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## DISTRICT COURT, WATER DIVISION 1, COLORADO

### APRIL 2025 WATER RESUME PUBLICATION

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**TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIVISION 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 and/or ordered published during the month of **APRIL 2025** for each County affected. (This publication can be viewed in its entirety on the state court website at: [www.coloradojudicial.gov](http://www.coloradojudicial.gov))

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**CASE NUMBER 2025CW4 ROBERT C. STONE AND DEBRAH L. STONE**, PO BOX 610, Como, CO 80432. 303-885-0300. **APPLICATION FOR CHANGE OF WATER RIGHT IN PARK COUNTY**. Date of Original Decree: January 14, 2004, in Case No 1996CW674 in WD1. Name of Structure: Vella Well 100110 located SE1/4, SW1/4, S34, T9S, R75W of the 6th PM in Park County. At a point approximately 1200 feet from the South Section line and 1400 feet from the West Section line. Subdivision: Indian Mountain, Lot 108, Filing 18, a/k/a 1626 Warrior Cir., Como, CO 80432. Decreed Source: Groundwater. Total amount decreed to structure in gallons per minute: Absolute 1.5 gpm. Decreed Use: Household use only in a single-family dwelling, not including irrigation. The return flow from such uses shall be returned to the same stream system in which the well is located. Applicant requests change in augmentation plan requirement from W-7389 to any approved augmentation plan.

**CASE NUMBER 2025CW5 RODNEY W. LAING AND SUE ELLEN LAING**, 493 N. Watkins Rd. Watkins, CO 80137. 720-352-2156. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ARAPAHOE COUNTY**. Laing Parcel located S1/2 of S26, T4S, R64W of the 6th PM in Arapahoe County. Parcel consists of 93.15 acres. Applicants seek to adjudicate the Denver Basin ground water underlying the subject property in all the available aquifers.

**CASE NUMBER 2025CW6 BRUCE W. TECHENTIEN**, PO BOX 611, Como, CO 80432. 281-224-8237. **APPLICATION FOR CHANGE OF WATER RIGHT IN PARK COUNTY**. Date of Original Decree: April 6, 2000, in Case No. 1996CW325 in WD1. Subsequent Decree: July 18, 2006, in Case No. 2006CW45 in WD1. Name of Structure: Techentien Well Lot 97 located NW1/4, SW1/4, S35, T9S, R75W of the 6th PM in Park County. At a point approximately 3320 feet from the North section line and 215 feet from the West section line. Subdivision: Indian Mountain, Lot 97, Filing 15, a/k/a 114 Deer Court, Como, CO 80432. Decreed Source: Groundwater. Total amount decreed to structure in gallons per minute: Absolute 7.6 gpm. Decreed Use: Household use only in a single-family dwelling, not including irrigation. The return flow from such uses shall be returned to the same stream system in which the well is located. Applicant requests change in augmentation plan requirement from W-7389 to any approved augmentation plan.

**CASE NUMBER 2025CW3037 APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN DOUGLAS COUNTY**. Applicant: **VDM Sport Horses Properties LLC** ("Applicant") c/o Caroline Donnally, c/o Sara M. Dunn & Andrea J. Hall, Balcomb & Green, P.C.; P.O. Drawer 790, Glenwood Springs, CO 81602; (970) 945-6546; [balcombgreen.com](http://balcombgreen.com). Parcel Description: The parcel of land consists of 43.9 acres, more or less, in Douglas County, located generally in NE1/4 of Section 34, Township 6 South, Range 68 West of the 6th P.M., recorded as Parcel No. 2229-340-00-001,

6002 Ron King Trail, Littleton, CO 80125 (“Subject Property”). *See* Quit Claim Deed attached as Exh. A and map as Figure 1, on file with the Water Ct. Parcel Ownership: The claim of Applicant to the water underlying the parcel is based on ownership of the parcels. A copy of the deed demonstrating Applicant’s ownership dated 10/15/2020 and recorded at Reception No. 2020100887 in the Records of the C&R Douglas Cty, is attached as Exh. A. Applicant Certifies: Applicant owns the Subject Property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the Subject Property. Applicant certifies compliance with the notice requirements of C.R.S § 37-92-302(2). The Application: Applicant seeks a decree adjudicating all of the not nontributary (NNT) and nontributary (NT) groundwater in the Denver Basin aquifers, including the Denver, Undifferentiated Arapahoe, and Laramie-Fox Hills aquifers underlying the Subject Property; the actual aquifers will be those that are determined to be available underlying the Subject Property in accordance with the Denver Basin Rules (2 CCR 402-6). Applicant claims the right to drill and complete wells within the Denver, Undifferentiated Arapahoe, and Laramie-Fox Hills aquifers as may be needed or desired anywhere on the subject property to recover and to use all physically and legally available water from those subject aquifers. Name of Structure: VDM Sport Horses Well. Source: Nontributary Undifferentiated Arapahoe Aquifer. Depth: 1,300 ft. Estimated Rates of Withdrawal and Groundwater Available: Estimated Rates of Withdrawal. Pumping from the Well shall not exceed 100 g.p.m. The actual pumping rate will depend on the aquifer conditions and well production capabilities. The Applicant requests the right to withdraw water at rates of flow necessary to withdraw the entire decreed amount. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Groundwater Available. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Subject Property. Said amount may be withdrawn over the 100-year life of the aquifer pursuant to C.R.S § 37-90-137(4), withdrawn over a longer time pursuant to local land use regulations, or withdrawn subject to the banking provisions of Rule 8.A of the Statewide Nontributary Groundwater Rules, 2 CCR 402-7, as those rules may be amended. Applicant estimates the following values and average annual withdrawals as representative of the Denver Basin aquifers underlying the Subject Property. Although Applicant has estimated the amount of water available, Applicant requests the right to revise the estimates based on revised data, without the necessity of amendment to or republication of this application, in a final decree pursuant to C.R.S § 37-90-137(4)(d) and § 37-92-305(11).

<b>Aquifer</b>	<b>Net Sand (Feet)</b>	<b>Total Appropriation (Acre Feet)</b>	<b>Annual Average Withdrawal – 100 Years (Acre Feet)</b>
Denver (NNT)	225	1,679	16.79
Arapahoe (NT)	350	2,612	26.12
Laramie-Fox Hills (NT)	170	1,119	11.19

Proposed Uses: Livestock watering on farm/ranch/pasture, domestic animals watering, domestic uses in one single family dwelling, equestrian facilities, irrigation, and fire protection. Applicant also requests the right to use, reuse, and successively use to extinction the nontributary groundwater subject to the requirement of C.R.S § 37-90-137(9)(b) that no more than 98% of the annual amount withdrawn shall be consumed. The Applicant seeks to use such water by immediate application or by storage and subsequent application to the beneficial uses described herein. Remarks: The Applicant requests that the court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of groundwater withdrawals to be allowed in order to conform to actual local aquifer characteristics from information obtained from well drilling or test holes pursuant to C.R.S § 37-90-137(4)(d). Existing Wells. One (1) domestic well exists on the Subject Property, Permit No. 31019. *See* Exh. B. Applicant obtained Monitoring Water Well Permit No. 338124, *see* Exh. C. This application does not seek to adjudicate the existing well located on the Subject Property. WHEREFORE, the Applicant respectfully requests the Court enter a Decree (1) granting the request for an underground water right for the VDM Sport Horses Well in the amount of 2,612 AF; and (2) such further relief that the Court may deem appropriate.

**CASE NUMBER 2025CW3038 MCDONALD STARR RANCH, LLC**, c/o Rob McDonald, 2608 Perry Park Ave., Larkspur, CP 80118. (Please direct all pleadings and correspondence to Chris D. Cummins and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921, 719-471-1212). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY**. Applicant seeks a finding of reasonable diligence for the remaining conditional water rights in McDonald Ditch Nos. 1 and 2 and McDonald Reservoir Nos. 1, 2, 3, and 4 (collectively, "Conditional Water Rights"), which were originally decreed in Case No. 87CW321(C), District Court, Water Division 1, and for which findings of reasonable diligence were found in Case Nos. 98CW347 and 18CW3147. McDonald Ditch No. 1 (WDID 0800566). July 30, 2012, Case No. 87CW321(C). Subsequent Decrees Finding Reasonable Diligence: Case Nos. 98CW347 and 18CW3147. The headgate for the McDonald Ditch No. 1 is located at a point in the SW1/4 SE1/4 of Section 30, Township 9 South, Range 67 West of the 6th P.M., Douglas County, Colorado, from which the SE corner of said Section 30 bears South 58 degrees East, a distance of 1850 feet. Source: An unnamed tributary to West Plum Creek. Appropriation Date: April 25, 1863 for the absolute portion of the McDonald Ditch No. 1 water right; December 31, 1900 for the conditional portion of the McDonald Ditch No. 1 water right. Amount: 2 c.f.s. (900 g.p.m.), absolute; 2 c.f.s. (900 g.p.m.), conditional. Uses: Irrigation. McDonald Ditch No. 2 (WDID 0800567). July 30, 2012, Case No. 87CW321(C). Subsequent Decrees Finding Reasonable Diligence: Case Nos. 98CW347 and 18CW3147. The headgate for the McDonald Ditch No. 2 is located at a point in the NE1/4 NE1/4 of Section 25, Township 9 South, Range 68 West of the 6th P.M., Douglas County, Colorado, from which the NE corner of said Section 25 bears North 5 degrees East, a distance of 1200 feet. Source: An unnamed tributary to West Plum Creek. Appropriation Dates: April 25, 1863 for the absolute portion of the McDonald Ditch No. 2 water right; December 31, 1900 for the conditional portion of the McDonald Ditch No. 2 water right. Amount: 2 c.f.s. (900 g.p.m.), absolute; 2 c.f.s. (900 g.p.m.), conditional. Uses: Irrigation. McDonald Reservoir No. 1 (WDID 0803335). July 30, 2012, Case No. 87CW321(C). Subsequent Decrees Finding Reasonable Diligence: Case Nos. 98CW347 and 18CW3147. Located at a point in the SW1/4 SE1/4 of Section 30, Township 9 South, Range 67 West of the 6th P.M., Douglas County, Colorado, whence the SE corner of said Section 30 bears South 54 degrees East a distance of 1850 feet. Source: Unnamed tributaries of West Plum Creek, a tributary of the South Platte River. Appropriation Date: December 31, 1954. Amount: 4.0 acre-feet, absolute; 4.0 acre-feet, conditional. Uses: Irrigation. McDonald Reservoir No. 2 (WDID 0803336). July 30, 2012, Case No. 87CW321(C). Subsequent Decrees Finding Reasonable Diligence: Case Nos. 98CW347 and 18CW3147. Legal Description: Located at a point in the SW1/4 SE1/4 of Section 30, Township 9 South, Range 67 West of the 6th P.M., Douglas County, Colorado, whence the SE corner of said Section 30 bears South 72 degrees East a distance of 2700 feet. Source: Unnamed tributaries of West Plum Creek, a tributary of the South Platte River. Appropriation Date: July 31, 1962. Amount: 6.0 acre-feet, absolute; 6.0 acre-feet, conditional. Uses: All claimed beneficial uses other than irrigation for the 6.0 acre-feet, absolute. Irrigation for the 6.0 acre-feet, conditional. McDonald Reservoir No. 3 (WDID 0803337). July 30, 2012, Case No. 87CW321(C). Subsequent Decrees Finding Reasonable Diligence: Case Nos. 98CW347 and 18CW3147. Located at a point in the NE1/4 NE1/4 of Section 25, Township 9 South, Range 68 West of the 6th P.M., Douglas County, Colorado, whence the NE corner of said Section 25 bears North 74 degrees East a distance of 250 feet. Source: Unnamed tributaries of West Plum Creek, a tributary of the South Platte River. Appropriation Date: May 1, 1980. Amount: 5.0 acre-feet, absolute; 5.0 acre-feet, conditional. Uses: All claimed beneficial uses other than irrigation for the 5.0 acre-feet, absolute. Irrigation for the 5.0 acre-feet, conditional. McDonald Reservoir No. 4 (WDID 0803338). July 30, 2012, Case No. 87CW321(C). Subsequent Decrees Finding Reasonable Diligence: Case Nos. 98CW347 and 18CW3147. Legal Description: Located at a point in the NE1/4 NE1/4 of Section 25, Township 9 South, Range 68 West of the 6th P.M., Douglas County, Colorado, whence the NE corner of said Section 25 bears North 5 degrees East a distance of 1300 feet. Source: Unnamed tributaries of West Plum Creek, a tributary of the South Platte River. Appropriation Date: September 1, 1983. Amount: 5.0 acre-feet, conditional. Uses: Irrigation. Per the diligence decree entered in Case No. 98CW347, the Conditional Water Rights are part of Applicant's integrated water supply

system, which consists of surface water rights and storage water rights, including previously decreed absolute water rights associated with each one of the structures described herein. Pursuant to C.R.S. § 37-92-301(4)(b), work on one component of an integrated system shall be considered in finding that reasonable diligence has been shown for all components of the integrated system. During the subject diligence period, Applicant has outlaid the following expenditures or completed the following work related to the Conditional Water Rights and integrated water supply system: Applicant employs a ranch hand, who is paid at a rate of approximately \$2000 per month, whose duties include working on the subject Conditional Water Rights and their appurtenances, as described in more detail below. Each year during this diligence period, McDonald Ditch Nos. 1 has undergone routine maintenance, including cleaning and removal of branches and other debris. In 2020, repairs and maintenance were completed on the headgate overflow pipe and reset for McDonald Ditch No. 1. This work, along with annual maintenance of the ditch, cost approximately \$600 to complete. On April 13, 2022, Applicant's predecessors in interest, Roderick J. McDonald and Roderick J. McDonald as Personal Representative of the Estate of Sylvia H. McDonald, conveyed these Conditional Water Rights, along with other decreed water rights related to the Applicant's property and integrated water supply system, to Applicant by Quit Claim Deed. During this diligence period, there has been minimal water flow to the Applicant's property to utilize the Conditional Water Rights to their full capacity, as decreed. As such, despite Applicant's continued maintenance and upkeep of these water diversion and storage structures, Applicant has been unable to make any additional portion of these Conditional Water Rights absolute, nor has Applicant been able to divert a sufficient amount of water to irrigate Applicant's property. Applicant and Applicant's predecessors in interest have also incurred approximately \$905 in legal expenses concerning the Conditional Water Rights during this diligence period. Applicant does not seek to make any portion of the Conditional Water Rights absolute. Applicant owns the land where the Conditional Water Rights are located. (7 Pages)

**CASE NUMBER 2025CW3039 BOW MAR OWNERS, INC. AND BOW MAR SOUTH, INC.,** Bow Mar Owners, Inc., 5380 Lakeshore Drive, Littleton, CO 80123; Email: president@bowmarcolorado.com; Telephone Number: (303) 437-2032 and Bow Mar South, Inc., c/o Keystone, 2851 S Parker Rd, Ste. 840, Aurora, CO 80014; Email: jhall@keystonepacific.com; Telephone Number: (303) 369-0800. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE IN WELD, ADAMS, DENVER, ARAPAHOE, AND JEFFERSON COUNTIES. PLAN FOR AUGMENTATION** 2. Names of Structures to be Augmented: Patrick Reservoir (a/k/a Bowles Lake, a/k/a Patrick Bennett Reservoir), Upper Tule Reservoir, and Lower Tule Reservoir (collectively the "Lakes"). a. Legal description of structures: i. Patrick Reservoir (a/k/a Bowles Lake, a/k/a Patrick Bennett Reservoir). (1) WDID: 0803522 (2) Location: In the W1/2 of Section 18, Township 5 South, Range 68 West and in E1/2 of Section 13, Township 5 South, Range 69 West of the 6th P.M., in Arapahoe County. (3) Original Decree: Patrick Reservoir was originally decreed as part of the Bowles Reservoirs in Civil Action 6832, February 4, 1884, Arapahoe County District Court. (a) Source: Bear Creek. (b) Amount: 11.06 cfs (original construction) and 15.75 cfs (first enlargement). (c) Use: Irrigation. (d) Appropriation Date: May 10, 1876 (original construction) and May 15, 1880 (first enlargement). (e) Adjudication Date: February 4, 1884. (4) Other Water Rights Associated with Patrick Reservoir: (a) Civil Action 807 on June 9, 1924, Arapahoe County District Court. (i) Source: Seepage from Marston Lake. (ii) Amount: 558 acre feet. (iii) Use: Agricultural and domestic. (iv) Appropriation Date: July 2, 1910. (b) Civil Action 807 on June 16, 1930, Arapahoe County District Court. (i) Source: Seepage, drainage and waste water. (ii) Amount: 555 acre feet. (iii) Use: Irrigation. (iv) Appropriation Date: December 22, 1892. (c) Civil Action 3635 on May 18, 1972, Arapahoe County District Court. (i) Source: Seepage, natural run-off and waste water from South Marston Lake filters and from Marston Lake. (ii) Amount: 1,284 acre feet. (iii) Use: Recreation. (iv) Appropriation Date: March 1, 1895. ii. Upper Tule Reservoir. (1) WDID: 0803520 and 0904326. (2) Location: In the SW1/4 of Section 18, Township 5 South, Range 68 West of the 6th P.M. in Arapahoe

County. (3) Original Decree: Civil Action 807 on June 16, 1930, Arapahoe County District Court. (a) Source: Patrick Reservoir, and seepage from the surrounding country. (b) Amount: 84 acre feet. (c) Use: Irrigation. (d) Appropriation Date: December 22, 1892. iii. Lower Tule Reservoir. (1) WDID: 0803521 and 0904327. (2) Location: In the S1/2 of Section 18, Township 5 South, Range 68 West of the 6th P.M. in Arapahoe County. (3) Original Decree: Civil Action 807 on June 16, 1930, Arapahoe County District Court. (a) Source: Overflow from Patrick Lake and from the seepage and drainage of surrounding grounds. (b) Amount: 90 acre feet. (c) Use: Irrigation. (d) Appropriation Date: December 22, 1892. A location map of the Lakes is attached hereto as **Exhibit A**. 3. Water Rights to be Used for Augmentation: a. Replacement Water available to Applicants pursuant to that Non-Potable Replacement Water Lease Agreement between Applicants and the City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water”), dated March 12, 2025. The Replacement Water provided to Applicants pursuant to said Lease will be derived from the water rights listed in **Exhibit C**. b. Applicants seek the ability to add additional or alternative sources of replacement water to the proposed plan for augmentation pursuant to C.R.S. § 37-92-305(8)(c) or successor statutes. 4. Does the Applicant intend to change a water right to provide a source of augmentation? No. 5. Complete Statement of Plan for Augmentation: a. Applicants seek approval of a plan for augmentation for the Lakes, the purpose of which plan is to replace the out-of-priority storage and capture of surface in-flows into the Lakes. b. Applicants will determine the amount, timing, and location of out-of-priority depletions caused by out-of-priority storage and capture of surface in-flows into the Lakes, and will replace said depletions as necessary to prevent injury to other water rights by delivery of augmentation water to the South Platte River. The out-of-priority storage and capture of surface inflows into the Lakes replaced will be used for in-lake recreational purposes within the Lakes. If Applicants are unable to replace the out-of-priority storage and capture of surface inflows into the Lakes, then any such out-of-priority storage and/or capture of surface inflows will be released from the Lakes as necessary to prevent injury to other water rights. c. Location of Depletions: Depletions attributable to Applicants’ out-of-priority storage and capture of surface inflows into the Lakes accrue to the South Platte River below Chatfield Reservoir and above West Bowles Avenue, within the SE1/4 of Section 17, Township 5 South, Range 68 West of the 6th P.M. as shown on Exhibit A. d. Locations of Replacement: Applicants will replace the subject depletions by delivery of replacement water to one or more of the following locations, as necessary to prevent injury to other water rights: i. Chatfield Reservoir, the outlet works of which are located in the NE Corner of Section 1, Township 6 South, Range 69 West of the 6th Principal Meridian in Jefferson and Arapahoe Counties. ii. The Lawn Irrigation Return Flows (“LIRF”) Dutch Creek Quantification Point as described in paragraph 23.1.7 of the Decree entered in Case No. 2004CW121 WD1 in the SW1/4 of Section 19, Township 5 South, Range 68 West of the 6th P.M., in Arapahoe County, Colorado. iii. The point where the South Platte Renew Wastewater Treatment Plant outfall discharges to the South Platte River, which is located at Section 28, Township 4 South, Range 68 West of the 6th P.M., in Arapahoe County, Colorado. iv. The point where the Metro Water Recovery Wastewater Reclamation Plant outfall physically discharges to the South Platte River, which is located at Section 1, Township 3 South, Range 68 West of the 6th P.M. in Adams County, Colorado. v. The LIRF Burlington Administration Point as described in paragraph 23.2.1 of the Decree entered in Case No. 2004CW121 WD1, which is located at the Burlington Ditch headgate on the east bank of the South Platte River, in the NE1/4 of the SW1/4, Section 14, Township 3 South, Range 68 West, 6th P.M., in the 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. vi. The point where the South Reservoir Complex Outlet discharges water to the South Platte River, which is located in the SW1/4 of the NE1/4 of Section 1, Township 3 South, Range 68 West of the 6th P.M., in Adams County, Colorado. vii. The confluence of Clear Creek and the South Platte River as located in the SW1/4 of the SE1/4 of Section 36, Township 2 South, Range 68 West of the 6th P.M. in Adams County, Colorado. viii. The LIRF Fulton Ditch Administration Point described in paragraph 23.2.2 of the Decree entered in Case No. 2004CW121 WD1 and located at the headgate of the Fulton Ditch which is located on the east bank of the South Platte River

in the NE1/4 of the SE1/4, Section 17, Township 2 South, Range 67 West, of the 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. ix. The point where the North Reservoir Complex Outlet discharges water to the South Platte River, which is located in the NW1/4 of the NE1/4 of Section 3, Township 2 South, Range 67 West of the 6th P.M., in Adams County, Colorado being 2578.48 feet westerly of the easterly line of said section and 179.01 feet southerly of the northerly line of said section. x. South Adams County Water and Sanitation District Wastewater Treatment Plant outfall, which is located within the SW1/4 of the SE1/4 of Section 17, Township 2 South, Range 67 West of the 6th P.M., in Adams County, Colorado. xi. The point where the Metro Water Recovery Northern Treatment Plant outfall discharges water to the South Platte River, which is located at the SW1/4 of Section 31, Township 1 North, Range 66 West of the 6th P.M. in Weld County, Colorado. xii. The point where the Lupton Lakes Complex Outlet Structure discharges water to the South Platte River, which is located in the SE1/4 of the SW1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M., in Weld County, Colorado. xiii. Any other location on the South Platte River or the tributaries thereto where Denver Water is capable of delivering Replacement Water. A map of the Locations of Replacement is attached hereto as **Exhibit B. Appropriative Right of Exchange** 6. Description of Exchange: Applicants claim an Appropriative Right of Exchange for circumstances in which the depletions associated with the out-of-priority storage and capture of surface in-flows into the reservoirs will deplete the South Platte River at a location upstream of the location at which replacement supplies are delivered to the South Platte River, resulting in a depletion to the South Platte River between the location of the depletion and the location of replacement. a. Exchange-from points: The Locations of Replacement described in paragraphs 5.d.iii through 5.d.xii above. b. Exchange-to point: The Location of Depletions described in paragraph 5.c above. c. Source of Substitute Supply: The Replacement Water described in paragraph 3 above. d. Exchange Rate: 1 cfs e. Appropriation Date: April 14, 2025, the date of filing this application. f. Amount: 120 acre-feet per year. g. Use: Augmentation and replacement of the depletions for the subject Plan for Augmentation. A map of the subject exchange reach and points is shown on **Exhibit B** attached hereto. 7. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: No new structures or modifications of existing structures are proposed herein. WHEREFORE, Applicants request that the Court enter a decree approving the above-proposed Plan for Augmentation including an Appropriative Right of Exchange, and granting such other relief that it deems proper. (12 pgs., 3 Exhibits)

**CASE NUMBER 2025CW3040 ANDREAS RUGLOSKI**, 1964 Mountain View Road, Sedalia, CO 80135. Forward all documents and pleadings to David M. Shohet and Sedona E. Chavez of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212). **APPLICATION TO MAKE CONDITIONAL WATER STORAGE RIGHT ABSOLUTE OR FOR A FINDINGS OF REASONABLE DILIGENCE IN THE ALTERNATIVE IN PARK COUNTY.** Daybreak Pond #2 (WDID 2303011) Legal Description of Location: N1/2 SW1/4 of Section 36, Township 13 South, Range 73 West, of the 6th P.M., Park County, Colorado. Pond Total Capacity and Amount of Water Decreed: 1.23 acre-feet total (0.73 acre-feet absolute, 0.5 acre-feet conditional). Source: Sims Creek, a tributary to the South Platte River. Date of Appropriation: April 13, 2015. Uses: Riparian habitat, wildlife habitat, fish propagation, wetlands enhancement, erosion control, livestock watering, and storage for these uses. Places of Use: All uses are made on the Applicant's property. Ownership: Applicant owns the land where Daybreak Pond #2 is located. The Applicant seeks to make absolute the remaining conditional water storage right decreed in Case No. 17CW3172 for the Daybreak Pond #2. Applicant has stored the entirety of the 1.23 acre-feet in Daybreak Pond #2, including the 0.5 acre-feet that was decreed conditional in Case No. 17CW3172, and the water stored has been applied to beneficial use. The Applicant provides the following additional information regarding its absolute claim: Date Water Applied to Beneficial Use: The conditional 0.5 acre-feet of the Daybreak Pond #2 water right was applied to beneficial use on August 28, 2023. Amount: 0.5 acre-feet. Uses: Riparian habitat, wildlife habitat, fish propagation, wetlands enhancement, erosion control, livestock watering, and storage for these

uses. In the alternative of a finding making the remaining conditional water storage right absolute for Daybreak Pond #2, Applicant seeks a finding of reasonable diligence. During the subject diligence period, Applicant has outlaid the following expenditures or completed the following work related to Daybreak Pond #2: Applicant has excavated Daybreak Pond #2, expanding its surface area to 0.35 acres, as permitted under the Case No. 17CW3172 Decree, for which Applicant spent approximately 100 hours preparing and repairing the grade around the pond and three days surveying his property containing Daybreak Pond #2 to identify the property boundaries for excavation. Applicant hired a third party to complete a portion of the excavation work on Daybreak Pond #2, as described in Paragraph IV.A. above, totaling \$11,500. Since the Decree was entered in Case No. 17CW3172, Applicant has been in regular communication with the City of Aurora to coordinate releases of Applicant's contracted for augmentation water from Spinney Reservoir, including water that is used to augment depletions associated with Daybreak Pond #2. Applicant has performed regular maintenance activities on Daybreak Pond #2 and its dam. Applicant owns the land where Daybreak Pond #2 is located and the beneficial use of the water from Daybreak Pond #2 is within the Applicant's property. (4 pages)

**CASE NUMBER 2024CW3041 ANDREW AND BARBARA MIHALY**, 10180 Bayou Gulch Road, Parker, Colorado 80134. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN DOUGLAS COUNTY, COLORADO**. Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarene Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. 2. Overview. Applicants seek to adjudicate the Denver Basin Aquifers underlying approximately 8.45 acres owned by Applicants in Douglas County, Colorado ("Property"), known as 10180 Bayou Gulch Road, Parker, Colorado 80134, depicted on **Exhibit A**. This includes not-nontributary water in the Upper Dawson Aquifer and nontributary water in the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers. Applicants also seek approval of a plan for augmentation for withdrawals of the not-nontributary groundwater from the Upper Dawson Aquifer. 3. Jurisdiction. The Water Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). 4. Underground Water Rights Claimed. A. Wells. Applicants will withdraw the Upper Dawson aquifer groundwater sought to be decreed by this Application through existing Well No. 98911 and pursuant to the plan for augmentation sought herein. Prior to withdrawing the groundwater through Well No. 98911, Applicants will apply to the State Engineer for a new permit in accordance with the decree entered in this case. Applicant may construct additional wells to withdraw the underground water rights claimed herein and prior to constructing any additional wells to withdraw the subject groundwater, Applicants will apply to the State Engineer for a permit to construct that well, and the Applicants request that the Court require, as a condition of the decree entered in this case, that well permits be issued upon application for any such wells in accordance with said decree. B. Legal Description of Wells and Subject Property. The wells will be located on the Property and Applicants seek to adjudicate the Denver Basin Aquifers underlying all of the Property, which is located in the NW1/4 of SW1/4 of Section 29, Township 7 South, Range 65 West, 6th P.M., Douglas County, Colorado. C. Source of Water Rights. The source of the groundwater to be withdrawn from the Upper Dawson Aquifer is not-nontributary as described in C.R.S. § 37-90-103(10.7). The source of the groundwater to be withdrawn from the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers is nontributary. D. Parcel Ownership. Applicants are the sole owners of the Property and have provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). E. Estimated Amounts and Rates of Withdrawal. The wells will withdraw the groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicants waive any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicants, based on the Colorado Division of Water

Resources online aquifer determination tool, estimate the following annual amounts of nontributary and not-nontributary underlie the Property:

<b>Water Supply Availability (af/yr)</b>						
	<b>Upper Dawson</b>	<b>Lower Dawson</b>	<b>Denver</b>	<b>Upper Arapahoe</b>	<b>Laramie-Fox Hills</b>	<b>Totals</b>
<b>Not-Nontributary (NNT)</b>	2.20	0.00	0.00	0.00	0.00	2.20
<b>Nontributary (NT)</b>	0.00	1.10	2.73	3.65	2.41	9.89
<b>Total Combined NNT and NT</b>						12.09

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicants claim the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7. Applicants also claim the right to withdraw less than the average amounts listed above so as to extend the life of the water supply. F. Wellfield. Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below the Property through wells which may be located anywhere on the Property and any additional wells which may be completed in the future as Applicants' wellfields. As additional wells are constructed, well permit applications will be filed in accordance with C.R.S. § 37-90-137(10). G. Proposed Uses. Municipal, domestic, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement. Applicants also claim the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise dispose of the water. H. Places of Use. Applicants seek the right to use the legally available groundwater lying below the Property both on the Property and off the Property. Uses off the Property include, but are not limited to, other lands contiguous to the Property and owned by the Applicant. 5. Description of Plan for Augmentation. A. Groundwater to be Augmented. All withdrawals of not-nontributary Upper Dawson Aquifer groundwater underlying the Property that do not occur through exempt wells, as requested herein. B. Water Rights to be Used for Augmentation: i. Not-nontributary groundwater from the Upper Dawson Aquifer underlying the Property as decreed herein; and ii. Nontributary groundwater from the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers underlying the Property as decreed herein both directly and in the form of return flows. C. Statement of Plan for Augmentation. Sewage treatment for indoor use is provided by non-evaporative septic systems. Consumptive use is expected to be approximately 10% for all groundwater pumped for indoor use to account for any treatment and inhouse loss. For irrigation, sprinkler irrigation is expected to be approximately 85% consumptive and drip irrigation is expected to be approximately 95% consumptive. During pumping, Applicants will replace actual depletions to the affected stream system pursuant to C.R.S. § 37-90-137(9)(c.5). Applicants estimate that depletions occur to the Cherry Creek stream system. Return flows from use of the subject water rights accrue to the South Platte River system via Bayou Gulch, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater in the Laramie-Fox Hills aquifer to meet post-pumping augmentation requirements and may also utilize the return flows generated by the use of nontributary groundwater. WHEREFORE, Applicants respectfully request the Court enter a ruling that: (1) grants the determination of groundwater rights requested herein for the nontributary Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Upper Dawson Aquifer; (2) grants the plan for augmentation described in Paragraph 5; and (3) grants such other and further relief as the Court deems appropriate. (5 pages, 1 exhibit).

**CASE NUMBER 2025CW3042 ATTICUS LAND, LLC, A COLORADO LIMITED LIABILITY COMPANY**, c/o Jake Decoto, 10620 Vollmer Road, Colorado Springs, CO 80908. Please send all pleadings and correspondence to Chris D. Cummins and Sedona E. Chavez, Monson, Cummins, Shohet &



Farr, LLC, 13511 Northgate Estates Drive, Ste. 250, Colorado Springs, CO 80921 (719) 471-1212. **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND PLAN FOR AUGMENTATION IN EL PASO COUNTY.** Applicant owns two parcels of land totaling 120 acres and is seeking to quantify the Denver Basin groundwater underlying said property. Applicant also seeks approval of a plan for augmentation for the use of not-nontributary Dawson aquifer wells for provision of water to a subdivision anticipated for Applicant's property. Property Description. Applicant's property consists of two parcels, more specifically described below. Parcel A: The North half of the Southeast quarter of Section 13, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado; Parcel B: The Southeast quarter of the Southeast quarter of Section 13, Township 11 South, Range 66 West of the 6th P.M., County of El Paso, State of Colorado (collectively, "Applicant's Property"). Applicant's Property is approximately shown on the attached **Exhibit A** map. Applicant intends to divide Applicant's Property into up to 31 parcels. It is anticipated that 30 parcels will vary in size and will be a minimum of 2.5 acres each, and the remaining parcel will be approximately 35 acres in size. Existing Wells. There are no existing wells on the Applicant's Property. Proposed Wells. Applicant proposes up to 31 wells be completed to the Dawson aquifer (one well per lot) on the Applicant's Property, at specific locations not yet determined. Of these wells, 30 will be augmented consistent with the plan for augmentation decreed pursuant to this Application ("Atticus Well Nos. 1 through 30"). The remaining well, to be completed on the approximately 35-acre parcel, will be an exempt well, pursuant to C.R.S. § 37-92-602 ("Atticus Well No. 31"), for which Applicant will reserve 300 acre-feet of Dawson aquifer groundwater, as reflected below. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying Applicant's Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer require the replacement of actual stream depletions. Nontributary. The groundwater to be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying Applicant's Property will be nontributary. Estimated Rates of Withdrawal. Pumping from any well to be drilled on Applicant's Property will not exceed 100 gpm. The actual pumping rates for each and every well will vary according to aquifer conditions and well production capabilities. Applicant requests the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of any well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Groundwater Available. Applicant requests a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code § 8.4.7(C)(1), which is more stringent than the State of Colorado's 100-year life requirement pursuant to C.R.S. § 37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant's Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre-Feet)	Annual Avg. Withdrawal 100 Years (Acre-Feet)	Annual Avg. Withdrawal 300 Years (Acre-Feet)
Dawson (NNT)	475.5	11,022 <sup>1</sup>	110.22	36.74
Denver (NT)	512.5	10,471	104.71	34.90
Arapahoe (NT)	250.1	5,145	51.45	17.15
Laramie-Fox Hills (NT)	209.0	3,825	38.25	12.75

<sup>1</sup> Applicant will reserve 300 acre-feet of Dawson aquifer water to be utilized by Atticus Well No. 31, reducing the total amount available in the Dawson aquifer to the amounts estimated above.

Decreed amounts may vary based upon the State's Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant's Property consisting of domestic (including long-term and short-term rentals), irrigation of lawn and garden, stock water, recreation (including pool and/or hot tub), landscape ponds, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Applicant shall not be entitled to construct a non-exempt well or use water for non-exempt purposes from the not-nontributary Dawson aquifer except pursuant to an approved augmentation plan in accordance with C.R.S. § 37-90-137(9)(c.5), including as decreed herein for the authorized Dawson aquifer pumping. Well Fields. Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying Applicant's Property. The land and underlying groundwater upon which the wells will be located is owned by the Applicant. A. Structures to be Augmented. The structures to be augmented are Atticus Well Nos. 1 through 30, to be completed to the Dawson aquifer, along with any replacement or additional wells associated therewith, in the N1/2 of the SE1/4 and the SE1/4 of the SE1/4 of Section 13, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado. Each of these wells will be located on one of the up to 30 lots to be subdivided on Applicant's Property, not including the one anticipated 35-acre lot, which will contain the exempt Atticus Well No. 31. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from Atticus Well Nos. 1 through 30 to be drilled on Applicant's Property, together with water rights from the nontributary Laramie-Fox Hills and Arapahoe aquifers for any injurious post-pumping depletions. Statement of Plan for Augmentation. Applicant seeks to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Atticus Well Nos. 1 through 30 described herein. Water use criteria and their consumptive use component for replacement of actual depletions for the Applicant's Property are estimated as follows: Uses. Pumping from the Dawson aquifer will be a maximum of 24.086 acre-feet of water per year. Such uses shall be for domestic (including long-term and short-term rentals), irrigation of lawn and garden, stock water, recreation (including pool and/or hot tub), landscape ponds, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. Amounts. Atticus Well Nos. 1 through 30 will each pump a maximum total of 0.8029 acre-feet, for a maximum total of 24.086 acre-feet being withdrawn from the Dawson aquifer annually. Such use shall be a combination of domestic (including long-term and short-term rentals), irrigation of lawn and garden, stock water, recreation (including pool and/or hot tub), landscape ponds, commercial, fire protection, and also for storage and augmentation purposes associated with such uses. An example breakdown of this combination of use for each lot is in-house use of 0.26 acre-feet of water per year, with the additional 0.5429 acre-feet per year available for the remaining uses to be permitted, described herein. Depletions. It is estimated that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 22.42% of pumping. Maximum annual depletions for total pumping from all wells are therefore 5.40 acre-feet in year 300 (*i.e.* 22.42% of pumping). Should Applicant's pumping be less than the 24.086 acre-feet total per year described herein, resulting depletions

and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of a well completed to the Dawson aquifer. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10%. At a household use rate of 0.20 acre-feet per residence per year, 0.18 acre-feet is replaced to the stream system per year from each residence, assuming the use of non-evaporative septic systems, or 5.40 acre-feet combined from 30 residences. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post-Pumping Depletions. For the replacement of any injurious post-pumping depletions that may be associated with the use of Atticus Well Nos. 1 through 30, Applicant will reserve up to the entirety of the water from the nontributary Laramie-Fox Hills aquifer and 1,780.8 acre-feet from the nontributary Arapahoe aquifer, accounting for actual stream depletions replaced during the pumping period, as necessary to replace any injurious post-pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post-pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post-pumping depletions will be noninjurious. The reserved nontributary Laramie-Fox Hills and Arapahoe groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive well permits for the Atticus Well Nos. 1 through 30, and any replacement or additional wells, for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte system, where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. (7 Pages)

**CASE NUMBER 2025CW3043 The TH Ranch, LLC** c/o Ranch Manager, P.O. Box 189, Kersey, Colorado 80644. Copies of all pleadings to: David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202. **APPLICATION FOR CORRECTION FOR AN ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINT OF DIVERSION PURSUANT TO § 37-92-305(3.6), C.R.S. IN WELD COUNTY.** Applicant, The TH Ranch, LLC, ("TH Ranch"), by and through its undersigned counsel, hereby petitions the Court to correct an established but erroneously described point of diversion, as further described herein. 2. Decreed water right for which correction is sought. A. Croissant Bros. Well No. 3-15509 (WDID: 0106178). i. Original decree: Case No. W-955, District Court, Water Division No. 1, Colorado, decree entered May 19, 1972, amended decree entered June 11, 1976. ii. Legal description in original decree: "Well 3-15509 is located at a point 660 feet North and 10 feet East of the SW corner of Section 2, T4N, R63W of the 6th P.M." This location is depicted on the map attached to the Application as Exhibit A (available for inspection at the office of the Division 1 Water Clerk or CCE). iii. Source: Groundwater. iv. Appropriation date: March 31, 1954. v. Amount: 2.44 c.f.s., or 1100 g.p.m. vi. Use: Irrigation. 3. Legal description of the corrected point of diversion. The following described actual location of the Croissant Bros. Well No. 3-15509 is shown on Exhibit A: In the SE¼ SE¼ of Section 3, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado, at a point described as being at UTM coordinates (NAD83, Zone 13 N): UTM\_X: 549684.50 (meters), UTM\_Y: 44652781.14 (meters). 4. Description of error and correction. The discrepancy between the decreed location of the Croissant Bros. Well No. 3-15509 and the actual location of the well is approximately 453 feet. The reason for the discrepancy is unknown. Upon information and belief (Well Registration No. 15509, dated April 20, 1960), the existing well structure has been in the same actual location (described above) since March of 1954, which predates the decree adjudicating the well. Diversions of water at the actual physical location of the well were intended to be made pursuant to the decree confirming the Croissant Bros. Well No. 3-15509. 5.

Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Applicant. WHEREFORE, Applicant respectfully requests that the Court enter an order correcting the established but erroneously described point of diversion for the Croissant Bros. Well No. 3-15509.

**CASE NUMBER 2025CW3044 BANGERT HOLDINGS LLC**, 1420 18 Road, Fruita, CO 81521. Eric K. Trout, McGeady Becher Cortese Williams P.C., 450 E. 17th Ave., Suite 400, Denver, CO 80203. **APPLICATION FOR UNDERGROUND WATER RIGHTS AND A PLAN FOR AUGMENTATION IN ELBERT COUNTY.** Subject Property: 2 contiguous parcels totaling approximately 75.59 acres generally located in the E1/2 and the NW1/4, of the W1/2 of the NE1/4, Township 8 South, Range 65 West of the 6th P.M., and as shown on Exhibit A (the “Subject Property”). Consent to File: The Applicant has permission from the current landowner to file this application, as shown in **Exhibit B**, and a copy of the vesting deed is attached as **Exhibit C**. Lien Holder Certification: There are no mortgage or lien holders, therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one Upper Dawson exempt well on the Subject Property under Well Permit Number 88251 (the “**Existing Well**”). The Existing Well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary (“**NNT**”) as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary (“**NT**”) as defined in C.R.S. § 37-90-103(10.5). Estimated Volumes: Applicant desires to leave no groundwater adjudicated or for exempt purposes. Applicant estimates the following volumes may be available for withdrawal.

Aquifer	Annual Volume 100 Years (acre-feet)	Annual Volume 300 Years (acre-feet)	Total Volume (acre-feet)
Upper Dawson (NNT)	27.20	9.07	2,720
Lower Dawson (NT)	17.40	5.80	1,740
Denver (NT)	24.50	8.17	2,450
Arapahoe (NT)	29.00	9.67	2,900
Laramie-Fox Hills (NT)	26.40	8.80	2,640

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Proposed Plan for Augmentation: Groundwater to be Augmented: 8.05 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 300 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be used in up to seven (7) wells, each well providing up to 1.15 acre-feet per year. Each well will provide in-house use in up to two (2) single-family homes or their equivalent (0.6 acre-feet per year per well), up to 10,000 square-feet of outdoor irrigation of home lawn, garden, and trees (0.5 acre-feet per year per well), watering of up to four (4) large domestic animals (0.05 acre-feet per year per well), storage, and fire protection anywhere on the Subject Property. Applicant reserves the right to amend the amount and uses without amending the

application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and plan for augmentation, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 pages.

**CASE NUMBER 2025CW3045 CARLETON & DEJONG, LLC**, 1580 Lincoln Street, #1200, Denver, CO 80203, (303) 825-1125. P. Andrew Jones, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, 970-235-0252, [ajones@pandrewjones.com](mailto:ajones@pandrewjones.com). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**. 2. Name of Structure/Conditional Water Right: Ream Slough Diversion No. 1. 2.1 Original Decree: Entered in Case No. 00CW159, Dated November 15, 2004, Water Court, Water Division No. 1. 2.2 First Diligence Decree Awarded: Entered in Case No. 10CW274, Dated October 18, 2011, Water Court, Water Division No. 1. 2.3 Second Diligence Decree Awarded: Entered in Case No. 18CW3020, Dated April 16, 2019, Water Court, Water Division No. 1. 2.4 Legal Description of the Point of Diversion: In the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, Township 5 North, Range 65 West of the 6th P.M. 2.5 Source: Tailwater, Drain and Seep Waters accumulating in Sections 14, 23, and 26, Township 5 North, Range 65 West of the 6th P.M. 2.6 Date of Appropriation. September 7, 2000. 2.7 Amount: 1 c.f.s., conditional. 2.8 Uses: Fish and wildlife, recharge, recreation, augmentation, replacement, fire suppression uses, and irrigation of 40 acres in the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, Township 5 North, Range 65 West of the 6th P.M. 3. Name of Structure/Conditional Water Right: Ream Pond. 3.1 Original Decree: Entered in Case No. 00CW159, Dated November 15, 2004, Water Court, Water Division No. 1. 3.2 First Diligence Decree Awarded: Entered in Case No. 10CW274, Dated October 18, 2011, Water Court, Water Division No. 1. 3.3 Second Diligence Decree Awarded: Entered in Case No. 18CW3020, Dated April 16, 2019, Water Court, Water Division No. 1. 3.4 Decreed Location: 3.4.1. Location decreed in 00CW159: In the South one-half (S 1/2) of the Northeast Quarter (NE 1/4) and the North one-half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 14, Township 5 North, Range 65 West of the 6th P.M. 3.4.2. Corrected location decreed in 10CW274: In the Southeast Quarter (SE 1/4) of Section 14, Township 5 North, Range 65 West of the 6th P.M. 3.5 Name and Capacity of Ditches used to fill reservoir, and legal descriptions of points of diversion: 3.5.1. Union Ditch, capacity 188 c.f.s., point of diversion located in the Northeast Quarter (NE 1/4) of Section 18, Township 4 North, Range 66 West of the 6th P.M. 3.5.2. Water diverted from the Ream Slough Diversion No. 1, adjudicated herein, capacity 1 c.f.s., point of diversion in the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, Township 5 North, Range 65 West of the 6th P.M. 3.6 Sources: South Platte River, Drain and Seep Waters accumulating in Sections 14, 23, and 26, Township 5 North, Range 65 West of the 6th P.M. 3.7 Date of Appropriation: September 7, 2000. 3.8 Amount: 20 a.f., conditional, with right to fill and refill as sources are in priority. 3 a.f. out of a total of 20 a.f. was made absolute for fish, wildlife and recreation uses as decreed in 10CW274. 3.9 Uses: Fish and wildlife, recharge, recreation, augmentation, replacement, fire suppression, irrigation of 40 acres in the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14, Township 5 North, Range 65 West of the 6th P.M. 4. Outline of Work Toward Completion of Ream Slough Diversion No. 1 and Ream Pond. 4.1 Since the entry of the diligence decree in 18CW3020, Applicant has continued to design the components of the integrated system and assess the potential uses of the property and water rights, including gravel mining and conservation easement uses. These activities have included extensive surveying, sampling, design and review, and negotiation with interested third parties. Applicant has included the Ream Slough Diversion No. 1 and Ream Pond in planning activities and maintains the intent

to complete these water rights as a part of improvements when economic conditions improve. 4.2 Applicant has maintained existing structures and continued to use the property for farming, fish and wildlife, and conservation uses. These activities include ditch cleaning and dredging, irrigation management and custom farming. Applicant employs a manager whose duties include construction, operation, maintenance, repair, and replacement of the irrigation and water features on the property. 4.3 Applicant has engaged counsel to actively monitor pending cases and water matters, assess development of the water features of the property, engage with third parties, and make requisite filings to maintain the conditional rights. 4.4 Applicant expended \$282,309.51 on the described activities during the diligence period. 5. Integrated System. Ream Slough Diversion No. 1 and Ream Pond (decreed in 00CW159, diligence sought herein) and Cade Junior Water Right and Ream Slough Diversion No. 2 (decreed in 14CW3137, diligence application pending in 24CW3069) are located on the same property, owned by Applicant, and designed to function as an integrated system. As such, Applicants efforts on any of these structures may be considered diligence on all. 6. Current economic conditions beyond the control of Applicant which adversely affect the feasibility of perfecting a conditional water right or the proposed use of water from a conditional water right shall not be sufficient to deny a diligence application, so long as other facts and circumstances, such as those recited herein, show that diligence is present. C.R.S. § 37-92-301(4)(c). 7. Diligence. Claims for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4)(b). Applicant seeks a finding of reasonable diligence for the conditional amounts of the Ream Pond Water Right and the Ream Slough Diversion No. 1 Water Right. 8. Names and addresses of owners of the land upon which structures are located. Applicant is the owner of the land upon which the structures in this Application for Reasonable Diligence are or will be located. DATED: April 29, 2025.

**CASE NUMBER 2025CW3046 CENTRAL COLORADO WATER CONSERVANCY DISTRICT, GROUNDWATER MANAGEMENT SUBDISTRICT OF THE COLORADO GROUNDWATER MANAGEMENT DISTRICT AND WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Ryan M. Donovan, David L. Strait, Nicholas P. Espenan, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Phone: (970) 622-8181, [Ryan@lcwaterlaw.com](mailto:Ryan@lcwaterlaw.com); [dstrait@lcwaterlaw.com](mailto:dstrait@lcwaterlaw.com); [nick@lcwaterlaw.com](mailto:nick@lcwaterlaw.com). **APPLICATION TO MAKE CONDITIONAL WATER RIGHT PARTIALLY ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, JEFFERSON, WELD AND MORGAN COUNTIES**. 1. Name, Address and Telephone Number of Applicants: Central Colorado Water Conservancy District, Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, and the Well Augmentation Subdistrict of the, Central Colorado Water Conservancy District, (collectively “Central”), 3209 West 28th Street, Greeley, Colorado 80631, Telephone: (970) 330-4540 2. Conditional Water Right: 2.1. Name of Structure: Chatfield Reservoir-Refill Right. 2.2. Original Decree: The original decree for the Central’s Chatfield Reservoir-Refill Right was entered in Case No. 15CW3148, on April 5, 2019, Water Division No 1, Weld County, Colorado (“15CW3148 Decree”). 2.3. Legal Description of Structure: The reservoir formed by the Chatfield Dam is an existing structure located on the mainstem of the South Platte River; the right abutment of which is located in Douglas County, Colorado, in Sections 6 and 7, Township 6 South, Range 68 West of the 6th P.M., and the left abutment of which is located in Jefferson County, Colorado, in Section 1, Township 6 South, Range 69 West of the 6th P.M. 2.4. Source: The South Platte River and its tributaries, including Plum Creek. 2.5. Appropriation Date: November 17, 2015. 2.6. Amount: 9,641 acre-feet, conditional. 2.7. Uses: Augmentation, replacement, exchange, irrigation, industrial, recreation, fish, and wildlife, with the right to make successive use of the water, and the right to use and reuse the water to extinction. Reuse following irrigation and industrial uses shall be allowed only pursuant to the terms of a subsequent decree. 2.8. Place of Use. Pursuant to the 15CW3148 Decree, Central shall use water stored pursuant to the Chatfield Reservoir-Refill Right within the boundaries of Central or its subdistricts, as they now exist or as modified in the future. The recreation, fish and wildlife uses shall only occur within Chatfield Reservoir. Central’s augmentation use of the Chatfield Reservoir-Refill Right shall occur in

accordance with the terms and conditions of Central's augmentation plans decreed in Case Nos. 02CW335, 03CW99, and any future augmentation plan decreed by the water court to Central or its subdistricts which includes the Chatfield Reservoir-Refill Right as an augmentation supply. The augmentation use of the Chatfield Reservoir-Refill Right shall only be made to replace the out of priority depletions caused by water rights that are beneficially used within the boundaries of Central or its subdistricts, as they currently exist or as modified in the future. Central's replacement use may occur so as to replace return flows associated with the water rights included in Exhibit 1 to the 15CW3148 Decree, if allowed by the underlying decree, and the return flows for other water rights if allowed by the terms of a future decree of the water court or substitute water supply plan. 3. Outline of Work Toward Completion of Appropriation During the Diligence Period: 3.1. During the diligence period, Central has participated in the Chatfield Reservoir Mitigation Company, Inc., the purpose of which is to conduct such business as may be necessary to satisfy the mitigation obligations of the reallocation project participants, including Central. In addition, Central has continued to negotiate with other Chatfield reallocation project participants regarding acquiring additional storage space in Chatfield Reservoir. 3.2. During the diligence period, Central expended over \$132,306 in legal expenses related to its Chatfield Reservoir water rights and participation in various activities related to the Chatfield Reservoir Mitigation Company and the reallocation project generally. Additionally, Central has invested nearly \$3,612,270 in engineering, assessments, and carriage expenses for its Chatfield Reservoir water rights. Additionally, in 2018 Central spent roughly \$3,921,000 purchasing space in Chatfield Reservoir. Overall, Central has spent approximately \$7,665,576 during the diligence period in connection with its Chatfield Reservoir water rights. 3.3. Integrated System. Central owns numerous water rights and ditch and reservoir structures on the South Platte River and its tributaries which are operated as an integrated system to provide augmentation to over 1,200 member wells in two subdistricts. The conditional right decreed for Chatfield Reservoir-Refill Right is a part of Central's integrated system. During the diligence period, Central undertook many different projects on its integrated system, including but not limited to purchasing water rights, constructing water storage and delivery infrastructure, filing applications for and obtaining decreed water rights and changes of water rights, and participating as an objector in water court cases for the purpose of protecting Central's water rights. 3.4. Applicant is a participant in the Chatfield Reallocation Project. 4. Claims To Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4). From January 1st, 2024 to February 4th, 2024 Central diverted (at a maximum diversion rate of 147.08 cfs) and stored 1,480.02 acre-feet of Central's decreed Chatfield Reservoir-Refill Right for 9,641 acre-feet, in priority, in Central's storage space in Chatfield Reservoir. Central seeks a decree approving 1,480.02 acre-feet of the Chatfield Reservoir-Refill Right absolute. The remaining 8,160.98 acre-feet should remain conditional. As described above, Central's Chatfield Reservoir-Refill Water Right is part of an integrated system under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Central on any water rights or structures which are part of its integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 5. Name and address of owners of land and structure. U.S. Army Corps of Engineers. Omaha District 9307 South Wadsworth Blvd., Littleton, CO 80128-6901 6. WHEREFORE, Central requests the Court enter a decree finding that Central has satisfied the statutory standard of steady application of effort to complete the appropriation described above for Central's Chatfield Reservoir-Refill Right in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the Chatfield Reservoir-Refill Right, that a portion of Central's Chatfield Reservoir-Refill Right should be made absolute as described herein, and that the remaining conditional portion of the water right should continue. This application consists of five (5) pages.

**CASE NUMBER 2025CW3047 (Case No. 18CW3096/02CW330) APPLICATION FOR A FINDING OF REASONABLE DILIGENCE IN WELD COUNTY. 1. NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF APPLICANT: THE CITY OF AURORA,** Colorado, a home rule municipal corporation of the counties of Adams, Arapahoe, and Douglas, acting by and through its Utility Enterprise ("Aurora"): 15151 East Alameda Parkway, Suite 5300 Aurora, Colorado 80012-1555



Telephone: 303-739-7030 E-Mail: [CityAttorneyNotice@auroragov.org](mailto:CityAttorneyNotice@auroragov.org)

**INTRODUCTION** This Application seeks a finding of reasonable diligence on a conditional water storage right originally decreed in Case No. 02CW330, Water Division 1 on June 7, 2012 (hereinafter referred to as the "Original Decree"). The water right for which diligence is sought herein remains subject to all of the terms and conditions set forth in the Original Decree. A finding of diligence was made in 18CW3096 decreed April 16, 2019.

**2. DESCRIPTION OF CONDITIONAL WATER STORAGE RIGHT ("SUBJECT WATER RIGHT"):** Name of Structure: The Aurora-Everist Reservoir, a.k.a. Aurora Everist Reservoir No. 1 (the "Reservoir") will consist of seven interconnected water storage cells surrounded by an impermeable bentonite-based slurry wall keyed into the bedrock of a reclaimed sand gravel pit. There are also two new planned surface diversions to serve the Reservoir. **Date of Original Decree:** June 7, 2012; Case No. 02CW330, District Court Water Division 1, Colorado. **Date of Subsequent Diligence Decrees:** April 16, 2019; Case No. 18CW3096, District Court Water Division 1, Colorado. **Legal Description:** The Reservoir site is approximately 295 acres and will be located within: All of the S1/2 of the NW1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. Those portions of Lots 1, 2, 3 and 4 which lie within the N1/2 of the NW1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M., according to the Division No. 3 Plat as filed by the Lupton Meadows Land Company on June 12, 1909 in Book 5 of Maps at Page 1, except for Parcels A, B, C, D and E, all of which lie within aforementioned Lot 2 and which are more particularly described by Deed recorded October 13, 1969 in Book 616 under Reception No. 1538429, Weld County, Colorado. A parcel of land being Lot 3 of the NE1/4 of Section 25, Township 2 North, Range 67 West of the 6th P.M., according to the Division No. 3 Plat as filed by the Lupton Meadows Land Company on June 12, 1909, in Book 5 of Maps at Page 1, Weld County, Colorado. A parcel of land being that part of Lot 6 lying westerly of the centerline of the South Platte River in the NE1/4 of Section 30, Township 2 North, Range 66 West of the 6th P.M., according to the Division No. 3 Plat as filed by the Lupton Meadows Land Company on June 12, 1909, in Book 5 of Maps at Page 1, Weld County, Colorado. A parcel of land lying westerly of the South Platte River in the NW1/4 NW1/4 SE1/4 of Section 30, Township 2 North, Range 66 West of 6th P.M., consisting of 1.018 acres more or less and which is more particularly described by Deed recorded July 11, 2001, under Reception No. 2865029, Weld County, Colorado. **Points of Diversion.** See Exhibit A. Diversion No. 1, which has not been constructed, is planned to divert surface water from the South Platte River on the west bank of the South Platte River in the NW1/4 of the NE1/4 of the Section 31, 691 feet from the North Section Line, 2,455 feet from the East Section Line, in Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. No ground water shall be diverted from or at Diversion No. 1. Diversion No. 2, which has not been constructed, is planned to divert surface water from the South Platte River on the west bank of the South Platte River in the NE1/4 of the SW1/4 of Section 30, 2,948 feet from the South Section Line, 2,715 feet from the West Section Line, in Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. No ground water shall be diverted from or at Diversion No. 2. The Lupton Bottom Ditch Delivery will utilize capacity of the existing Lupton Bottom Ditch that diverts from the South Platte River on the west bank of the South Platte River in the West 1/2 of Section 19, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. **Water Source For Reservoir.** South Platte River. **Additional Water Sources for Reservoir - Other Fully Consumable Water.** Aurora will also divert and store other fully consumable water that is not subject to this Decree ("Other Fully Consumable Water"). Other Fully Consumable Water includes, but is not limited to, Aurora's fully consumable effluent released after treatment by the Metropolitan Wastewater Reclamation District from any of its treatment facilities, Aurora's Sand Creek Wastewater Treatment Plant and any future wastewater treatment facility operated by Aurora or the Metropolitan Wastewater Reclamation District; decreed lawn irrigation return flows; water rights to be acquired and changed by water court decree in the future; not non-tributary and non-tributary Denver Basin ground water rights that are decreed for Aurora's use; any other water rights that may be decreed for storage in the Reservoir; other water that is decreed to be fully consumable that is purchased, leased or otherwise acquired from others; and the reusable portion of the effluent generated by sewage flows arising in the East Cherry Creek Valley Water and Sanitation District ("ECCV") and delivered to the Aurora system pursuant to the agreement between Aurora and ECCV, dated May 15, 1976, as amended. **Date of**



**Appropriation:** February 21, 2007. **Priority:** 2007. **Date Water Applied to Beneficial Use:** Not applicable, conditional water right. **Amount.** Reservoir: 7,000 acre-feet (conditional) with right of one fill and one refill subject to the annual volumetric limit of Aurora's Prairie Waters Project ("PWP") of 40,000 acre-feet decreed in Case No. 06CW104 and pursuant to the terms and conditions set forth in the Decree. Diversion No. 1: Rate of diversion to storage: 50 cfs (conditional). Diversion No. 2: Rate of diversion to storage: 50 cfs (conditional). Lupton Bottom Ditch Delivery: Rate of diversion to storage: 150 cfs (conditional). **Uses.** Aurora will use the Subject Water Right after storage for all municipal, domestic, commercial, industrial, recreational, fish and wildlife propagation, water treatment, fire protection, irrigation, reservoir evaporation replacement, use as supply or substitute supply for augmentation and exchanges to be decreed for municipal purposes, return flow replacement, augmentation and exchange, and may use, reuse and successively use to extinction for the same purposes, effluent or return flows remaining after the first use of the water for the uses described above subject to the terms and conditions of the Original Decree and Subsequent Diligence Decree in 18CW3096. The place of use of the Subject Water Right will be any area within the existing or future water service area of the City of Aurora, located in Adams, Arapahoe and Douglas Counties, or any extra-territorial area in which the City of Aurora contracts to provide augmentation and/or municipal water service. Recreational, fish and wildlife propagation uses will be confined to the Reservoir. Aurora may fully consume the water diverted under the Subject Water Right after storage and subsequent release, reuse, successive use, further exchange and disposition to the point of extinction subject to the terms and conditions of the Original Decree and Subsequent Diligence Decree. **Size of Reservoir.** Surface Area of Reservoir at High Water Line. Approximately 225 acres. Maximum Depth: 55 feet. **Total Capacity of Reservoir.** **Active Capacity:** 7,000 acre-feet. **Dead Storage:** 0 acre-feet. **3. OTHER PERTINENT INFORMATION.** Aurora will not seek to use any property or point of diversion that Aurora does not own until it has obtained the legal right to do so. **4. CLAIM FOR A FINDING OF REASONABLE DILIGENCE.** Detailed outline of what has been done toward completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed: Pursuant to the Original Decree, the Subject Water Right is part of an integrated system of water rights and structures under C.R.S. 37-92-301(4)(b). It is part of an extensive system for the collection, treatment and distribution of water operated by Aurora. For the purposes of showing diligence toward completion of the appropriative right decreed in the Original Decree, diligent development as to any part of the Aurora water rights system used to operate or benefits from these conditional rights shall be diligence as to the completion of the above right. **Project Specific Efforts:** During the diligence period of February 2019 through April 2025, Aurora has done at least the following work toward completion of the appropriation and application of the Subject Water Right to beneficial use (expenditure numbers are rounded to the nearest \$1,000). **Acquisition of Site:** Aurora has acquired the site for the Aurora Everist Reservoir depicted on Exhibit A. Aurora purchased the reservoir site and conditional storage rights decreed in 02CW330. L.G. Everist is currently mining the site pursuant to its agreement with Aurora. Aurora commissioned an Everist Reservoir Development Master Plan at an expense of approximately \$380,000 and a North Campus Master Plan which integrates the Everist Reservoir facility into Aurora's larger Lower South Platte system at a cost of approximately \$750,000. Aurora delivers water to Aurora-Everist Reservoir through Lupton Bottom Ditch and has constructed a pump station and discharge pipe to deliver water from the completed portion of the Reservoir to the South Platte River. Aurora will add additional pumps and pipe capacity after L.G. Everist finishes mining additional storage capacity. **Prairie Waters Project:** The Prairie Waters Project is a large comprehensive water recapture, supply, storage and treatment project which in part recovers reusable return flows from Aurora's water sources from the South Platte River. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora. Reuse water recovered by this project is one of the sources at Aurora's water treatment plants for replacement under the operations at issue here. During the diligence period, Aurora obtained a decree in Case No. 20CW3058, WD-1, finding reasonable diligence for the water rights decreed conditionally in 03CW414 (decreed April 22, 2014) and 13CW3088 (decreed November 4, 2020), Aurora obtained a decree in Case No. 21CW3028, WD-1, (decreed December 9, 2021) finding reasonable diligence for the water

rights decreed conditionally in 03CW415 (decreed March 2, 2015) and in 14CW3065, and Aurora filed an application in Case No. 23CW3175 seeking to make absolute portions of the rights decreed conditionally in Case No. 06CW104, and 15CW3064, WD-1, and seeking a finding of reasonable diligence on the remainder. Aurora has expended at least \$28,259,000 on elements of the Prairie Waters Project during this diligence period. Metro Wastewater Reclamation District Charges: Aurora expended at least \$230,105,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for the release of this water into the South Platte River Basin as a source of reusable water for storage uses contemplated herein. Sand Creek Water Reuse Plant Improvements: Aurora operates this 5-million-gallon per day facility that provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for the exchanges herein. Improvements of this facility and operating costs completed during this diligence period cost at least \$23,627,000. These improvements are necessary for use of this water as contemplated herein. Quantification and Determination of Lawn Irrigation Return Flows: Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. During this diligence period, Aurora has expended over \$62,000 in engineering costs requantifying the LIRFs adjudicated in Case No. 02CW341 available for uses contemplated herein. Acquisition and Change of Use of Water Rights: Aurora has acquired senior irrigation ditch rights and mutual ditch company shares over the diligence period, including in the South Platte basin at a cost of over \$250,000,000. Aurora has filed change of water right applications to the Division 1 water court to change water rights and has obtained decrees for changes of shares of the Lupton Bottom and Lupton Meadows Ditch ditch companies in 18CW3121, in the Brighton Ditch in 21CW3103 and in the New Brantner Ditch in 21CW3092. Aurora contemplates storing water decreed in these and other cases in Everist Reservoir. **Systemwide Efforts**: During the diligence period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights (expenditure numbers are rounded to the nearest \$1,000). South Platte River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the South Platte River Basin which are necessary for continuation of its reusable supplies from the South Platte River Basin. Spinney Mountain Reservoir: Aurora expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. Spinney is an important upstream reservoir for storage of water that will eventually end up being recovered in Everist Reservoir. Griswold Water Treatment Plant Renovations. This facility treats a portion of the raw water that is delivered to Aurora's customers and subsequently partially recovered in Everist Reservoir. More than \$76,538,000 was spent by Aurora during this diligence period for improvements to this facility. This includes expenditures directly by Aurora for renovation of the facility. Wemlinger Water Treatment Plant Improvements. During this diligence period, Aurora spent more than \$40,398,000 for improvements to the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water that may be recovered in Everist in part after it is delivered to Aurora's customers. Rampart Reservoir Improvement. More than \$20,611,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system, including improvements to the 54" raw water transmission pipeline between Rampart Reservoir and storage and water treatment facilities within the city. Rampart Reservoir is used to store the water that has been exchanged from the Arkansas and Colorado River Basins and transported to the South Platte River before it is transported through the parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines. Improvements to Extend or Improve Water Service in and to Aurora: More than \$123,494,000 was spent by Aurora during this diligence period for extension and upgrade of its water transmission and distribution system necessary to deliver the water that is the subject of the operations described herein to Aurora's customers. Automated Meter Reading System: Aurora spent more than \$18,729,000 during this diligence period for upgrades to its automated

utility reading system. South Platte Exchange: On June 24, 2020, Aurora obtained a decree in Case No. 19CW3185, Water Division 1, granting a finding of reasonable diligence and making absolute portions of conditional exchange rights originally decreed in 79CW375 and decreed as to diligence and partially absolute in Case Nos. 89CW078, 98CW294 and 08CW253. These water rights allow Aurora to exchange certain reusable water from the confluence of Tarryall Creek and the South Platte River to Spinney Mountain Reservoir. Binney Water Purification Facility: This state-of-the-art water purification and recycling plant owned and operated by Aurora treats water for use throughout the city. Over \$17,148,000 was spent by Aurora during the diligence period for improvements to this facility. Arkansas River Basin: Aurora made the following diligence efforts with regard to maintaining and enlarging its water supply system components in the Arkansas River Basin which are necessary for continuation and transport of its reusable supplies from the Arkansas River Basin. Payment for purchase and lease of Rocky Ford Ditch shares. Aurora spent more than \$584,000 during this diligence period for repayment of bonds, including principal and interest, that were issued or refunded for purchase of original Rocky Ford Ditch shares changed in Case No. 83CW18, that are a reusable source for the exchanges herein. Revegetation: Aurora has expended at least \$1,479,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Aurora also expended an additional \$1,413,000 for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). Payments to Otero County: Aurora and Otero County entered into an Intergovernmental Agreement (“IGA”) on February 22, 1994, and amended that Agreement on October 29, 2001, under which Amendment Aurora agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are a reusable source for the exchanges herein. During this diligence period, Aurora made payments in excess of \$378,000. Pueblo Reservoir Storage: During the diligence period, Aurora paid the Bureau of Reclamation more than \$6,858,000 for use of Pueblo Reservoir in the storage and exchange of Arkansas River Basin water upstream for transport and use by Aurora in the South Platte Basin. Intergovernmental Agreement with SECWCD. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District (“SECWCD”), replacing an agreement between the parties dated December 7, 2001. Aurora’s use of Fryingpan-Arkansas facilities for certain water rights is discussed under this IGA. During the diligence period, Aurora made payments of more than \$1,295,000 to SECWCD under this IGA. Agreements for Use of the Holbrook Reservoir System Facilities: On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). Aurora and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. During this diligence period, Aurora made payments of approximately \$563,000 to Holbrook under this agreement. Intergovernmental Agreement with LAVWCD: Pursuant to an Intergovernmental Agreement with the Lower Arkansas Valley Water Conservation District (“LAVWCD”), Aurora paid approximately \$750,000 to LAVWCD for the identification and implementation of infrastructure improvements, research, and investigations designed to assist in the permitting or implementation of water leasing programs in the Lower Arkansas Valley, as well as remediation and restoration efforts in the Fountain Creek Corridor. Recovery of Yield (“ROY”): On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo’s RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. This case lays the foundation for those exchanges. Aurora expended significant sums on these efforts during the diligence period. The ROY partners have acquired land to prospectively be used as a reservoir site at a cost of \$1,160,000 to Aurora. Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch. During this diligence period, Aurora paid the following in annual assessments: approximately \$450,000 for Twin Lakes Company (necessary for storage); at least \$2,040,000 for the Colorado Canal/Lake Henry/Lake Meredith

(necessary for storage); and approximately \$1,450,000 for the Rocky Ford Ditch for the shares attributable to the Subject Rocky Ford Ditch Water Right. Colorado River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the Colorado River Basin that are necessary for continuation of its reusable supplies from the Colorado River Basin. During this diligence period, Aurora negotiated with Objectors in Case No. 19CW3159, Water Division 5, and entered into Stipulations all of the Objectors in that case, which adjudicated an exchange of water released by Aurora from its Twin Lakes Reservoir and Canal Company water rights in the Roaring Fork River basin. A decree in this matter was issued October 31, 2024. During this diligence period Aurora embarked on a rehabilitation project of the Carlton (Busk Ivanhoe) Tunnel. This project will repair damage and cave-ins inside the tunnel that conveys Aurora's Busk Ivanhoe water from Ivanhoe Reservoir to the eastern slope and Turquoise Reservoir. To date this project has cost Aurora over \$4,000,000. Aurora has continued to pursue development of a joint project or projects as contemplated in a 1998 Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company and the Colorado River Water Conservation District. On June 21, 2004, the City of Aurora entered into an additional Water Exchange Agreement with the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Eagle River Water and Sanitation District, the Upper Eagle Regional Water Authority, and Vail Associates, Inc. to supplement a 1998 Water Exchange Agreement. This agreement affects operations of the Homestake water rights and deliveries of reusable water to Aurora for use in the exchanges that facilitate delivery of water to the structure addressed herein. On January 5, 2010, the City of Aurora entered into a Consolidated Water Exchange Agreement to supplement, merge and consolidate the 1998 and 2004 agreements. Aurora seeks to further maximize the operations of the Homestake water rights with these projects. A diligence application was filed by the parties to the agreements in regard to the aforementioned exchange rights in 2023. Homestake Project: During this diligence period, work was done on the Homestake Arkansas River Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Additionally, Homestake Reservoir underwent resurfacing and improvement. Once water is transported over the Continental Divide through the Otero Pump Station and Homestake Pipeline, it is then transported to Spinney Mountain Reservoir in the South Platte Basin. During this diligence period, Aurora prosecuted Case Nos. 23CW3031, 20CW3024 and 23CW3087 in Water Division 5 through the Homestake Partners, comprising the City of Aurora and the City of Colorado Springs Utility. These water court matters seek a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case No. 98CW270, which comprise part of the Homestake Project. On March 31, 2017, Aurora and the City of Colorado Springs jointly filed Case No. 17CW3064 seeking diligence on the Homestake Project exchanges originally decreed in Case No. 95CW272(A), Water Division 5. During this diligence period a decree was entered by the court on June 10, 2018. During this diligence period, Aurora executed a Recovery Agreement (3-27-20) with the United States and Wildlife Service regarding the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program). The purpose of the Recovery Agreement is to formalize Aurora's participation in the Recovery Program, provide certainty that Aurora's Colorado River depletions can occur consistent with the Endangered Species Act, and provide that Aurora will take reasonable actions to support implementation for the Recovery Elements specified in the 1999 Programmatic Biological Opinion. During the previous diligence period, the Upper Colorado River Endangered Fish Recovery Program, Recovery Implementation Program and Recovery Action Plan Participation Agreement (11-01-13) was executed with Northern Colorado Water Conservancy District, and a Ruedi Insurance Water Cost Participation Agreement (11-01-13) with the City and County of Denver. Through implementation of these agreements, the east slope water users' commitment for 5412.5 acre-feet of water annually to the Recovery Program is being met. Aurora has and continues to provide its annual prorata share of operation and maintenance costs associated with these agreements. In addition, Aurora participates and annually contributes to the Colorado Water Congress Colorado River Project for collaboration and support of the Recovery Program by the water users in Colorado, Utah, and Wyoming. Non-Basin Specific: Protection Efforts: During this diligence period, Aurora spent more than \$5,000,000 on legal services for participation in Water Divisions 1, 2 and 5 cases to protect the rights and interests of

Aurora with regard to its water supply system and prosecution of changes of water rights to integrate acquired water rights into Aurora's municipal water rights portfolio. Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment. **5. NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED.** City of Aurora, 15151 E. Alameda Parkway, Suite 5300, Aurora, CO 80012 L.G. Everist, Inc., Attn: Matthew Noteboom, VP-Mountain, 7321 E 88th Ave, Suite 200, Henderson, CO 80640 City of Ft. Lupton, 130 S McKinley Ave., Ft. Lupton, CO 80621 The Lupton Bottom Ditch Company, 11016 County Road 23, Fort Lupton, CO 80621-4611 WHEREFORE, Applicant respectfully requests that the Court find diligence in the development of the appropriative rights as set forth herein and continue the conditional decree for said structures and conditional amounts for the statutory period and provide any other relief it finds just and appropriate in these circumstances.

**CASE NUMBER 2025CW3048 CITY OF WOODLAND PARK, CO, 220 W. South Ave., P.O. Box 9007, Woodland Park, CO 80866. Julianne M. Woldridge, MacDougall & Woldridge, P.C., P.O. Box 7273, Woodland Park, CO 80863. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE, IN TELLER COUNTY.** 2. Names of structures and conditional water rights: Reserve Well #2, Golf Court Hole #11, Lucky Lady No. 5, Lucky Lady No. 6, Lucky Lady No. 7, Golf Course No. 1, Golf Course No. 2, Trout Creek Surface Diversion No. 1, Trout Creek Surface Diversion No. 2, Mule Creek Surface Diversion No. 1, Mule Creek Surface Diversion No. 2, North Water Storage Pond No.1, and North Water Storage Pond No. 2. 3. Previous Decrees: Case No. 02CW253, August 8, 2012 and Case No. 18CW3139, April 8, 2019. 4. Legal Descriptions, amounts, sources, and appropriation dates (structures are located on Exhibit A attached to the application on file with the Water Clerk: a. wells whose source is groundwater tributary to Trout Creek, a tributary of the South Platte River: 1). Reserve Well #2 (Permit No. 214746): location: SW1/4NW1/4, Sec. 12, T.12S., R.69W., 6th P.M., 3,060 feet from the South section line and 727 feet from the West section line; amount: 0.1 c.f.s., conditional; appropriation date: December 17, 1998; approximate depth 652 feet; 2). Golf Course Hole #11 (Permit No. 62681-F): location: SW1/4NE1/4, Sec. 11, T.12S., R.69W., 6th P.M., approximately 2,163 feet from the North section line and 2,455 feet from the East section line; amount: 0.09 c.f.s., conditional (0.16 c.f.s. was made absolute in Case No. 18CW3139); appropriation date: September 19, 2002; approximate depth 60 feet; 3). Lucky Lady No. 5 (no permit): location: SW1/4NE1/4, Sec. 11, T.12S, R.69W., 6th P.M., 2,503 feet from the North section line and 1,782 feet from the East section line; amount: 0.25 c.f.s, conditional; appropriation date: September 19, 2002; 4). Lucky Lady No. 6 (no permit): location: SW1/4NE1/4, Sec. 11, T.12S., R.69W., 6th P.M., 2,328 feet from the North section line and 1,760 feet from the East section line; amount: 0.25 c.f.s., conditional; appropriation date: September 19, 2002; 5). Lucky Lady No. 7 (no permit): location: SW1/4NE1/4, Sec. 11, T.12S., R.69W., 6th P.M., 2,238 feet from the North section line and 1,742 feet from the East section line; amount: 0.25 c.f.s., conditional; appropriation date: September 19, 2002; 6). Golf Course No. 1 (no permit): location: NW1/4NE1/4, Sec. 11, T.12S., R.69W., 6th P.M., 740 feet from the North section line and 2,325 feet from the East section line; amount: 0.25 c.f.s., conditional; appropriation date: September 19, 2002; 7). Golf Course No. 2 (Permit No. 247307): location: NW1/4NE1/4, Sec. 11, T.12S., R.69W.,

6th P.M., 660 feet from the North section line and 2,505 feet from the East section line; amount: 0.25 c.f.s., conditional; appropriation date: September 19, 2002; approximate depth 50 feet; b. surface water rights: 1). Trout Creek Surface Diversion No. 1: location: SW1/4NE1/4, Sec. 11, T.12S., R.69W., 6th P.M., approximately 2,610 feet from the North section line and approximately 1,990 feet from the East section line; amount: 0.50 c.f.s., conditional; source: Trout Creek, a tributary of the South Platte River; appropriation date: October 3, 2002; 2). Trout Creek Surface Diversion No. 2: location: SE1/4SW1/4, Sec. 2, T.12S., R.69W., 6th P.M., approximately 257 feet from the South section line and 2,183 feet from the West section line; amount: 1.5 c.f.s., conditional; source: Trout Creek, a tributary of the South Platte River; appropriation date: October 31, 2002; 3). Mule Creek Surface Diversion No. 1: location: SE1/4SE1/4, Sec. 3, T.12S., R.69W., 6th P.M., approximately 20 feet from the South section line and approximately 180 feet from the East section line; amount: 0.40 c.f.s., conditional; source: Mule Creek, a tributary of Trout Creek, a tributary of the South Platte River; appropriation date: October 3, 2002; 4). Mule Creek Surface Diversion No. 2: location: NE1/4SE1/4, Sec. 3, T.12S., R.69W., 6th P.M., approximately 2,100 feet from the South section line and approximately 180 feet from the East section line; amount: 0.40 c.f.s., conditional; source: Mule Creek, a tributary of Trout Creek, a tributary of the South Platte River; appropriation date: October 3, 2002; c. water storage rights: 1). North Water Storage Pond No. 1: location: SE1/4SW1/4, Sec. 2, T.12S., R.69W., 6th P.M. (off stream); amount: 20 acre-feet, fill and refill, conditional; source: Trout Creek, a tributary of the South Platte River via the Trout Creek Surface Diversion No. 2 described above or fully consumable wastewater effluent exchanged from applicant's Woodland Park Wastewater Treatment Plant outfall in the SE1/4SW1/4 of Sec. 2, T.12S., R.69W., 6th P.M. through an exchange approved in Case No. 02CW254; appropriation date: October 31, 2002; berm height: 0-20 feet; berm length: 570 feet; current active capacity: 20 a.f.; and 2). North Water Storage Pond No. 2: location: SE1/4SW1/4, Sec. 2, T.12S., R.69W., 6th P.M. (off stream); amount: 20 acre-feet, fill and refill, conditional; source: Trout Creek, a tributary of the South Platte River via the Trout Creek Surface Diversion No. 2 described above or fully consumable wastewater effluent exchanged from applicant's Woodland Park Wastewater Treatment Plant outfall in the SE1/4SW1/4 of Sec. 2, T.12S., R.69W., 6th P.M. through an exchange approved in Case No. 02CW254; appropriation date: October 31, 2002; berm height: 0-25 feet; berm length: 950 feet; current active capacity: 20 a.f. 6. Uses: municipal, irrigation, domestic, commercial and industrial purposes within the City's municipal water service area, generally described as Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24, 25, and 26, T.12S. R.69W, 6th P.M. and Sections 6, 7, 18, 19, 30, and 31, T.12S. R.68W., 6th P.M., and as such service area may expand in the future. 7. Applicant seeks findings that it has been reasonably diligent toward or for completion of these conditional appropriations and application of the water to beneficial uses as decreed. These water rights are part of Applicant's unified and integrated water supply system. Activities related to the unified system are evidence of diligent efforts on behalf of each individual water right, and during the diligence period included maintenance and diversion and use of existing water supplies and associated structures, operation of the augmentation plans approved in Case Nos. 86CW376 and 02CW254, and prosecution of applications in Case No. 24CW3048 for findings of diligence for another water right within the City's integrated system. Since the entry of the decree in Case No. 18CW3139 and including the diligence period to date Applicant has and continues to maintain those structures identified as Reserve Well #2, Golf Course Hole #11, Golf Course No. 2, Mule Creek Surface Diversion Nos. 1 and 2, and North Water Storage Pond Nos. 1 and 2. The remaining structures have not yet been constructed. During the diligence period Applicant expended approximately \$57,255.00 for standard operation of these existing structures including for electricity and operation. During the diligence period Applicant expended approximately \$5.029 million in connection with operation and maintenance of its integrated water system. In October of 2021 Applicant published its 2030 Comprehensive Plan. Applicant continues to plan for and evaluate its water supply as part of its comprehensive planning process. 8. Names and addresses of owners of land upon which the diversion or storage structures are or will be constructed: Applicant, Shining Mountain Enterprises, 565 N. Magnolia Ave., El Cajon, CA 92020, and Reserve Homeowners Association, P.O. Box 7003, Woodland Park, CO 80866. 6 pages.

**CASE NUMBER 2025CW3049** (79CW387) (93CW025) (01CW295) (02CW281) (18CW3035)  
**APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY. – 1.**  
**Name, Mailing Address, Phone Number, and E-mail Address of Applicant. CITY OF LAFAYETTE,**  
c/o Cari Bischoff, Water Resources Manager, 1290 South Public Road, Lafayette, Colorado 80026, Phone:  
(303) 604-3542, E-mail: cari.bischoff@lafayetteco.gov. 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 ccfrazier@j-rlaw.com. **2. Overview.** The  
City of Lafayette (“Lafayette”) seeks to continue conditional exchange rights on Coal Creek, Boulder  
Creek, Dry Creek, and South Boulder Creek originally decreed in Case 79CW387 involving (i) reclaimable  
return flows from Lafayette’s municipal service area; (ii) water stored from any source in the Goose Haven  
Reservoir Complex; and (iii) changed Lower Boulder Ditch water. These reclaimable return flows and other  
water supplies are or will be diverted by exchange at (i) the Lafayette Ditch No. 1 and the Lafayette Ditch  
No. 4 on Coal Creek; (ii) the Lower Boulder Ditch and the Lafayette Boulder Creek Pipeline No. 1 on  
Boulder Creek; (iii) the Goodhue Ditch, the South Boulder and Bear Creek Ditch, the point where the New  
Dry Creek Carrier branches from South Boulder Creek, and Gross Reservoir on South Boulder Creek; and  
(iv) the Enterprise Ditch and the Leyner-Cottonwood Ditch on Dry Creek. If not needed for immediate use,  
the exchanged water can be stored in reservoirs which fill using the above-described diversion facilities. A  
map of the subject structures and exchanges is attached as Exhibit A and an exchange matrix is attached as  
Exhibit B. **3. Description of Conditional Exchange Rights.** (a) *Original and Subsequent Decrees.* The  
subject exchanges were conditionally decreed in Case No. 79CW387, Water Division 1, dated March 10,  
1987. A new alternate point of diversion was approved as a point of exchange in Case No. 01CW295, dated  
September 18, 2002. Decrees making portions of some of the exchanges absolute and awarding findings of  
diligence for the remainder were entered in Case No. 93CW025, Water Division 1, dated November 22,  
1996, Case No. 02CW281, Water Division 1, dated February 18, 2012, and Case No. 18CW3035, Water  
Division 1, dated April 16, 2019. (b) *Description of Exchange Termini.* The reaches of the stream system  
affected by the exchanges can be described as follows: (i) Coal Creek. The upstream point is the Lafayette  
Ditch No. 1, located approximately 50 feet west of the east section line and 2,580 feet south of the north  
section line of Section 10, Township 1 South, Range 69 West, of the 6th P.M. The downstream point is the  
confluence of Coal Creek and Boulder Creek, located in the SE1/4 NE1/4 of Section 1, Township 1 North,  
Range 69 West, of the 6th P.M. (ii) Boulder Creek. The upstream point is the confluence of South Boulder  
Creek and Boulder Creek, located near the Southeast Corner of the NE1/4 SW1/4 of Section 22, Township  
1 North, Range 70 West, of the 6th P.M. The downstream point is the confluence of Boulder Creek and  
Coal Creek, as described above. (iii) South Boulder Creek. The upstream point is Gross Reservoir, which  
is an on-stream reservoir located in Sections 19, 20, 21, 29, and 30, Township 1 South, Range 71 West, of  
the 6th P.M. The downstream point is the confluence of South Boulder Creek and Boulder Creek, as  
described above. (iv) Dry Creek a/k/a the Dry Creek Carrier and the New Dry Creek Carrier. The upstream  
point is the confluence of the New Dry Creek Carrier with South Boulder Creek, located in the SW1/4  
SW1/4 of Section 3, Township 1 South, Range 70 West, of the 6th P.M. The downstream point is the  
confluence of Dry Creek with Boulder Creek, located in the NE1/4 SW1/4 of Section 17, Township 1 North,  
Range 69 West, of the 6th P.M. (c) *Legal Description of Diversion Structures.* The locations of the  
structures where the exchanged water can be diverted are described as follows: (i) Lafayette Ditch No. 1  
[WDID 0600880]. The Lafayette Ditch No. 1 diverts from the north bank of Coal Creek at a point  
approximately 50 feet west of the east section line and 2,580 feet south of the north section line of Section  
10, Township 1 South, Range 69 West, of the 6th P.M. (ii) Lafayette Ditch No. 4 [WDID 0600762]. The  
Lafayette Ditch No. 4 diverts from the west bank of Coal Creek at a point approximately 500 feet west of  
the east section line and 1,000 feet north of the south section line of Section 36, Township 1 North, Range  
69 West, of the 6th P.M. (iii) Lower Boulder Ditch [WDID 0600538]. The Lower Boulder Ditch diverts  
from the south bank of Boulder Creek in the SW1/4 SW1/4 of Section 16, Township 1 North, Range 69  
West, of the 6th P.M., at a point approximately 1,100 feet north and 600 feet east of the Southwest Corner  
of said Section 16. (iv) Lafayette Boulder Creek Pipeline No. 1 [WDID 0600948]. The Lafayette Boulder  
Creek Pipeline No. 1 diverts from the south bank of Boulder Creek in the SW1/4 NE1/4 of Section 13,

Township 1 North, Range 70 West, of the 6th P.M., at a point approximately 2,476 feet south of the north section line and 2,500 feet west of the east section line of said Section 13. (v) Goodhue Ditch [WDID 0600650]. The Goodhue Ditch diverts from the south bank of South Boulder Creek in the SE1/4 NE1/4 of Section 20, Township 1 South, Range 70 West, of the 6th P.M., at a point approximately 2,250 feet south and 250 feet west of the Northeast Corner of said Section 20. (vi) South Boulder and Bear Creek Ditch [WDID 0600588]. The South Boulder and Bear Creek Ditch diverts from the north bank of South Boulder Creek in the SE1/4 NE1/4 of Section 20, Township 1 South, Range 70 West, of the 6th P.M., at a point approximately 200 feet west and 1,550 feet south of the Northeast Corner of said Section 20. (vii) New Dry Creek Carrier [WDID 0600902]. The New Dry Creek Carrier is a natural carrier stream that diverts from the east bank of South Boulder Creek in the SW1/4 SW1/4 of Section 3, Township 1 South, Range 70 West, of the 6th P.M., at a point approximately 450 feet east and 70 feet north of the Southwest Corner of said Section 3. (viii) Enterprise Ditch [WDID 0600576]. The Enterprise Ditch diverts from the north bank of the New Dry Creek Carrier in the SW1/4 SW1/4 of Section 3, Township 1 South, Range 70 West, of the 6th P.M., at a point approximately 900 feet east and 70 feet north of the Southwest Corner of said Section 3. (ix) Leyner-Cottonwood Ditch [WDID 0600565]. The Leyner-Cottonwood Ditch diverts from the east bank of Dry Creek in the SW1/4 NW1/4 of Section 30, Township 1 North, Range 69 West, of the 6th P.M., at a point approximately 900 feet east and 2,500 feet south of the Northwest Corner of said Section 30. (d) Legal Description of Places of Storage. The locations of the structures where the exchanged water is or will be stored are described as follows: (i) Henry Waneka Reservoir [WDID 0604203]. Henry Waneka Reservoir is in Section 4, Township 1 South, Range 69 West, of the 6th P.M. (ii) Baseline Reservoir [WDID 0604173]. Baseline Reservoir is in Sections 2 and 3, Township 1 South, Range 70 West, and in Sections 34 and 35, Township 1 North, Range 70 West, of the 6th P.M. (iii) Goose Haven Reservoir Complex [WDID 0603998]. The Goose Haven Reservoir Complex is in Sections 15, 16, 21, and 22, Township 1 North, Range 69 West, of the 6th P.M. (iv) Gross Reservoir [WDID 0604199]. Gross Reservoir is an on-stream reservoir on South Boulder Creek in Sections 19, 20, 21, 29, and 30, Township 1 South, Range 71 West, of the 6th P.M. (e) Source. The following sources of water are available for exchange by Lafayette: (i) Reclaimable Municipal Return Flows. Reclaimable return flows from Lafayette's municipal service area as decreed in Case Nos. W-8346-A-76, W-8346-B(1)-76, W-8347-76, W-8348(1)-76, Consolidated Case Nos. W-8346-B(2)-76 and W-8348(2)-76, 80CW468, 80CW469, and 85CW119. (ii) Goose Haven Reservoir Complex. Water stored from any source in the Goose Haven Reservoir Complex. (iii) Changed Lower Boulder Shares. Water decreed to the Lower Boulder Ditch which Lafayette owns and is entitled to use pursuant to the transfer decree issued in Case No. 80CW468. (f) Appropriation Dates. The appropriation date for each source of water on the applicable stream is set forth below: (i) Reclaimable Municipal Return Flows. (A) Coal Creek. December 31, 1979. (B) Boulder Creek. December 31, 1980. (C) South Boulder Creek. December 31, 1980. (D) Dry Creek. December 31, 1980. (ii) Goose Haven Reservoir Complex. (A) Boulder Creek. January 31, 1985. (B) South Boulder Creek. January 31, 1985. (C) Dry Creek. January 31, 1985. (iii) Changed Lower Boulder Shares. (A) Boulder Creek. June 29, 2001. (B) South Boulder Creek. January 31, 1985. (C) Dry Creek. January 31, 1985. (g) Amounts. The exchanges for each source of water on the applicable stream and at the identified diversion structure are already absolute and requested to be continued as conditional in the amounts set forth below: (i) Reclaimable Municipal Return Flows. (A) Coal Creek. (1) Lafayette Ditch No. 1. 0.91 cfs absolute, 7.09 cfs conditional. (2) Lafayette Ditch No. 4. 0.033 cfs absolute, 7.967 cfs conditional. (B) Boulder Creek (1) Lower Boulder Ditch. 2.0 cfs absolute, 6.0 cfs conditional. (2) Lafayette Boulder Creek Pipeline No. 1. 3.96 cfs absolute, 4.04 cfs conditional. (C) South Boulder Creek. (1) Goodhue Ditch. 8.0 cfs conditional. (2) South Boulder and Bear Creek Ditch. 0.7 cfs absolute, 7.3 cfs conditional. (3) New Dry Creek Carrier. 1.6 cfs absolute, 6.4 cfs conditional. (4) Gross Reservoir. 1.5 cfs, 6.5 cfs, conditional. (D) Dry Creek. (1) Enterprise Ditch. 1.6 cfs absolute, 6.4 cfs conditional. (2) Leyner-Cottonwood Ditch. 8.0 cfs conditional. (ii) Goose Haven Reservoir Complex. (A) Boulder Creek. (1) Lafayette Boulder Creek Pipeline No. 1. 6.2 cfs absolute, 8.8 cfs conditional. (B) South Boulder Creek. (1) Goodhue Ditch. 25.0 cfs conditional. (2) South Boulder and Bear Creek Ditch. 25.0 cfs conditional. (3) New Dry Creek Carrier. 2.9 cfs absolute, 22.1 cfs conditional. (4) Gross Reservoir. 25.0 cfs conditional. (C) Dry Creek. (1) Enterprise Ditch. 2.9 cfs absolute, 22.1 cfs conditional. (2) Leyner-



Cottonwood Ditch. 25.0 cfs conditional. (iii) Changed Lower Boulder Shares. (A) *Boulder Creek*. (1) Lafayette Boulder Creek Pipeline No. 1. 10.9 cfs absolute, 1.6 cfs conditional. (B) *South Boulder Creek*. (1) Goodhue Ditch. 12.5 cfs conditional. (2) South Boulder and Bear Creek Ditch. 2.3 cfs absolute, 10.2 cfs conditional. (3) New Dry Creek Carrier. 5 cfs absolute, 7.5 cfs conditional. (4) Gross Reservoir. 7.6 cfs absolute, 4.9 cfs conditional. (D) *Dry Creek*. (1) Enterprise Ditch. 5 cfs absolute, 7.5 cfs conditional. (2) Leyner-Cottonwood Ditch. 12.5 cfs conditional. (h) Decreed Uses. The exchanged water is used by Lafayette for municipal, domestic, irrigation, commercial, industrial, replacement, exchange, augmentation, recreational, piscatorial and wildlife propagation purposes. The water is treated for distribution to customers of the municipal utility system, or the water is used without treatment for the irrigation of Lafayette owned land and other greenbelt areas within the municipal service area. The water is also stored for use at later times. **4. Claim for Finding of Reasonable Diligence**. Lafayette seeks to continue as conditional all the exchanges and portions thereof decreed in Case No. 79CW387, as modified in Case No. 01CW295, that have not already been recognized as absolute. During the subject diligence period from April 2019 through present, the following activities have been performed to put the subject water rights to beneficial use, and show that Lafayette continues to have a need for the conditional exchange rights: (a) Continued Operations and Accounting. Lafayette continues to operate the subject exchanges on a regular basis, including as part of its normal water supply and operations. This is reflected in Lafayette's accounting submitted monthly to the Division of Water Resources. (b) Other Exchange Decrees. Lafayette prosecuted diligence applications in Case Nos. 19CW3020, 19CW3201, and 20CW3017, which involved other conditional exchange rights on Coal Creek, Boulder Creek, Dry Creek, and South Boulder Creek. The decrees were entered on October 13, 2019, June 17, 2020, and August 27, 2020, respectively. (c) Goose Haven Expansion. The storage capacity of the Goose Haven Reservoir Complex continues to be expanded. In addition, a diligence application for its storage right was prosecuted in Case No. 22CW3070, with a decree entered on November 23, 2022. (d) Water Reclamation Improvements. The City is in the process of retrofitting its wastewater treatment plant with new high-performance state-of-the-art technologies, which will both benefit regional water quality and be used as part of the exchange program. (e) Other System Improvements. Lafayette also continues to plan for, design, and implement other major water supply system improvements, including reuse lines, storage expansions, and new water treatment facilities. (f) Gross Reservoir Environmental Pool. Denver Water has continued to construct its Gross Reservoir Expansion Project. This enlarged capacity will be used, in part, to store exchanged water from Case No. 79CW387. Lafayette has paid Denver for its participation in the project and portion of the storage capacity in the Gross Reservoir Environmental Pool. (g) New Dry Creek Carrier Headgate Project. Lafayette is coordinating with other water users to replace and modernize the New Dry Creek Carrier diversion structure. The project will allow for more efficient operations on the New Dry Creek for these exchanges. (h) Shareholder Assessments. The City continues to participate in Boulder County ditch companies that are included as part of the reclaimable municipal supplies and changed shares exchanged under the subject water rights, including paying regular assessments. (i) Other Water Court Cases. Lafayette also coordinated with the City of Boulder on a water storage application for the Gross Reservoir Environmental Pool as envisioned in Intergovernmental Agreements with the City and County of Denver, acting by and through its Board of Water Commissioners, and the City of Boulder. That decree was entered on February 11, 2021, in Case No. 17CW3212. Lafayette has also participated as an opposer in numerous Water Court matters to protect the conditional exchange rights being continued in this case. (j) General Costs. Lafayette has also incurred general operational, engineer, and legal costs during the subject diligence period relating to the subject rights, including diverting the subject rights, operating Lafayette's water and wastewater treatment system, and monitoring and evaluating other water rights cases on Coal Creek, Boulder Creek, South Boulder Creek, and Dry Creek to protect the subject exchanges and other water rights in its portfolio against injury. **5. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located**. There are no modified diversion or storage structures associated with this application. WHEREFORE, for all of the foregoing reasons, Lafayette respectfully requests that the Water Court enter a decree finding that Lafayette has been diligent with respect to developing the exchanges decreed in Case No. 79CW387 not already made absolute, and order that such exchanges be continued in

full force and effect for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute. (9 pages plus exhibits)

**CASE NUMBER 2025CW3050 (16CW3198); FOUR MILE FIRE PROTECTION DISTRICT** (the “District”), 1740 Four Mile Canyon Drive, Boulder, CO 80302, (303) 449-3333. Please forward all pleadings, correspondence, and inquiries regarding this matter to CURTIS, JUSTUS, & ZAHEDI, LLC, Ashley Pollock Zahedi, #39795, Alan G. Hill, #11343, Andrea Bonato-Gach, #60705, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234, (303) 595-9441. [alanh@cjzwaterlaw.com](mailto:alanh@cjzwaterlaw.com), [ashleyz@cjzwaterlaw.com](mailto:ashleyz@cjzwaterlaw.com), [andib@cjzwaterlaw.com](mailto:andib@cjzwaterlaw.com). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN BOULDER COUNTY.** 2. Name of Structures: The structures involved in this case were decreed in Case No. 16CW3198 and named as follows: A. Black Swan Pond. B. Walsh Pond. C. Kier Ponds. D. Sunset Pond. 3. Four Mile Fire Protection District Background: The District is an all-hazard agency, responding to structure fires, wildland fires, motor vehicle accidents, rescues, and other incident types. The District was founded in 1962, in the foothills of the Rocky Mountains, just west of Boulder, Colorado. The District serves rural communities in a high-risk wildland urban interface. It protects about 7,840 acres (approximately 15 square miles) that comprises a patchwork of public lands mixed with mining claims, historic homes, and new residences extending in a shoestring shape along the steep drainages of several mountain creeks. This area includes approximately 1,000 residents. The District operates a robust wildland fire program that supports initial attack and suppression activities in Boulder County, as well as throughout the state of Colorado and the Country. Therefore, the fire crew and volunteers attend regular trainings to be prepared in wildfire response and emergency situations of almost all type, scale, and complexity and integrate effectively with volunteer resources and other emergency response agencies to save lives and preserve property. 4. Four Mile Fire Protection District System: In order to provide essential fire protection to the Four Mile Canyon and surrounding areas, the District obtained water storage rights and a plan for augmentation decreed in Case No. 16CW3198 for four off-channel ponds (the “Ponds”) used as sources of water for firefighting and training by the District. A map showing the location of the Ponds is attached as Exhibit A. The Ponds are located along a seven-mile reach of Four Mile Creek in west Boulder County. The Four Mile Creek basin is populated with low to moderate density rural residences that are typically supplied by low-capacity individual domestic wells. The Ponds provide the only substantial water supply that is locally available to fight wildfires and structure fires in the basin. The Ponds are all off-stream structures that are kept full by continuous diversions from Four Mile Creek to have water available for firefighting and training purposes. Water is withdrawn from the Ponds by various methods, including pumping from storage cisterns, infiltration tanks, lift stations, and installed hydrants that are used to rapidly fill fire truck tanks during a fire emergency. Water from the Ponds is delivered into the tanks via on-board pumps and hoses on the fire trucks. In a fire emergency, water is also lifted from the Ponds in 300-gallon buckets via helicopter. The District conducts approximately four training exercises a year when water is drafted to a truck, transported, and pumped on a simulated fire. It is essential that the Ponds be kept full at all times so that adequate water supplies are available to fight fires with unpredictable occurrences. The Ponds are kept full by continuous diversions (“Freshening Flows”) from Four Mile Creek. The Freshening Flows allow for sufficient suction head for fire pumps and keep the stored water free of algae and other aquatic growth that could foul the pumping facilities. These Freshening Flows are part of the plan for augmentation decreed in Case No. 16CW3198 to replenish water that is occasionally used for firefighting and training and to replace water that is continuously lost to evaporation and seepage. The Freshening Flows diverted in excess of the volume needed to keep the Ponds full are returned immediately to Four Mile Creek via overflow outlet structures on each Pond. 5. Summary of Application: The District’s Freshening Flows are an integral part of the District’s system to ensure adequate water supplies are available to fight fires. A portion of the Freshening Flows inflow rate for each Pond was decreed absolute in Case No. 16CW3198 (“Absolute Rights”). In this Application, the District seeks a finding of reasonable diligence for the District’s conditional portion of the Freshening Flows inflow rate for each Pond (“Conditional Rights”) decreed in Case No. 16CW3198. The Conditional Rights divert from segments of Four Mile Creek located within an instream flow reach and are fully depletive between the point of diversion and point of return.

Once made absolute, the Conditional Rights will allow more flexibility in operating the Ponds and will bolster the District's emergency preparedness with increased Freshening Flows to the Ponds, subject to satisfying the instream flow water rights in the fully depleted reaches of Four Mile Creek when necessary. Along with the Absolute and Conditional Rights for Freshening Flows, Case No. 16CW3198 also decreed the District's plan for augmentation to replace out-of-priority depletions to Four Mile Creek resulting from operation of the Ponds. The portions of the District's Freshening Flows previously decreed absolute and its plan for augmentation are not at issue in this Application. The Conditional Rights at issue in this Application are as follows: A. Black Swan Pond: 0.75 cfs, conditional. B. Walsh Pond: 0.75 cfs, conditional. C. Kier Ponds: 0.75 cfs, conditional. D. Sunset Pond: 0.75 cfs, conditional. See map showing the location of the Ponds attached as Exhibit A. 6. Previous Diligence Decrees: None. 7. Description of Conditional Water Rights Not Yet Decreed Absolute: A. Date of original decree and all subsequent decrees: i. Original decree: All of the Conditional Rights were originally decreed in Case No. 16CW3198 on April 16, 2019, in the District Court for Water Division No. 1. ii. Subsequent decrees: None. B. Location, source, appropriation date, and amount for each of these rights: i. Black Swan Pond: a. Prior decree: Entered April 20, 1982, in Case No. 81CW413, District Court for Water Division No. 1, Colorado, adjudicating a storage water right with an appropriation date of May 1, 1969, in the amount of 0.3 acre-feet with the right to refill continuously when in priority for recreation, fish and wildlife propagation, and well recharge. b. Legal description: 1. Location of Reservoir: NE1/4 SW1/4 of Section 17, Township 1 North, Range 71 West of the 6th P.M. in Boulder County, Colorado at a point 2,410 feet from the South section line and 1,830 feet from the West section line. 2. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Black Swan Feeder that diverts from the east bank of Four Mile Creek in the NE1/4 SW1/4 of Section 17, Township 1 North, Range 71 West of the 6th P.M. in Boulder County, Colorado at a point 2,510 feet from the South section line and 1,810 feet from the West section line. c. Source: Four Mile Creek 1. Date of Appropriation (other than augmentation): May 1, 1969. 2. Date of appropriation for augmentation use: December 30, 2016. 3. How appropriation was initiated: Field investigation, engineering investigation, design work and commencement of construction. 4. Date water applied to beneficial use: May 1, 1969. 5. Sources filling the structure: i. Diversions from Four Mile Creek. ii. Direct precipitation on the reservoir. iii. Local runoff and tributary inflows to the reservoir. d. Amount: 1. In acre-feet: 0.3 acre-feet, absolute, with the right of continuous and multiple refills when in priority. 2. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: 1.0 cfs, of which 0.25 cfs is absolute and senior to the Instream Flow Water Rights pursuant to C.R.S. § 37-92-102(3)(b), for the uses consistent with the terms and conditions in paragraph 3.7 of the decree in Case No. 16CW3198. The remaining 0.75 cfs is conditional. e. Use: Fire protection and training, recreation, fish and wildlife propagation, well recharge, and augmentation of the out-of-priority diversions described in the decree for Case No. 16CW3198. f. Surface area of high water line: 0.06 acres. g. Total capacity of reservoir in acre-feet: 0.3 acre-feet, all active capacity accessible via pumping. There is no dead storage in the reservoir. h. Name and address of owners of land on which structure for water right is located: 1. Black Swan Joint Venture. i. Physical Address: 4719 Fourmile Canyon Drive, Boulder, Colorado 80302. ii. Mailing Address: P.O. Box 1281, Boulder, Colorado 80306. 2. Robert and Patricia Beebe. i. Physical Address: 4451 Fourmile Canyon Drive, Boulder, Colorado 80302. ii. Mailing Address: P.O. Box 1281, Boulder, Colorado, 80306. ii. Walsh Pond a. Prior decree: None. b. Legal description: 1. Location of Reservoir: NE1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado at a point 730 feet from the North section line and 2,270 feet from the West section line. 2. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Walsh Pond Feeder that diverts from the south bank of Four Mile Creek in the NE1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado at a point 760 feet from the North section line and 2,175 feet from the West section line. c. Source: Four Mile Creek. 1. Date of appropriation (other than augmentation): September 1, 1973. 2. Date of appropriation for augmentation use: December 30, 2016. 3. How appropriation was initiated: Commencement of construction as evidenced by existence of the pond in an October 14, 1973 aerial photograph. 4. Date water applied to beneficial use: October 14, 1973. 5. Sources filling the structure: i. Diversions from Four Mile Creek. ii. Direct precipitation on the reservoir. iii. Local

runoff and tributary inflows to the reservoir. d. Amount: 1. In acre-feet: 0.52 acre-feet, with the right of continuous and multiple refills when in priority. 2. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: 1.0 cfs, of which 0.25 cfs is absolute and senior to the Instream Flow Water Rights pursuant to C.R.S. § 37-92-102(3)(b), for the uses consistent with the terms and conditions in paragraph 3.7 of the decree in Case No. 16CW3198. The remaining 0.75 cfs is conditional. e. Use: Fire protection and training, recreational, piscatorial, and augmentation of the out-of-priority diversions described in the decree for Case No. 16CW3198. f. Surface area of high water line: 0.13 acres. g. Total capacity of reservoir in acre-feet: 0.52 acre-feet, all active capacity accessible via pumping. There is no dead storage in the reservoir. h. Name and address of owner of land on which structure for water right is located: 1. Mike and Layna Hester. i. Physical and Mailing Address: 5928 Fourmile Canyon Drive, Boulder, Colorado 80302. iii. Kier Ponds a. Prior decree: Entered January 20, 2005, in Case No. 02CW304, District Court for Water Division No. 1, Colorado, adjudicating a storage water right with an appropriation date of December 31, 1876, in the amount of 0.8 acre-feet with the right to fill and refill when water is legally available for recreation, fish habitat, fire protection, wildlife preservation and propagation and well recharge. b. Legal description: 1. Location of Reservoir: NW1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M. in Boulder County, Colorado. The Kier Ponds consist of an Upper Kier Pond located 1,180 feet from the North section line and 550 feet from the West section line, and a Lower Kier Pond located 1,160 feet from the North section line and 680 feet from the West section line. The ponds are connected by a short channel, are filled from the same diversion structure and are considered a single storage facility for purposes of this Application. 2. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Kier Ponds Feeder that diverts from the south bank of Four Mile Creek in the NW1/4 NW1/4 of Section 19, Township 1 North, Range 71 West of the 6th P.M. at a point 1,160 feet from the North section line and 450 feet from the West section line. c. Source: Four Mile Creek. 1. Date of appropriation (other than augmentation): December 31, 1876. 2. Date of appropriation for augmentation use: December 30, 2016. 3. How appropriation was initiated: Field investigation, engineering investigation, design work and commencement of construction. 4. Date water applied to beneficial use: December 31, 1876. 5. Sources filling the structure: i. Diversions from Four Mile Creek. ii. Direct precipitation on the reservoir. iii. Local runoff and tributary inflows to the reservoir. d. Amount: 1. In acre-feet: 0.8 acre-feet, with the right of continuous and multiple refills when in priority. 2. If off-channel reservoir, rate of diversion in cfs for filling the reservoir: 1.0 cfs, of which 0.25 cfs is absolute and senior to the Instream Flow Water Rights pursuant to C.R.S. § 37-92-102(3)(b), for the uses consistent with the terms and conditions in paragraph 3.7 of the decree in Case No. 16CW3198. The remaining 0.75 cfs is conditional. e. Use: Recreation, fish habitat, fire protection and training, wildlife preservation and propagation, well recharge, and augmentation of the out-of-priority diversions described in the decree for Case No. 16CW3198. f. Surface area of high water line: 0.26 acres. g. Total capacity of reservoir in acre-feet: 0.8 acre-feet, all active capacity accessible via pumping. There is no dead storage in this reservoir. h. Name and address of owner of land on which structure for water right is located: 1. Mark Hoge. i. Physical and Mailing Address: 6231 Fourmile Canyon Drive, Boulder, Colorado 80302. iv. Sunset Pond a. Prior decree: None. b. Legal description: 1. Location of Reservoir: SW1/4 NW1/4 of Section 21, Township 1 North, Range 72 West of the 6th P.M., Boulder County, Colorado at a point 2,150 feet from the North section line and 185 feet from the West section line. 2. If off-channel reservoir, name and capacity of ditch or ditches used to fill reservoir, and legal description of each point of diversion: Sunset Pond Feeder that diverts from the north bank of Four Mile Creek in the SW1/4 NW1/4 of Section 21, Township 1 North, Range 72 West of the 6th P.M., Boulder County, Colorado at a point 2,225 feet from the North section line and 60 feet from the West section line. c. Source: Four Mile Creek. 1. Date of appropriation (other than augmentation): September 1, 1973. 2. Date of appropriation for augmentation use: December 30, 2016. 3. How appropriation was initiated: Commencement of construction as evidenced by existence of the pond in an October 14, 1973 aerial photograph. 4. Date water applied to beneficial use: October 14, 1973. 5. Sources filling the structure: i. Diversions from Four Mile Creek. ii. Direct precipitation on the reservoir. iii. Local runoff and tributary inflows to the reservoir. d. Amount: 1. In acre-feet: 0.42 acre-feet, with the right of continuous and multiple refills when in priority. 2. If off-channel reservoir, rate of diversion in cfs for filling

the reservoir: 1.0 cfs, of which 0.25 cfs is absolute and senior to the Instream Flow Water Rights pursuant to C.R.S. § 37-92-102(3)(b), for the uses consistent with the terms and conditions in paragraph 3.7 of the decree in Case No. 16CW3198. The remaining 0.75 cfs is conditional. e. Use: Fire protection and training, recreational, piscatorial, and augmentation of the out-of-priority diversions described in the decree for Case No. 16CW3198. f. Surface area of high water line: 0.10 acres. g. Total capacity of reservoir in acre-feet: 0.42 acre-feet all active capacity accessible via pumping. There is no dead storage in this reservoir. h. Name and address of owners of land on which structure for water right is located: 1. The American Party, a Colorado Corporation, c/o Lance P. Bieber. i. Physical Address: 411 Riverside Drive, Lyons, Colorado 80540. ii. Mailing Addresses: 1. P.O. Box 1475, Lyons, Colorado 80540. 2. P.O. Box 1791 Boulder, Colorado 80306. 2. Sunset Family Partners, LLC c/o Mikael van Loon. i. Physical and Mailing Address: 7855 Valmont Road, Boulder, Colorado 80301. 8. 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: A. Diligence Period: The most recent diligence period for the District's Conditional Rights is from April 16, 2019, to April 30, 2025 ("Diligence Period"). B. Integrated System: i. Under C.R.S. § 37-92-301(4)(b), work on one part of an integrated water system is evidence of diligence toward completion of all water rights within the entire water system. ii. The District's Conditional Rights are part of its integrated water supply system to fight fires in the Four Mile Creek basin, which consists of the Ponds, a plan for augmentation, augmentation water sources including leased water rights, diversion structures, and pump and hydrant facilities. iii. The District's Conditional Rights are an integral part of the District's system to fight fires because, once made absolute, they will bolster the District's emergency preparedness with increased Freshening Flows to the Ponds, subject to satisfying the instream flow water rights in the fully depleted reaches of Four Mile Creek when necessary. C. Activities: During the Diligence Period, the District has performed considerable work and invested resources toward maintaining and perfecting the Conditional Rights. Specific activities that demonstrate diligence toward the application of water to the decreed beneficial uses include the following: i. During this diligence period, the District devoted significant personnel resources to operating the Ponds to ensure adequate water supplies were available for firefighting and training purposes by continuous diversions of the absolute portion of the Freshening Flows decreed in Case No. 16CW3198. In addition, the District has drawn water from the Ponds for firefighting training purposes and to test its systems and devoted personnel resources to carry out such activities pursuant to its plan for augmentation decreed in Case No. 16CW3198. ii. The District has carried out regular maintenance and upkeep activities on the Ponds, diversion structures, and pump and hydrant facilities throughout the Diligence Period. For example, on multiple occasions, the District's crew and volunteers have removed vegetation from around hydrants, removed debris in diversion channels, and reworked diversion channels to ensure adequate flow into the Ponds. iii. The District has carried out regular monitoring of the Ponds and diversion locations. For example, District staff have regularly checked and measured the depth of the Ponds. iv. The District has carried out activities to operate its plan for augmentation decreed in Case No. 16CW3198. This includes, for example, contracting with Pine Brook Water District to augment and replace any out-of-priority depletions and carrying out accounting and reporting to the Colorado Division of Water Resources. v. The District has worked with its engineers and landowners to investigate the most effective method for measuring Pond inflows while utilizing existing infrastructure or the extent to which new infrastructure is required. vi. The District has continued to maintain its current water resources and infrastructure and continued to investigate additional water sources for augmentation to meet current and future demands. D. Expenditures: The estimated total expenses incurred by the District in concert with owners of the land on which the Ponds are located for the activities listed above to date exceed \$90,000. 9. Requested Ruling and Decree: Based on the above, the District respectfully requests that the Water Court enter a decree finding that each of the Conditional Rights, in the amounts listed above in Paragraphs 5 and 7.B., be continued as conditional rights in full force and effect for a period of six years after the Court's entry of a decree herein. (14 pages, 1 Exhibit).

**CASE NUMBER 2025CW3051 GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Bradley C. Grasmick, David L. Strait, Nicholas P. Espenan, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Phone: (970) 622-8181, [brad@lcwaterlaw.com](mailto:brad@lcwaterlaw.com); [dstrait@lcwaterlaw.com](mailto:dstrait@lcwaterlaw.com); [nick@lcwaterlaw.com](mailto:nick@lcwaterlaw.com).

**APPLICATION TO ADD WELLS TO PLAN FOR AUGMENTATION IN WELD COUNTY.**

1. Name, Address and Telephone Number of Applicant. The Ground Water Management Subdistrict of the Central Colorado Water Conservancy District (“GMS” or “Applicant”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540.
2. Plan for Augmentation. Applicant operates a plan for augmentation decreed in Case No. 02CW355 (“GMS Plan”). ¶14.5 of the decree in Case No. 02CW335 (“GMS Decree”) allows the addition of Member Wells to the plan subject to notice and terms and conditions.
3. Structures to be Added and Augmented (collectively, the “Wells”).
  - 3.1. Name of Structure to be Added and Augmented: Craven Well No. 1; Well Permit No. 13175-R; WDID No. 0205816.
  - 3.1.1. Name and Address of Owner of Well: HJC Family Farm, LLC, 19450 County Road 46, LaSalle, CO 80645.
  - 3.1.2. Location of Well: 1,190 feet South and 857 feet East of the NW Corner of Section 17, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado.
  - 3.1.3. GMS Contract No.: 1352 Irrigation use approved March 25, 2025. See Attachment 2 of Exhibit 1.
  - 3.1.4. Prior Decree: A decree was entered in Case No. W-2196 on February 28, 1973 with an appropriation date of June 1, 1955 for irrigation of 156 acres of land located in the NW 1/4 of Section 17, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. See Exhibit 2.
  - 3.2. Name of Structure to be Added and Augmented: Moore Well No. 1; Well Permit No. 14040-R; WDID No. 0207352.
  - 3.2.1. Name and Address of Owner of Well: Little Platte Farm, LLC, 2901 E. Exposition Ave. Denver, CO. 80209
  - 3.2.2. Location of Well: SE 1/4 of the NW 1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado at a point 2,020 feet South of the North section line and 2,635 feet East of the West section line.
  - 3.2.3. GMS Contract No.: 1353 Irrigation use approved March 25, 2025. See Attachment 2 of Exhibit 3.
  - 3.2.4. Prior Decree: A decree was entered in Case No. W-2082 on September 15, 1975 with an appropriation date of December 31, 1942 for irrigation of 160 acres of land located in the E1/2 of the NW1/4 and NE1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. See Exhibit 4.
4. Proposed Terms and Conditions.
  - 4.1. Consumptive Use Factors. The terms and conditions for the irrigation use of the Wells will be the same as for the other Member Wells in the GMS Decree. The consumptive use factor will be 60% for flood irrigation and 80% for sprinkler irrigation. Irrigation water from the Wells will not be recycled through use of tailwater collection systems. The Wells will be subject to all the terms and conditions for operation as for other Member Wells in the GMS Decree.
  - 4.2. Net Stream Depletions. Depletions resulting from the use of groundwater for irrigation uses will be lagged back to the South Platte River using the Glover bounded alluvial aquifer method and the following parameters. Refer to Net Stream Depletions table in section 4.2. of the original application.
5. Depletions.
  - 5.1. Craven Well No. 1 (WDID No. 0205816) will be included in the GMS Plan as a Member Well. Based on review of Colorado’s Decision Support System (CDSS) database, as well as Central’s records, there are no records of pumping after 2003 for the Craven Well No. 1. The Craven Well No. 1 was originally included in the augmentation plan for Central’s Well Augmentation Subdistrict (“WAS”), decreed in Case No. 03CW99, then subsequently removed from the WAS Augmentation Plan in Case No. 11CW106. Because depletions from pumping Craven Well No. 1 impact the South Platte River within 19 years, any depletions from pumping prior to 2004 have already impacted the South Platte River and been replaced by WAS.. For these reasons, there are no depletions from prior pumping of the Craven Well No. 1 that need to be augmented and no additional depletions will be added to GMS upon entry of a decree in this case. Future pumping from the Craven Well No. 1 will be augmented under GMS Contract 1352, as per the decrees in Case Nos. 02CW335, W-2196 and the decree entered in the current application. The Craven Well No. 1 will be equipped with a totalizing flow meter for measuring monthly water volumes and flow rates, and comply with the terms and conditions entered in Case No. 11CW292.
  - 5.2. Moore Well No. 1 (WDID No. 0207352) will be included in the GMS Plan as a Member Well. Additionally, the Moore Well No. 1 is included in the WAS Augmentation Plan, augmented pursuant to WAS Contract No. 1309 and has been pumped as recently as 2024. All past pumping



of the Moore Well No. 1 occurred under the WAS Augmentation Plan will continue to be augmented under the WAS Augmentation Plan. Future pumping from the Moore Well No. 1 will be augmented according to GMS Contract 1353 and WAS Contract 1309, as per the decrees in Case Nos. 02CW335, 03CW99, W-2082, and the decree entered in the current application. The Moore Well No. 1 well will feature two totalizing flow meters for measuring monthly water volumes and flow rates, in compliance with the terms and conditions entered in Case No. 11CW292. 6. Names and Addresses of Owners of Land on Which Structure is Located: 6.1. HJC Family Farm LLC 19450 County Road 46 LaSalle, CO, 80645 Phone: 970-284-7743 6.2. Little Platte Farm, LLC 2901 E. Exposition Ave. Denver, CO, 80209 Phone: 303-710-1970. This application consists of five (5) pages and four (4) exhibits.

**CASE NUMBER 2025CW3052 TOWN OF ERIE**, (“Town” or “Applicant”), c/o Public Works Director, 645 Holbrook, Erie, CO 80516; Email: tfessenden@erieco.gov; Telephone: (303) 926-2895. Please direct all correspondence and pleadings to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. Name of structure: NWRf Reservoir. The water right decreed to the NWRf Reservoir is referred to below as the “Subject Conditional Water Right.” 3. Description of Subject Conditional Water Right: a. Date of original decree: Case No. 10CW292, District Court, Water Division No. 1, State of Colorado, entered on October 31, 2012 (“10CW292 Decree”). b. Subsequent decrees awarding findings of reasonable diligence: Case No. 18CW3179, District Court, Water Division No. 1, State of Colorado, entered on April 16, 2019. c. Legal description of the structure: i. Location of Dam: There is no dam for the NWRf Reservoir. The structure is a lined gravel pit located in the N1/2, Section 31, Township 2 North, Range 68 W, 6th P.M., as shown on the map attached hereto as **Exhibit A** and incorporated by reference herein. The NWRf Pipeline, described below, is decreed to fill the NWRf Reservoir at a rate of 11.2 cubic feet per second (“cfs”). ii. Off-Channel Reservoir: The NWRf Reservoir is an off-channel reservoir. In addition to the natural inflows to the reservoir, diversions from Boulder Creek are decreed to fill the reservoir through the NWRf Pipeline at the following location: NE1/4 NW1/4 of Section 31, Township 2 North, Range 68 West, 6th P.M. at a point on the North section line and approximately 2,147 feet from the West section line, as shown on the map attached as **Exhibit A**. Pursuant to Paragraph 16 of the 10CW292 Decree, in addition to the Subject Conditional Water Right, the Town may store Windy Gap direct flow, Windy Gap effluent, and Colorado-Big Thompson direct flow water owned by the Town in the NWRf Reservoir. iii. Source of water: Boulder Creek and natural inflows. iv. Date of appropriation and amount: December 14, 2010. v. Amount: 1,000 acre-feet conditional, with a rate of diversion of 11.2 cfs. vi. Surface Area of High Water Line: Approximately 40 acres; the structure is a lined gravel pit. vii. Total Capacity of Reservoir in Acre-Feet: 1,000 acre-feet. (1) Active Capacity: 800 acre-feet. (2) Dead Storage: 200 acre-feet. viii. Uses: Construction, fire protection, irrigation, and exchange. All of said uses are for non-potable purposes. Irrigation shall be limited to approximately 500 acres at buildout within Applicant’s planned service area which consists of 46 square miles bordered to the east by Interstate 25 and on the west by U.S. Highway 287. The service area extends approximately 1/2 mile north of Highway 52 with Highway 7 serving as its southern boundary. Development patterns in the service area of the Town will influence the locations and timing of future non-potable demands. The NWRf Reservoir is also utilized to store water rights subject to decreed exchanges. 4. If claim to make absolute in whole or in part: Not applicable. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: a. The Town is a home rule municipality that operates an integrated system for water delivery and related wastewater treatment and water reuse. The Subject Conditional Water Right and the NWRf Reservoir are parts of the integrated system operated by the Town for its municipal water service. During the subject diligence period running from April 16, 2019 through the date of filing this Application (“Diligence Period”), the Town engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 5, related to the development and use of the Subject Water Right, and operation of the Town’s integrated municipal water

system. The activities and costs identified herein are not exhaustive, and the Town reserves the right to provide evidence of other work done and costs incurred during the Diligence Period as this case proceeds.

**b. Operation and Maintenance of NWRF Reservoir:** i. The Town has operated the NWRF Reservoir during the diligence period for purposes of providing water for the decreed beneficial uses in conjunction with the Town's North Water Reclamation Facility ("NWRF"). As set forth above, pursuant to Paragraph 16 of the 10CW292 Decree, in addition to the Subject Conditional Water Right, the Town may store Windy Gap direct flow, Windy Gap effluent, and Colorado-Big Thompson direct flow water owned by the Town in the NWRF Reservoir. During the Diligence Period, the Town has stored reuse water (*i.e.*, treated effluent) from its Windy Gap Units in the NWRF Reservoir and has provided daily accounting to the Office of the Division Engineer on a monthly basis in accordance with Paragraph 11 of the 10CW292 Decree. ii. During the Diligence Period, the Town has dedicated significant staff time and resources and has spent in excess of \$800,000 for the operations and maintenance of the NWRF Reservoir and the related facilities, such as the Town's reuse water system. Examples of specific operations and maintenance activities and expenses include, but are not limited to, the following: treatment chemicals, water quality testing, utilities, a seepage analysis of the NWRF Reservoir, maintenance, repairs, improvements, such as the installation of a reuse pump station, and preparation and publication of a Request for Proposals for the design of a modified outfall and sampling location at the NWRF Reservoir. c. **Planning:** The Town has dedicated significant staff time and related resources to planning efforts related to the Subject Conditional Water Right and NWRF Reservoir. Specifically, the Town has held discussions and meetings both internally and with outside counsel and engineering consultants regarding planning, development, design, and construction of the NWRF Pipeline, which will facilitate the beneficial use of the Subject Conditional Water Right. d. **Additional Diligence Activities:** During the Diligence Period, the Town also engaged in the following activities and incurred the described costs for work on other aspects of its integrated water system, including but not limited to the following: i. As described above, in addition to the Subject Conditional Water Right, the Town may store Windy Gap direct flow water, Windy Gap effluent, and Colorado-Big Thompson direct flow water in the NWRF Reservoir. Throughout the Diligence Period, the Town has paid annual assessments to the Northern Colorado Water Conservancy District for its Windy Gap Units as well as for its ongoing participation in the related Windy Gap Firming Project. ii. The Town has undertaken several efforts to improve the water quality in NWRF Reservoir, including continual water quality monitoring, testing and analysis via sampling plan by consultants, and amounting to a total expenditure of approximately \$68,000 during the Diligence Period. These efforts will facilitate a more efficient and effective beneficial use of the Subject Conditional Water Right. iii. The Town has also hired a consultant to complete a water rate and tap fee study, which is inherently related to its integrated water system, including future improvements. iv. The Town filed and/or adjudicated water court applications as the Applicant in the following Water Division 1 cases: 19CW3063, 19CW3064, and 22CW3201. v. The Town participated in various water court cases as an opposer to monitor the impact of the rights claimed in those cases and to protect its water rights, including the Subject Conditional Water Right, from injury, such as the following Water Division 1 cases: 19CW3020, 19CW3201, 20CW3053, 20CW3131, 20CW3139, 21CW3138, 21CW3236, 22CW3176, 23CW3154, 24CW3062, and 25CW3011. vi. The Town expended approximately \$1,400,000 on legal fees during the Diligence Period to support the Town's water rights applications, planning, development, and to protect its existing water rights, including the Subject Conditional Water Right, from injury. vii. The Town expended over \$168,000 on water resources engineering consultant and staff time during the diligence period for purposes of ongoing water accounting, supporting the Town's own water rights applications as well as monitoring opposing cases, and for other integrated water system planning activities. 6. Continuing Need and Intent for the Subject Conditional Water Right: The Town's water supply system is managed based on existing and future demands. As the Town continues to grow, and as development of and improvements to the NWRF Reservoir continue, there will be an increasing need to divert and use the Subject Conditional Water Right pursuant to the 10CW292 Decree. The Town has a continuing need for all of the water decreed to the Subject Conditional Water Right and has a continuing plan and intent to develop and put to beneficial use the Subject Conditional Water Right, up to its maximum decreed amount and volume. 7. Names and addresses of owners or reputed



owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, the Town requests the Court to enter a decree granting the Application herein and determining that the Town has exercised reasonable diligence with respect to the Subject Conditional Water Right, in its entirety, and continuing the Subject Conditional Water Right in its full amount for another six years or until made absolute by reason of the completion of the appropriation. (9 pgs., 1 Exhibit)

**CASE NUMBER 2025CW3053 DIRT FACTORY, LLC**, 15605 W 32nd Ave., Golden, CO 80401; 303.327.4445; ashley.lemon@colcon-dev.com. Please direct all pleadings to Austin Hamre and Teri Pettitt, Hamre, Rodriguez, Ostrander, & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, (303) 779-0200, email: ahamre@hroplaw.com; tpetitt@hroplaw.com. **APPLICATION FOR ADJUDICATION OF DENVER BASIN WATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION IN WELD COUNTY.** 2. Adjudication of Water Rights: Applicant desires to adjudicate all of the Denver Basin groundwater underlying the Subject Property described below, and to obtain approval of a plan for augmentation for the wells in the not-nontributary Upper Arapahoe aquifer. The Lower Arapahoe and Laramie – Fox Hills aquifers are nontributary at this location. One domestic well into the Upper Arapahoe and one domestic well into the Lower Arapahoe currently exist on the Subject Property, and both will be re-permitted in accordance with the decree in this matter following its entry. A. The Subject Property consists of 52 acres, more or less, in Weld County, located generally in the W½, Section 29, Township 1 North, Range 65 West, of the 6th P.M. A legal description of the Subject Property is attached as Exhibit A hereto, and a map of the Subject Property is attached hereto as Exhibit B. B. Parcel ownership: The Subject Property, including the right to withdraw and use water withdrawn from the Denver Basin aquifers underlying it, is owned by ARES, LLC, the manager of Applicant. C. Applicant certifies that all record owners of the Subject Property not listed as Applicants herein, and every person who has a lien or mortgage on, or deed of trust to, Applicant's Property, will be notified of the filing of this Application by certified or registered mail, return receipt requested, no later than 14 days after the filing of this Application. D. Existing Wells. Two wells currently exist on the property: Well DF-1 is currently permitted under well permit 162562; Well DF-2 is currently permitted under well permit 107530-A: i. Permit 162562 is attached as Exhibit C. It is drilled to a total depth of 100 feet into the Upper Arapahoe aquifer, and located in Sec. 29, T1N, R65W, 6th P.M., 2,590 feet from the north Section Line, and 220 feet from the West Section Line. This well is currently permitted for 10 g.p.m. Upon entry of a decree in this matter, this well will be re-permitted in accordance with the plan for augmentation described below. ii. Permit 107530-A is attached as Exhibit D. It is drilled to a total depth of 310 feet into the Lower Arapahoe aquifer, and located in Sec. 29, T1N, R65W 1,900 feet from the South Section Line, and 200 feet from the West Section Line. This well is currently permitted for 8 g.p.m. Upon entry of a decree in this matter, this well will be re-permitted for the uses described below. E. Sources: The ground water to be withdrawn from the Upper Arapahoe aquifer underlying the Subject Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirement for wells in this aquifer at this location is actual replacement of depletions. The groundwater that will be withdrawn from the Lower Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property is nontributary. F. Estimated Amounts: Applicant estimates the following amounts are available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Total Amount (a.f.)	Annual Amount (a.f.)
Upper Arapahoe (NNT)	470	4.7
Lower Arapahoe (NT)	760	7.6
Laramie-Fox Hills (NT)	1,220	12.2

G. Estimated Rates of Withdrawal: Pursuant to ¶ 2.I., below, and subject to the volumetric limits set forth in ¶ 2.F., above, Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts, such rates not to exceed 200 g.p.m. from any combination of wells

withdrawing water from the same aquifer. The actual depth of any additional or replacement wells to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions.

H. Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction (subject to statutory replacement obligations) for all allowable beneficial uses, including, but not limited to, domestic, manufacturing, mechanical, industrial, commercial, irrigation, reclamation, revegetation and fire protection. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions.

I. Well Field: Applicant seeks the right to locate future wells for the withdrawal of the groundwater subject to the decree entered in this matter at any suitable location on the Subject Property, so long as the wells are located at least 600 feet away from any other existing well in the same aquifer owned by another person or entity unless the State Engineer finds, pursuant to C.R.S. § 37-90-137(2)(b)(II), that such 600 foot spacing is not necessary in a particular circumstance. The Applicant waives the 600-foot spacing requirement of C.R.S. § 37-90-137(2) on the Subject Property for future wells constructed by Applicant. Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the Property through any combination of wells. Applicant requests that these wells be treated as a well field.

J. Averaging of Withdrawals: Applicant requests that it be entitled to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Property.

3. Plan for Augmentation:

A. Structures to be Augmented. The structures to be augmented are the well identified in ¶ 2.D.i above, along with any replacement or additional wells constructed into the Upper Arapahoe aquifer on the Subject Property.

B. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the wells to be augmented, together with water pumped from the nontributary aquifers underlying the Subject Property, including return flows from the use thereof, for any required replacement during pumping or the post-pumping period.

C. Statement of Plan for Augmentation. Applicant has calculated stream depletions caused by pumping of the not-nontributary Upper Arapahoe aquifer wells as follows:

i. Uses: Domestic uses at the manufacturing facility will use approximately 0.54 acre-feet per year, with a maximum of ten percent consumptive use based on a non-evaporative septic leach field disposal system. The annual consumptive use from domestic uses will therefore be 0.054 acre-feet, with return flows of 0.49 acre-feet per year. Applicant may use water from the Denver Basin wells or other sources for irrigation of landscaping and manufacturing. Manufacturing uses are assumed to be fully consumptive. Irrigation demand at the Subject Property is estimated at 3.5 AF per year. Irrigation using Denver Basin wells will consume at most 90 percent resulting in return flows of at least 10 percent of applied water, estimated at 0.35 AF per year. Irrigation using Denver Basin wells will be separately metered from indoor domestic uses. Consequently, the augmented wells will collectively pump (on average, pursuant to ¶ 2.J. above) a maximum of 4.7 acre-feet of water per year from the Upper Arapahoe aquifer.

ii. Depletions. Maximum stream depletions over the 100-year pumping period for the Upper Arapahoe aquifer amounts to approximately 7.58 percent of pumping, resulting in maximum annual depletions from these of 0.35 acre-feet in year 100. Should Applicant's pumping be less than the 4.7 acre-foot per year total described herein, resulting depletions and required replacements will be proportionally reduced.

iii. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual depletions associated with pumping from the Upper Arapahoe aquifer. Depletions during pumping will be effectively replaced by return flows from the domestic use of water through the non-evaporative septic system and irrigation return flows from Denver Basin well water applied to landscaping. The annual consumptive use for non-evaporative septic systems is no more than 10% per year, resulting in estimated annual replacement of 0.49 acre-feet per year. In addition, irrigation return flows are expected to be approximately 0.35 AF per year. Thus, during

pumping, stream depletions will be more than adequately augmented through a combination of indoor domestic use and application of Denver Basin water to irrigation uses. Applicant will seek a decree allowing the inclusion of additional sources of substitute supply pursuant to C.R.S. § 37-92-305(8). iv. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of Upper Arapahoe wells on the Subject Property, Applicant will reserve up to 4.7 acre feet of the nontributary Laramie Fox-Hills aquifer, determined in accordance with ¶ 2 above, to be used to replace any injurious depletions occurring during the post-pumping period. Applicant is uncertain how long it will need water from the Upper Arapahoe aquifer. Applicant therefore seeks the right to temporarily or permanently discontinue use of any wells in the Upper Arapahoe aquifer on the Subject Property prior to the full 470 acre-feet of pumping volume being achieved and, pursuant to retained jurisdiction, seek a commensurate reduction in the amount of water set aside in the Laramie Fox-Hills aquifer for replacement of post-pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. D. Upon entry of a decree approving the plan for augmentation described herein, Applicant will be entitled to apply for and receive a new well permit for the well identified in ¶ 2.D.i above, along with any replacement or additional wells constructed into the Upper Arapahoe aquifer on the Subject Property, in accordance with the terms of the plan for augmentation and otherwise in compliance with C.R.S. §37-90-137. 4. Prayers for Relief. Applicant respectfully requests that this Court grant a decree approving the confirming Applicant's water rights and approving the plan for augmentation as requested above. Applicant requests the right to revise the estimates of water available upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. (5 pages excluding attachments.)

**CASE NUMBER 2025CW3054 LINDIE'S LAKE HOMEOWNERS ASSOCIATION**, 32660 Vista Lake Rd., Greeley, CO 80631, 970-539-3170. P. Andrew Jones, Law Office of P. Andrew Jones, 1213 Founders Circle, Windsor, CO 80550, 970-235-0252, [ajones@pandrewjones.com](mailto:ajones@pandrewjones.com). **APPLICATION FOR ABSOLUTE AND CONDITIONAL WATER STORAGE RIGHT, IN WELD COUNTY**. 2. Name of Reservoir: Coles Lake Reservoir, aka Lindie's Lake. 3. Legal Description: 3.1 UTM. 3.1.1 Easting: 535645.54609 Northing: 4480633.21521. 3.1.2. Zone 13. 3.1.3. Source: Spotted from map (centroid). 3.1.4. Accuracy: N/A. 3.2. PLSS. 3.2.1. In the Northwest 1/4 of Section 20, Township 6 North, Range 64 West of the 6th P.M., Weld County, Colorado. 3.2.2. 1052 feet from the North section line, 1241 feet from West section line (centroid). 3.2.3. Source: Map. c. See Attached Exhibit "A" for map. 4. Sources: 4.1 Cache La Poudre River. 4.2 Seepage, waste, return flows and storm water runoff from lands upgradient of the Reservoir, including, without limitation seepage, seepage, waste, return flows and storm water runoff delivered to and accruing to the Greeley No. 2 Ditch and the North Side Lateral. 5. Fill Ditches: 5.1. Greeley No. 2 Ditch 5.1.1. Capacity: 650 c.f.s. 5.1.2. Point of Diversion: In the SE Quarter of the NE Quarter, Section 11, Township 6 North, Range 68 West of the 6th P.M. 5.1.3. Comment: Water is delivered through the Greeley No. 2 Ditch, and then the North Side Lateral. 5.2. North Side Lateral. 5.2.1. Capacity: 650 c.f.s. 6. Date of Appropriation: August 1, 1892. 7. How Appropriation was Initiated: Commencement of work on reservoir and feeder, per statement of claim filed October 29, 1892. 8. Amount Claimed: 190 acre feet, absolute. Rate: 16 c.f.s. 9. Uses: 9.1 Absolute: Irrigation of 191.7 acres in the W 1/2 of Section 20, Township 6 North, Range 64 West of the 6th P.M., fish and wildlife, piscatorial, recreation. 9.2 Conditional: Irrigation of 381 acres in the W 1/2 of Section 29 and the SW 1/4 of Section 30, Township 6 North, Range 64 West of the 6th P.M. 10. Surface Area at High Water Line: 40 acres (approximate). 10.1 Vertical Height of Dam (lowest point below dam to bottom of emergency spillway): 7.5 feet 10.2 Length of Dam: 600 feet. 10.3 Total Capacity of Reservoir: 190 acre feet 10.3.1 Active Capacity: 190 10.3.2 Dead Storage: 0 11. Name of Owners of Land: 11.1. Diversions and Delivery: 11.1.1. New Cache La Poudre Irrigating Company, 33040 Railroad Avenue, P.O. Box 104, Lucerne, CO 80646. 11.1.2. North Side Lateral Company, 33040

Railroad Avenue, P.O. Box 104, Lucerne, CO 80646. 11.2. Reservoir: Lindie's Lake Homeowners Association, 32660 Vista Lake Rd., Greeley, CO 80631. Dated April 30, 2025.

**\*\*AMENDED\*\* CASE NUMBER 2019CW3157** District Court, Water Division One, Colorado, 901 9th Avenue, P.O. Box 2038, Greeley, Co 80632, (970) 475-2507. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF COULSON EXCAVATING COMPANY, INC. IN THE BIG THOMPSON RIVER OR ITS TRIBUTARIES IN LARIMER AND WELD COUNTIES**. Attorney: Sean D. Rutledge, #33710, Patterson Rutledge & Associates, LLC, 315 E.7th Street, P.O. Box 7387, Loveland 80537 (970) 669-2864. **SECOND AMENDED APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION, CHANGE OF WATER RIGHT, AND FOR NEW WATER RIGHTS 1.0 Application** 1.1 Applicant Coulson Excavating Company, Inc. 3609 North County Road 13 Loveland, CO 80538 **1.2 Overview:** Applicant seeks approval for augmentation plan to replace depletions to Big Thompson River resulting from evaporation losses and industrial uses occurring at gravel pit mining operations (Collectively, "Coulson Gravel Pits") and as required under statute, C.R.S. 37-90-137 (11), or as necessary to prevent injury resulting from unintended storage in lined structures or to make return flow replacements under the changes described. This plan quantifies such depletions in time, place and amount and ensures adequate replacement in order to prevent injury. Applicant also seeks determination of historical consumptive use associated with their acquired interest in certain water rights owned by them, to wit: (1) 19 out of 128 Shares in the Hill and Brush Ditch ("H&B Shares"); (2) 5.5 out of 118 Shares in Consolidated Hillsborough Ditch Company ("Hillsborough Shares"); (3) 10 out of 120 shares in The Big Thompson and Platte River Ditch ("BT&PRD Shares") (collectively, "Changed Water Rights"). Applicant claims the right to use historically consumed portion of future yields of Changed Water Rights for all lawful purposes and to extinction, but subject to maintenance of historical return flows during times of call. The Changed Water Rights may be used on a direct flow basis, or else stored in lined structures described herein (collectively, "Reservoirs"). Applicant also seeks conditional and absolute water rights on the Big Thompson River, including rights by exchange, to support augmentation and present and future operations (collectively, "New Water Rights"). The locations of the Gravel Pits, Reservoirs and Structures are shown in attached exhibits. In addition to use of the Changed and New Water Rights, Applicant will use lawfully decreed portions of water rights owned by the City of Loveland and Town of Johnstown, derived from leases entered or expected to be entered. This Application is being amended a second time to reflect the use of the Hillsborough and BT&PRD Shares, addition of augmentation supplies from Johnstown, addition of claim for (conditional) appropriations of real time exchanges, inclusion of Water Exchange Project Right, and to clarify other matters as set forth herein. Locations of structures are in Larimer and Weld Counties, and legal descriptions are derived from USGS maps and aerial photographs unless otherwise stated. **2.0 Plan for Augmentation:** 2.1 Name of Structures to be Augmented: (NOTE: Subject to not exceeding the exposed surface area set forth the configurations and numbers of ponds are subject to change without republication). 2.1.1 Gardels Pit. (DRMS permit no. M 2005-033) (Approximately, 8.9 acres of exposed surface area). Comprised of two ponds, each located in the NE 1/4 of Section 19, Township 5 North, Range 68 West of the 6th PM. The Center of Pond One is 1644 feet South of the North line and 475 feet West of the East line of said Section 19. The center of Pond Two is 1892 feet South of the North line and 1299 feet West of the East line of said Section 19. (Exhibit A) 2.1.2 Brownwood Pit. (DRMS permit no. M 1979-059) (Approximately, 11.9 acres of exposed surface area). Comprised of one pond located in the E 1/2 of Section 19, Township 5 North, Range 68 West of the 6th PM. The Center occurs at a distance of 2511 feet North of the South line and 364 feet West of the East line of said Section 19. (Exhibit B) 2.1.3 Kirtright Pit. (DRMS permit no. M1986-123) (Approximately 21.76 acres of exposed surface area). Comprised of three ponds each located in the SE 1/4 of Section 15, Township 5 North, Range 68 West of the 6th PM. The Center of Pond One is 450 feet North of the South Line and 1,300 feet West of the East Line of Section 15. The center of Pond Two is 800 feet North of the South Line and 850 feet West of the East Line of Section 15. The center of Pond Three is 550 feet North of the South line and 350 feet West of the East line of Section 15. (Exhibit C) 2.1.4 Challenger Pit. (DRMS permit no. M1985-026) (Approximately 24.5 acres of exposed surface area). Comprised of four ponds, each located in the W 1/2 of Section 29, Township 5 North, Range

67 West of the 6th PM, Weld County. The Center of Pond One is located a distance of 2040 feet South of the North line and 600 feet East of the West line of said Section 29. The Center of Pond Two is located a distance of 1195 feet South of the North line and 628 feet East of the West line of said Section 29. The Center of Pond Three is located a distance of 2072 feet South of the North line and 1245 feet East of the West line of said Section 29. The Center of Pond Four is located a distance of 1,900 feet East of the West line and about 1,700 feet North of the South line of said Section 29. (Exhibit D) 2.1.5 Pfeiff Pit. (DRMS permit no. M1988-077 later combined with permit No. M1979-059) Approximately 4.0 acres of exposed surface area comprised of one pond located in the SW 1/4 of the NW 1/4 of Section 20, Township 5 North, Range 68 West of the 6th PM. The center of the Pfeiff Pond is 1,640 feet South of the North line and 575 feet East of the West line of said Section 20. (Exhibit A) 2.2 Water Rights to Be Used for Augmentation: 2.2.1 Changed Water Rights pursuant to requests made in Sections 4-6 described herein. 2.2.2 New Water Rights pursuant to requests made in Sections 3, 7 – 10 described herein. 2.2.3 Reusable supplies from any source decreed for augmentation or full consumption and pursuant to those Leases of Fully Consumable Water, entered by Applicant with City of Loveland on January 13, 1998 and January 1, 2024 (“Loveland Leases”). Such Leases entitle Applicant to delivery of up to 150 acre-feet annually of water accruing or delivered to river through structures owned by Loveland, including outfall of the City’s Waste Water Treatment Plant located in the NW 1/4 of the NE 1/4 of the SW 1/4 of Section 19, Township 5 North, Range 68 West of 6th P.M., in Larimer County. Supplies available to Applicant may be derived from any lawful source set forth in decrees owned by City, including but not limited to: a) Native Water from the Big Thompson River basin which, when stored or otherwise accounted for, may be totally consumed pursuant to the terms and conditions of any decree, including Case No. 82-CW-202A, 00CW108, 03CW354, 02CW392, 07CW325, 18CW3193, 18CW3215, Water Court Division One, State of Colorado or subsequent actions; and b) Water under an Allotment Contract with the Municipal Subdistrict of the Northern Colorado Conservancy District, commonly known as Windy Gap Water; and c) any water subsequently acquired by the City and determined by Water Court Decree to be totally consumable, or as otherwise described in Loveland Leases, attached herein as Exhibit E. 2.2.4 Reusable Effluent or other sources of supply decreed for consumption and pursuant to leases Applicant may enter with the Town of Johnstown. Effluent available to Applicant may be derived from any lawful source set forth in decrees and structures owned or acquired by Town, including, but not limited to Case No. 98CW410, and 07CW14. 2.3 Complete Statement of Plan for Augmentation: Augmentation will consist of replacement of depletions resulting from industrial uses and evaporation occurring at Coulson Gravel Pits after January 1, 1981. Applicant will also augment depletions caused by unintended out of priority storage occurring in reservoirs described in Sections 7-10; or as may be necessary to the use the Changed Water Rights without injury, including replacement of return flow. Applicant will deliver the supplies set forth in Section 2.2 as necessary to prevent injury. Deliveries may be aggregated in satisfaction of depletions caused by multiple structures within defined Depletion Reaches, and on the basis of direct delivery, or as described in Section 3 (“Water Exchange Project”). Depletion Reaches include: (a) Depletion Reach 1, from a location on the Big Thompson River, adjoining, or in close proximity to the Gardels Pit and extending to the Hillsborough Ditch Headgate described in Section 4; (b) Depletion Reach 2, originating at Hillsborough Ditch Headgate and extending to Hill and Brush Ditch Headgate described in Section 5; (c) Depletion Reach 3, extending from the Hill and Brush Ditch Headgate to the Big Thompson and Platte River Ditch located in the NE 1/4 of the NE 1/4 of Section 4, Township 4 North, Range 67 West of the 6th P.M. Deliveries will be made through any of the structures described in this Application or owned or subsequently acquired by Applicant, the Town of Johnstown, or City of Loveland, including but not limited to: (a) The outfall to the Big Thompson River from the City of Loveland Water Reclamation Facility, currently located in the NW 1/4 of the NE 1/4 of the SW 1/4 of Section 19, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado; (b) The Outfall to the Big Thompson River from the Town of Johnstown’s Low Point Waste Water Treatment Plant located in the NW 1/4 of the NW 1/4 of Section 24, Township 5 North, Range 68 West of the 6th PM. (“Johnstown-LPWWTP”); (c) the Outfall to the Little Thompson River from Johnstown’s Central Wastewater Treatment Plant (“Johnstown CWWTP”) located in the NW 1/4 of the NE 1/4 of Section 10, Township 4 North, Range 67 West of the 6th PM; (d) Structures to be constructed at the

confluence of the Big and Little Thompson rivers and in the NW 1/4 of the NE 1/4 of Section 10, Township 4 North, Range 67 West of the 6th PM including BT&PRD Headgate. Deliveries intended to replace downstream depletions may be administratively charged losses, pursuant to C.R.S 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), and as otherwise necessary to ensure replacement and avoid injury. Losses shall be calculated pursuant to obligations in C.R.S. §37-90-137 (11) and supporting guidelines. Applicant may use additional replacement supplies in this plan without amending this application if such additional supplies are decreed to lawfully allow such use and can be delivered through structures and measuring devices that are otherwise described. **3.0 Water Exchange Project and (Conditional) Appropriative Right of Exchange** 3.1 Exchange Project: To the extent that lagged depletions occur in Depletion Reaches that are upstream from a location of augmentation delivery, Applicant may satisfy same under an Exchange Project Right pursuant to Sections C.R.S 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a). This Exchange Project Right will be administered with a priority date of August 9, 2019, the date of original filing, and shall encompass the following reaches and rates of flow:

	EXCHANGE-TO POINTS	EXCHANGE-TO POINTS	EXCHANGE-TO POINTS
EXCHANGE- FROM POINTS	Depletion Reach 1	Depletion Reach 2	Depletion Reach 3
Johnstown CWWTP	1 c.f.s.	1.5 c.f.s.	2.5 c.f.s.
Johnstown LPWWTP	1 c.f.s.	1.5 c.f.s.	2.5 c.f.s.
Challenger Augmentation Station	1 c.f.s.	1.5 c.f.s.	
Amen Pump Inlet/Outlet Reservoir #1	1 c.f.s.	1.5 c.f.s.	
Amen Pump Inlet/Outlet Reservoir #2	1 c.f.s.	1.5 c.f.s.	
Stroh Augmentation Station	1 c.f.s.		
Meyer Augmentation Station	1 c.f.s.	1.5 c.f.s.	2.5 c.f.s.

3.1.1 Legal Descriptions: (a) Challenger Augmentation Station: located 150 feet East from the West Line and 1,680 feet South from the North Line of Section 29, Range 67 West, Township 5 North, 6th P.M. (b) Amen Pump Inlet/Outlet: a. For Amen Reservoir #1: located 1,190 ft east of the west line and 860 ft north of the south line of Section 19, T5N, R67W b. For Amen Reservoir #2: located 1,250 ft east of west line and 1,020 ft north of the south line of Section 19, T5N, R67W (c) Stroh Augmentation Station: to be located approximately 2,400 feet East from the West Line and 175 feet South from the North Line of Section 23, Range 68 West, Township 5 North, 6th P.M. (d) Meyer Augmentation Station: to be located in the approximate vicinity of the confluence of the Little Thompson and Big Thompson Rivers, SW 1/4 of the SW 1/4 of Section 2, Range 67 West T4N at a point 500 feet North of the South Line and 525 feet East of the West Line of Section 2.3.2 Appropriative Right of Exchange: Pursuant to C.R.S. § 37-80-120 and C.R.S. § 37-83-104, Applicant claims right to (conditional) appropriative rights of real time exchange, to be operated with a priority date of the filing of this Second Amended Application and further described as follows:

	EXCH ANGE -TO	EXCHA NGE- TO	EXCHA NGE-TO POINTS	EXCHA NGE-TO POINTS	EXCHA NGE-TO POINTS	EXCHANG E-TO POINTS	EXCHA NGE-TO POINTS	EXCHA NGE-TO POINTS
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	POINTS	POINTS						
<b>EXCHANGE -FROM POINTS</b>	Challenger Augmentation Station	Stroh Pump Inlet/Outlet	Amen Pump Inlet/Outlet	Bonser Pump Inlet/Outlet	Hillsborough Ditch Headgate	Big Thompson Ditch & Manufacturing Company Headgate	Brownwood Pump Inlet/Outlet	Hill and Brush Ditch Headgate
Johnstown CWWTP	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s
Johnstown LPWWTP	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s
Challenger Augmentation station		2 c.f.s		2 c.f.s	2 c.f.s	2 c.f.s	2 c.f.s	
Amen Pump Inlet/Outlet Reservoir #1		10 c.f.s		10 c.f.s	10 c.f.s	10 c.f.s	10 c.f.s	
Amen Pump Inlet/Outlet Reservoir #2		10 c.f.s		10 c.f.s	10 c.f.s	10 c.f.s		
Stroh Augmentation Station				10 c.f.s	10 c.f.s	10 c.f.s	10 c.f.s	
Meyer Augmentation Station	5.15 c.f.s	5.15 c.f.s	5.15 c.f.s	5.15 c.f.s	5.15 c.f.s	5.15 c.f.s	5.15 c.f.s	5.15 c.f.s

3.2.1 Legal Descriptions: (a) Bonser Pump Inlet/Outlet: 200 feet West from East Line and 250 feet South from North Line of Section 21, Township 5 North Range 68, West of the 6th PM (b) Big Thompson Ditch and Manufacturing Company Headgate: SE 1/4 of NW 1/4 of SW 1/4 of Section 15, Township 5 North, Range 69, West of the 6th PM. (c) Stroh Pump Inlet/Outlet: 453 feet South from the North line and 2602 feet East from the West line of said Section 23, Township 5 North, Range 68 West of the 6th PM. **4.0 First Proposed Change of Water Right** 4.1 Decreed Name for which second proposed Change is sought: 4.1.1 Name of Structure: **Hillsborough Ditch** 4.1.2 Date of decree (original adjudication): May 28, 1883; Subsequent Decrees: CA 4089 December 19, 1901; CA 7108 January 17, 1916; CA 5278 November 8, 1907; CA 6465 June 4, 1913; CA 8426 October 7, 1925. 4.1.3 Legal Description of Structure as described in most recent decree that adjudicated the location (“Hillsborough Ditch”): Located in the SE 1/4 of the NW 1/4 Section 21, Township 5 North, Range 68 West of the 6th PM. 4.1.4 Decreed Source of water: Big Thompson River. 4.1.5 Appropriation Date: November 10, 1861 “Priority No. 1” (63.31 c.f.s.); October 15, 1874 “Priority No. 25” (8.25 c.f.s.); April 15, 1878 “Priority No. 40” (54 c.f.s.); October 6, 1881 “Priority No. 51” (45.69 c.f.s.); 4.1.6 Total Amount Decreed to Structure gallons per minute (g.p.m.) or cubic feet per second (c.f.s: 174.6 c.f.s 4.1.7 Decreed use: Irrigation 4.1.8 Amount of water applicant intends to change: All interest in 5.5 out of 118 CHDC Shares. Upon information and belief, certain interest in the appropriations described above are privately owned leaving the proportional amount subject to this application, as follows: Priority No. 1, 2.69 c.f.s.; Priority No. 25, 0 c.f.s.; Priority No. 40, 2.52 c.f.s.;

Priority No. 51, 2.13 c.f.s. All such water historically used for purposes of irrigation on real properties known as: (a) Stroh Farm: Located in parts of Section 14 and 23 of Township 5 North, Range 68 West of the 6th P.M. in Larimer County. Historically irrigated property and practices are set forth and described on Exhibit F. (b) Henderson Farm: Located in Sections 3 and 4 of Township 4 North, Range 67W, 6th P.M. in Weld County. Historically irrigated property and practices are set forth and described in Exhibit G. 4.2 Detailed Description of First Proposed Change: Applicant will continue to divert their shares from Big Thompson River through the Hillsborough Ditch Headgate. The changed water will be used directly, or else stored in the Stroh or Amen Reservoir Complex. The future yields from the Hillsborough Shares may be used for any lawful purpose to extinction, including augmentation of the Coulson Gravel Pits. Applicant will maintain historical return flows, in locations, and in amounts necessary to prevent injury through sources and structures identified herein, including the Amen, Stroh, and Challenger Augmentation Stations. The Applicant has completed an historical consumptive use analysis of irrigation practice associated with the Hillsborough Share, and will ensure against expansion of use and injury under the proposed change. Representative monthly diversions are given in Exhibit H. **5.0 Second Proposed Change of Water Right** 5.1 Decreed Name for which second proposed Change is sought: 5.1.1 Name of Structure: **Hill and Brush Ditch** 5.1.2 Date of decree (original adjudication): May 28, 1883. Case No: 1683 (61.801 c.f.s.) Court: Boulder County, District Court. Date of decree (abandonment): February 25, 1985. Case No: 84CW204 (abandoned 34.801 c.f.s.). Court: District Court, Water Division No. 1: 5.1.3 Legal Description of Structure as described in most recent decree that adjudicated the location (“Hill and Brush Headgate”): Section 24, Township 5 North, Range 68 West of the 6th P.M. 5.1.4 Decreed Source of water: Big Thompson River 5.1.5 Appropriation Date: June 30, 1866. 5.1.6 Total Amount Decreed to Structure in gallons per minute (g.p.m.) or cubic feet per second (c.f.s.): 27 cubic feet per second (c.f.s.). 5.1.7 Decreed use: Irrigation 5.1.8 Amount of water applicant intends to change: Applicant’s proportional entitlement in interest in Hill and Brush pursuant to 19 out of 128 shares (4.01 c.f.s.) historically used for purposes of irrigation on certain real property known as the Challenger/Pfeif Farm, described as follows: The NW 1/4 and the N 1/2 of the Southwest Quarter (SW 1/4) of Section Twenty-nine (29), Township Five (5) North, Range 67 West of the Sixth Principal Meridian. Excepting from the above-described premises rights of way, and excepting a tract containing one-acre in the Northeast corner of the Northwest Quarter (NW 1/4) of said Section Twenty-nine (29). A copy of the H&B Decree is given in Exhibit I. The source of this information for the legal description is: deed. 5.2 Detailed Description of Second Proposed Change: Applicant will continue to divert H&B Shares from the Big Thompson River through the Hill and Brush Headgate. The changed water will be used directly, or else stored in the structures described herein, including the Amen Reservoir Complex. The future yields from the H&B Shares may be used for any lawful purpose to extinction, including augmentation of the Coulson Gravel Pits. Applicant will maintain historical return flows for all locations and amounts necessary to prevent injury through structures and sources identified in this Application, including the Amen, Stroh, and Challenger Augmentation Stations. The Applicant has completed an historical consumptive use analysis of irrigation practices associated with the H&B Shares and will ensure against expansion of use and injury. A representation of the historical monthly pro-rata Diversions is given in Exhibit J. The historically irrigated lands are shown and described in Exhibit K. **6.0 Third Proposed Change of Water Right** 6.1 Decreed Name for which second proposed Change is sought 6.1.1 Name of Structure: **Big Thompson and Platte River Ditch (“BT&PRD”)** 6.1.2 Date of decree (original adjudication): May 28, 1883; Case No. 1683 6.1.3 Legal Description of Structure as described in most recent decree that adjudicated the location (“Big Thompson and Platte River Ditch”): NE1/4 of Section 4, Township 4 North, Range 67 West of the 6th P.M., Weld County Colorado. 6.1.4 Decreed Source of water: Big Thompson River. 6.1.5 Appropriation Date: November 18, 1865 (“First Priority”) 35 c.f.s.; May 15, 1876 (“Second Priority”) 86.2 c.f.s. A portion of the “Second Priority” was decreed abandoned in case number 84CW204, leaving 60 c.f.s of this priority. 6.1.6 Total Amount Decreed to Structure gallons per minute (g.p.m.) or cubic feet per second (c.f.s): 95 c.f.s 6.1.7 Decreed use: Irrigation 6.1.8 Amount of water applicant intends to change: All interest in 10 out of 120 BT&PRD shares believed to be approximately 8 c.f.s. All such water historically used for purposes of irrigation on the real property known as: Meyer Farm: That parcel of land consisting of approximately 90 acres located in: SW 1/4 of Section 2, Township 4 North,



Range 67 West and shown on Exhibit L. **6.2: Detailed Description of Third Proposed Change:** Applicant will continue to divert BT&PRD shares through the BT&PRD headgate. The changed water will be used directly or else stored in the Stroh or Amen reservoir complex or other structure to be constructed on the Meyer Farm. The future yields from the BT&PRD shares may be used for any lawful purpose to extinction including augmentation of the Coulson gravel pits. Applicant will maintain historical return flows, in locations, and in amounts necessary to prevent injury through structures described or to be constructed in the vicinity of the BT&PRD river headgate. The applicant will complete an historical consumptive use analysis of irrigation practices associated with their BT&PRD shares and will ensure against expansion of use and injury under the proposed change. A representation of the historical monthly pro-rata diversions is given in Exhibit M. The historically irrigated lands are shown and described on Exhibit N. **7.0 First Claim of Storage Right:** **7.1 Name of Reservoir: Amen Reservoir Complex** (Exhibit O) **7.2 Legal description of each of 3 cells the center of each is set forth as follows:** **7.2.1 (Amen Reservoir #1)** The SW 1/4 of the SW 1/4 of Section 19, Township 5 North, Range 67 West at a distance of 504 feet North from the South line and 1114 feet East from the West line of Section 19, consisting of approximately 26.6 acres in surface area. **7.2.2(Amen Reservoir #2)** The NW 1/4 of the SW 1/4 of Section 19, Township 5 North, Range 67 West at a distance of 1441 feet North from the South line and 1075 feet East from the West line of Section 19, consisting of approximately 12.3 acres in surface area. **7.2.3(Amen Reservoir #3)** The SE 1/4 of the SW 1/4 of Section 19, Township 5 North, Range 67 West of the 6th PM at a distance of 620 feet North from the South line and 2393 feet East from the West line of Section 19, consisting of approximately 4.7 acres in surface area. **7.3 Source of Water and Points of Diversion:** Amen Pump Inlet/Outlet stations 1 & 2 **7.4 Legal description to point of diversion:** The Hill and Brush Ditch Headgate is located at Section 24, Township 5 North, Range 68 West of the 6th P.M **7.5 Appropriation:** **7.5.1 Date of Appropriation:** November 25, 2020 **7.5.2 How appropriation is initiated:** Filing of first amended application. **7.6 Amount claimed and rate:** 411 AF with right to fill and refill up to 411 AF annually at a rate of 20 c.f.s. **7.7 Proposed uses:** All lawful uses to extinction including augmentation of the Coulson Gravel Pits, industrial uses associated with applicant's gravel pit mining operations at locations described above, or other locations acquired by applicant in the future. **7.8 Total Capacity:** 411 AF **7.9 Surface area of high water line:** The total surface area of the three ponds is 43.1 acres **7.10 Place of Use:** Lands owned or leased by the applicant for aggregate mining both currently and in the future. The Place of Use lands are shown in Exhibit P. **8.0 Second claim of Storage Right** **8.1 Name of Reservoir: Brownwood SE Reservoir** (Exhibit B) **8.2 Legal description of center:** Center is located in the SW 1/4 of the SW 1/4 of Section 20, Township 5 North, Range 68 West of the 6th PM. at a distance of 900 feet North from the South line and 545 feet East from the West line of said Section 20. **8.3 Source of Water and points of diversion:** The source of water is the Big Thompson River. The points of diversion include the headgate of the Big Thompson Ditch and Manufacturing Company and structures to be constructed in the immediate vicinity including the Brownwood Pump Inlet/Outlet. **8.4 Legal descriptions for points of diversion:** The headgate of the Big Thompson Ditch and Manufacturing Company is located in the NE 1/4 of the SW 1/4 of Section 15, Township 5 North, Range 69 West of the 6th PM. Brownwood Pump Inlet/Outlet will be located 50 feet West from the East Line and 2,330 feet South from the North line of Section 19, Township 5 North, Range 68 West at a distance of 2,534 feet South from the North line and 0' feet West from the East line of said Section 19. **8.5 Appropriation and beneficial use** **8.5.1 Date of Appropriation:** August 9th, 2019 **8.5.2 How appropriation was initiated:** By filing of original application **8.6 Amount and rate claimed:** 120.12 AF with the right to fill and refill up to 120.12 AF at a rate of 20 c.f.s (conditional). **8.7 Proposed uses:** All lawful uses to extinction including augmentation of the Coulson Gravel Pits, industrial uses associated with applicant's gravel pit mining operations and irrigation. **8.8 Total capacity:** 120.12 AF **8.9 Surface area of high water line:** 10.5 acres **8.10 Place of Use.** Lands owned or leased by the applicant for aggregate mining both currently and in the future. The Place of Use lands are shown in Exhibit P. **9.0 Third claim of Storage Right** **9.1 Name of Reservoir: Stroh Reservoir Complex** (Exhibit Q), comprised of two distinct but interconnected cells. **9.2 Legal description of cell centers:** (Stroh Reservoir West) The SW 1/4 of the SW 1/4 of Section 14, Township 5 North, Range 68 West at a distance of 50 feet South from the North line and 700 feet East from the West line of said Section 23, consisting of approximately 35 acres in surface. (Stroh

Reservoir East) The NE 1/4 of the NW 1/4 of Section 23, Township 5 North, Range 68 West at a distance of 718 feet South from the North line and 1719 feet East from the West line of said Section 23, consisting of approximately 13 acres in surface area. 9.3 Source of water and point of diversion: Thompson River via diversion through the headgate of the Hillsborough Ditch, Stroh Pump Inlet/Outlet. 9.4 Legal description for point of diversion: The Hillsborough Ditch Headgate is located in the SE ¼ of the NW ¼, S 21, T5N, R68 West of the 6th PM. 9.5 Appropriation 9.5.1 Date of Appropriation: August 9, 2019 9.5.2 How Appropriation was initiated: By filing original application. 9.6 Amount claimed and rate claimed: 960 AF with the right to fill and refill up to 960 AF annually (conditional) at a rate of 20 c.f.s. through headgate and 5 c.f.s. through pump (conditional) 9.7 Proposed uses: All lawful uses to extinction including augmentation of the Coulson Gravel Pits, industrial uses associated with applicant's gravel pit mining operations and irrigation. 9.8 Total capacity of complex: 960 AF of active storage. 9.9 Surface area of high water line The total surface area of the two cells is 48.0 acres 9.10 Place of Use Lands owned or leased by the applicant for aggregate mining both currently and in the future. The Place of Use lands are shown in Exhibit P. **10.0 Fourth Claim of Storage Right:** 10.1 Name of Reservoir: **Bonser Reservoir** (Exhibit R) 10.2 Legal description cell centers: Center is located in the SW 1/4 of the SW 1/4 of Section 15, Township 5 North, Range 68 West of the 6th PM of a distance of 615 feet North from the South Line and 30 feet East from the West Line of Section 15. 10.3 Source of water and points of diversion: The source is the Big Thompson River which will be diverted by a future pump which will draw directly from the river. 10.4 Legal description of point of diversion Bonser pump inlet/outlet located 200 feet West from the East Line and 250 feet South from the North Line of Section 21, Range 68 West Township 5 North, 6th PM. 10.5 Appropriation: 10.5.1 Date of appropriation: November 25, 2020 10.5.2 How appropriation is initiated: By filing of first amended application. 10.6 Amount claimed and rate: 242 AF with the right to fill and refill up to 242 AF annually at a rate of 5 c.f.s. through pump (conditional). 10.7 Proposed uses: All lawful uses to extinction including augmentation of the Coulson Gravel Pits, industrial uses associated with applicant's gravel pit mining and irrigation. 10.8 Total Capacity: Total capacity of cells: 242 AF of active storage. 10.9 Surface area of high water line: The total surface area of the three cells is 39 acres 10.10 Place of Use: Lands owned or leased by the applicant for aggregate mining both currently and in the future. The Place of Use lands are shown in Exhibit P. **11.0 Name(s) and Address(es) of Owner(s) or Reputed Owners** of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. The applicant must notify these persons that the applicant is applying for this water right, and certify to the Court that the applicant has done so. City of Loveland, 500 E. 3rd St, Loveland, CO 805375773 Bryan J. McMahill, 4755 E. Highway 402, Loveland, CO 80537 Loveland Ready-Mix Concrete, Inc., P.O. Box 299, Loveland, CO 80539 McWhinney Property Group LLC, 2725 Rocky Mountain Ave., Suite 200, Loveland, CO 80538 Richard Coulson, 1016 Oleander Drive, Loveland, CO 80538 Coulson Excavating Company Inc., 3609 N. County Road 13, Loveland, CO 80538 Steve Kirtright, 260 SE Frontage Road, Loveland, CO 805344000 Linda/Kevin Bates Obrien, 6229 Lacy Lane, Loveland, CO 805348243 Darlene/Randy Kirtright, Randy A. Kirtright Living Trust, 260 SE Frontage Road, Johnstown, CO 805344000 Richard/Kenneth Coulson, 3609 N. County Road 13, Loveland, CO 80538 Croissant Family Farm LLC, 49316 County Road 83, Briggsdale, CO 806119319 Dustin Christensen/ Jamie McGill, 7080 County Road 54, Johnstown, CO 8053496 Big Thompson and Platte River Ditch, PO Box 181, Milliken, CO 80543 Lakota Lakes Ranch Homeowners Association, 7288 County Road 54, Johnstown, CO 805349604 OFF LLC, 1933 14th St. SE, Loveland, CO 80537 Town of Johnstown, 450 Parish Avenue, Johnstown, CO 80534 Big Thompson & Platte River Ditch Company, 22465 State Highway 60, Milliken, CO 80543

**\*\*AMENDED\*\* CASE NUMBER 20CW3208** Division 1. DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, 901 9th Avenue, P.O. Box 2038, Greeley, Colorado 80632, (970) 475-2507. **IN THE MATTER OF THE APPLICATION FOR WATER RIGHTS OF MONTAVA PARTNERS, LLC, A COLORADO LIMITED LIABILITY COMPANY, IN LARIMER COUNTY, COLORADO. SECOND AMENDED APPLICATION FOR WATER RIGHTS, CHANGE OF**

**WATER RIGHTS, PLAN FOR AUGMENTATION, AND APPROPRIATIVE RIGHTS OF EXCHANGE.** 1. Name, Address, Telephone Number, and Email Address of Applicant: Montava Partners, LLC, a Colorado limited liability company (“Applicant”) c/o Max Moss, 430 N. College Ave., Suite 410, Fort Collins, CO 80524, (512) 507-5570, [max@montava.com](mailto:max@montava.com) Direct All Pleadings to: Steven J. Bushong, P. Fritz Holleman, Cassidy L. Woodard, Kate A. Bosh, Paul J. Raymond, Bushong & Holleman PC., 1525 Spruce Street, Suite 200, Boulder, CO 80302, [sbushong@BH-Lawyers.com](mailto:sbushong@BH-Lawyers.com); [fholleman@BH-Lawyers.com](mailto:fholleman@BH-Lawyers.com); [cwoodard@BH-Lawyers.com](mailto:cwoodard@BH-Lawyers.com); [kbosh@BH-Lawyers.com](mailto:kbosh@BH-Lawyers.com); [praymond@BH-Lawyers.com](mailto:praymond@BH-Lawyers.com) 2. Overview: Applicant is developing a traditional neighborhood-style development on approximately 1,000 acres in Fort Collins, which already has an approved Planned Unit Development and Master Plan (referred to as “Montava”) to be located on the lands depicted in **Exhibit A** hereto. Applicant seeks ground water rights that will principally supply potable water for the Montava development and intends to replace out-of-priority depletions associated with the use thereof through a plan for augmentation, all of which it intends will be operated by a governmental entity or private water company. In connection with the Montava water supply and plan for augmentation, Applicant also requests certain water rights to divert and/or store water from Boxelder Creek and the Cache la Poudre River, appropriative rights of exchange, an alternate place of storage for already quantified shares in the Taylor and Gill Ditch Company, and a change of the transmountain water associated with up to 3 shares in the Water Supply & Storage Company (“WSSC”). **I. Request for Ground Water Rights.** 3. Names of Structures: A. Montava West Wellfield; and B. Montava East Wellfield; and C. Montava West Pond Well; and D. Montava East Pond Well. 4. Legal Descriptions: A. Montava West Wellfield: The Montava West Wellfield will contain two or more wells to be located anywhere in the NE1/4 of Section 4, Township 7 North, Range 68 West of the 6th P.M., B. The Montava East Wellfield will contain one or more wells to be located in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M., and may include an infiltration gallery, C. Montava West Pond Well. In the SW1/4 of the NE1/4 of Section 32, Township 8 North, Range 68 West of the 6th P.M. a distance of 2,629 feet south of the north section line and 2,348 feet west of the east section line, D. Montava East Pond Well. In the SE1/4 of the NW1/4 of Section 33, Township 8 North, Range 68 West of the 6th P.M. at a point approximately 2,165 feet south of the north section line and 1,414 feet east of the west section line of said Section 33. 5. Source: The source for the Montava West Wellfield and Montava East Wellfield (collectively the “Wellfields”) and for the Montava West Pond Well and the Montava East Pond Well (collectively “Pond Wells”) is the unconfined alluvial aquifer of Boxelder Creek, tributary to Boxelder Creek and the Cache la Poudre River, tributary to the South Platte River. 6. Amount: 900 gallons per minute, conditional, as the maximum collective rate from one or both Wellfields and Pond Wells. 7. Appropriation Date: December 30, 2020 for the Wellfields (except for augmentation use), August 16, 2023, for the Pond Wells (except for augmentation use) and for augmentation use by the East Wellfield, and April 30, 2025 for augmentation use by the West Wellfield and Pond Wells. 8. How Appropriation was Initiated: The appropriation dates correspond to filing the Application on December 30, 2020 (“Original Application”), filing an amended Application on August 16, 2023 (“Amended Application”), and filing this amended Application on April 30, 2025 (“Second Amended Application”). 9. Uses: A. Wellfields. The ground water diverted at the Wellfields will be treated and used for all indoor municipal uses and certain limited outdoor municipal uses but not including outdoor irrigation. Claimed municipal uses include, but are not limited to, domestic, commercial, industrial, construction, potable storage, and related municipal uses. Further, Applicant claims the right to use and reuse to extinction and otherwise dispose of the effluent associated with the indoor use within Montava for any and all beneficial uses including, but not limited to, the purposes described in Paragraph 27.G and Section IX hereof. Additionally, water from the Wellfields may be used for augmentation and replacement uses, B. Ponds Wells. The Montava West Pond Well and the Montava East Pond Well will be used to fill when necessary and replace evaporation losses in the Montava West Pond and Montava East Pond (collectively “Ponds”), respectively, as those Ponds are described below. Water in the Ponds will be used for irrigation, recreation, piscatorial, and incidental aesthetic purposes. The Pond Wells may also be used for augmentation and replacement uses. The locations of the Ponds are as follows: i. Montava West Pond: a pond within the Montava Property located in the NW1/4 of the SE1/4 of Section 32, Township 8 North, Range 68 West of the 6th P.M., ii. Montava East

**Pond:** a pond within the Montava Property located in the SW1/4 of the NW1/4 of Section 33, Township 8 North, Range 68 West of the 6th P.M. 10. **Remarks:** An infiltration gallery or similar well design for the Montava East Wellfield will be constructed and operated for augmentation use so that it can be treated as a surface water diversion subject to the Montava Boxelder Creek Diversion limits described below in Paragraph 12, unless diversions exceed flows in Boxelder Creek in which case excess diversions greater than Creek flow shall be deemed groundwater pumping pursuant to the water right decreed in this Section I. The Ponds described above will be lined and constructed with the ability to release any out-of-priority storage. The Ponds will receive water during the irrigation season for irrigation use from supplies that are not the subject of this Application. The Pond Wells will be one source used to fill the Ponds when needed and replace evaporation but other sources are also available for those purposes. The Wellfields, Pond Wells, and Ponds are approximately depicted on **Exhibit B**. 11. **Depth:** The estimated depth of individual wells in the Wellfields and the Pond Wells is estimated at 30 – 60 feet, subject to verification upon drilling and confirmation upon making absolute. **II. Request for Surface Water and/or Ground Water Rights.** 12. **Name of Structure.** Montava Boxelder Creek Diversion. A. **Legal description.** The Montava Boxelder Creek Diversion will be in one of the following two locations: i. A new location in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West, of the 6th P.M. at a point approximately 2,200 feet from the east section line and 2,000 feet from the south section line of said Section 3. UTM Zone 13 Easting 500860, Northing 4494480, ii. At an existing diversion located in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M. at a point approximately 1,625 feet from the east section line and 2,470 feet from the south section line. UTM Zone 13 Easting 501020, Northing 4494607, B. **Source.** Boxelder Creek surface water, tributary to the Cache la Poudre River, tributary to the South Platte River. C. **Amount.** 0.7 cfs, conditional, D. **Appropriation Date.** August 16, 2023 for 0.3 cfs and April 30, 2025 for another 0.4 cfs., E. **How Appropriation was Initiated.** By filing the Amended Application and the Second Amended Application, F. **Uses.** Augmentation and replacement, G. **Remarks.** The Montava Boxelder Creek Diversion is generally depicted in Exhibit B and will be used in the augmentation plan described below to replace depletions including by direct delivery of water to replace depletions to a structure. The Montava Boxelder Creek Diversion will rely upon an existing surface diversion structure by agreement and/or a new diversion structure, and may be constructed in conjunction with an infiltration gallery or similar well design associated with the Montava East Wellfield for ease of operation, in which case any diversions will be applied to the Montava Boxelder Creek Diversion except to the extent diversions exceed flows in the Creek, in which case the excess diversions greater than Creek flow will apply to the Montava East Wellfield as discussed above in Paragraph 10. The claimed diversion rate may be reduced if the accepted modeling demonstrates the full amount is not necessary for augmentation. This structure is also an augmented structure in the augmentation plan described below. 13. **Name of Structure.** Montava Poudre River Diversion. A. **Legal description.** A well located in the SW1/4 of the SW1/4 of Section 27, Township 7 North, Range 68 West of the 6th P.M. at a point approximately 81 feet north of the south section line and 246 feet east of the west section line of said Section 27. B. **Source.** Groundwater immediately tributary to the Cache La Poudre River, tributary to the South Platte River, C. **Amount.** 1.87 cfs, conditional, D. **Appropriation Date.** August 16, 2023, E. **How Appropriation was Initiated.** By filing the Amended Application, F. **Uses.** Augmentation and replacement, directly or after storage in Rigden Reservoir. See Paragraphs 27.A and 28, below. 14. **Remarks.** The Montava Poudre River Diversion is generally depicted in Exhibit B and will be used in the augmentation plan described below to replace out-of-priority depletions, including by direct delivery of water to calling structures. This structure is also an augmented structure in the augmentation plan described below. **III. Request for Storage Right with Two Filling Structures** 15. **Name of Junior Storage Right:** Seaworth Augmentation Pond No. 2. A. **Legal Description:** The Seaworth Augmentation Pond No. 2 is located in the NW1/4 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M., B. **Source:** Cache la Poudre River, C. **Points of Diversion for Filling Seaworth Augmentation Pond No. 2:** i. **Taylor and Gill Ditch.** An existing ditch which diverts from the Cache la Poudre River in the SW 1/4 of the SW 1/4 of Section 29, Township 8 North, Range 69 West of the 6th P.M., ii. **Seaworth River Diversion.** A diversion point and/or pump station on the Cache la Poudre River, at a point in the W1/2 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M. The

Seaworth River Diversion will be used to fill the Seaworth Augmentation Pond No. 2 under this appropriation, D. Diversion Rates for Filling Structures: i. Taylor and Gill Ditch. 13.81 cfs., ii. Seaworth River Diversion. 5.0 cfs., E. Appropriation Date: December 30, 2020, F. How Appropriation was Initiated: By the filing the Original Application in this case, G. Amount: 140 acre-feet, conditional, with the right to fill and refill whenever water is available in priority. The precise amount will be determined when this water right is made absolute. This claimed amount includes any storage between the open water surface and the slurry wall liner, H. Uses: Storage, augmentation, including augmentation use for replacing depletions from structures on the adjacent lands owned by William O. and Paulette M. Seaworth and Ronny and Billy LLC and augmentation use for replacing depletions associated with Montava, replacement, exchange, commercial, in-reservoir recreation, piscatorial and fish propagation, and wildlife watering.

I. Delivery Point: For the purposes of delivering water from the Seaworth Augmentation Pond No. 2 to the Cache la Poudre River for subsequent uses such as augmentation, replacement, and exchange, a structure will be constructed at a point in the W1/2 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M. that releases water directly to the Cache la Poudre River, J. Surface Area at High Water Line: Approximately 7.2 open surface acres (not including any storage between the open water surface and the slurry wall liner), K. Active Storage: 140 acre-feet, L. Remarks: Seaworth Augmentation Pond No. 2 is an existing gravel pit that will be improved and lined. The claimed storage right includes any water stored between the slurry wall and the open pit. The Seaworth River Diversion will also be used to fill Seaworth Augmentation Pond as described in Section IV hereof. The structures described in this Section III of the Application are shown in **Exhibit C. IV. Request for New Water Right for Existing Reservoir 16. Request for New Appropriation**: Applicant requests a new appropriation to use the Seaworth River Diversion, described above in Paragraph 15.C.ii, as another point of diversion for storage in the existing Seaworth Augmentation Pond originally decreed by the District Court in and for Water Division 1, State of Colorado (“Water Court”) in Case No. 16CW3093, on November 1, 2018 (“16CW3093 Decree”) as described below in Paragraph 16.A.i.b., A. New Appropriation: i. Legal Descriptions: a. Seaworth River Diversion. See Paragraph 15.C.ii, above. b. Seaworth Augmentation Pond. As described in Paragraph 7.1 of the 16CW3093 Decree, the Seaworth Augmentation Pond is located in the NW1/4 of the SE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M. with the center of the as-built location being 2,585 feet north of the south line and 1,708 feet west of the east line of said Section 33. The entire pond is located in part of the NW1/4 of the SE1/4 and part of the SW1/4 of the NE1/4 of Section 33, Township 8 North, Range 69 West of the 6th P.M., ii. Source: Cache la Poudre River, iii. Amount. 5 cfs at the Seaworth River Diversion with the right to fill and refill the existing Seaworth Augmentation Pond whenever water is available in priority, iv. Date of Appropriation: December 30, 2020, v. How Appropriation was Initiated: By the filing the Original Application in this case, vi. Uses: Storage in Seaworth Augmentation Pond for augmentation, including augmentation use for replacing depletions from structures on the adjacent lands owned by William O. and Paulette M. Seaworth and Ronny and Billy LLC and augmentation use for replacing depletions associated with Montava, replacement, commercial (fishing and hunting business), in-reservoir recreation, fish propagation, and wildlife watering purposes, vii. Remarks: The water right decreed to the Seaworth Augmentation Pond in the 16CW3093 Decree may only be diverted at the headgate of the Taylor and Gill Ditch. This request claims a new appropriation and water right for filling and refilling the Seaworth Augmentation Pond using the Seaworth River Diversion. The structures described in this Section IV of the Application are shown in **Exhibit C. V. Alternate Place of Storage 17. Water Right to be Alternately Stored**: The previously changed and quantified Taylor and Gill Ditch water right described in the 16CW3093 Decree will be changed so that it may be alternatively stored in Seaworth Augmentation Pond No. 2 as described below, A. Original Decree: The Taylor and Gill Ditch was originally decreed in Civil Action 320, District Court, Larimer County, dated April 11, 1882 for 18.48 cfs out of the Cache la Poudre River for irrigation use. The originally decreed legal description was the north side of the Cache la Poudre River, one-half mile above the Town of La Porte with a general southeasterly course, B. Prior Change Decree: 4.0 shares of the 64.375 shares in the Taylor and Gill Ditch Company, were quantified and changed in the 16CW3093 Decree, in which the use of that portion of the Taylor and Gill Ditch water right

was changed from direct use for irrigation to direct use and storage in the Seaworth Augmentation Pond for augmentation, replacement, commercial (a hunting and fishing business), in-reservoir fish propagation, and in-reservoir wildlife watering, all as more specifically described in the 16CW3093 Decree, C. Legal Descriptions: i. Taylor and Gill Ditch Diversion Point: See Paragraph 15.C.i, above. This diversion point was described as the actual legal description for the Taylor and Gill Ditch in the 16CW3093 Decree, ii. Seaworth Augmentation Pond No. 2. See Paragraph 15.A, above, D. Source: Cache la Poudre River, E. Amount: 1.145 cfs, F. Appropriation Date: April 15, 1866. G. Uses: In addition to those uses and places of use identified in the 16CW3093 Decree, direct use and storage in the Seaworth Augmentation Pond No. 2 for augmentation, replacement, commercial (a hunting and fishing business), in reservoir fish propagation, and in-reservoir wildlife watering, H. Remarks: All terms and conditions applicable to the changed Taylor and Gill Ditch water right described in the 16CW3093 Decree shall remain in effect except that the consumptive use component and return flow component thereof, as defined in the 16CW3093 Decree, will be changed to include alternative storage in Seaworth Augmentation Pond No. 2. That water right is not subject to re-quantification pursuant to C.R.S. § 37-93-305(3)(e). The structures described in this Section IV of the Application are shown in **Exhibit C. VI. Change of Water Right** 18. Water Right to be Changed: Applicant or its subsidiaries currently own shares of the capital stock in Water Supply and Storage Company (“WSSC”) including 3 shares out of 600 outstanding shares, which were included in Certificate Nos. 6846, 6847, and 6919 (“WSSC Shares”). By this Application, Applicant gives notice that it intends to change its proportionate share of the WSSC water rights represented by the WSSC Shares, as further described in **Exhibit D** (which shall be attached to the resume notice hereof). Applicant does not seek to change its proportionate share of WSSC’s interest in the water rights in the Jackson Ditch Company (“JDC”) and Colorado-Big Thompson Project (“CBT”), all of which Applicant will continue to use when available for irrigation in Montava or other areas in the WSSC service area. The water rights attributable to the WSSC Shares that are subject to this requested change consist of (1) water native to the Cache la Poudre River but not including JDC (“WSSC Native Water”) and (2) imported water from the basins of the Laramie River, the Michigan River, and the Colorado River, not including CBT (“WSSC Transmountain Water”) as further described below and in **Exhibit D** (which shall be attached to the resume notice), A. Decrees: The decreed water rights for the WSSC Native Water and WSSC Transmountain Water are described on the attached **Exhibit D**, B. Legal Description: The legal descriptions for each structure used for the WSSC Native Water and WSSC Transmountain Water are described on the attached **Exhibit D**, C. Source: The decreed sources of water for the WSSC Native Water and WSSC Transmountain Water are described on the attached **Exhibit D**, D. Appropriation Date: The appropriation dates for the WSSC Native Water and WSSC Transmountain Water are listed on the attached **Exhibit D**, E. Amount: The total amounts decreed to each structure used for the WSSC Native Water and WSSC Transmountain Water are listed on the attached **Exhibit D**, F. Use: Water associated with the WSSC Shares was decreed for irrigation of land under the WSSC system as described in the decrees referenced in the attached **Exhibit D**. 19. Historical Use: Applicant will quantify the historical use of the water rights associated with the WSSC Shares that it seeks to change using a similar methodology used in other change cases involving WSSC. The WSSC Shares were historically used to irrigate lands in Weld County under the WSSC ditch system and located in the SW1/4 of Section 8, Township 7 North, Range 67 West, of the 6th P.M. and in the NW1/4 and part of the NE1/4 of Section 28, Township 7 North, Range 67 West of the 6th P.M. and in the E1/2 of the NW1/4 of Section 21, Township 7 North, Range 67 West of the 6th P.M. and lands in Larimer County in parts of the NW1/4, NE1/4, and SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M. The lands are depicted in **Exhibit E**. Applicant will also quantify the historical return flows associated with the WSSC Native Water and those historical return flows will be maintained if and when the WSSC Native Water is converted and applied to the changed uses described below. Applicant shall rely upon the publicly available diversion records maintained by the Colorado Division of Water Resources for the WSSC Transmountain water rights described in **Exhibit D** and any summaries thereof. 20. Change of Use: Applicant seeks to change the type, location, and manner of use of the water rights associated with the WSSC Shares from the historical irrigation uses to irrigation, storage, recharge, augmentation, exchange, replacement, commercial, in-reservoir recreation, piscatorial and fish propagation, and wildlife watering, 21. Storage of Changed

WSSC Shares. Storage of the changed WSSC Shares may occur in any or all of the following facilities or other storage facilities to which HF2M has or obtains a contractual right to store water: A. Seaworth Augmentation Pond No. 2. Described in Paragraph 15, above, via diversion out of the Cache la Poudre through the Seaworth River Diversion or the Taylor and Gill Ditch as described in Paragraphs 15.C.ii and 15.C.i, above, B. WSSC Storage Reservoirs. Described in **Exhibit D.** C. The Ponds. See Paragraphs 9.B.i and 9.B.ii, D. Rigden Reservoir. An off-channel lined structure located primarily in the SW 1/4 of the SW 1/4 of Section 27 and the SE 1/4 of Section 28, all in Township 7 North, Range 68 West of the 6th P.M. that uses the Cache la Poudre River as a source. Diversion structures for Rigden Reservoir are described in the decree entered in Case No. 2014CW3158. See **Exhibit B.** 22. WSSC Native Water Return Flows. Once the WSSC Native Water is converted to the changed non-irrigation uses requested herein (or applied to uses that constitute conversion to changed uses requested herein) Applicant will replicate or replace the historical return flows associated with that part of the WSSC Native Water for which the change of use has occurred. In doing so, Applicant may take credit for or otherwise replace the return flows using the following sources: A. Any return flows created by continued irrigation use of the WSSC Transmountain Water and WSSC Native Water associated with the changed and converted components of the WSSC Shares; and B. Fully consumable seepage credits and/or irrigation return flows generated from WSSC Transmountain Water associated with unchanged or changed but unconverted WSSC shares owned or leased by the Applicant; and C. Recharge structures located on the Montava land depicted on **Exhibit A**, on the historically irrigated lands depicted on **Exhibit E**, or elsewhere as needed to generate recharge credits in appropriate places on the Cache la Poudre River or its tributaries; and D. Any of the augmentation sources described in Paragraph 27, below. 23. Remarks. Although Applicant intends to quantify the WSSC Native Water and WSSC Transmountain Water associated with the WSSC Shares for future use, it intends to continue using that water for irrigation within the WSSC service area including on lands shown in **Exhibit A** until such time that Applicant requires the WSSC Native Water and/or WSSC Transmountain Water for changed uses. Applicant reserves the right to assert that continued irrigation use with changed WSSC Native Water and changed WSSC Transmountain Water within the WSSC service area is not a conversion to changed uses.

**VII. Request for Nontributary Ground Water Determination.** 24. Montava Nontributary Ground Water: Applicant seeks to utilize the non-tributary ground underlying the contiguous 999.25 acres of the Montava property depicted in **Exhibit A**, which property is further described in Exhibit F (“Montava Property”). The State Engineer’s Office issued a Determination of Facts dated June 2, 2021, finding the claimed ground water underlying the Montava Property to be nontributary. A. Source and Depth: The source of the nontributary groundwater is the Dakota Group Aquifer, which includes both the “Muddy J” sandstone, the “Dakota sandstone,” and the “J Silt,” and is approximately 5,200 - 6,000 feet deep, B. Estimated Amounts and Rate of Withdrawal: Applicant claims the right to withdraw all of the nontributary groundwater in the Dakota Group Aquifer underlying the Montava Property at an average rate not to exceed 1% of the total decreed entitlement each year, but with the right to exceed that average annual withdrawal in any given year as allowed by law. The effective thickness of the saturated materials within the Dakota Group Aquifer underlying the Montava Property is estimated by the State Engineer to be 265 feet, based on 250 feet within sandstone intervals and 15 feet within the siltstone interval. With a conservatively estimated specific yield of 10% for the sandstones based upon core samples, and with a specific yield of 5% estimated for the siltstone, the total recoverable volume is 25.731 acre-feet from that formation, C. Nontributary Wells and Well Fields. Applicant reserves the right to drill one or more nontributary wells anywhere on the Montava Property. The location of the proposed well for the pending application is located in the SW1/4 of the SE1/4 of Section 32, Township 8 North, Range 68 West of the 6th P.M. at a point approximately 1,300 feet from the south line and 2,550 feet from the east line of said Section 32 at a proposed depth of 5,520 feet. As additional wells are required, well permit applications for each will be filed and issued in accordance with C.R.S. § 37-90-137(10). Applicant requests that all wells, including additional wells, located on the Montava property that are completed in the same aquifer be allowed to operate as a “well field” as that term is described in the Statewide Nontributary Ground Water Rules, 2 CCR 402-7:4.A(13), D. Proposed Uses. Domestic, industrial, municipal, irrigation, commercial, livestock watering, storage, recreational, aesthetic ponds and water features, fish and wildlife, fire protection, storage,



augmentation, replacement, exchange, recharge, and any and all other beneficial purposes, E. Ownership. Applicant has the Montava Property under firm contracts by which Applicant will close upon said lands when it has developed an adequate water supply. Although Applicant will not use the nontributary groundwater claimed herein until it owns the Montava Property, it obtained consent of the current owners for purposes of adjudicating this Section of the Application. **VIII. Request for Plan for Augmentation**

25. Structures to be Augmented: A. Montava West Wellfield, described in Paragraph 4.A, above; B. Montava East Wellfield, described in Paragraph 4.B, above; C. Montava West Pond Well, described in Paragraph 4.C, above; D. Montava East Pond Well, described in Paragraph 4.D, above; E. Montava Boxelder Creek Diversion, described in Paragraph 12, above; and F. Montava Poudre River Diversion, described in Paragraph 13, above. 26. Points of Depletion from the Wellfields and Ponds Wells: A. Montava West Wellfield and Pond Wells: Depletions from the Montava West Wellfield and Pond Wells will principally impact Boxelder Creek, but some depletions on the Cache la Poudre River are also predicted. Points of depletion from these structures are at approximately the following locations: i. Boxelder Creek: at a point in the NE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M., ii. Cache la Poudre River: at a point in the NW1/4 of the NW1/4 of Section 17, Township 7 North, Range 68 West of the 6th P.M. In addition, if appropriate to include in the augmentation plan, the Montava West Wellfield and Pond Wells may directly deplete the Larimer & Weld Canal (“LWC”) prior to the LWC crossing Boxelder Creek, B. Montava East Wellfield: Depletions from the Montava East Wellfield will impact Boxelder Creek at a point approximately in the NW1/4 of the SE1/4 of Section 3, Township 7 North, Range 68 West of the 6th P.M.. 27. Water Rights to be Used for Augmentation: A. Fully Consumable Water from the City of Fort Collins: Fully consumable water from the City of Fort Collins (“City”) is a potential augmentation source. Applicant is negotiating a permanent contractual right for up to 25.2 acre-feet of fully consumable water from the City in Rigden Reservoir including the right to store and release additional water from Rigden Reservoir that will be lawfully available for augmentation, replacement, and exchange uses. Applicant may also lease such water from the City in the future. Such augmentation water would be available at one of two delivery points: i. The confluence of the Foothills Outfall Channel and the Cache la Poudre River in the NW1/4 of the NW1/4 of Section 34, Township 7 North, Range 68 West of the 6th P.M. (just below Rigden Reservoir); or ii. The Fossil Creek Reservoir Inlet Ditch at the location where the City of Fort Collins is able to pump water from Rigden Reservoir into that ditch in the SW1/4 of Section 28, Township 7 North, Range 68 West of the 6th P.M., if and when Applicant owes water to that Inlet Ditch, B. Water Supply & Storage Company: Water associated with the changed WSSC Shares as described in Section VI, above. Fully consumable water from the changed WSSC Shares will be released to the Cache la Poudre for augmentation either directly or via tributary streams, recharged to generate lagged accretions, and/or will be stored and re-released to the Cache la Poudre River or its tributaries or to calling structures as needed for augmentation as described in paragraph 21. Additionally, fully consumable seepage credits and irrigation return flows associated with the WSSC Transmountain Water of the changed WSSC Shares or additional unchanged WSSC shares owned or leased by Applicant will be used for augmentation, C. Seaworth Augmentation Pond No. 2 and Seaworth Augmentation Pond: Pursuant to an agreement, Applicant has a 40-acre-foot storage account in Seaworth Augmentation Pond No. 2 and a lease for other augmentation water in Seaworth Augmentation Pond and Seaworth Augmentation Pond No. 2 (collectively the “Seaworth Augmentation Ponds”). Any water stored in the Seaworth Augmentation Ponds that is decreed for augmentation use may be released to the Cache la Poudre River for use in this augmentation plan in a manner consistent with the aforementioned agreement, D. Seaworth Taylor and Gill Ditch Shares: Pursuant to an agreement, consumptive use water quantified in the 16CW3093 Decree will be released to the Cache la Poudre River on a direct basis or after storage for use in this plan for augmentation, E. Wellington Water Works Water: By agreement, Applicant has the right to acquire nontributary ground water from Wellington Water Works (“3W”). The 3W nontributary groundwater consists of rights in and to the Muddy Sandstone, Entrada Sandstone, and Dakota Sandstone formations underlying approximately 4,760 acres as depicted in **Exhibit G**, and as determined and decreed in the Judgment and Decree of the Water Court in Water Court Case No. 05CW343, dated April 8, 2008 (“05CW343 Decree”), including the subset of those lands referred to in the 05CW343 Decree as “Consent Lands.” The 3W nontributary water

is currently the subject of the following well permits: 61879-F, 67456-F, 67457-F, 67458-F, 67459-F, 67460-F, 67461-F, 67462-F, 67463-F, 67464-F, 67465-F, 67466-F, 67467-F, 67468-F, 67470-F, 67472-F, 67474-F, 67477-F, 67478-F, i. Delivery: The 3W nontributary water is permitted to be treated and discharged into the alluvium of Boxelder Creek by use of rapid infiltration basins (“RIBs”) that is delivered to Boxelder Creek and/or the Cache la Poudre River over time. Applicant shall provide evidence in this case on the timing of that delivery, ii. Decreed Uses of the 3W water: Pursuant to the 05CW343 Decree, the 3W nontributary water may be used for domestic, industrial, municipal, irrigation, commercial, livestock watering, recreational, aesthetic ponds and water features, fish and wildlife, fire protection, storage, augmentation, replacement, exchange, recharge, and any and all other beneficial purposes. The 05CW343 Decree also grants the right to use, reuse, successively use, lease, sell or otherwise dispose of to extinction, F. Montava Nontributary Groundwater: See Section VII, above. The nontributary ground water will be treated and discharged to Boxelder Creek and/or the Cache la Poudre. Potential deliver points include, but are not limited to, a point near the Montava East Wellfield, a point at the Cache la Poudre River near the NW1/4 of Section 17, Township 7 North, Range 68 West of the 6th P.M., and the Boxelder Sanitation District outfall location in the NE1/4 of the NE1/4 of Section 28, Township 7 North, Range 68 West of the 6th P.M., including through existing water conveyance systems. G. Fully Consumable Effluent. Return flows from indoor use within Montava will be transported to the Boxelder Sanitation District for treatment and discharge at an outfall location in the NE1/4 of the NE1/4 of Section 28, Township 7 North, Range 68 West of the 6th P.M., to the Cache la Poudre River near the confluence of Boxelder Creek. This effluent is fully consumable per Paragraph 9.A. above, and may be left in the Cache La Poudre River to replace depletions or may be diverted at the Montava Poudre River Diversion or by exchange at the Montava Boxelder Creek Diversion to replace depletions. Applicant reserves the right to use the Montava Poudre River Diversion, Montava Boxelder Creek Diversion and/or Montava East Wellfield to directly replace depletions to specific ditches and augment those diversions with the fully consumable effluent or other augmentation sources. Any portion of the effluent not so used by augmentation or exchange may be used and reused to extinction and otherwise disposed of as claimed in Paragraph 9.A, above, H. Potable System Losses. Any documented leakage in the potable system will be accounted for and accretion credits for those losses will be taken to offset the out-of-priority depletions created by the diversions used to supply the potable system, I. Boxelder Creek Diversion, Montava Poudre River Diversion, Wellfields, Pond Wells. These structures may replace depletions directly to depleted structures under the augmentation plan or by delivery of water to Boxelder Creek and/or the Cache la Poudre River with or without storage as described above, J. North Gray Reservoir and South Gray Reservoir (collectively “Gray Lakes”). Gray Lakes are located approximately in the E 1/2 of Section 34 and SW 1/4 of Section 35, both in T8N, R68W, and fed by a ditch from Box Elder Creek and the unnamed draws described in the decree entered in Case No. 05CW276. See **Exhibit B**, K. New Augmentation Sources. In addition to the above-described augmentation sources, Applicant requests the right to add new augmentation sources to this plan in the future after providing notice to the Water Court in this case, and to the State and Division Engineer (“Engineers”) and any parties in this case, with an opportunity for the Engineers and all parties to comment upon and/or oppose such sources. 28. Statement of Plan for Augmentation: By this Application, Applicant seeks to augment out-of-priority lagged depletions caused by diversions at the Wellfields and Pond Wells described in Section I, above, by using the augmentation sources described in Paragraph 27, above. More specifically, out-of-priority depletions from the Wellfields and Pond Wells will principally accrue to Boxelder Creek but a small percentage of the depletions are expected to occur on the Cache la Poudre River as depicted in **Exhibit B** and may occur directly to the LWC before it crosses Boxelder Creek. Metered water deliveries to the indoor potable system will be considered 5% consumptive, with 95% considered to be treated return flows, unless a more detailed analysis of the indoor consumption is performed or other measurements of the losses are used. Any treatment loss prior to distribution through the Montava potable water supply system will be metered and considered 100% consumptive. There are no intervening water rights between the point of depletion on Boxelder Creek and the confluence with the Cache la Poudre River. When a lawful administrative call is placed downstream of the confluence of the Cache la Poudre River and Boxelder Creek, Applicant will replace out-of-priority depletions with any one or more of its augmentation sources

described herein. A lawful administrative call upstream of the confluence of Boxelder Creek and the Cache la Poudre River, but downstream of the point of depletion on the Cache la Poudre River, will be replaced with an upstream augmentation source or directly to the calling structure by use of the Montava Poudre River Diversion or Rigden Reservoir. The Montava Poudre River Diversion may operate as an augmented structure. The Montava West Wellfield and Pond Wells may be used for augmentation if needed to replace post-pumping depletions or other temporary augmentation shortfalls by delivering the water to the Boxelder Sanitation District for treatment and discharge near the confluence of Boxelder Creek as described above in Paragraph 27.G or by delivery to Boxelder Creek or the Cache la Poudre River and may operate as augmented structures during that time. To the extent depletions are required to be replaced to the LWC, and in addition to other augmentation sources identified in Paragraph 27, the Montava Boxelder Creek Diversion and Montava East Wellfield may be used to deliver replacement water directly to the LWC and may operate as augmented structures in doing so. Fully consumable effluent may also be exchanged to the Montava Boxelder Creek Diversion for replacement purposes. At times when credit for some or all of the Wellfield return flows through the Boxelder Sanitation District is not needed or used to offset out-of-priority depletions, that portion of the effluent for which such credit is not claimed may be used and reused to extinction and otherwise disposed of as claimed in Paragraph 9.A, above. Many components of this Augmentation Plan are depicted in **Exhibit B** hereto. **IX. Request for Appropriative Rights of Exchange**

29. **Appropriative Right of Exchange:** Applicant requests the right to deliver the 3W nontributary water and reusable effluent after a first use of the Wellfield water to the Cache la Poudre River and then exchange it up to the diversion structures for the Seaworth Augmentation Pond No. 2 for storage. A. **Upstream Termini:** i. Seaworth River Diversion, described in Paragraph 15.C.ii, above, ii. Taylor and Gill Ditch headgate, described in Paragraph 15.C.i, above, B. **Downstream Terminus:** the confluence of Boxelder Creek and the Cache la Poudre River, at the Boxelder Sanitation District outfall described in Paragraph 27.G, above, C. **Appropriation Date:** December 30, 2020, D. **How Appropriation was Initiated:** By the filing the Original Application in this case, E. **Amount:** 1.0 cfs., F. **Uses:** Storage, augmentation, replacement, exchange, commercial, in-reservoir recreation, piscatorial and fish propagation, and wildlife watering, G. **Remarks:** The proposed exchanges are depicted in **Exhibit H**, 30. **Appropriative Right of Exchange:** Applicant requests the right to exchange fully consumable effluent from uses at Montava from the outfall of the Boxelder Sanitation District Wastewater Treatment Plant to the Montava Boxelder Creek Diversion, A. **Upstream Terminus:** Montava Boxelder Creek Diversion as described in Paragraph 12.A, above, B. **Downstream Terminus:** Boxelder Sanitation District outfall location described in Paragraph 27.G, C. **Appropriation Date:** August 16, 2023, for 0.3 cfs and April 30, 2025 for another 0.4 cfs., D. **How Appropriation was Initiated:** By filing the Amended Application and the Second Amended Application in this case, E. **Amount:** 0.7 cfs, conditional, F. **Uses:** augmentation and replacement, G. **Remarks:** The proposed exchange is depicted in **Exhibit H**, 31. **Owners of land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored:** A. Applicant; B. William O. and Paulette M. Seaworth, Seaworth Augmentation LLC, and William O. Seaworth and Son LLC, 2305 N. Taft Hill Road, Fort Collins, Colorado 80524-1028; C. Slash V LLC, 23 Alles Drive, Greeley, CO 80631-6828; D. Anheuser-Busch Foundation, c/o Anheuser-Busch Companies, 1 Busch Place, Saint Louis, MO 63118-1849; E. Poudre R-1 School District, 2407 La Porte Avenue, Fort Collins, CO 80521-2211; F. Water Supply and Storage Company, P.O. Box 1584, Fort Collins, CO 80522; G. The Taylor and Gill Ditch Company, 2711 N. Overland Trail, P.O. Box 526, LaPorte, CO 80535; and H. Little Cache Ditch Company, c/o The Larimer & Weld Irrigation Company, 106 Elm Avenue, Eaton, CO 80615, I. City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522, J. Lake Canal Reservoir Company, 207 Windflower Way, Severance, CO 80550-6235. WHEREFORE, Applicant respectfully requests the Court enter a ruling that: (1) grants Applicant's request for ground water rights as described in Section I; (2) grants Applicant's request for new surface water or ground water rights described in Section II; (3) grants Applicant's request for storage right with two filling structures as described in Section III; (4) grants Applicant's request for a water right for the Seaworth Augmentation Pond as described in Section IV; (5) grants Applicant's request for an alternate place of storage as described in Section V; (6) grants Applicant's request for a change of water right as

described in Section VI; (7) grants Applicant's request for a nontributary ground water determination as described in Section VII; (8) grants Applicant's request for a plan for augmentation as described in Section VIII; (9) grants Applicant's request for appropriative rights of exchange as described in Section IX; and (10) grants such other and further relief as the Court deems appropriate.  
(20 pages + Exhibits)

**Water Supply and Storage Company Water Rights  
Direct Flow (District 3)**

<b>Name</b>	<b>Amount</b>	<b>Source</b>	<b>Location Section Township Range</b>	<b>Appropriation Date</b>	<b>Adjudication Date</b>	<b>Judicial Proceeding</b>
Larimer County Canal	10.76 cfs	CLP	SW SE SW 13- 8N-70W	1862/03/01	1882/04/11	Case 320 Original (1423 TT)
Larimer County Canal	13.89 cfs	CLP	SW SE SW 13- 8N-70W	1864/09/15	1882/04/11	Case 320 Original (1423 TT)
Larimer County Canal	2.00 cfs	CLP	SW SE SW 13- 8N-70W	1868/03/15	1882/04/11	Case 320 Original (2406 TT)
Larimer County Canal	2.67 cfs	CLP	SW SE SW 13- 8N-70W	1868/03/15	1882/04/11	Case 320 Original (2818 TT)
Larimer County Canal	4.00 cfs	CLP	SW SE SW 13- 8N-70W	1873/03/20	1882/04/11	Case 320 Original (2406 TT)
Larimer County Canal (Henry Smith)	7.23 cfs	CLP	SW SE SW 13- 8N-70W	1878/04/01	1882/04/11	Case 320 Original
Larimer County Canal	463.00 cfs	CLP	SW SE SW 13- 8N-70W	1881/04/25	1882/04/11	Case 320 Original
Larimer County Canal	246.45 cfs	CLP	SW SE SW 13- 8N-70W	1914/09/28	1945/12/18	Case 5362 (84CW204) Supp.

Note: CLP - Cache la Poudre River

**Water Supply and Storage Company Water Rights  
Storage (District 3)**

<b>Name</b>	<b>Amount</b>	<b>Source</b>	<b>Location Section Township Range</b>	<b>Appropriation Date</b>	<b>Adjudication Date</b>	<b>Judicial Proceeding</b>
Chambers Lake Reservoir	3080.0 AF	Joe Wright Creek, Fall River Creek	NE NE SE 6-7N-75W	1882/07/12	1886/10/12	Case 320 Original

<b>Name</b>	<b>Amount</b>	<b>Source</b>	<b>Location Section Township Range</b>	<b>Appropriation Date</b>	<b>Adjudication Date</b>	<b>Judicial Proceeding</b>
		and Trap Creek				
WSSC Res. No. 2, 3	689.0 AF	CLP	NE SE SW 14-8N-69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 4	574.0 AF	WSSC Res. No. 2, 3	SE NE SW 23-8N-69W	1882/10/01	1904/12/09	Case 1591 Original
WSSC Res. No. 1 (Rocky Ridge)	4726.0 AF	CLP	SW SE SW 11-8N-69W	1891/09/01	1904/12/09	Case 1591 Original
WSSC Res. No. 5 (Long Pond)	4037.0 AF	CLP	SW SE NW 31-8N-68W	1891/09/01	1904/12/09	Case 1591 Original
Lindemeier Lake	608.0 AF	Long Pond Res.	SW NW NE 6-7N-68W	1892/02/16	1904/12/09	Case 1591 Original
WSSC Res. No. 4	310.0 AF	Long Pond Res.	23-8N-69W	1892/02/16	1904/12/09	Case 1591 (W-7821- 74) Original
WSSC Res. No. 4	422.0 AF	WSSC Res. No. 2, 3	SE NE SW 23-8N-69W	1900/12/12	1904/12/09	Case 1591 Original
Black Hollow Res.	6428.0 AF	CLP	SE SE SE 34-8N-67W	1906/02/20	1922/04/22	Case 2031 Supp.
Chambers Lake Reservoir	3577.0 AF	Joe Wright Creek, Fall River Creek and Trap Creek	NE NE SE 6-7N-75W	1910/05/28	1922/04/22	Case 2031 Supp.
Kluver Res.	1562.0 AF	CLP	SW NE NW 23-8N-69W	1911/05/01	1945/12/18	Case 5362 Supp.
Black Hollow Res.	2158.0 AF	CLP	SE SE SE 34-8N-67W	1918/10/05	1945/12/18	Case 5362 Supp.
Long Draw Res.	4201.0 AF	Long Draw Creek	NE NW SE 11-6N-75W	1922/06/05	1945/12/18	Case 5362 Supp.
Chambers Lake Reservoir	2197.0 AF	Joe Wright Creek, Fall River Creek and Trap Creek	NE NE SE 6-7N-75W	1922/12/03	1945/12/18	Case 5362 Supp.
WSSC Res. No. 2, 3	3615.0 AF	CLP	NE SE SW 14-8N-69W	1943/10/04	1953/09/10	Case 11217 Supp.

<b>Name</b>	<b>Amount</b>	<b>Source</b>	<b>Location Section Township Range</b>	<b>Appropriation Date</b>	<b>Adjudication Date</b>	<b>Judicial Proceeding</b>
WSSC Res. No. 2, 3	445.9 AF	CLP	NE SE SW 14-8N-69W	1943/10/04	1953/09/10	Case 11217 (W-112- 74) Supp.
WSSC Res. No. 2, 3	138.0 AF	CLP	NE SE SW 14-8N-69W	1943/10/04	1977/12/31	W-112-77 Supp.
Long Draw Res.	6600.0 AF	CLP	NE NW SE 11-6N-75W	1965/08/31	1977/12/31	W-9322-78 (83CW126) Supp.
Trap Lake II	3800.0 AF	Trap Creek	NW NW SW 21- 7N-75W	1982/06/16	1982/12/31	82CW289 Supp. - Cond.

Note: CLP - Cache la Poudre River

### **Water Supply and Storage Company Water Rights Transmountain**

<b>Name</b>	<b>Amount</b>	<b>Source</b>	<b>Location Section Township Range</b>	<b>Appropriation Date</b>	<b>Adjudication Date</b>	<b>Judicial Proceeding</b>
Chambers Lake Reservoir	11478.0 AF	Big Laramie River	6-7N-75W	1891/08/07	1896/10/30	Case 1247 Original
Laramie River Ditch (Skyline Ditch)	300 cfs	West Branch Laramie River	NE NE SW 14- 8N-76W	1891/08/07	1896/10/30	Case 1247 Original (84CW204) Supp.
Cameron Pass Ditch	8.9 cfs	Michigan River	SE 2-6N-76W	1882/07/30	1902/04/23	Case 1519 Original 21CW3048 Abandon,
Cameron Pass Ditch	8.9 cfs	Michigan River	NW SE 2-7N- 76W	1898/07/07	1902/05/23	Case 1519 Original 11CW0037 Abandon.. 21CW3048 Abandon.
Grand River Ditch Alternate Point Alternate Point	524.6 cfs	Colorado River	NE SW NW 21- 6N-75W NW NE NW 28- 5N-76W NW NE SE 29- 6N-75W	1890/09/01	1906/08/11	Case 112 Original
Laramie River Tunnel*	300.0 cfs	Big Laramie River	NE SW 7-8N- 75W	1902/08/25	1914/02/20	Case 2725 Case 5993 84CW204 Supp.
Rawah Ditch*	225.0 cfs	Rawah Creek		1902/08/25	1914/02/20	Case 2725

Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
			NE NE SW 32- 9N-76W			Case 5993 Supp.
Rawah and Lower Supply Ditch*	275.0 cfs	Rawah Creek	SE SE SW 14- 9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
McIntyre Ditch*	40.0 cfs	McIntyre Creek	SE NE NE 31- 9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 1*	1050.0 AF	Rawah Creek	SE 7-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 2*	1400.0 AF	Rawah Creek	SW 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 3*	525.0 AF	Rawah Creek	NW 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 4*	592.0 AF	Rawah Creek	SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 5*	700.0 AF	Rawah Creek	NE 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 6*	300.0 AF	Rawah Creek	SW 32-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 7*	440.0 AF	Rawah Creek	NE 5-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 8*	2000.0 AF	Rawah Creek	SW 4-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 9*	574.0 AF	Rawah Creek	NE 6-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 10*	425.0 AF	McIntyre Creek	NE 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 11*	1148.0 AF	McIntyre Creek	SW 31-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 12*	138.0 AF	Rawah Creek	NW 4-8N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Link Lake No. 13*	597.0 AF	Rawah Creek	NE 29-9N-76W	1902/08/25	1914/02/20	Case 2725



Name	Amount	Source	Location Section Township Range	Appropriation Date	Adjudication Date	Judicial Proceeding
						Case 5993 Supp.
Link Lake No. 14*	597.0 AF	Rawah Creek	NE 29-9N-76W	1902/08/25	1914/02/20	Case 2725 Case 5993 Supp.
Laramie Lake	340.0 AF	Drainage	SE NW 32-8N- 75W	1890/07/01	1944/09/11	Case 5993 Supp.
Lost Lake	288.0 AF	Drainage	SW SE 31-8N- 75W	1890/07/02	1944/09/11	Case 5993 Supp.
Lilly Lake	178.00 AF	Drainage	SE NW 29-8N- 78W	1912/07/01	1944/09/11	Case 5993 Supp.

Note: \* Partial Ownership

**Water Supply and Storage Company Water Rights  
Seepage (District 3)**

Name	Amount	Source	Location 10 40 160 Sect Twn Rge	Appropriation Date	Adjudication Date	Judicial Proceeding
Lind Reservoir*	54.9 AF	Seepage	SE NE SE 35-8N- 68W	1881/04/21	1972/12/31	W-1748 W-1877-Supp.
WSSC Seepage A	2.0 cfs	Seepage	NE NE NW 20- 8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage B	2.0 cfs	Seepage	SE SE SE 17-8N- 69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 1	5.0 cfs	Seepage	SW NW SW 4- 8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2	12.0 cfs	Seepage	SW NW NE 3- 8N-69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2A	4.0 cfs	Seepage	NE NE SW 3-8N- 69W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 2B	2.0 cfs	Seepage	NW SW SE 17- 8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 3	20.0 cfs	Seepage	NE SW NW 14- 8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 4	1.0 cfs	Seepage	NE NW SW 14- 8N-68W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 6	2.0 cfs	Seepage	NW NW SW 31- 8N-67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7	2.0 cfs	Seepage	NW SW SE 6-7N- 67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7A	0.1 cfs	Seepage	SW NE SW 8-7N- 76W	1881/04/21	1972/12/31	W-1977 Supp.

Name	Amount	Source	Location 10 40 160 Sect Twn Rge	Appropriation Date	Adjudication Date	Judicial Proceeding
WSSC Seepage 7B	0.3 cfs	Seepage	SW SW SE 8-7N- 67W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 7C	2.0 cfs	Seepage	NW NW SW 13- 7N-67W	1960/06/01	1972/12/31	W-1877 Supp.
WSSC Seepage 8	0.62 cfs	Seepage	NE SE SE 5-7N- 66W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 9	1.0 cfs	Seepage	SE NE SE 5-7N- 66W	1881/04/21	1972/12/31	W-1877 Supp.
WSSC Seepage 10	0.9 cfs	Seepage	SW NW SW 4- 7N-66W	1881/04/21	1972/12/31	W-1877 Supp.

Note: \* Partial Ownership

**\*Resume ad/legal notice for 2024CW3180 was held and not published in newspaper for affected county for December 2024 Water Resume. Resume for 2024CW3180 to be published in newspaper for affected county in April 2025 Water Resume.**

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

g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Groundwater Available. Applicants are the owners of Applicants' Property as well as the owners of the following water in the Denver Basin aquifers as quantified in the Decree pursuant to the attached **Exhibit B** deed:

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

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

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

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

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

Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Valens Wells, Applicants will reserve 1,862 acre-feet of the nontributary Denver aquifer, allowing for decrease based on stream depletions replaced during the plan pumping period. Applicants also reserve the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicants reserve the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Denver aquifer groundwater will be used to replace any injurious post-pumping depletions which shall be reduced by that amount replaced during pumping. Upon entry of a decree in this case, the Applicants will be entitled to apply for and receive a new well permit for the Valens Wells for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. Remarks. This Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system and it is Applicants' intent to consolidate the instant matter with the pending Division 2 application in Water Division 1 upon completion of publication. Applicants request that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. Applicants request a finding that they have complied with C.R.S. § 37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by the requested not-nontributary wells upon the entry of a decree approving a plan for augmentation pursuant to C.R.S. § 37-90-137(9)(c.5). (Application is 7 pages)

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 **JUNE 2025** (forms available on [www.courts.state.co.us](http://www.courts.state.co.us) or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.