own approximately 72 acres of property on which Last Ditch Pond No. 3, CDR Pond No. 1 and CDR Pond No. 2 are located (the “Property”). In Case No. 02CW132, conditional and absolute water storage rights were decreed for Last Ditch Pond Nos. 1-3 and CDR Pond Nos. 1 and 2; and in Case No. 12CW66 the conditional portions of all five (5) water storage rights were continued upon the Water Court’s finding of reasonable diligence. In 2017, Last Ditch Pond Nos. 1 and 2 and their associated water rights were sold to Royal D Ranch, LLC and TD&C, LLC (see September 22, 2017 Notice of Transfer of Conditional Water Rights filed in Case No. 12CW66) and are not a part of this application. Last Ditch Pond No. 3, CDR Pond No. 1 and CDR Pond No. 2 were retained by Applicant’s predecessor in title in that transaction. The conditional portions of the water storage rights to Last Ditch Pond No. 3, CDR Pond No. 1, and CDR Pond No. 2 were continued upon the Water Court’s finding of reasonable diligence. Royal D Ranch, LLC, and TD&C, LLC, transferred the Property and all water rights thereto to Applicants pursuant to quit claim deeds

and assignments executed April 15, 2021. This case seeks a finding that Applicants have been diligent in their efforts to develop and place the Last Ditch Pond No. 3, CDR Pond No. 1 and CDR Pond No. 2 water rights to beneficial Use. Name and Descriptions of Conditional Water Right. Name of Structures: Last Ditch Pond No. 3, CDR Pond No. 1 and CDR Pond No. 2. Original Decree. The decree for the Last Ditch Pond No. 3, CDR Pond No. 1 and CDR Pond No. 2 water rights was entered on March 23, 2006, in Case No. 02CW132, Water Division 1; and findings of reasonable diligence were entered on August 31, 2012 in Case No. 12CW66, Water Division 1, and March 7, 2019, in Case No. 18CW3130, Water Division 1. Legal Descriptions: Last Ditch Pond No. 3. This pond is located in the SE1/4 of the NE1/4 of Section 5, Township 2 North, Range 70 West of the 6th P.M., within 200 feet of a point located 1,750 feet from the North section line and 650 feet from the East section line of Section 5. CDR Pond No. 1. This pond is located in the SE1/4 of the NE1/4 of Section 5, Township 2 North, Range 70 West of the 6th P.M., within 200 feet of a point located 2,675 feet from the North section line and 1,200 feet from the East section line of Section 5. CDR Pond No. 2. This pond is located in the SE1/4 of the NE1/4 of Section 5, Township 2 North, Range 70 West of the 6th P.M., within 200 feet of a point located 2,500 feet from the North section line and 325 feet from the East section line of Section 5. A map showing the locations of the Last Ditch Pond No. 3, CDR Pond No. 1 and CDR Pond No. 2 is attached hereto as Exhibit A. Decreed Sources: The sources for Last Ditch Pond No. 3 and CDR Pond Nos. 1 and 2 are spring and seep areas tributary to Lykins Gulch, which is tributary to Dry Creek, which is tributary to St. Vrain Creek, which is tributary to the South Platte River. The springs and seep areas that are the source of these water rights lie below the Lake Ditch and its Branbury Lateral, and flow into a natural drainage which is tributary to Lykins Gulch. The most upstream point of the springs and seeps is where the natural drainage tributary to Lykins Gulch starts to flow below the Lake Ditch and its Branbury Lateral at a point approximately 1,590 feet South of the North section line and 2,650 feet West of the East section line, of Section 5, Township 2 North, Range 70 West. Decreed Amounts: Last Ditch Pond No. 3. 0.132 acre-feet, absolute; 0.87 acre-feet conditional. CDR Pond No. 1. 0.772 acre-feet, absolute; 2.23 acre-feet conditional. CDR Pond No. 2. 0.067 acre-feet, absolute; 0.94 acre-feet conditional. Dates of Appropriation: Last Ditch Pond No. 3. October 15, 1989. CDR Pond No. 1. January 15, 1991. CDR Pond No. 2. November 15, 2000. Decreed Uses: Last Ditch Pond No. 3. Domestic, irrigation, stock watering, recreation, wildlife, piscatorial purposes and fire protection. CDR Pond No. 1. Domestic, irrigation, stock watering, recreation, wildlife, piscatorial purposes and fire protection. CDR Pond No. 2. Irrigation, stock watering, recreation, wildlife, piscatorial purposes and fire protection. Claim for Finding of Reasonable Diligence. During the subject diligence period, Applicants have conducted the following activities toward putting the subject water rights to beneficial use: Applicants reviewed the decreed measuring requirements and the pond survey results and consulted with the Applicants' attorneys regarding same. Applicants and their predecessors in title diligently measured and recorded pond diversions for the three ponds, as part of their efforts to put the conditional portions of the water rights to beneficial use. Applicants conferred with counsel regarding enlarging the ponds to their decreed capacities in order to physically divert the remaining conditional amounts and regarding measuring and accounting needed to put the conditional portions of the water rights to beneficial use. Applicants sought and obtained a bid for the work necessary to enlarge the ponds to their decreed capacities in order to physically divert the remaining conditional amounts. Applicants seek a finding of reasonable diligence for Last Ditch Pond No. 3, CDR Pond No. 1 and CDR Pond No. 2. Name of Owner of Land Upon Which Structures are Located. Last Ditch Pond No. 3 is located on property owned by Watson Creek LLC, which is an entity affiliated with Wilkins Ranch LLC. CDR Pond No. 1 and CDR Pong No. 2 are located on property owned by Wilkins Ranch LLC, which is an entity affiliated with Watson Creek LLC. Applicants own the land upon which the CDR Pond No. 1 and CDR Pond No. 2 are located. 6 pages.

CASE NUMBER 2025CW3028 (96CW463, 2005CW18, 2011CW185, 2018CW3131) CITY OF BLACK HAWK ("Black Hawk"), c/o Director of Public Works, P.O. Box 68, Black Hawk, Colorado 80422, Telephone: (303) 582-1324 Email: tisbester@cityofblackhawk.org. Please direct all correspondence concerning this Application to: David L. Kueter, Esq., and Kent Holsinger, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Ste. 500, Denver, Colorado 80202, Telephone: (303) 722-2828, Email:

dkueter@holsingerlaw.com, kholsinger@holsingerlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN CLEAR CREEK IN GILPIN AND CLEAR CREEK COUNTIES**

2. Names of structures: **2.a.** Hidden Valley Groundwater Diversion Point. **2.b.** Hidden Valley Surface Water Diversion Point. **3. Describe conditional water rights giving the following from the Judgment and Decree:** **3.a.** Date of original decree: January 20, 1999, Case No. 96CW463, District Court, Water Division No. 1, State of Colorado. **3.b. Date of subsequent diligence decrees:** September 30, 2005, Case No. 2005CW18, District Court, Water Division No. 1, State of Colorado; August 7, 2012, Case No. 2011CW185, District Court, Water Division No. 1, State of Colorado; and March 4, 2019, Case No. 2018CW3131, District Court, Water Division No. 1, State of Colorado. **3.c.** Hidden Valley Groundwater Diversion Point. **3.c.(i) Location:** In the SW quarter of the SE quarter of the NE quarter of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 800 feet west of the East boundary of Section 32 and 2,030 feet south of the North boundary of Section 32, Clear Creek County, Colorado. See Exhibit A hereto. **3.c.(ii) Source:** Groundwater tributary to Clear Creek. **3.c.(iii) Appropriation Date:** August 30, 1995. **3.c.(iv) Amount:** By the decrees in Cases Nos. 2005CW18 and 2011CW185, 0.890 c.f.s. of the 1.5 c.f.s. decreed conditional to the Hidden Valley Groundwater Diversion Point has been made absolute. The remaining conditional amount of 0.610 c.f.s. is the subject of this application. **3.c.(v) Decreed Uses:** All municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes within the City of Black Hawk's service area as it may exist both at the time of the decree and in the future. The water will also be used for exchange, for replacement, and for augmentation purposes, but only pursuant to a decreed augmentation or exchange plan or a State Engineer approved substitute water supply plan. **3.c.(vi)** The Hidden Valley Groundwater Diversion Point is an infiltration gallery on Clear Creek, permitted under Well Permits Nos. 48199-F, 52014-F, and 56847-F. The decree in Case No. 96CW463 determined that no delayed depletions requiring augmentation will result from pumping of the infiltration gallery. **3.d.** Hidden Valley Surface Water Diversion Point. **3.d.(i) Location:** In the SW quarter of the SE quarter of the NE quarter of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a location 1,000 feet west of the East boundary of Section 32 and 2,140 feet south of the North boundary of Section 32, Clear Creek County, Colorado. See Exhibit A hereto. **3.d.(ii) Source:** Clear Creek. **3.d.(iii) Appropriation Date:** August 30, 1995. **3.d.(iv) Amount:** By the decrees in Cases Nos. 2005CW18 and 2011CW185, 0.890 c.f.s. of the 1.5 c.f.s. decreed conditional to the Hidden Valley Surface Water Diversion Point has been made absolute. The remaining conditional amount of 0.610 c.f.s. is the subject of this application. **3.d.(v) Decreed Uses:** All municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, storage and all other municipal purposes within the City of Black Hawk's service area as it may exist both at the time of the decree and in the future. The water will also be used for exchange, for replacement, and for augmentation purposes, but only pursuant to a decreed augmentation or exchange plan or a State Engineer approved substitute water supply plan. **3.e. Alternate Point of Diversion:** By the decree in Case No. 2012CW286, entered on October 7, 2014, the Hidden Valley Diversion Point No. 3 (Infiltration Gallery) was decreed as an alternate point of diversion for the Hidden Valley Groundwater Diversion Point and the Hidden Valley Surface Water Diversion Point. **3.e.(i) Legal Description of Diversion Point:** Hidden Valley Diversion Point No. 3 (Infiltration Gallery) is located under Clear Creek in the SW quarter of the SE quarter of the NE quarter of Section 32, Township 3 South, Range 72 West of the 6th P.M., at a point 2,313 feet south of the North section line and 1,229 feet west of the East section line of said Section 32. See Exhibit A hereto. **3.e.(ii) Source of Water:** Groundwater and surface water tributary to Clear Creek, a tributary to the South Platte River. **3.e.(iii)** Hidden Valley Diversion Point No. 3 is an infiltration gallery on Clear Creek, permitted under Well Permit No. 76166-F. **4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures:** As part of Black Hawk's decrees in Cases Nos. 92CW058 and 92CW059, entered on August 22, 2003, the Water Court ruled that Black Hawk's water project, which includes the conditional water rights described above, is an integrated project, and that pursuant to C.R.S. § 37-92-301(4)(b), work on one or more of the separate components constitutes diligence for all. **4.a.** During the diligence period beginning

on March 4, 2019, the City of Black Hawk has spent in excess of \$15,950,000 on its integrated water system of which the subject water rights are a part: **4.a.(i)** For fiscal year 2019, the City of Black Hawk expended \$2,603,209 on its water system including \$619,808 on capital projects. Projects included construction of the Hidden Valley Stand-by Generators back-up electrical system, design for a new headgate for the Leavenworth diversion for Green Lake, rebuilding the Hidden Valley pipeline pumps, design and construction of the Green Lake seepage flume. **4.a.(ii)** For fiscal year 2020, the City of Black Hawk expended \$2,013,906 on its water system including \$264,600 on capital projects. Projects included improvements to the Church Ditch Augmentation Station, purchasing the headgate structure for the Leavenworth diversion for Green Lake and improvements to the fiber optic communication system. **4.a.(iii)** For fiscal year 2021, the City of Black Hawk expended \$2,969,848 on its water system including \$1,179,493 on capital projects. Projects included construction of the new headgate structure for the Green Lake intake, new generators for the water treatment plant, and expansion of the water distribution system. **4.a.(iv)** For fiscal year 2022, the City of Black Hawk expended \$3,351,317 on its water system including \$476,200 on capital projects. Projects included design of a new potable water tank, design of the expansion of the Hidden Valley Water Treatment Plant and continued expansion of the water distribution system. **4.a.(v)** For fiscal year 2023 the City of Black Hawk expended \$2,549,605, including \$1,824,064 for Administration and \$725,540 for operations. **4.a.(vi)** For fiscal year 2024 the City of Black Hawk spent in excess of \$2,463,558, including \$762,210 for Administration and \$1,701,347 for operations. Projects included moving forward on a water treatment plant expansion, reservoir permitting and construction and permitting of new wells. **4.b.** The amounts in paragraph 4.a include more than \$1,200,000 for engineering and \$175,000 for legal fees and costs during the diligence period. **4.c.** On October 22, 2019, Black Hawk obtained a decree in Case No. 2018CW3152, Water Division No. 1, for a finding of diligence for the water rights decreed in Case No. 2007CW327, which include the structures in paragraph 3, above, as exchange-to points and points for delivery of substitute supplies. **4.d.** On March 16, 2021, Black Hawk obtained a decree in Case No. 20CW3140, Water Division No. 1, for a finding of diligence for the water rights decreed in Case No. 2010CW308, which include as substitute supplies water rights exchanged to the structures in paragraph 3, above. **4.e.** On July 28, 2021, Black Hawk obtained a decree in Case No. 2020CW3152, Water Division No. 1, for a finding of diligence for the conditional water rights decreed in Case No. 2012CW286 for the structure in paragraph 3.e, above. **4.f.** On February 26, 2024, Black Hawk obtained a decree in Case No. 22CW3211, Water Division No. 1, for a finding of diligence for the water rights decreed in Case No. 2012CW303, which include as exchange-to points the structures in paragraph 3, above. **4.g.** On December 27, 2024, Black Hawk filed an application in Case No. 24CW3177, Water Division No. 1, for a finding of diligence for the exchanges decreed in Case No. 92CW59, which include as exchange-to points the structures in paragraph 3, above. **4.h.** On December 27, 2024, Black Hawk filed an application in Case No. 24CW3179, Water Division No. 1, for a finding of diligence for the exchanges decreed in Case No. 2009CW276, which include as substitute supplies water rights exchanged to the structures in paragraph 3, above. **4.i.** During the diligence period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the subject water rights. **5. Water applied to beneficial use:** Not applicable. **6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored:** Applicant. WHEREFORE, Black Hawk requests the Court to enter its decree and ruling finding reasonable diligence with respect to the remaining 0.610 c.f.s. conditionally decreed to the Hidden Valley Groundwater Right and the remaining 0.610 c.f.s. conditionally decreed to the Hidden Valley Surface Water Right, and provide that the next showing of diligence for the remaining conditional water rights be made six years from the date of entry of the decree. 7 pages, 1 exhibit page.

CASE NUMBER 2025CW3029 THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS (“Denver Water”), 1600 West 12th Avenue, Denver, Colorado 80204. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler, Crystal J. Easom. APPLICATION FOR FINDING OF REASONABLE DILIGENCE,

CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES IN PARK COUNTY. Number of pages of

Application. I. DESCRIPTION OF WATER RIGHTS. Name of Structure. 2. Eleven Mile Cañon Reservoir Second Enlargement. 3. Description of Eleven Mile Cañon Reservoir Second Enlargement. a) Date of Original Decree: April 27, 1972, Civil Action No. 3701, Court: Park County District Court. b) Subsequent decrees awarding findings of diligence: Case No. W-3076-72 & W-3076-74, Water Division No.1, April 28, 1975. Case No. W-3076-78, Water Division No.1, March 20, 1980. Case No. 82CW172, Water Division No.1, May 8, 1984. Case No. 86CW140, Water Division No.1, November 4, 1988. Case No. 90CW107, Water Division No.1, October 30, 1991. Case No. 97CW276, Water Division No.1, August 5, 1999. Case No. 05CW210, Water Division No.1, February 1, 2006. Case No. 12CW0023, Water Division No.1, July 31, 2012. Case No. 18CW3104, Water Division No. 1, March 4, 2019. c) Legal Description of Structure. A reservoir formed by a dam across the bed of the South Platte River, the dam being located near the center of the SW 1/4, Section 20, T 13 S, R 72 W, 6th P.M., Park County, Colorado (as seen in **Exhibit A**): The long chord between the ends of the dam being described as a line commencing at the Southerly end of the dam, being a point whence the SW Corner of the NW 1/4 of Section 29, T 13 S, R 72 W, 6th P.M. bears South 24°43' West, 4090.6 feet, and running thence North 21°32' West, 429.1 feet to the Northerly end of the dam. d) Source of Water. South Fork of the South Platte River and all of the tributaries. e) Date of Appropriation. December 9, 1957. f) Amount. 17,810.1 acre-feet, conditional. Use. Municipal uses, including domestic, mechanical use, manufacturing use, and the generating of electrical power. II. CLAIM FOR FINDING OF REASONABLE DILIGENCE 4. Finding of Reasonable Diligence. Eleven Mile Cañon Reservoir, together with Denver Water's existing collection and distribution system, comprise an integrated system as that term is used in C.R.S. § 37-92-301(4)(b). Eleven Mile Cañon Reservoir is an existing and integral part of the Denver Municipal Water System that currently is capable of storing 97,779 acre-feet. The second enlargement would add 17,810.1 acre-feet of storage capacity. The following activities within Denver Water's integrated system describe its efforts to complete the conditional appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period: a. The following is a list of work performed during the diligence period at Eleven Mile Cañon Reservoir: i. In 2020, Tezak Heavy Equipment replaced a concrete outlet flume at a cost of \$783,550 to Denver Water. The existing flume had been installed in 1940 and was undersized for many seasonal high flow events. The new flume can handle higher flows, reduce flooding and maintenance, and improve the stability of the riverbank. ii. In 2020, Denver Water was granted a non-federal commercial road use permit at a cost of \$42,423. The permit allows commercial hauling which enables Denver Water to carry out various construction and maintenance activities at Eleven Mile Cañon Reservoir. iii. Since 2021, Denver Water has spent a total of \$2,484,851 on projects related to electrical upgrades completed by CORE Electric Cooperative and Intermountain Electric, Inc. These projects include costs for labor, materials, engineering, construction and more. The electrical upgrades included new wiring of distribution switchgear to a new utility phase 3 distribution, rewiring of existing switchgear, and expansion of the switchyard. iv. In November 2024, water temperature monitoring came online at the South Platte River Near Lake George, CO ("PLAGEOCO") gage station. This data will provide crucial information to help improve future temperature moderation operations. b. The following is a list of work performed during the diligence period at Strontia Springs Reservoir, a terminal drinking water reservoir which would receive water from Eleven Mile Cañon Reservoir prior to delivery for treatment and is also used for exchanges: i. In 2019, CTL Thompson Inc. completed a geotechnical investigation of Strontia Springs Reservoir and Dam switchyard and duct bank at a cost of \$7,058 to Denver Water. The investigation included a variety of field and laboratory testing and geotechnical analysis, culminating in a report to Denver Water with discussion and recommendations based on findings. ii. In 2019, Industrial Constructors-Managers Inc. repaired the Foothills Water Treatment Plant Intake Tower Gate Number 3 in Strontia Springs Reservoir at a cost of \$157,216 to Denver Water. The replacement included removal, repairs, and reinstallation of a two-piece slide gate, as well as procurement of a new gate seal assembly and servicing of the slide gate hoist assembly. iii. In 2020, Carollo Engineers Inc. performed an electrical systems analysis at Strontia Springs Reservoir

at a cost of \$44,187 to Denver Water. The analysis included an initial discovery phase, model development, subsequent analysis, and final reports. iv. In 2020, Alden Research Laboratory Inc. performed a structural design review at a cost of \$8,474 to Denver Water. The review focused on the engineering design for a mechanical platform installation at Strontia Springs Dam. v. In 2020, Harrison Western Construction Corp began installation of a mechanical platform at Strontia Springs Dam at a cost of \$300,329 to Denver Water. The installation process included demolition of the existing handrail, installation of a new structural steel platform system, and connection of the platform system to the existing grid. vi. In 2020, Gracon LLC began refurbishment of the outlet works intake gate at a cost of \$382,223 to Denver Water. The project included the transportation and delivery of two large, wheeled gates, refurbishment of the gates, and procurement of new rubber gate seal assemblies and hoisting chain assemblies. vii. In 2021, Canyon Industries Inc. began procurement of small hydro equipment at a cost of \$1,853,024 to Denver Water. The work included design of a 1.25 MW hydro turbine and generator, as well as equipment furnishing, delivery, startup, commissioning, and more. viii. In 2022, Archer Western Construction began an estimate for a hydroelectric upgrade at Strontia Springs Dam at a cost of \$55,692 to Denver Water. The project included a 75-85% design construction cost estimate for hydroelectrical and controls system upgrades. ix. In 2022, W.W. Wheeler and Associates, Inc. began a road access design support project at a cost of \$140,026 to Denver Water. The process included a 30%, 60%, and 90% design for road access, in addition to preparation of a final bid design. x. In 2023, VAG USA LLC began procurement of fixed cone valves for Strontia Springs Dam at a cost of \$440,490 to Denver Water. The procurement included furnishing of an 18-inch fixed cone valve, 8-inch fixed cone valves, electric actuators for 48-inch fixed cone valves, and an electric actuator for an existing 18-inch fix cone valve. xi. In 2023, Flatiron Constructors Inc. began Strontia Springs Reservoir access improvements at a cost of \$2,281,753 to Denver Water. The improvements included demolition and disposal of a steel train car bridge and installation of concrete retaining walls. xii. In 2024, Cumming Management Group Inc. provided an estimate for hydroelectrical and controls upgrade at a cost of \$16,294 to Denver Water. The work culminated in a 90% design cost estimate of the relevant upgrades. xiii. In 2024, Kiewit Infrastructure Co. began pre-construction services for hydro and outlet works projects at a cost of \$29,961 to Denver Water. The project includes scheduling, equipment procurement, equipment oversight and testing, and constructability and value engineering. xiv. In 2024, Ballard Marine Construction LLC began replacement of Conduit No. 26 gate chains at a cost of \$188,222 to Denver Water. The work includes furnishing, diving to access, and installation of three gate hoisting chain assemblies. c. Denver Water uses Chatfield Reservoir to store deliveries of water from Eleven Mile Cañon Reservoir and exchange reusable Colorado River water to Eleven Mile Cañon Reservoir. Denver Water can also use the Chatfield Temporary Pump Station to pump water from Chatfield Reservoir to Marston Water Treatment Plant. The following is a list of work performed during the diligence period at Chatfield Reservoir: i. In 2019, Denver Water completed a contract with the South Metro Water Supply Authority for a regional study at a cost of \$50,000 to Denver Water. The study examined opportunities and design feasibility of a regional pump station and other shared infrastructure near Chatfield Reservoir. ii. On November 10, 2021, Denver Water purchased 1,633 acre-feet of storage space in the Chatfield Reservoir Reallocation Project for \$13,555,484. d. The following is a list of work performed during the diligence period at Conduit No. 20, which will deliver water initially stored in Eleven Mile Cañon Reservoir directly to the Marston Forebay and Water Treatment Plant: i. In 2022, Garney Companies Inc. began replacement of an air valve assembly and expansion joint at a cost of \$1,110,092 to Denver Water. The project addressed issues with leaking and corrosion along the expansion joint as well as corrosion and inoperable gate valves on the air valve assembly. e. The following is a list of work performed during the diligence period at Marston Forebay: i. In 2020, Marine Diving Solution LLC began speece cone cable replacement at a cost of \$141,458 to Denver Water. The work involved removal of the existing submerged pump sensor cable and installation of a new cable and spare pump. ii. In 2023, Hensel Phelps Construction Co. began a reservoir aeration project at a cost of \$1,071,178 to Denver Water. The project included services to design and construct aeration systems at the forebay. f. The following is a list of work performed during the diligence period at Marston Water Treatment Plant: i. In 2019, Archer Western Construction LLC completed a chemical feed and solids handling project construction cost estimate at a cost of \$18,019 to Denver Water. The project culminated in a 90% design

for construction schedule and cost estimates. ii. In 2019, Reynolds Construction LLC began electrical and mechanical upgrades at a cost of \$12,314,890 to Denver Water. The original pump station, constructed in the 1990s, had potential safety concerns and reliability issues. The upgrades helped bring the facility up to modern safety, design and reliability standards. iii. In 2021, Sturgeon Electric Company Inc. began installation of a raw water valves uninterruptible power supply system at a cost of \$129,398 to Denver Water. The project provided a complete uninterruptible power supply system with battery backup, conduit, conductors, communications equipment, and more. iv. In 2022, T Lowell Construction began high side redundancy and valve replacements and cathodic protection improvements at a cost of \$2,735,582 to Denver Water. The project included installation of 12-inch diameter mains, installation of anodes, reference electrodes, sample coupons and test posts, and installation of electrical isolation flanges. v. In 2024, Hazen and Sawyer began a design for disinfection improvements at a cost of \$164,885 to Denver Water. The project aims to improve sustained system reliability via the design and construction of a new disinfection system. g. The following is a list of work performed during the diligence period at Foothills Treatment Plant, which treats water initially stored in Eleven Mile Cañon Reservoir for use in the Denver municipal water distribution system: i. In 2019, USA Construction Inc. completed hydroelectric plant maintenance at a cost of \$616,228 to Denver Water. This project included hydroelectric turbine maintenance, generator maintenance, power unit modifications, and protection and control system maintenance testing. ii. In 2020, Lintjer and Haywood Architects provided an architectural design for conversion to liquid ammonium sulfate at a cost of \$99,264 to Denver Water. The work included 30%, 60%, 90% and a final design. iii. In 2020, Guarantee Electrical Contracting LLC began replacement of filter panelboards at a cost of \$261,159 to Denver Water. The project included replacement of 20 power panels for filters and ancillary systems. iv. In 2021, Glacier Construction Company Inc. began conversion to a liquid ammonium sulfate system at a cost of \$1,574,686 to Denver Water. The new system provides a safer chemical compound and decreased galvanic corrosion in lead plumbing. v. In 2021, Environmental Logistics began drainage improvements at a cost of \$258,345 to Denver Water. The project included demolition of existing surfaces and installation of new inlets, pipes, retaining walls and drain system. vi. In 2022, City Electric Supply Co. began procurement of electrical panels at a cost of \$89,027 to Denver Water. The work included furnishing of 15 panelboards and additional relevant materials. vii. In 2023, The RMH Group Inc. began HVAC improvements at a cost of \$99,551 to Denver Water. The project included professional evaluations of current HVAC systems loading and performance. viii. In 2024, Economy Air Conditioning and Heating Inc. began HVAC improvements at a cost of \$472,629 to Denver Water. The work included removal and replacement of various HVAC units. h. The following is a list of work of activities that Denver Water has done as part of the South Platte Protection Plan. The South Platte Protection Plan requires certain bypass flow conditions from Denver Water’s facilities in the headwaters of the upper South Platte River: i. First submitted in 1998 and amended in 2003, the South Platte Protection Plan (“SPPP”) is a cooperative agreement between Denver Water and various stakeholder groups to protect a wide range of outstandingly remarkable values related to the river. One key component of the SPPP is streamflow management operations designed to meet trout fishery management goals. At Eleven Mile Cañon Reservoir, Denver Water has committed to “release a minimum outflow of 32 cfs or the 7-day running average of computed inflow, whichever is less.” During the diligence period, Denver Water met this commitment. ii. At Eleven Mile Cañon and Cheesman Reservoirs, Denver Water has committed to an outflow ramping schedule to limit streamflow fluctuations. iii. At Cheesman Reservoir, Denver Water has also committed to minimum streamflow releases to help meet trout fishery management goals. i. Wildfires and post-fire storms remain among one of the biggest threats to Denver Water’s raw water supply. Two of the State’s largest wildfires, the Buffalo Creek fire in 1996 and the Hayman fire in 2002, burned over a combined 230 square miles (150,000 acres) in the South Platte River watershed. Rainfall after the Buffalo Creek fire brought 160,000 cubic yards of sediment into Strontia Springs Reservoir, critically threatening Denver Water infrastructure. These two fires cost Denver Water approximately \$27.7 million in water quality treatment, sediment and debris removal, and operational challenges. A combination of targeted forest and post-wildfire management practices, including fuels reductions, prescribed fire, biomass removal, revegetation efforts, and watershed sediment management projects, serve to mitigate the potential of high-intensity wildfires and consequential

adverse sediment and water quality impacts. The following activities describe Denver Water's effort to maintain and improve forest and watershed health within the South Platte River watershed, which impact water quality for water stored and exchanged to Eleven Mile Cañon Reservoir as well as water delivered for treatment at Foothills and Marston Water Treatment Plants: i. In 2010, Denver Water entered into the From Forests to Faucets Partnership with the Rocky Mountain Region of the U.S. Forest Service as a response to the costly impacts from a series of wildfires, including the 1996 Buffalo Creek and 2002 Hayman wildfires. A second From Forests to Faucets agreement, signed in 2017, expanded the program to include the Colorado State Forest Service ("CSFS") and the Natural Resources Conservation Service ("NRCS") (the two From Forests to Faucets agreements discussed above are collectively referred to herein as the "Partnership"). The inclusion of the CSFS and NRCS allows Denver Water to achieve forest treatments on private and State lands within the watershed. A third From Forests to Faucets agreement was signed in 2022 to continue the Partnership through 2027 and added The Colorado Forest Restoration Institute as an additional signatory. Between 2010 and 2023, the Partnership completed over 120,000 acres of forest restoration projects and planted over 1.4 million trees in wildfire burn scars. Since the Partnership began, the partners have committed over \$96 million in forest management projects in critical water supply watersheds for Denver Water. ii. Denver Water's Watershed Planning Program assesses water quality and additional watershed risks throughout the collection system. Additional risks include increased development, wastewater discharges, agriculture, active and abandoned mines, recreation, transportation, and climate change impacts. The Watershed Planning Program assesses risks and water quality based on impacts to Denver Water's three watershed values: (1) drinking water treatability, (2) infrastructure protection, and (3) community and environmental stewardship. From these assessments, priorities are created and projects identified for future implementation to mitigate these risks. In addition to planning, designing, and implementing watershed projects, the Watershed Planning Program is intended to be a clearinghouse for data, tools, and accomplishments that is accessible across the organization and specific to Denver Water's collection system. j. Denver Water continues to participate with the State of Colorado and a coalition of water users and water interests in the South Platte River basin to implement the Platte River Recovery Implementation Program, which became the South Platte Water Related Activities Program ("SPWRAP"). On January 1, 2007, the first phase of SPWRAP was initiated to provide support and a mechanism for funding future financial obligations to provide critical reproductive and migration habitat for three threatened and endangered bird species in central Nebraska and the Pallid Sturgeon in the lower Platte River. The purpose of SPWRAP is to provide reasonable and prudent alternatives to avoid the likelihood of jeopardy to federally listed species. SPWRAP provides a mechanism to mitigate adverse environmental consequences so that water projects in the Platte River basin, subject to Section 7 Consultation under the Endangered Species Act ("ESA"), including water stored in Eleven Mile Cañon Reservoir, can operate and receive federal permits, licenses, funding, or other approvals in compliance with the ESA. Since 2019, Denver Water spent approximately \$3,159,000 on this project. k. In total, Denver Water has spent \$47,136,648 during the diligence period for work performed at Eleven Mile Cañon Reservoir and related parts of Denver Water's system. III. LANDOWNER INFORMATION. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. City of Aurora, 15151 E Alameda Pkwy Ste 3200, Aurora, CO 80012. County of Park, PO Box 1373, Fairplay, CO 80440. State of Colorado, 6060 Broadway, Denver, CO 80216. US Bureau of Land Management, 2850 Youngfield St, Lakewood, CO 80215. US Forest Service, PO Box 219, 320 Hwy 285, Fairplay, CO 80440. IV. REQUEST FOR RELIEF. WHEREFORE, Denver Water requests in the view of the magnitude of the project and in view of the planning, design and construction of the integral parts of Denver Water's water system and the expenditures associated with the costs of the completion of the facilities of Denver Water's water system, of which the Subject Water Right is an integral part, that the Court enter a Finding and Decree of Reasonable Diligence for the remaining conditional portions of the Eleven Mile Cañon Reservoir Second Enlargement right, and continue the remaining conditional decree in full force and effect.

CASE NUMBER 2025CW3030 (18CW3154, 12CW51) NORTHERN COLORADO WATER CONSERVANCY DISTRICT (“Northern Water”), 220 Water Avenue Berthoud, Colorado 80513; 1-800-369-7246 records@northernwater.org. With a copy to: Trout Raley, 1120 Lincoln Street Suite 1600, Denver, Colorado 80203. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 2. Name of Structure: Horsetooth Reservoir 3. Description of Conditional Water Right: A. Original Decree: Date of Decree: November 14, 1939, Case No.: Civil Action No. 10077, Court: District Court, Boulder County. B. Subsequent Decrees Finding Diligence: Date of Decree: April 4, 1952, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: May 9, 1956, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: July 31, 1964, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: August 26, 1964, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: March 3, 1966, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: March 7, 1968, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: December 7, 1970, Case No.: W 108, Court: Water Court, Division 1; Date of Decree: April 29, 1974, Case No.: W 3472, Court: Water Court, Division 1; Date of Decree: May 5, 1980, Case No.: W 3472 78, Court: Water Court, Division 1; Date of Decree: November 4, 1988, Case No.: 84CW83 (W 108), Court: Water Court, Division 1; Date of Decree: December 3, 1990 (decreasing 91,572 acre feet of the conditional right as abandoned), Case No.: 88CW051, Court: Water Court, Division 1; Date of Decree: July 9, 1999, Case No.: 96CW163, Court: Water Court, Division 1; Date of Decree: February 14, 2006, Case No.: 05CW181, Court: Water Court, Division 1; Date of Decree: September 12, 2012, Case No.: 12CW51, Court: Water Court, Division 1; Date of Decree: March 4, 2019, Case No.: 18CW3154, Court: Water Court, Division 1. C. Legal Description: Horsetooth Reservoir is located upon all or a portion of Sections 5, 6 and 8, Township 6 North, Range 69 West of the 6th P.M., and of Sections 6, 7, 18, 19, 20, 29, 30, 31 and 32. Township 7 North, Range 69 West of the 6th P.M., Larimer County. The dam is located in the Southwest Quarter, Section 6, Township 7 North, Range 69 West of the 6th P.M., and the Southeast Quarter, Section 1, Township 7 North, Range 70 West of the 6th P.M. A map depicting the location of Horsetooth Reservoir is attached as Exhibit 1. D. Source: Big Thompson River and its tributaries. E. Appropriation Date: September 14, 1933. F. Amount: The total amount of the water right is 60,000 acre feet, of which 42,300 acre feet have been made absolute for all of the decreed uses and 17,700 acre feet remain conditional. G. Uses: The uses of water stored in Horsetooth Reservoir are irrigation, domestic, power, industrial, and recreational purposes. H. A map of the current Northern Water boundaries is attached as Exhibit 2. 4. Detailed outline of what has been done toward completion of the appropriation: A. Horsetooth Reservoir is part of the Colorado–Big Thompson (“C BT”) Project, an integrated transmountain diversion project that includes water rights, as well as diversion, storage, and distribution facilities, on both the West Slope and the East Slope of the continental divide. The C BT Project is operated by Northern Water and the United States Bureau of Reclamation (“Reclamation”). Individual features of the C BT Project are owned by either Northern Water or Reclamation. In the case where C BT Project features serve to benefit both the power and water distribution systems, the costs are shared equally by Northern Water and Reclamation. Northern Water also is solely responsible for the maintenance of the distribution facilities that are located downstream of Horsetooth and Carter Lake Reservoirs. B. Horsetooth Reservoir and the other water supply features of the C BT Project were and are conceived, planned, constructed, and operated as component parts of a common plan and scheme of development and thus comprise an integrated water supply system. Work on one feature of the C BT Project shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire C BT Project. C.R.S. § 37-90-301(4)(b). C. In general, during the diligence period from March 2019 to March 2025 (fiscal years 2019-2025), Northern Water has continued to maintain Horsetooth Reservoir and the other C BT Project facilities used to divert water from the decreed sources into Horsetooth Reservoir. During the diligence period, Northern Water and Reclamation expended a total of approximately \$17.1 million towards the operation, maintenance, and improvement of the C BT Project. During this period, Northern Water and Reclamation spent \$3.9 million on capital projects related to Horsetooth Reservoir, including gate modernization, Soldier Canyon projects, and canal maintenance. D. Specifically, Northern Water and Reclamation undertook numerous maintenance, improvement, water quality monitoring, and other

activities associated with the integrated collection, storage, and distribution works of the C BT Project. The following examples are some of the more significant activities associated with the C BT Project undertaken during the diligence period: i. The C-BT Project canals below Carter Lake and Horsetooth are maintained by Northern Water. The Hansen Feeder Canal between Carter Lake and Horsetooth is maintained by Northern Water and Reclamation. Each year the canals are de-watered to allow maintenance crews to seal, replace, and inspect the canals, cross drains, turnouts, and syphons. Additional maintenance is conducted as required. Algae treatments along the canal are performed to maintain capacity within the canal. ii. The Cottonwood Siphon on the Hansen Feeder Canal required repairs due to deflection from overloaded fill material after the initial construction causing deformation and cracking of the structure. The maintenance program included a design period followed by the installation of a lined plate steel pipe. This project was completed in 2020. iii. The Dillie Diversion into the Hansen Feeder Canal had new safety equipment and check boards installed in 2021. Additionally, sediment was removed from the structure after sediment heavy runoff associated with the Cameron Peak Fire accumulated in the diversion structure. iv. The concrete headwall supporting the Big Thompson Siphon on the Hansen Feeder Canal was repaired and patched. Work was completed in 2021. v. The Masonville Siphon on the Hansen Feeder Canal required repair due to leaking in the siphon joints. Mechanical joint seal installation was conducted in 2023 and 2024. vi. The Poudre River Drop Structure at the river end of the Hansen Supply Canal was completely rebuilt. This project included a design period followed by the removal of the existing structure and construction of a new drop structure. Work was completed in 2020. vii. Flow measurement and monitoring was maintained and upgraded on the Horsetooth Outlet and the Hansen Feeder Canal Flow in 2020. These projects included installing real-time video and water depth monitoring equipment at Flow North and Eden Valley siphon locations, canal monitoring system at Flow North and Eden Valley, a flowmeter on the Outlet, and repairing the Flow North gaging station. viii. Soldier Canyon Dam Valve Rehabilitation was conducted in 2020. This included rebuilding a 16-inch sleeve valve, removing and replacing an intake trash rack with a new stainless-steel rack, sandblasting and recoating three butterfly valves in the main outlet, and replacing all three butterfly valve seals. ix. Northern Water's baseline water quality monitoring program for reservoirs and streams covers 55 sites on both sides of the Continental Divide located throughout eight watersheds. The program focuses on monitoring nutrients, metals, general chemistry, physical parameters, phytoplankton and zooplankton. Water temperature, aquatic plants, emerging contaminants, macroinvertebrates, and salinity are also routinely monitored to determine aquatic health and water quality. E. During the diligence period, Northern Water exercised the Horsetooth Reservoir water right but did not divert in excess of the amount that has previously been decreed absolute. 5. List of names and addresses of owners or reputed owners of the land upon which water is or will be stored: Northern Water (Applicant); U.S. Bureau of Reclamation, 995 S. Wilson Ave., Loveland, CO 80537; U.S. Bureau of Reclamation, 11056 W. County Road 18E, Loveland, CO 80537-9711; U.S. Bureau of Reclamation, Denver Federal Center, Bldg. 67, Denver, CO 80225; United States of America, 1313 Sherman St., Denver, CO 80203-2236; United States of America, General Delivery, Washington, D.C. 20090; United States of America, General Delivery, Washington, D.C. 20410; United States of America, P.O. Box 1366, Fort Collins, CO 80522-1366; County of Larimer, P.O. Box 1190, Fort Collins, CO 80522-1190; City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522-0580; Casey Kevin Campeau, Gail Ruth Campeau, Joseph David Campeau, Susan Camille Scott, Cynthia Winona Campeau McAllister, 521 Sheldon St., El Segundo, CA 90245; Barry L. Sullens, 4601 Inlet Ct., Fort Collins, CO 80526 4902; Russell Parker Robinson, 4525 Inlet Ct., Fort Collins, CO 80526 4938. Number of pages in application: 8, not including exhibits.

CASE NUMBER 2025CW3031 (18CW3155, 12CW52) NORTHERN COLORADO WATER CONSERVANCY DISTRICT ("Northern Water"), 220 Water Avenue Berthoud, Colorado 80513; 1-800-369-7246 records@northernwater.org. With a copy to: Trout Raley, 1120 Lincoln Street Suite 1600, Denver, Colorado 80203. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN LARIMER COUNTY.** 2. Name of Structure: Carter Lake Reservoir. 3. Description of Conditional Water Right: A. Original Decree: Date of Decree: November 14, 1939, Case No.: Civil Action No. 10077, Court: District Court, Boulder County. B. Subsequent Decrees

Finding Diligence: Date of Decree: April 4, 1952, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: May 9, 1956, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: July 31, 1964, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: August 26, 1964, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: March 3, 1966, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: March 7, 1968, Case No.: CA 10077, Court: District Court, Boulder County; Date of Decree: November 12, 1970, Case No.: W 106, Court: Water Court, Division 1; Date of Decree: November 10, 1975, Case No.: W 3191, Court: Water Court, Division 1; Date of Decree: April 2, 1980, Case No.: W 3191 79 (W 106), Court: Water Court, Division 1; Date of Decree: November 4, 1988, Case No.: 83CW262 (W 106), Court: Water Court, Division 1; Date of Decree: December 3, 1990 (decreeing 78,470 acre feet of the conditional water right as abandoned), Case No.: 87CW203, Court: Water Court, Division 1; Date of Decree: July 9, 1999, Case No.: 96CW164, Court: Water Court, Division 1; Date of Decree: February 14, 2006, Case No.: 05CW180, Court: Water Court, Division 1; Date of Decree: September 21, 2012, Case No.: 12CW52, Court: Water Court, Division 1; Date of Decree: March 4, 2019, Case No. 18CW3155, Court: Water Court, Division 1.

C. Legal Description: Carter Lake Reservoir is located upon all or a portion of Sections 2, 3, 4, 9, 10, 15, and 16, Township 4 North, Range 70 West of the 6th P.M., and Section 34 and 35, Township 5 North, Range 70 West of the 6th P.M., Larimer County. The dam is located in the Southeast Quarter, Section 10, Township 4 North, Range 70 West of the 6th P.M., Larimer County. A map depicting the location of Carter Lake Reservoir is attached as Exhibit 1.

D. Source: Big Thompson River.

E. Appropriation Date: September 4, 1933.

F. Amount: The total amount of the water right is 38,612 acre feet, of which 11,721 acre feet have previously been decreed absolute for all of the decreed uses and 26,891 acre feet remain conditional.

G. Uses: The uses of water stored in Carter Lake Reservoir are irrigation, domestic, power, industrial, and recreational purposes.

H. A map of the current Northern Water boundaries is attached as Exhibit 2.

4. Detailed outline of what has been done toward completion of the appropriation:

A. Carter Lake Reservoir is part of the Colorado–Big Thompson (“C BT”) Project, an integrated transmountain diversion project that includes water rights, as well as diversion, storage, and distribution facilities, on both the West Slope and the East Slope of the continental divide. The C BT Project is operated by Northern Water and the United States Bureau of Reclamation (“Reclamation”). Individual features of the C BT Project are owned by either Northern Water or Reclamation. In the case where C BT Project features serve to benefit both the power and water distribution systems, the costs are shared equally by Northern Water and Reclamation. Northern Water also is solely responsible for the maintenance of distribution facilities that are located downstream of Horsetooth and Carter Lake Reservoirs.

B. Carter Lake Reservoir and the other water supply features of the C BT Project were and are conceived, planned, constructed, and operated as component parts of a common plan and scheme of development and thus comprise an integrated water supply system. Work on one feature of the C BT Project shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire C BT Project. C.R.S. § 37-90-301(4)(b).

C. In general, during the diligence period from March 2019 to March 2025 (fiscal years 2019 to 2025), Northern Water has continued to maintain Carter Lake Reservoir and the other C BT Project facilities used to divert water from the decreed sources into Carter Lake Reservoir. During the diligence period, Northern Water and Reclamation expended a total of approximately \$17.1 million towards the operation, maintenance, and improvement of the C BT Project. During this period, Northern Water and Reclamation spent \$1.5 million on capital projects related to Carter Lake Reservoir, including the Carter Lake Outlet and canal rehab. In addition, Northern Water conducted work on the Southern Water Supply Pipeline (SWSP) operations, including SWSP II.

D. More specifically, Northern Water and Reclamation undertook numerous maintenance, improvement, water quality monitoring, and other activities associated with the integrated collection, storage, and distribution works of the C BT Project. The following examples are some of the more significant activities associated with the C BT Project that were undertaken during the diligence period:

i. The C -BT Project canals below Carter Lake and Horsetooth are maintained by Northern Water. The Hansen Feeder Canal between Carter Lake and Horsetooth is maintained by Northern Water and Reclamation. Each year the canals are de-watered to allow maintenance crews to seal, replace, and inspect the canals, cross drains, turnouts, and syphons. Additional maintenance is conducted as required. Algae

treatments along the canal are performed to maintain capacity within the canal. ii. The Cottonwood Syphon on the Hansen Feeder Canal required repair due to deflection from overloaded fill material after the initial construction causing deformation and cracking of the structure. The maintenance program included a design period followed by the installation of a lined plate steel pipe. This project was completed in 2020. iii. The Dillie Diversion into the Hansen Feeder Canal had new safety equipment and check boards installed in 2021. Additionally, sediment was removed from the structure after sediment heavy runoff associated with the Cameron Peak Fire. iv. Work was conducted on the Carter Lake outlet structure was performed including replacing the Programable Logic Controllers at the Dissipating, Overflow, Parshall Flume and Diversion Structures in 2023 and replacing the entire concrete dissipating floor in the Carter Lake outlet in 2022. v. The Saint Vrain Supply Canal experienced some seepage in the Dowe Flats area. This seepage was impacting property owned by Cemex. A canal lining was conducted in 2023. vi. Northern Water's Southern Water Supply Pipeline II (SWSP II) is a raw water pipeline that delivers water from Carter Lake to several project beneficiaries year-round. The SWSP II project traverses from Carter Lake to the City of Boulder's Boulder Reservoir Water Treatment Plant. Construction of the SWSP II began in May of 2018 and was completed in May 2020. vii. The Eastern Pump Station is a new pump plant located on the existing SWSP Fort Lupton/ Hudson Pipeline, which delivers water out of Carter Lake. The Fort Lupton/Hudson Pipeline was contemplated in the early 2000s. The Eastern Pump Station was designed in 2018-2019 and constructed in 2020-2021 to increase the ability of the SWSP Fort Lupton/Hudson Pipeline to deliver water to the eastern Southern Water Supply Project Participants. The project included a 5200 square foot metal building, five vertical turbine 700 HP pumps, as well as bypass piping and site improvements. viii. The Boulder Isolation Valve project included adding a new isolation valve and vault structure on the SWSP II pipeline. The purpose of this isolation valve is to improve isolation capabilities and decrease down time during maintenance of the SWSP II pipeline and flow control valves. Work on this project was completed in 2024. ix. Northern Water's baseline water quality monitoring program for reservoirs and streams covers 55 sites on both sides of the Continental Divide located throughout eight watersheds. The program focuses on monitoring nutrients, metals, general chemistry, physical parameters, phytoplankton and zooplankton. Water temperature, aquatic plants, emerging contaminants, macroinvertebrates, and salinity are also routinely monitored to determine aquatic health and water quality. E. During the diligence period, Northern Water exercised the Carter Lake Reservoir water right and, as described below, diverted a total of 12,440 acre-feet in 2021, which is 719 acre-feet more than previously diverted. 5. Claim to Make Absolute in Part: A. As evidenced by the diversion records maintained by the Division of Water Resources attached hereto as Exhibit 3, in the 2021 water year, Northern Water diverted a total of 12,440 acre feet of water from the Big Thompson River at Olympus Tunnel and stored such water in Carter Lake Reservoir under the water right described herein. Northern Water subsequently placed this water to beneficial use within its boundaries. B. The 12,440 acre feet of water that was diverted and stored in the 2021 water year under the water right described herein and subsequently placed to beneficial use exceeds the amount currently decreed as absolute by 719 acre feet. Accordingly, Northern Water seeks a decree to make an additional 719 acre feet absolute, bringing the total amount decreed absolute under the water right described herein to 12,440 acre feet and the total amount that remains conditional to 26,172 acre feet. See C.R.S. § 37-92-301(4)(e). 6. List of names and addresses of owners or reputed owners of the land upon which water is or will be stored: Northern Water (Applicant); United States of America, General Delivery, Washington, D.C. 20090-999; U.S. Bureau of Reclamation, 11056 W. County Road 18E, Loveland, CO 80537-9711; United States Department of Interior, Bureau of Land Management, P.O. Box 25047, Denver, CO 80225-0047; State of Colorado, Board of Land Commissioners, 1313 Sherman St., Rm. 621, Denver, CO 80203-2283. Number of pages in application: 8, not including exhibits.

CASE NUMBER 2025CW3032 (18CW3156, 12CW54) NORTHERN COLORADO WATER CONSERVANCY DISTRICT ("Northern Water"), 220 Water Avenue Berthoud, Colorado 80513; 1-800-369-7246 records@northernwater.org. With a copy to: Trout Raley, 1120 Lincoln Street Suite 1600, Denver, Colorado 80203. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN LARIMER COUNTY**. 2. Name of Structure: Horsetooth

Reservoir 3. Description of Conditional Water Right: A. Original Decree: Date of Decree: September 10, 1953, Case No.: Civil Action No. 11217, Court: District Court, Larimer County. B. Subsequent Decrees Finding Diligence: Date of Decree: March 6, 1956, Case No.: CA 11217, Court: District Court, Larimer County; Date of Decree: September 19, 1960, Case No.: CA 11217, Court: District Court, Larimer County; Date of Decree: November 4, 1971, Case No.: W 105, Court: Water Court, Division 1; Date of Decree: November 10, 1975, Case No.: W 3193, Court: Water Court, Division 1; Date of Decree: April 2, 1980, Case No.: W 3193 79 (W 105), Court: Water Court, Division 1; Date of Decree: November 4, 1988, Case No.: 83CW259 (W 3193 79), Court: Water Court, Division 1; Date of Decree: December 3, 1990, Case No.: 87CW204, Court: Water Court, Division 1; Date of Decree: July 9, 1999, Case No.: 96CW1122, Court: Water Court, Division 1; Date of Decree: February 14, 2006, Case No.: 05CW182, Court: Water Court, Division 1; Date of Decree: September 21, 2012, Case No.: 12CW54, Court: Water Court, Division 1; Date of Decree: March 4, 2019, Case No. 18CW3156, Court: Water Court, Division 1. C. Legal Description: Horsetooth Reservoir is located upon all or a portion of Sections 5, 6 and 8, Township 6 North, Range 69 West of the 6th P.M., and of Sections 6, 7, 18, 19, 20, 29, 30, 31 and 32. Township 7 North, Range 69 West of the 6th P.M., Larimer County. The dam is located in the Southwest Quarter, Section 6, Township 7 North, Range 69 West of the 6th P.M., and the Southeast Quarter, Section 1, Township 7 North, Range 70 West of the 6th P.M. A map depicting the location of Horsetooth Reservoir is attached as Exhibit 1. D. Source: Soldier, Dixon, and Spring Creeks, tributaries of the Cache la Poudre River. E. Appropriation Date: October 15, 1935. F. Amount: The total amount of the water right is 10,000 acre feet, of which 7,985 acre feet have been made absolute for all of the decreed uses and 2,015 acre feet remain conditional. G. Uses: The uses of water stored in Horsetooth Reservoir are irrigation, domestic, power, industrial, and recreational purposes. H. A map of the current Northern Water boundaries is attached as Exhibit 2. 4. Detailed outline of what has been done toward completion of the appropriation: A. Horsetooth Reservoir is part of the Colorado–Big Thompson (“C BT”) Project, an integrated transmountain diversion project that includes water rights, as well as diversion, storage, and distribution facilities, on both the West Slope and the East Slope of the continental divide. The C BT Project is operated by Northern Water and the United States Bureau of Reclamation (“Reclamation”). Individual features of the C BT Project are owned by either Northern Water or Reclamation. In the case where C BT Project features serve to benefit both the power and water distribution systems, the costs are shared equally by Northern Water and Reclamation. Northern Water also is solely responsible for the maintenance of the distribution facilities that are located downstream of Horsetooth and Carter Lake Reservoirs. B. Horsetooth Reservoir and the other water supply features of the C BT Project were and are conceived, planned, constructed, and operated as component parts of a common plan and scheme of development and thus comprise an integrated water supply system. Work on one feature of the C BT Project shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire C BT Project. C.R.S. § 37 90 301(4)(b). C. In general, during the diligence period from March 2019 to March 2025 (fiscal year 2019-2025), Northern Water has continued to maintain Horsetooth Reservoir and the other C BT Project facilities used to divert water from the decreed sources into Horsetooth Reservoir. During the diligence period, Northern Water and Reclamation expended a total of approximately \$17.1 million towards the operation, maintenance, and improvement of the C BT Project. Northern Water, and Reclamation spent \$3.9 million on capital projects related to Horsetooth Reservoir, including gate modernization, Soldier Canyon Projects, and canal maintenance. D. Specifically, Northern Water and Reclamation undertook numerous maintenance, improvement, water quality monitoring, and other activities associated with the integrated collection, storage, and distribution works of the C BT Project. The following examples are some of the more significant activities associated with the C BT Project undertaken during the diligence period: i. The C-BT Project canals below Carter Lake and Horsetooth are maintained by Northern Water. The Hansen Feeder Canal between Carter Lake and Horsetooth is maintained by Northern Water and Reclamation. Each year the canals are de-watered to allow maintenance crews to seal, replace, and inspect the canals, cross drains, turnouts, and syphons. Additional maintenance is conducted as required. Algae treatments along the canal are performed to maintain capacity within the canal. ii. The Cottonwood Syphon on the Hansen Feeder Canal required repair due to deflection from overloaded fill material after the initial construction causing

deformation and cracking of the structure. The maintenance program included a design period followed by the installation of a lined plate steel pipe. This project was completed in 2020. iii. The Dillie Diversion into the Hansen Feeder Canal had new safety equipment and check boards installed in 2021. Additionally, sediment was removed from the structure after sediment heavy runoff associated with the Cameron Peak Fire. iv. The concrete headwall supporting the Big Thompson Siphon was repaired and patched. Work was completed in 2021. v. The Masonville Siphon on the Hansen Feeder Canal required repair due to leaking in the siphon joints. Mechanical joint seal installation was conducted in 2023 and 2024 vi. The Poudre River Drop Structure at the river end of the Hansen Supply Canal was completely rebuilt. This project included a design period followed by the removal of the existing structure and construction of a new drop structure. Work was completed in 2020. vii. Flow measurement and monitoring was maintained and upgraded on the Horsetooth Outlet and the Hansen Feeder Canal Flow in 2020. These projects included installing real-time video and water depth monitoring equipment at Flow North and Eden Valley siphon locations, canal monitoring system at Flow North and Eden Valley, a flowmeter on the Outlet, and repairing the Flow North gaging station. viii. Soldier Canyon Dam Valve Rehabilitation was conducted in 2020. This included rebuilding 16-inch sleeve valve, removing and replacing an intake trash rack with a new stainless-steel rack, sandblasting and recoating three butterfly valves in the main outlet, and replacing all three butterfly valve seals. ix. Northern Water's baseline water quality monitoring program for reservoirs and streams covers 55 sites on both sides of the Continental Divide located throughout eight watersheds. The program focuses on monitoring nutrients, metals, general chemistry, physical parameters, phytoplankton and zooplankton. Water temperature, aquatic plants, emerging contaminants, macroinvertebrates, and salinity are also routinely monitored to determine aquatic health and water quality. E. During the diligence period, Northern Water exercised the Horsetooth Reservoir water right and, in 2019, diverted a total of 10,000 acre-feet, which is 2,015 acre-feet more than previously diverted. 5. Claim to Make Absolute in Part: A. As evidenced by the reservoir accounting submitted to the Division of Water Resources attached hereto as Exhibit 3, in the 2019 water year, Northern Water diverted a total of 10,000 acre feet of water from the Poudre River and stored such water in Horsetooth Reservoir under the water right described herein. Northern Water subsequently placed this water to beneficial use within its boundaries. B. The 10,000 acre feet of water that was diverted and stored in the 2019 water year under the water right described herein and subsequently placed to beneficial use exceeds the amount currently decreed as absolute by 2,015 acre feet. Accordingly, Northern Water seeks a decree to make an additional 2,015 acre feet absolute, bringing the total amount decreed absolute under the water right described herein to 10,000 acre feet with no remaining conditional volume. See C.R.S. § 37 92 301(4)(e). 6. List of names and addresses of owners or reputed owners of the land upon which water is or will be stored: Northern Water (Applicant); U.S. Bureau of Reclamation, 995 S. Wilson Ave. Loveland, CO 80537; U.S. Bureau of Reclamation, 11056 W. County Road 18E Loveland, CO 80537-9711; U.S. Bureau of Reclamation Denver Federal Center, Bldg. 67 Denver, CO 80225; United States of America 1313 Sherman St. Denver, CO 80203-2236; United States of America General Delivery Washington, D.C. 20090-999; United States of America General Delivery Washington, D.C. 20410; United States of America P.O. Box 1366 Fort Collins, CO 80522-1366; County of Larimer P.O. Box 1190 Fort Collins, CO 80522-1190; City of Fort Collins P.O. Box 580 Fort Collins, CO 80522-0580; Casey Kevin Campeau, Gail Ruth Campeau, Joseph David Campeau, Susan Camille Scott, Cynthia Winona Campeau McAllister 521 Sheldon St. El Segundo, CA 90245; Barry L. Sullens 4601 Inlet Ct. Fort Collins, CO 80526 4902; Russell Parker Robinson 4525 Inlet Ct. Fort Collins, CO 80526 4938. Number of pages in application: 8, not including exhibits.

CASE NUMBER 2025CW3033 THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS (“Denver Water” or “Applicant”), 1600 West 12th Avenue, Denver, Colorado 80204. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler, Crystal J. Easom. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES IN DOUGLAS, JEFFERSON, ARAPAHOE,

DENVER, BROOMFIELD, WELD, BOULDER AND ADAMS COUNTIES. Number of pages of Application 9. **DESCRIPTION OF CONDITIONAL WATER RIGHT** 1. Name of Water Rights. 5K Direct Flow Water Right. 2. Date of Original and All Relevant Subsequent Decrees. The original decree was entered October 25, 2011, in Case No. 2001CW285 in Weld County District Court. The subsequent decree awarding a finding of diligence was entered March 4, 2019, in Case No. 2017CW3158 in Weld County District Court. 3. Legal Descriptions of Structures. a. The Burlington O'Brian Canal Headgate. The location of the Burlington O'Brian Canal Headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4, Section 14, T3S, R68W, 6th P.M., in City and County of Denver, Colorado, 2456.2 feet east of the west line of the southwest quarter and 2347.7 feet north of the south line of said southwest quarter of Section 14. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104°58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. b. The Fulton Ditch Headgate. The headgate of the Fulton Ditch, on the east bank of the South Platte River in the NE1/4 of the SE1/4, Section 17, T2S, R67W, 6th P.M., in Adams County, Colorado, at a point approximately 2,815 feet south and 145 feet west of the NE corner of said Section 17. c. The Metro Wastewater Reclamation Pump Station. The Metro Wastewater Reclamation District Pump Station ("Metro Pump Station"), which is located near the Metro Wastewater Reclamation District Treatment Plant South Platte River Outfall, diverts treated wastewater from the wastewater treatment plant effluent stream at two points, both of which are located in the NE 1/4 of the NW 1/4, Section 12, T3S, R68W, 6th P.M., in Adams County, Colorado, approximately 90 feet from the north section line and 1,440 feet from the west section line. The Metro Pump Station diverts treated water from the Metro Wastewater Reclamation District Treatment Plant before it reaches the South Platte River. 4. Source of Water. South Platte River, streams tributary thereto, and wastewater tributary thereto. 5. Date of Appropriation. December 28, 2001. 6. Amounts of Water. a. Flow Rates. i. The Burlington O'Brian Canal Headgate. A maximum rate not to exceed 20 cubic feet per second, conditional. ii. Fulton Ditch Headgate. A maximum rate not to exceed 20 cubic feet per second, conditional. iii. Metro Pump Station. A maximum rate not to exceed 20 cubic feet per second, conditional. iv. Combined Maximum for all Points. A maximum of 20 cubic feet per second, conditional. b. Volumetric Limit. The 5K Direct Flow Water Right is limited to a volumetric diversion limit of 5,000 acre-feet ("AF") conditional during the annual period of May 1 through April 30 of the following year. 7. Use of Water. The water diverted under the 5K Direct Flow Water Right will be delivered by Denver Water to South Adams and other End Users (defined in the 1999 Agreement and 2006 Amendment) with whom FRICO contracts, for direct flow municipal use pursuant to the terms of an August 31, 1999 Agreement ("1999 Agreement") between Denver Water and the Farmers Reservoir and Irrigation Company, the Burlington Ditch Reservoir and Land Company, and the Henrylyn Irrigation District, as modified by an amendment dated September 8, 2006 ("2006 Amendment") executed by the same parties. (Exhibit A). Such direct flow uses include, but are not limited to, uses normally made in a municipal service area, including replacement, augmentation, domestic, industrial, replacement of lake and reservoir evaporation, irrigation of yards and parks, fire protection, excluding, however, water for purposes of irrigation for agriculture. The water so delivered may be fully consumed and, if not fully consumed in the first use, any return flows from such first use may be reused and successively used by Denver Water or the End User of the 5K water, either directly or after exchange or storage, for the purposes set forth in this paragraph, subject to the terms and conditions of the decree entered in Case No. 2001CW285 WD1. 8. Place of Use. The 5K Direct Flow Water Right may be placed to beneficial use within the Metropolitan Area as defined in the 1999 Agreement and 2006 Amendment. 9. Claim for Finding of Reasonable Diligence. The following subparagraphs describe the activities and financial expenditures made by Denver Water in an effort to complete the conditional appropriation of the 5K Direct Flow Water Right with reasonable diligence and apply the waters to a beneficial use as conditionally decreed within a reasonable time: a. South Reservoir Complex. The following work, undertaken during the diligence period, was necessary to develop and maintain the diversion of water to and from the South Reservoir Complex: i. Completed annual operations and maintenance including annual dam safety inspections with State Engineer's Office ("SEO") at Miller Dam and survey for movement. ii. In 2017, Brown and Caldwell provided all labor, materials, and equipment for the North and South Complex Water Quality Improvement

Project. The total project cost was approximately \$3,063,000. iii. In 2021, Jacobs Engineering Group Inc. was contracted to perform the North and South Complex Water Quality Study project. The total project cost was approximately \$21,000. b. North Reservoir Complex. The following work, undertaken during the diligence period, was necessary to develop the diversion of water to and from the North Reservoir Complex:

- i. Howe-Haller A and B Reservoirs: Repaired south slope of Howe-Haller A Reservoir that was damaged during a 2023 spring storm. The total project cost was approximately \$71,800.
- ii. Dunes Dam and Reservoir: A. Completed annual operations and maintenance including annual dam safety inspections with SEO at Dunes Dam and survey for movement. B. Denver Water began filling Dunes and Tanabe Reservoirs by gravity from the Fulton Ditch in February 2018. C. In 2017, United Power Inc. provided construction services for required electrical instrumentation and control for Dunes Reservoir valve connection vault operation. The total project cost was approximately \$26,000.
- iii. Hazeltine Reservoir: A. In 2021, Concrete Express, Inc., provided mining services to remove material from Hazeltine Reservoir. The total project cost was approximately \$5,927,000. B. In 2022, Olsson Associates performed a hydraulic analysis of the Hazeltine Reservoir Spillway. The total project cost was approximately \$14,000. C. In 2022, Guarantee Electrical Contracting LLC provided estimating, constructability, and value engineering assessment services for the North Complex Hazeltine Pump Station Site Electrical Project. The total project cost was approximately \$2,600. D. In 2022, Alden Research Laboratory Inc. provided structural and architectural design services for Phase 1 of the North Complex Hazeltine Pump Station and Complex EI&C Project. The total project cost was approximately \$569,000. E. In 2022, W.W. Wheeler and Associates provided engineering services to design and construct a spillway on the Hazeltine embankment adjacent to the South Platte River. The total project cost was approximately \$241,000. F. In 2023, Guarantee Electrical Contracting LLC provided all labor, materials, and equipment for the North Complex Hazeltine Pump Station Site Electrical project. The total project cost was approximately \$2,105,000.
- iv. Tanabe Reservoir: A. In 2017, Environmental Logistics provided all labor, materials, and equipment for the Tanabe Reservoir Fencing and Roadway Improvements project. The total project cost was approximately \$373,000.
- v. Work Generally Related to North Reservoir Complex. A. In 2017, United Power Inc. provided construction services for required electrical instrumentation and control for the North Reservoir Complex. The total project cost was approximately \$7,000. B. In 2017, Shannon & Wilson Inc. provided support for a geotechnical field exploration of the Hazeltine and Howe-Haller B reservoir cells. The total project cost was approximately \$19,000. C. In 2017, RE Monks Construction LLC provided all labor, materials, and equipment for the Hazeltine/Howe Haller B Reservoirs temporary platform fill slope repair. The total project cost was approximately \$533,000. D. In 2018, JDR Engineering Inc. provided conceptual level civil, mechanical, and electrical engineering for the Interim Pump Station Study at the North Reservoir Complex. The total project cost was approximately \$32,000. E. In 2022, Garney Companies LLC provided Phase 1 Design Assistance Contractor Services for the North Reservoir Complex. The total project cost was approximately \$154,000. F. In 2022, Carollo Engineers Inc. provided engineering services to estimate the treatment cost for uranium, selenium, and PFAS in a groundwater source. The total project cost was approximately \$61,000. G. In 2022, HRS Water Consultants Inc. provided hydrogeologic consulting to design a test of the North Reservoir Complex's Mounding Drain. The total project cost was approximately \$135,000. H. In 2023, Clemson Engineering Hydraulics Inc. provided a scaled physical model of the North Reservoir Complex facility station design to ensure Hydraulic Institute Standard compliance. The total project cost was approximately \$65,000. I. In 2023, Pinyon Environmental Inc. provided environmental engineering for Mounding Drain Permitting Support at the North Reservoir Complex. The total project cost was approximately \$70,000. J. In 2023, HRS Water Consultants provided civil and hydraulic engineering for the Mounding Drain Gravity Design Project for the North Reservoir Complex. The total project cost was approximately \$64,000. K. In 2023, HRS Water Consultants provided hydrogeologic consulting services for the Mounding Drain Gravity Design Project for the North Reservoir Complex. The total project cost was approximately \$110,000. L. In 2024, United Power Inc. provided construction services for required electrical instrumentation and control for the North Reservoir Complex. The total project cost was approximately \$59,000. M. Denver Water continues to maintain active sand and gravel mining permits through the Division of Reclamation, Mining, and Safety on an annual basis for the mining operations

remaining at the North Reservoir Complex and the Lupton Lakes Complex. 10. Remarks. A map depicting facilities used to divert and store the 5K Direct Flow Water Right is attached hereto as Exhibit B. 11. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Denver Water is not proposing new diversion or storage structures that do not already exist, nor is Denver Water proposing modifications to any existing diversion or storage structure or the existing North and South Complexes. However, Denver Water is providing notice to the following entities because this application relates to certain structures and property in which the following entities may have a property interest. a. City and County of Denver Acting by and through its Board of Water Commissioners 1600 West 12th Avenue Denver, CO 80204 b. Burlington Ditch, Reservoir and Land Company 80 South 27th Avenue Brighton, CO 80601 c. Farmers Reservoir and Irrigation Company 80 South 27th Avenue Brighton, CO 80601 d. Wellington Reservoir Company 80 South 27th Avenue Brighton, CO 80601 e. Henrylyn Irrigation District 29490 County Road 14 Keenesburg, CO 80643 f. Metro Water Recovery 6450 York Street Denver, CO 80229 g. South Adams County Water and Sanitation District 6595 East 70th Avenue Commerce City, CO 80022 h. Fulton Irrigating Ditch Company 25 South 4th Avenue Brighton, CO 80601

CASE NUMBER 2025CW3034 (17CW3106) (01CW193) APPLICATION TO MAKE ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY. - 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicant. HOLLINGSHEAD MATERIALS, LLC, c/o David Jones, Environmental Manager, 1590 W. 12th Avenue, Denver, Colorado 80204; Phone: (720) 610-6610; Email: david.jones@smyrnareadymix.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; Email: dfbower@j-rlaw.com. 2. Original and Subsequent Decrees. The conditional water right that is the subject of this application was originally decreed in Case No. 01CW193, Water Division 1, dated July 7, 2011. A subsequent decree recognizing a portion of the right as absolute and continuing the remainder as conditional was entered in Case No. 17CW3106, Water Division 1, dated March 4, 2019. 3. Description of Conditional Storage Right. (a) Name of Structure. Heaton Reservoir [WDID 0504089]. (b) Location. N1/2 NE1/4 of Section 9, Township 2 North, Range 68 West of the 6th P.M. CDSS describes the location as Zone 13, NAD 83, Easting 499700.0, Northing 4445400.0. A map showing the general location of the reservoir is attached to the application as Exhibit A. (c) Names and Locations of Structures Used to Fill Reservoir. (i) St. Vrain Diversion Structure and Pump Station [WDID 0504089]. At approximately the North Quarter Corner of Section 9, Township 2 North, Range 68 West of the 6th P.M. (ii) Rural Ditch – Boulder Creek Diversion [WDID 0600551]. NE1/4 of Section 20, Township 2 North, Range 68 West of the 6th P.M., ~1,400 feet west of the east section line and ~2,275 feet south of the north section line of said Section 20. CDSS describes this location as Zone 13, NAD 83, Easting 498070.0, Northing 4441628.0. (iii) Rural Ditch – Idaho Creek Diversion [WDID 0600756]. SE1/4 of Section 16, Township 2 North, Range 68 West of the 6th P.M., ~420 feet west of the east section line and 1,300 feet north of the south section line of said Section 16. CDSS describes this location as Zone 13, NAD 83, Easting 499968.6, Northing 4442744.1. (d) Sources. St. Vrain Creek, Boulder Creek, and Idaho Creek, all of which are tributary to the South Platte River. (e) Appropriation Date. October 26, 2001. (f) Amount. 241.36 acre-feet, absolute, and 438.64 acre-feet, conditional, with the right to fill and refill once annually. (g) Rate of Fill. 25 cfs, from all diversion structures combined. (h) Uses. Industrial, commercial, piscatorial, fishing, wildlife, aesthetic, recreation, irrigation, exchange, and augmentation and replacement. All piscatorial, fishing, wildlife, aesthetic, and recreation uses occur on the Heaton Reservoir property. Augmentation and replacement uses may include Applicant's batch plant adjacent to Heaton Reservoir. 4. Claim to Make Absolute in Part. During Water Year 2017, a total of 276.19 acre-feet was diverted and stored in Heaton Reservoir in-priority for its decreed beneficial uses. Accordingly, an additional 34.83 acre-feet should be recognized as absolute. The remaining 403.81 acre-feet of this storage right should be continued as conditional. 5. Claim for Finding of Reasonable Diligence. Applicant also seeks to continue as conditional the 403.81 acre-feet

water right decreed to Heaton Reservoir not made absolute in this case for its full decreed amount and uses. In addition to storing water in-priority for its decreed beneficial uses, during the diligence period from March 2019 through March 2025, the following activities were performed to continue to develop the subject conditional right: (a) Transfer of Conditional Water Right. Applicant purchased the Heaton Reservoir site from Martin Marietta Materials, Inc., effective as of April 1, 2022. The conditional water right that is the subject of this matter was transferred as part of that transaction. Both Applicant and MMM, as the previous owner of the water right, have incurred significant time and money related to that transaction, including the conveyance of the conditional right and structure that is the subject of this application. The other diligence activities set forth below constitute development work performed by Applicant and/or MMM during the subject diligence period. (b) Monthly Accounting. BBA Water Consultants, Inc. (“BBA”) prepared and submitted monthly accounting for Heaton Reservoir throughout the entire diligence period. (c) Storage Model. BBA also prepared a storage projection model for Heaton Reservoir. The model is used to better manage the storage operations in Heaton Reservoir with multiple sources of water and multiple uses for withdrawals. (d) Storage Operations. BBA was in communication with both the Water Commissioner and the Rural Ditch Company regarding the diversion and storage of water under the subject conditional water right. (e) Maintenance of Facilities. Applicant, and MMM before that, maintained and repaired inflow and outflow structures and equipment, including measuring devices. This is in addition to the general operational costs of the batch plant that uses the water right. (f) General Legal and Engineering Costs. Applicant, and MMM before that, also incurred general legal and engineering costs relating to the Heaton Reservoir property and the subject conditional water right. **6. Name and Address of Landowner upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool.** Heaton Reservoir is located on land owned by Applicant. There are no new or modified diversion structures associated with the Heaton Reservoir conditional right. WHEREFORE, Applicant respectfully requests that the Water Court enter a finding and concluding that (i) Heaton Reservoir has been made absolute for an additional 34.83 acre-feet for all decreed uses; (ii) Applicant has been reasonably diligent in the development of the Heaton Reservoir conditional water right that has not been made absolute; and (iii) the remaining portion of the Heaton Reservoir conditional right is 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. (5 pages plus exhibit)

CASE NUMBER 2025CW3035 (Consolidated Case Nos. 18CW3070 and 18CW3071) (Prior 09CW164; 09CW108; 00CW243; 99CW78; 93CW046; 88CW261; 79CW374). CITY OF THORNTON, COLORADO (“Thornton”), Infrastructure Department, Division of Water Resources, 12450 North Washington Street, Thornton, Colorado 80241, (720) 977-6600. Please direct communications related to this application to counsel for Thornton identified in the caption. John P. Justus, Bryan T. Stacy, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441, Email: johnj@cjzwaterlaw.com; bryans@cjzwaterlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS and DENVER COUNTIES.** 2. Summary of Application. Thornton seeks a finding of reasonable diligence for the remaining conditional portions of the water rights originally decreed in Case Nos. 79CW374 and 88CW261. This Court ordered consolidation of the prior diligence applications in Case Nos. 18CW3070 and 18CW3071, resulting in a single decree for: (1) the River Exchange and Ditch Exchange; and (2) the Metro-South Platte River Exchange and the Metro-Burlington Ditch Exchange (collectively the “Subject Water Rights”). Consequently, Thornton files this single application for the remaining conditional portions of the Subject Water Rights, as described herein. In Case No. 22CW3034, this Court granted Thornton’s Application for Simple Change In Surface Point of Diversion Pursuant to C.R.S. § 37-92-305(3.5), changing the decreed point of diversion for the Subject Water Rights at the Burlington Ditch from the original headgate to the New Burlington Ditch Headgate. A verbatim legal description from the decree in Case No. 22CW3034 adjudicating that point of diversion is set forth in paragraph 4.1.3.1.1, below. 3. Name of Structures. Burlington Ditch, Metro River Outfall, Thornton’s Burlington Ditch Withdrawal Facilities, Thornton’s Proposed Burlington Ditch Withdrawal Facilities, Metro Pump Station Outfall, and Thornton’s Burlington Ditch Outfall. 4. Description of

Conditional Water Rights. 4.1. River Exchange and Ditch Exchange. 4.1.1. Original Decree. April 23, 1987, Case No. 79CW374, District Court, Water Division 1 (“1979 Original Decree”). 4.1.2. Subsequent Decrees Awarding Findings of Diligence. Since the 1979 Original Decree entered on April 23, 1987, timely applications for findings of reasonable diligence have been filed in accordance with Colorado Law. Final decrees have been entered granting each such application, finding that Thornton has exercised reasonable diligence in Case Nos. 18CW3070 (March 22, 2019), 09CW164 (April 30, 2012) (making 13 c.f.s. of the River Exchange absolute), 00CW243 (October 10, 2003), and 93CW046 (December 16, 1994). 4.1.3. Location of Points of Diversion. 4.1.3.1. River Exchange. 4.1.3.1.1. Point of Diversion. Burlington Ditch. The point of diversion is located at a point on the east bank of the South Platte River in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. The headgate is located at approximately latitude 039° 47’ 24.69” N, longitude 104° 58’ 9.97” W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. See map attached as Exhibit A. 4.1.3.1.2. Point of Return of Substitute Supply. The outfall of the Denver Metro Wastewater Reclamation District’s Plant (“Metro Plant”) on the South Platte River (“Metro River Outfall”) presently located on the South Platte River near the section line between Sections 1 and 12, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. See Exhibit A. 4.1.3.2. Ditch Exchange. 4.1.3.2.1. Points of Diversion. Thornton’s withdrawal facilities from the Burlington Ditch as such facilities may exist in the future (“Thornton’s Proposed Burlington Ditch Withdrawal Facilities”) to be located up-ditch of the existing outfall from the Metro Plant’s Pump Station to the Burlington Ditch (“Metro Pump Station Outfall”), near Section 12, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. See Exhibit A. 4.1.3.2.2. Point of Return of Substitute Supply. At or adjacent to the Metro Pump Station Outfall, located in Section 12, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. See Exhibit A. 4.1.4. Source of Substitute Supply. Thornton’s fully consumable effluent delivered from the Metro Plant from the sources described in paragraphs 2.A.5 and 2.B.5 of the decretal portion of the 1979 Original Decree. 4.1.5. Appropriation Date. December 31, 1979. 4.1.6. Amounts Decreed. 4.1.6.1. River Exchange: 87 c.f.s. CONDITIONAL; 13 c.f.s. ABSOLUTE. 4.1.6.2. Ditch Exchange: 100 c.f.s. CONDITIONAL. 4.2. Metro-South Platte River Exchange and Metro-Burlington Ditch Exchange. 4.2.1. Original Decree. May 3, 1993, Case No. 88CW261, District Court, Water Division 1 (“1988 Original Decree”). 4.2.2. Subsequent Decrees Awarding Findings of Diligence. Since the 1988 Original Decree entered May 3, 1993, timely applications for findings of reasonable diligence have been filed in accordance with Colorado law. Final decrees have been entered granting each such application, finding that Thornton has exercised reasonable diligence in the development of these water rights in Case Nos. 18CW3070 (March 22, 2019), 09CW108 (April 30, 2012) (making 5.74 c.f.s. of the Metro-South Platte River Exchange absolute), and 99CW78 (making 10.52 c.f.s. of the Metro-South Platte River Exchange absolute). 4.2.3. Location of Points of Diversion. 4.2.3.1. Metro-South Platte River Exchange. 4.2.3.1.1. Point of Diversion. Burlington Ditch. See description at paragraph 4.1.3.1.1. 4.2.3.1.2. Point of Return of Substitute Supply. Metro River Outfall. See description at paragraph 4.1.3.1.2. 4.2.3.2. Metro-Burlington Ditch Exchange. 4.2.3.2.1. Point of Diversion. Thornton’s Burlington Ditch Withdrawal Facilities. Thornton’s Burlington Ditch Withdrawal Facilities are currently located on the west bank of the Burlington Ditch in Section 31, Township 2 South, Range 67 West of the 6th P.M., in Adams County Colorado, and may in the future include Thornton’s Proposed Burlington Ditch Withdraw Facilities described in paragraph 4.1.3.1.1. See Exhibit A. 4.2.3.2.2. Points of Return of Substitute Supply. 4.2.3.2.2.1. Metro Pump Station Outfall. See description at paragraph 4.1.3.3.1. 4.2.3.2.2.2. Thornton’s proposed pipeline from the South Platte River to the Burlington Ditch (“Thornton’s Burlington Ditch Outfall”). The Thornton Burlington Ditch Outfall is proposed to be located on the Burlington Ditch in Section 20 or Section 29, Township 2 South, Range 67 West of the 6th P.M. See Exhibit A. 4.2.4. Source of Substitute Supply. Thornton’s fully consumable effluent delivered from the Metro Plant from the sources described in paragraphs 7.a.(5) and 7.b.(5) from the decretal portion of the 1988 Original Decree, except the Fehringer No. 2 Ditch and the Mary G. Borden Ditch which are no longer owned by or available to Thornton by agreement. 4.2.5. Appropriation Date: December 31, 1979. 4.2.6. Amounts Decreed: 4.2.6.1. Metro-South Platte River Exchange: 83.74 c.f.s. CONDITIONAL; 16.26 c.f.s. ABSOLUTE. 4.2.6.2.

Metro-Burlington Ditch Exchange: 100 c.f.s. CONDITIONAL. 4.3. Cumulative Rate. As provided in paragraph 20.b. of the 1988 Original Decree, the cumulative rate of diversion of the River Exchange and the Metro-South Platte River Exchange shall not exceed 100 c.f.s. in total. The cumulative rate of the Ditch Exchange and the Metro-Burlington Ditch Exchange shall not exceed 100 c.f.s. in total. 4.4. Uses. All municipal uses, including domestic, mechanical, manufacturing, industrial, generation of electric power and power generally, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, fish culture, agricultural uses, maintenance and preservation of wildlife and aesthetic values, and for replacement, adjustment and regulation including exchange among the units of the City of Thornton's municipal water supply system, within themselves and with other water users. Because the water diverted by Thornton under the subject exchanges is fully replaced with reusable effluent, Thornton has the right to use, reuse, successively use and dispose of to extinction the water diverted by the subject exchanges. 5. Provide a detailed outline of what has been done toward completion, including expenditures. From May 1, 2018 through March 31, 2025 (the "Diligence Period"), Thornton performed the following work and incurred the following costs, all or in part, concerning the remaining conditional portions of the Subject Water Rights, including work and expenditures on specific structures integral to the diversion and use of the Subject Water Rights and in the further development of Thornton's integrated water supply systems within which the Subject Water Rights have been and will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional activities and costs in support of this application. 5.1. Thornton Integrated System Activities. During the Diligence Period, Thornton has continued in the development and improvement of its Clear Creek and South Platte River water supply system including many of the structures used in the exercise of the Subject Water Rights, and the eventual treatment and use of the water yielded by such rights. Costs incurred by Thornton totaled approximately \$91 million, and include the following: 5.1.1. Ditch Company Assessments: Thornton paid assessments of approximately \$63,000 for its share ownership in the Burlington Ditch and Reservoir Company. 5.1.2. Henrylyn Maintenance Payment: Payments were made annually to the Henrylyn Reservoir and Irrigation District totaling \$40,000 to meet Thornton's commitments under its agreements with that company. 5.1.3. Metro Pumps: Pursuant to a 1990 agreement, Thornton agreed to pay the pumping costs associated with Farmers Reservoir and Irrigation Company's (FRICO) pumping of effluent into the Burlington Ditch, as well as other contractual obligations FRICO has with Denver Water. Thornton spent \$132,000 during this diligence period. 5.1.4. SolarBees: Thornton utilizes twelve SolarBee units on reservoirs, including Tani Lakes, to circulate water in storage for water quality purposes. Installation and maintenance during the relevant time-period cost approximately \$240,000. 5.1.5. Wes Brown Water Treatment Plant (WBWTP) and Thornton Water Treatment Plant (TWTP) Projects: The Subject Water Rights can be treated at WBWTP and TWTP prior to being distributed to Thornton customers. During the diligence period, several projects occurred at the plants, including membrane replacement, tank liners and repairs, clarifier rehabilitation, plant and equipment replacement, and process improvements. Approximately \$81 million was spent on these projects. 5.1.6. Water Quality Monitoring: During the relevant diligence period, Thornton spent over \$5.5 million on water quality monitoring and sampling of Tani Lakes and the Burlington Ditch. 5.1.7. Planning: Thornton spent approximately \$40,000 on drought management planning and water supply modeling during the diligence period. 5.1.8. Water Court: Thornton has actively participated in water court proceedings to protect the Subject Water Rights. Legal and engineering costs incurred relating to the protection of Thornton's Clear Creek and South Platte River water rights portfolio, including the Subject Water Rights during the diligence period were approximately \$260,000. 5.1.9. Change in Point of Diversion for Burlington Ditch Headgate. In Case No. 22CW3034, Thornton changed the decreed point of diversion for the Subject Water Rights at the Burlington Ditch from the original headgate to the New Burlington Ditch Headgate in furtherance of completing the appropriation of the conditional water rights. 6. Names and address of owners or reputed owners of land on which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be located, or upon which water is or will be stored. All storage structures named in this application currently exist and do not need modification to exercise the Subject Water Rights. Applicant owns the land upon which water is and will be stored. All

diversion structures named in this application currently exist and do not need modification to exercise the Subject Water Rights except for Thornton's Burlington Ditch Withdrawal Facility, which may be built, expanded, or relocated on land within the property owned or the ditch easement controlled by the Farmers Reservoir and Irrigation Company, 80 South 27th Ave., Brighton, CO 80601. WHEREFORE, Thornton respectfully requests the Court enter a judgment and decree of this court that: 1. Thornton has exercised reasonable diligence in the development of the remaining conditional portions of the Subject Water Rights; and 2. The remaining conditional portions of the Subject Water Rights be continued in full force and effect for a period of six years after the entry of the Court's decree herein. (9 pages, 1 exhibit)

CASE NUMBER 2025CW3036 OGILVY IRRIGATING AND LAND COMPANY, 8209 West 20th Street, Suite A, Greeley, CO 80634, (970) 352-7766 and **OGILVY AUGMENTATION COMPANY**, 8209 West 20th Street, Suite A, Greeley, CO 80634, (970) 352-7766. Please send all further pleadings to: Daniel K. Brown, Whitney Phillips Coulter, Ryan Facinelli, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**. 3. Description of Conditional Water Right: 3.1. Name of Structure: Loloff Section 4 Ditch. 3.2. Diversion Point: The diversion point is located in the SW 1/4 of the NW 1/4 of Section 4, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado, at a point approximately 700 feet South and 50 feet West of the North 1/4 corner, Section 4. 3.3. Source: Surface runoff and wastewater all tributary to the Cache la Poudre River. 3.4. Amount: 4 c.f.s., conditional. 3.5. Uses: Irrigation of 55 acres in the NW 1/4 of Section 4 and augmentation water. 4. Previous Decrees: 4.1. Original Decree. September 29, 1987, Case No. 87CW153, District Court, Water Division 1. 4.2. Findings of Reasonable Diligence: 4.2.1. April 8, 1998, Case No. 95CW218, District Court, Water Division No. 1. 4.2.2. August 23, 2005, Case No. 04CW245, District Court, Water Division No. 1. 4.2.3. May 15, 2012, Case No. 11CW126, District Court, Water Division No. 1. 4.2.4. March 4, 2019, Case No. 18CW3088, District Court, Water Division No. 1. 4.3. Date of Appropriation: March 15, 1987. 5. Claim to Continue Conditional Right. Applicants request that the Court continue the water rights as described above as conditional and further provide the following outline of what has been done toward completion of the conditional appropriations: 5.1. The original decree in this case was obtained by Loloff Construction, Inc. in Case No. 87CW153. Loloff Construction, Inc. obtained this right in connection with a gravel mining operation in E 1/2 of the SW 1/4 of Section 4, Township 5 North, Range 65 West of the 6th P.M. The property has now been mined, and the resulting pit has been lined, although lagged depletions from the mining operation are ongoing. In September of 2022, the Applicants acquired the property and the lined pit, and Applicants intend to use the conditional water rights for augmentation of lagged depletions and for irrigation of the remaining property outside the pit, and for other augmentation uses. In addition to acquiring the property and the pit, at the expense of approximately \$850,000, Applicants have constructed a pipeline to connect the pit to the Ogilvy Ditch so the pit will function as a storage vessel for the Applicants. 6 Right to Supplement and Present Additional Information. Applicants reserve the right to supplement this Application with additional information related to their claim for diligence and may present additional information related to their claim for diligence before and during trial in this matter. 7. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: There are no new diversion or storage structures, or modification to any existing diversion or storage structures. WHEREFORE, Applicants request that the Court continue the remaining portion of the conditional water rights. (5 pages).

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 **MAY 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.