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DISTRICT COURT, WATER DIVISION 1, COLORADO

MAY 2025 WATER RESUME PUBLICATION

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

CASE NUMBER 2025CW2 GENESYS LEASING LLC, c/o Marty Klaiber 3260 E Woodmen Rd #110, Colorado Springs, CO 80920. (719) 661-5435. **APPLICATION FOR CONDITIONAL WATER RIGHTS (SURFACE) IN PARK COUNTY.** 1. Mustang Spring No 1 located SE1/4, NW1/4, S12, T9S, R77W of the 6th PM, 4348216N, 418438E; 2. Mustang Spring No 2 located SE1/4, NW1/4, S12, T9S, R77W of the 6th PM, 4348289N, 418342E; 3. Mustang Spring No 3 located SE1/4, NW1/4, S11, T9S, R77W of the 6th PM, 4348200N, 416896E; 4. Mustang Spring No 4 located NE1/4, NW1/4, S11, T9S, R77W of the 6th PM, 4348996N, 416722E; 5. Mustang Spring No 5 located NE1/4, NW1/4, S14, T9S, R77W of the 6th PM, 4347717N, 416651E. Source: Spring. Date of Appropriation: 07/23/20. Amount claimed: 2 gpm Conditional. 2. Use: Stock watering.

CASE NUMBER 2025CW7 HARRISON FILAS AND KERRIE MIDKIFF, 3851 Willownook Ranch Trail, Elizabeth, CO 80107. 720-240-3714. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Subject Property: Parcel of land consists of 65 acres, more or less, located W1/2 of the W1/2 of S8 and the E1/2 of S7, T9S, R64W of the 6th PM in Elbert County. Permitted Well: Well Permit Number 210736 located SE 1/4, NE 1/4, S7, T9S, R64W of the 6th PM in Elbert County also known as 3851 Willownook Ranch Trail, Elizabeth, CO 80107. Subdivision Willownook Ranches, Lot 1. UTM coordinates: Northing 4348123.0 Easting 534065.4. Source: Upper Dawson. Depth: 320 ft. Date of appropriation: 07-27-98. Date water applied to beneficial use: 10-23-97. Claimed pumping rate: 12 gpm. Amount claimed in acre-feet annually: 3 af. Use: single-family dwelling, irrigation of lawns and gardens, livestock watering. Applicants seek to adjudicate the Denver Basin ground water underlying the subject property in all the available aquifers. Applicants seek to adjudicate the existing well located on the property.

CASE NUMBER 2025CW8 JEFFREY TER AVEST, 2020 Burbank Street, Berthoud, CO 80513. 970-310-1480. **APPLICATION FOR CHANGE OF WATER RIGHT IN PARK COUNTY.** Date of Original Decree: April 26, 2002, in Case No 1996CW918 in WD1. Name of Structure: Ter Avest Well 110334 located NW, SW1/4, SW1/4, S15, T9S, R75W of the 6th PM in Park County. At a point approximately 1100 feet from the South Section line and 300 feet from the West Section line. Subdivision: Indian Mountain, Lot 180, Filing 26, a/k/a 44 Batak Lane. Decreed Source: Groundwater. Total amount decreed to structure in gallons per minute: Absolute 2 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 court approved augmentation plan.

***PUBLICATION DID NOT OCCUR AS SUBMITTED UNDER A PREVIOUS RESUME THEREFORE CASE INCLUDED IN MAY RESUME.**

***CASE NUMBER 2025CW3015 SEARLE DEVELOPMENT, INC.** c/o Stan Searle, 18811 Cherry Springs Ranch Drive, Monument, CO 80132. (Please address all communications, pleadings and documents to Ryan W. Farr 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 SUPPLEMENTAL PLAN FOR AUGMENTATION IN EL PASO COUNTY.** The decree in Case No. 85CW230, District Court, Water Division 1, quantified the Denver Basin groundwater underlying 2,041 acres ("85CW230 Decree"). Applicant acquired a portion of the land subject of the 85CW230 Decree along with a proportional interest in the underlying Denver Basin groundwater. Applicant then adjudicated a plan for augmentation in Case No. 04CW299, District Court, Water Division 1 ("04CW299 Case") utilizing water quantified in the 85CW230 Decree. The decree in the 04CW299 Case ("04CW299 Decree") awarded a plan for augmentation for the development of a subdivision with 46 residential lots utilizing individual Dawson aquifer wells for the water supply. Applicant subsequently amended the plan for augmentation subject of the 04CW299 Decree in Case No. 08CW188, District Court, Water Division 1 ("08CW188 Decree") to decrease the amount of residential lots subject of the plan for augmentation to 42 lots. Applicant now seeks a supplemental plan for augmentation to allow for an additional 24 residential lots to be constructed in the planned subdivision which will also utilize individual Dawson aquifer wells. Property Description. Applicants own three contiguous parcels containing approximately 111.41 acres located in portions of the S1/2 of the NE1/4, the N1/2 of the SE1/4, and the SE1/4 of the SE1/4 of Section 9, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado, specifically described on attached **Exhibit A** and shown on attached **Exhibit B** ("Applicant's Property"). Applicant's Property is contiguous to the 16-lot subdivision filing that has already been completed that is being served water pursuant to the 08CW188 Decree. Proposed Wells. Applicants propose to construct an additional 24 wells to the Dawson aquifer to supply water to 24 residential lots that are in addition to the 42 residential lots subject of the 08CW188 Decree. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying the Applicant's Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Denver and Arapahoe aquifers is nontributary. 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. Applicant is the owner of Applicant's Property as well as the owner of the following water in the Denver Basin aquifers as a proportional interest as quantified in the 85CW230 Decree:

AQUIFER	Total Decreed Water (Acre-Feet)	Water Dedicated to the 08CW188 Decree Aug Plan (Acre-Feet)	Water Available for Other Uses
Dawson (NNT Actual)	19,826	12,600	7,226
Denver (NT)	21,569	0	21,569
Arapahoe (NT)	10,797	5,928	4,869
Laramie Fox Hills (NT)	1,260	6,930	0

Structures to be Augmented. The structures to be augmented are 24 additional wells constructed to the

Dawson aquifer to supply water to 24 additional residential lots being part of the total 66-lot residential subdivision, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer (“Additional Dawson Aquifer 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 Additional Dawson Aquifer Wells, together with water rights from the nontributary Denver and Arapahoe aquifers for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant seeks to augment stream depletions attributable to the pumping of the not-nontributary Dawson aquifer. Uses. Pumping from the Dawson aquifer will set at 1 acre-foot per year per lot for a maximum of 24 acre-feet per year combined for the Additional Dawson Aquifer Wells. Such uses shall be for domestic, commercial, irrigation, stock 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 24.38% of pumping. Therefore, maximum annual depletions from the Additional Dawson Aquifer Wells amounts to 5.851 acre-feet in year 300. Should Applicant’s pumping be less than the 24 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), Applicant is required to replace actual stream depletions attributable to pumping of the Additional Dawson Aquifer 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 7.2 acre-feet per year (0.3 acre-feet per lot), 6.48 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 Additional Dawson Aquifer Wells, Applicant will reserve 2,478 acre-feet of the nontributary Denver aquifer and 4,869 acre-feet of the Arapahoe aquifer, allowing for the decrease of such reservations based on stream depletions replaced during the plan pumping period. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court’s retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Denver and Arapahoe 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 Applicant will be entitled to apply for and receive well permits for the Additional Dawson Aquifer 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 the Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system and it is Applicant’s intent to consolidate the instant matter with the pending Division 2 application 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. Applicant requests a finding that it has 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). The term of this plan for augmentation is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well’s actual pumping. 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 adequate information obtained from well drilling or test holes. The Applicant requests a finding that vested water rights of others will not be injured by the withdrawals of groundwater and the proposed plan for augmentation. The wells shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and

Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. The Applicant shall also provide accountings to the Division Engineer and Water Commissioner as required to demonstrate compliance under this plan of augmentation. The Applicant intends to waive the 600 feet well spacing requirement for any wells to be located upon the Applicant's Property. There are no lienholders on the Property, and therefore the lienholder notice provisions set forth in C.R.S. § 37-92-302(2)(b) are inapplicable. (Application – 7 pages)

***PUBLICATION DID NOT OCCUR AS SUBMITTED UNDER A PREVIOUS RESUME THEREFORE CASE INCLUDED IN MAY RESUME.**

***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 2025CW3055 (2018CW3196 and 2002CW345) FORT MORGAN RESERVOIR AND IRRIGATION COMPANY, 218 East Kiowa, Fort Morgan, Colorado 80701, Telephone: (970) 867-7561; and KENNEDY ET AL. INVESTMENT, LLC, c/o Gale Kennedy, 21949 WCR 3, Berthoud, CO 80513. Communications, including pleadings regarding this application should be directed to counsel for the Applicants, Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80304. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PORTION OF WATER RIGHT ABSOLUTE, IN WELD AND MORGAN COUNTIES.** Name of Water Right. Fort Morgan Company/Kennedy Augmentation Water Right. Original Decree and Diligence Decree. a. Date of original decree: November 2, 2012, Case No. 02CW345, District Court, Water Division No. 1. b. Diligence Decree: May 15, 2019, Case No. 18CW3196, District Court, Water Division 1. 4. Legal Point of Diversion: The headgate of the Fort Morgan Canal is located at a point on the South Bank of the South Platte River, 1,518 feet North and 330 feet West of the Southeast Corner of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado. A map depicting the location of the Fort Morgan Canal is attached as Exhibit A. a. Source. South Platte River. b. Date of Initiation of Appropriation: November 1, 2002. c. Amount: 50 c.f.s. (15.6 cfs Absolute and 34.4 cfs Conditional), but not more than a total of 1,300 acre-feet during any period from

November 1 to October 31 of the succeeding year. d. Uses: The water will be diverted at the Fort Morgan Canal headgate and delivered to the Kennedy Recharge Ponds depicted on Exhibit A attached hereto and described in the decree entered in Case No. 02CW345 and subsequent Notice of New Pond filed on March 18, 2014 in Case No. 02CW345. The recharge accretions generated by this water right shall be limited to use by FMRIC and Kennedy for augmentation to replace depletions from pumping wells described in Case Nos. 02CW345, W-2692, 91CW035, W-9383-78, 94CW186, 96CW017, 00CW261, and 01CW102, all decreed in Water Division 1. Excess recharge accretions may be substituted and exchanged pursuant to the Appropriative Right of Substitution and Exchange described below in paragraph 4 and in the decree entered in Case No. 2002CW345. **APPROPRIATIVE RIGHTS OF SUBSTITUTION AND EXCHANGE.** Name of Water Right: Fort Morgan Company Substitution and Exchange. Original Decree and Diligence Decree. a. Date of original decree: November 2, 2012, Case No. 02CW345, District Court, Water Division No. 1. b. Diligence Decree: May 15, 2019, Case No. 18CW3196, District Court, Water Division 1. Legal Descriptions: a. Exchange-to Point: The Fort Morgan Canal headgate described in paragraph 4. above. b. Exchange-from Point: A point on the South Platte River in the SE1/4 of the NE1/4 of Section 5, Township 4 North, Range 55 West, 6th PM, approximately 1,910 ft. from the North Section line and approximately 95 ft. from the East Section line of said Section 5. Date of Initiation of Appropriation. November 1, 2002. Amount claimed. 2 c.f.s., (0.3 cfs Absolute and 1.7 cfs Conditional). Total diversions pursuant to this appropriative right of substitution and exchange in any period from November 1 to October 31 of the succeeding year shall not exceed 500 acre-feet. Use. Water diverted pursuant to this appropriative right of substitution and exchange shall be limited to use for augmentation as described in Case No. 2002CW345. Source of Supply. The source of substitute supply is limited to those excess recharge accretions from the Fort Morgan Company/Kennedy Augmentation Water Right described above. **DILIGENCE ACTIVITIES.** Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use: a. Pursuant to paragraph 59 of the 02CW345 Decree, the Recharge and Exchange Rights are part of a unified water system so that work done on any one part of the system may be considered in evaluating reasonable diligence in the development of the Recharge and Exchange Rights. b. During the subject diligence period, Applicants have continued to plan for and pursue development and use of the Fort Morgan Company/Kennedy Augmentation Water Right and Fort Morgan Company Substitution and Exchange (“Recharge and Exchange Rights”), including but not limited to: i. Applicant FMRIC has diverted water under the Fort Morgan Company/Kennedy Augmentation Water Right when available in priority for delivery to the Kennedy Recharge Sites for recharge of the South Platte alluvial aquifer and replacement of well pumping depletions. Kennedy has pumped the Kennedy Wells under the augmentation plan decreed in the 02CW345 Decree. When the projection of depletions from such wells as decreed in the 02CW345 Decree indicates that they will be replaced under the augmentation plan, they have been so replaced by the Fort Morgan Company/Kennedy Augmentation Water Right. ii. Applicant FMRIC has diverted water under the Fort Morgan Company Substitution and Exchange when available in priority for delivery to Fort Morgan Canal and Kennedy Recharge Sites described in the 02CW345 Decree for purposes of replacement of depletions through recharge of the South Platte aquifer, and has engaged in routine operation and maintenance of the ditch and ditch laterals to permit delivery of recharge water to the Kennedy Recharge Sites. c. Applicant FMRIC has also reviewed the water court resume to determine if applications had been filed which might adversely affect the subject conditional water rights and water rights under its unified water system and has continued to participate as an opposer in numerous water court cases within Water Division No. 1 in the interest of protecting the subject conditional water rights and water rights under its unified water system. Applicants have expended approximately \$45,810 in costs for legal and engineering fees for defense and protection of the subject conditional water rights. d. Applicant FMRIC has expended \$306,500 for the routine operation and maintenance of FMRIC infrastructure necessary to operate and develop all water rights in the unified water system, including the conditional water rights that are the subject of this Application. Applicants have expended \$7,383 in total costs and fees to specifically continue to develop the water rights that are the subject of this Application. **CLAIM TO MAKE ABSOLUTE.** Claim to make absolute in part: a. Fort Morgan Company/Kennedy Augmentation Water Right. i. Date water applied to beneficial use: April 2,

2025. ii. Amount: Applicant FMRIC diverted 29.23 cfs at the headgate of the Fort Morgan Canal for delivery to the Kennedy Recharge Sites described in the Case No. 02CW345 decree. Therefore, Applicant FMRIC claims 29.23 cfs of the Fort Morgan Company/Kennedy Augmentation Water Right as absolute, with 20.77 cfs remaining conditional. iii. Supporting Evidence: The Colorado Division of Water Resources April 2025 diversion records report for the Fort Morgan Company/Kennedy Augmentation Right shows 29.23 cfs was diverted on April 2, 2025, a copy of which report is attached to the Application as Exhibit B. iv. Description of place of beneficial use: The 29.23 cfs of water diverted under the Fort Morgan Company/Kennedy Augmentation Water Right was delivered to the Kennedy Recharge Pond #2 described in paragraph 19.b.ii. of the Case No. 02CW345 Decree. The Kennedy Recharge Ponds are shown on the map attached to this Application as Exhibit A. Accretions of water to the South Platte River pursuant to the diversion of 29.23 cfs of the Fort Morgan Company/Kennedy Augmentation Right were or will be used to augment depletions of wells under the augmentation plan(s) described in that case. Names(s) and address(es) of owner(s) or reputed owners of the land: No 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 pursuant to this Application. However, all related structures are located on lands owned or controlled by Applicants or on which FMRIC owns an easement. WHEREFORE, Applicants, having demonstrated that they have steadily applied effort to complete the appropriation of these water rights in a reasonably expedient and efficient manner, respectfully request that this Court find that they have exercised reasonable diligence in putting to beneficial use the conditional water rights, that 29.23 cfs of the Fort Morgan Company/Kennedy Augmentation Water Right shall be made absolute, with 20.77 cfs remaining conditional, and the 1.7 cfs conditional portion of the Fort Morgan Company Substitution and Exchange shall remain conditional, and to continue the conditional decree for those portions of the subject water rights another six years, or such period as may otherwise be permitted by law.

****ORDER FOR NO PUBLICATION OF CASE NUMBER 2025CW3056, WD1 – APPLICATION FILED IN WD2 CASE NO. 2025CW3021 IS IDENTICAL TO WD1 CASE NO. 2025CW3056 – WD2 TO PUBLISH**

****CASE NUMBER 2025CW3056 TAYLOR LIVING TRUST DATED MAY 14, 2013**, c/o Diana Taylor, Trustee, 6645 Shoup Road, Colorado Springs, CO 80908 (Please address all pleadings and correspondence to Chris D. Cummins and W. James Tilton of Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Colorado Springs, CO 80921 (719) 471-1212). **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN EL PASO COUNTY**. Taylor Living Trust dated May 14, 2013 (hereafter “Applicant”) seeks to construct up to four wells, including an existing exempt well to the not-nontributary Dawson aquifer to provide water service to an equivalent number of lots, based on an anticipated subdivision of Applicant’s approximately 23.5 acre parcel of land. Applicant therefore seeks to quantify the Denver Basin groundwater underlying the Applicant’s Property, and approval of a plan for augmentation for the use thereof. Property Description. All wells are and will be located on Applicant’s approximately 23.5 acre property (“Applicant’s Property”) anticipated to be subdivided into up to four lots, with current schedule number 5218000100. Applicant’s Property is depicted on the attached **Exhibit A** map, located in the NE1/4 NE1/4 of Section 18, Township 12 South, Range 65 West of the 6th P.M., and more particularly described as 6645 Shoup Rd, Colorado Springs, CO 80908. Existing Well. There is an existing domestic well with Division of Water Resources Permit No. 206816 (“Taylor Well No. 1”), permit attached as **Exhibit B**. It is a Dawson aquifer well drilled to a total depth of approximately 250 feet, and is located at UTM Easting: 525625; Northing: 4318103 (Zone 13, NAD83). Following issuance of the decree in this case Applicant will re-permit this well consistent with the terms of the decree in this case. Proposed Wells. Applicant proposes that up to three additional wells will be located on the Applicant’s Property at specific locations not yet determined (“Taylor Well Nos. 2 through 4”), each to be constructed to the Dawson aquifer (one well per lot). Land Ownership. The land upon which the existing and proposed wells will be constructed is owned by Applicant, Taylor Living Trust dated May 14, 2013, which is managed by Diana Taylor, as the Trustee of the Taylor Living Trust dated May 14, 2013. **Exhibit C**. Not-Nontributary.

The ground water to be withdrawn from the Dawson and Denver aquifers underlying the Applicant's Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson and Denver aquifers will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Arapahoe and Laramie-Fox Hills aquifers underlying the Applicant's Property is nontributary. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant's Property. Said amounts may be withdrawn over the 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)	273.9	1,288.43	12.88	4.29
Denver (NNT)	392.1	1,567.77	15.68	5.23
Arapahoe (NT)	252.7	1,010.4	10.1	3.37
Laramie Fox Hills (NT)	189.8	669.61	6.7	2.23

Decreed amounts may vary from the above to conform with 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 ground water for beneficial uses upon the Applicant's Property consisting of domestic, irrigation, domestic animal and stock watering, equestrian facilities, agricultural, commercial, filling of a swimming pool and/or hot tub, fire protection, recreation, and also for storage and augmentation purposes associated with such uses. The Applicant also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson or Denver aquifers pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifers in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests the entitlement to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's

Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located as well as the underlying groundwater is owned by the Applicant. Statement of Plan for Augmentation. Applicant seeks approval of a plan for augmentation to allow it to utilize the not-nontributary Dawson aquifer underlying the property described herein, including following potential subdivision thereof. All wells to the not-nontributary Dawson aquifer will, during the pumping life of such wells, be augmented by septic return flows resulting from domestic uses, with post pumping depletions provided by pumping of the nontributary Arapahoe and Laramie-Fox Hills aquifers. Structures to be Augmented. The structures to be augmented are the Taylor Well Nos. 1 through 4, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein. 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 Taylor Well Nos. 1 through 4, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers 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 by Taylor Well Nos. 1 through 4, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Household Use Only: 0.26 acre-feet annually within single-family dwellings on up to all four of the lots, with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. Landscape Irrigation: 0.0566 acre-feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.048 acre-feet. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Amounts. Taylor Well Nos. 1 through 4 will each pump a maximum of 0.659 acre-feet per year per lot, for a maximum total of 2.636 acre-feet being withdrawn from the Dawson aquifer per year. *See Exhibit B.* Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above. An example breakdown of this combination of use, utilizing the factors described above, for each lot, is in-house use of 0.26 acre-feet of water per year, with the additional 0.399 acre-feet per year available for irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock and poultry on each lot. Depletions. Applicant's consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 27.29% of pumping. *Id.* Maximum annual depletions for total pumping from all wells are therefore 0.72 acre-feet in year 300 (i.e. 27.29% of pumping). *Id.* Should Applicant's pumping be less than the 2.636 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 the up to three residential wells subject to this augmentation plan. Applicant's consultant has determined that 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% per year per residence. Using a conservative in-house use rate of 0.2 acre-feet per lot per year, total of 0.8 acre-feet, 0.72 acre-feet is replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be 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 Taylor Well Nos. 1 through 4, Applicant will reserve the entirety of the Laramie Fox Hills aquifer, and a portion of the Arapahoe aquifer, accounting for actual stream depletions replaced during the planned 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 groundwater, and the reserved portion of the Arapahoe aquifer 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 a new well permit for the Taylor Well Nos. 1 through 4 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. (8 pages)

CASE NUMBER 2025CW3057 – FILING REJECTED. NO APPLICATION WAS ATTACHED FOR REVIEW.

CASE NUMBER 2025CW3058 (2018CW3143 and 2010CW317) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY. Applicant. TOWN OF GEORGETOWN, Colorado (“Georgetown”), c/o Dennis Durham, Town Administrator, P.O. Box 426, Georgetown, CO 80444, (303) 569-2555. Counsel for the applicant are Andrea L. Benson and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302. Name of structure: Georgetown Wastewater Treatment Plant Well (“WWTP Well”). Description of conditional water right, with required information from the prior decree. Decrees: Original Decree: July 27, 2012, Case No. 2010CW317, Water Court, Water Division No. 1 (“Original Decree”); First Diligence Decree: May 10, 2019, Case No. 2018CW3143, Water Court, Water Division No. 1. Well Permit: 74747-F. Legal Description: GPS Location Information in UTM format: 440977 Easting; 4398506 Northing; Zone 13, Datum NAD 83, Units set to true North. The following legal description based on feet from section lines was obtained using the UTM coordinates stated above, and input into the Colorado Division of Natural Resources AQUAMAP program: SE 1/4 of the NE 1/4, Section 5, Township 4 South, Range 74 West, 6th P.M., 1443 feet from the North and 771 feet from the East line of said Section 5. Applicant and its counsel state that although the legal description based on feet from section lines may be determined using AQUAMAP, it may not provide an accurate description for the structure, and the GPS location information in UTM format cited above should be used. The location of the well is shown on **Exhibit A** attached hereto. The well must be located within 200 feet of the permitted location. Source: Clear Creek, tributary to South Platte. Depth: 95 feet. Amount Claimed in GPM: 32 gpm (10.5 gpm is absolute and 21.5 gpm is conditional.) Date of Appropriation: November 14, 1968. Use: Municipal and industrial uses. Location of Use: The WWTP Well will be used at the Georgetown wastewater treatment plant, for use in connection with treatment of its wastewater as well as for sanitary and emergency uses within the wastewater treatment facility. The wastewater treatment plant is located generally in Section 5, Township 4 South, Range 74 West of the 6th P.M. in Clear Creek County, Colorado. Owner: Applicant. Detailed outline of what has been done toward completions or for completion of the appropriations and application of water to beneficial use as conditionally decreed, including expenditures: Georgetown owns and operates an integrated water supply system, with infrastructure currently consisting of the WWTP Well, the Georgetown Intake, Georgetown Lake, water rights, water mains, lines and distribution systems, water treatment plant and related infrastructure, which provides water for municipal uses to Georgetown’s customers. The WWTP Well is part of Georgetown’s integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, Georgetown has continued to develop its integrated water supply system, of which this conditional water right is a part. In particular, the following work and expenditures demonstrate the steady application of effort to complete the appropriation of the Georgetown WWTP Well in a reasonably expedient and efficient manner under all the facts and circumstances: During all water years since the date of the Original Decree and first diligence decree, Georgetown has operated the WWTP Well in accordance with the terms of the Original Decree, and has accounted for and reported operation and augmentation of the WWTP Well as required by the Original Decree. Georgetown spent \$3,175 for a new pump for the WWTP Well and related equipment. In addition, Georgetown spent approximately \$160,000.00 for general engineering services, including water accounting and operations support for the WWTP Well and Georgetown’s other water rights, and engineering services

related to water court applications and oppositions. Georgetown has defended its water rights, including this WWTP Well, against applications filed by others in cases in which Georgetown has determined that injury to its water rights could occur in the absence of appropriate protective terms and conditions. During this diligence period, Georgetown has expended approximately \$58,000 in water counsel attorney fees, in filing and obtaining decrees for the applications and in opposition to water court applications filed by others in order to protect and defend its water rights. During this diligence period, Georgetown has continued to improve, operate and maintain its integrated water supply system, of which this WWTP Well is a part. To enable Georgetown to more effectively provide water service to its existing and future customers, in this diligence period Georgetown has spent approximately \$2.3 million in the overall maintenance, construction, repair and improvement of its water system infrastructure and related infrastructure and projects that are part of the efficiency, operation and maintenance of its integrated water supply system. These efforts have allowed Georgetown to continue to provide reliable water service to its customers. Names and addresses of owners of the land upon which any new diversion structure or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored. No new or modified diversion structures are associated with the subject water right. However, the owner of the land on which the WWTP Well is located is the Applicant. WHEREFORE, Applicant Town of Georgetown, having demonstrated that it has steadily applied effort to complete the appropriation of this water right in a reasonably expedient and efficient manner under all the facts and circumstances, having demonstrated that it has exercised reasonable diligence in putting to beneficial use the remaining conditional portion of the water right decreed to the WWTP Well, the Court orders that the remaining 21.5 gpm conditional portion of the WWTP Well water right should be continued for another six years, or such period as may otherwise be permitted by law.

CASE NUMBER 2025CW3059 Applicant. **ROCKY VIEW DAIRY, LLC** c/o Travis Visser, 9003 North County Road 9, Wellington, CO 80549, 575-405-0592 Please send all correspondence to David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Reagan Blvd, Suite 1, Johnstown, CO 80634, 970-622-8181, david@lcwaterlaw.com. **CONCERNING THE APPLICATION TO MAKE WATER RIGHT ABSOLUTE IN PART AND FOR A FINDING OF REASONABLE DILIGENCE, IN LOGAN COUNTY.** 2. Information from Previous Decree. 2.1. Name of Structure. Veeman Dairy Well (permit 82492-F) 2.2. Original Decree, Case No. 03CW211, dated April 26, 2006, Water Division No. 1; Diligence Decree, Case No. 12CW85, dated November 21, 2012; Diligence Decree, Case No. 18CW3189, dated May 1, 2019. 2.3. Legal Description of Points of Diversion. In the NW 1/4 SW 1/4 SE 1/4 of Section 6, Township 8 North, Range 51 West of the 6th P.M., Logan County, Colorado. 2.4. Source of Water. Ground water tributary to the South Platte River. 2.5. Date of Appropriation. April 23, 2003. 2.6. Amount. 4.0 c.f.s., 250 acre-feet per year, conditional. 2.7. Use. Commercial dairy, livestock watering and dust suppression. 2.8. Remarks. This well is included in the Lower Logan Well Users Inc. plan for augmentation decreed in Case No. 03CW208, Water Division 1. 3. Detailed outline of what has been done toward completion of the appropriation including expenditures. During the diligence period, the well has been operated to supply water to over 1000 head of cattle, as well as for dust suppression. Applicant had the well tested for accuracy and had work done on the well at a cost of approximately \$5000. The maximum rate of diversion during the diligence period was .221 c.f.s., or 99 gallons per minute. 4. Claim for Relief. Applicant requests entry of a decree finding that the Well has become absolute for the decreed uses at the rate of .221 c.f.s. (99 gpm) and maintaining the balance of the right as conditional. 5. Applicant owns the land upon which the well is located.

CASE NUMBER 2025CW3060 CITY OF BOULDER ("Boulder"), c/o Kim Hutton, P.E., Water Resources Manager, P.O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3200, email: huttonk@bouldercolorado.gov. Attorneys: Jessica L. Pault-Atiase, CITY OF BOULDER, COLORADO, OFFICE OF THE CITY ATTORNEY, P. O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3020, email: pault-atiasej@bouldercolorado.gov, and Lisa M. Thompson, Esq., email: lthompson@troutlaw.com and Michael A. Kopp, Esq., mkopp@troutlaw.com, TROUT RALEY, 1120

Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN BOULDER COUNTY, COLORADO.** 1. Name, mailing address, email address and telephone number of applicant: As above. 2. Name of structures: Lower Boulder Ditch Substitutions and Exchanges and Baseline Reservoir Substitutions and Exchanges. 3. Describe conditional water rights: a. Date of original decree, case number and court: Case No. 1994CW284, entered on May 8, 2000, and as corrected and restated on October 12, 2020, District Court, Water Division No. 1. b. List of all subsequent decrees awarding findings of diligence: Decree entered on August 22, 2012 in Case No. 2006CW132, District Court, Water Division No. 1; and decree entered on May 16, 2019 in Case No. 2018CW3132, District Court, Water Division No. 1. c. Description of substitutions and exchanges: Appropriative rights of substitution and exchange whereby water available to Boulder pursuant to its Lower Boulder shares decreed for alternate uses in Case No. 1994CW284 is left in or returned to Boulder Creek at or near the headgate of the Lower Boulder Ditch and/or water available to Boulder pursuant to its Baseline shares decreed for alternate uses in Case No. 1994CW284 is released from Baseline Reservoir to supply downstream appropriators, and an equivalent amount of water is diverted from Middle Boulder Creek or its tributaries at one or more of the structures described in paragraph 3(e) below and/or from North Boulder Creek at one or more of the structures described in paragraph 3(f) below. d. Location of exchange-from points (all in Boulder County, Colorado): i. Lower Boulder Ditch: The headgate of the Lower Boulder Ditch is located on the south bank of Boulder Creek at a point in the SW1/4 SW1/4, Section 16, Township 1 North, Range 69 West, 6th P.M., located approximately 1,300 feet north and 600 feet east of the southwest corner of said Section 16. ii. Baseline Reservoir: Baseline Reservoir is located in Sections 2 and 3, Township 1 South, Range 70 West, 6th P.M., and in Sections 34 and 35, Township 1 North, Range 70 West, 6th P.M. iii. Boulder Creek/Dry Creek Confluence: The confluence of Boulder Creek and Dry Creek is in the NE1/4 SW1/4, Section 17, Township 1 North, Range 69 West, 6th P.M. e. Location of exchange-to points on Middle Boulder Creek (all in Boulder County, Colorado): i. Boulder City Pipeline #3: The pipeline intake from Barker Reservoir, located at a point whence the northwest corner of Section 17, Township 1 South, Range 72 West, 6th P.M., bears North 16°04' West a distance of 1,920± feet. ii. Barker Meadow Reservoir: Barker Meadow Reservoir is located on the mainstem of Middle Boulder Creek in the W1/2 of Section 17 and in Section 18, Township 1 South, Range 72 West, of the 6th P.M. and in the E1/2 of Section 13, Township 1 South, Range 73 West, of the 6th P.M. iii. Skyscraper Reservoir: Skyscraper Reservoir is located in the SW1/4 SE1/4, Section 16, Township 1 South, Range 74 West of the 6th P.M. f. Location of exchange-to points on North Boulder Creek (all in Boulder County, Colorado): i. Silver Lake Reservoir: Silver Lake Reservoir is located in Sections 20, 21, 28 and 29 of Township 1 North, Range 73 West, 6th P.M. ii. Island Lake: Island Lake is located in Sections 20 and 29, Township 1 North, Range 73 West, 6th P.M. iii. Goose Lake: Goose Lake is located in Sections 19 and 30, Township 1 North, Range 73 West, 6th P.M. iv. Lake Albion: Lake Albion is located in Section 18, Township 1 North, Range 73 West, 6th P.M. v. Green Lakes Reservoir #1: Green Lakes Reservoir #1 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. vi. Green Lakes Reservoir #2: Green Lakes Reservoir #2 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. vii. Green Lakes Reservoir #3: Green Lakes Reservoir #3 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. g. Water and water rights to be used for substitution and exchange: Water available for use by Boulder pursuant to the terms of the decree in Case No. 1994CW284. h. Dates of appropriation: December 30, 1993 (Boulder Creek Farms shares); July 19, 1994 (Hummel shares) .i. Amounts: i. Lower Boulder Ditch Substitutions and Exchanges: 1. 5.185 c.f.s., ABSOLUTE, from the Lower Boulder Ditch to the Boulder City Pipeline #3; 2. 4.00 c.f.s., ABSOLUTE, from the Lower Boulder Ditch to Lake Albion; 3. 1.185 c.f.s., CONDITIONAL, from the Lower Boulder Ditch to Lake Albion; and 4. 5.185 c.f.s., CONDITIONAL, from the Lower Boulder Ditch to the remaining exchange-to points described in paragraphs 3(e)(ii), (iii) and 3(f)(i), (ii), (iii), (v), (vi), (vii) above. ii. Baseline Reservoir Substitutions and Exchanges: 50 c.f.s., CONDITIONAL. j. Uses: All municipal purposes including, without limitation, domestic, irrigation, commercial, industrial, fire protection, exchange, substitution, augmentation and replacement, within the Boulder service area as that area now or hereafter exists. Such use shall include the right to use, reuse, and successively use, lease, sell and/or otherwise dispose of to extinction all water diverted and/or stored by substitution and exchange

hereunder. k. Decree conditions and limitations: The foregoing rights of substitution and exchange remain subject to all conditions and limitations described in the decree in Case No. 1994CW284. 4. Integrated system: These water rights are part of Boulder's integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: During the diligence period, Boulder continued to plan for and pursue the use of the subject conditional water right as a component of its integrated water supply system. In furtherance of such use, Boulder has expended more than \$50 million on its integrated water supply system during the diligence period on work related to exercise and use of the subject conditional water right. The work undertaken by Boulder during the diligence period includes but is not limited to the following, all of which relates to the completion of the appropriation and application of the subject conditional water right to beneficial use as decreed: (1) design and construction of facility updates at 63rd Water Treatment Facility at a cost of approximately \$30,300,000; (2) design, rehabilitation, and enlargement of Lake Albion dam at a cost of approximately \$19,500,000; (3) inspection, design, and rehabilitation of the Barker Gravity Pipeline (also known as the Boulder City Pipeline #3) at a cost of approximately \$21,400,000; (4) design and construction of facility and treatment process updates at Betasso Water Treatment Plant at a cost of approximately \$11,800,000; (5) construction of the Southern Water Supply Pipeline II connection with 63rd Water Treatment Facility (also known as Boulder Reservoir Water Treatment Plant) at a cost of approximately \$2,500,000; and (6) preliminary design of a Lower Boulder Ditch augmentation station at a cost of approximately \$8,000. During the diligence period, Boulder also spent in excess of \$1.5 million for legal and engineering services in connection with the water rights that are part of its integrated water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water rights, from injury due to claims of other water users. 6. Name and address of owner 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, including any modification to the existing storage pool: No new diversion or storage structures or modification to any existing diversion or storage structure or existing storage pool is or will be constructed. Applicant is the owner of the land upon which water is or will be stored. WHEREFORE, Boulder requests the Court to enter a decree finding and determining that Boulder has exercised reasonable diligence in the development of the subject conditional water rights and continuing the remaining portion of the subject conditional water rights in full force and effect for an additional diligence period. (8 pages)

CASE NUMBER 2025CW3061 EXPERIENCE INSTITUTE COLORADO, LLC, 315 E. College Avenue, Greenville, IL 62246; Email: Suzanne.davis@greenville.edu; Telephone Number: (217) 369-8939 and Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@mmrcwater.com; Telephone Number: (303) 989-6932. Please address all correspondence to: Aaron S. Ladd, Esq., and Rachel L. Bolt, Esq., Dickinson Wright, PLLC, 1125 17th Street, Suite 550, Denver, CO 80202; Email: aladd@dickinson-wright.com; rbolt@dickinson-wright.com; Telephone Number: (303) 723-8400. **APPLICATION FOR PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON COUNTY, COLORADO.** 2. Overview of Claims: Experience owns an approximately 30.24-acre property located in NE1/4, Section 33, Township 5 South, Range 71 West of the 6th P.M., Jefferson County, Colorado, presently known as 7551 Blue Creek Road, Evergreen CO, 80439 (the "Subject Property"), shown on the map attached as **Exhibit A**. The Subject Property is in the drainage of Blue Creek, tributary to Cub Creek, tributary to Bear Creek. The water supply for the Subject Property is currently supplied by an existing exempt well (Well Permit No. 174269), which will be augmented pursuant to this plan for augmentation and re-permitted following entry of a decree in this matter ("Experience Well No. 1"). Applicants also seek the right to drill up to an additional two wells on the Subject Property as needed to meet the demand of the uses described herein ("Experience Well Nos. 2-3"); provided, however,

the combined rate of withdrawal would not exceed 15gpm. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE** 3. **Names of Structures to be Augmented:** The Experience Well Nos. 1-3 (collectively, “Subject Wells”) will divert groundwater from the Subject Property, located in the drainage of Blue Creek, tributary to Cub Creek, tributary to Bear Creek and the South Platte River. The rate of diversion for the wells will not exceed 15 gallons per minute, combined as necessary to provide the volumes and rates of deliveries needed to meet the demand of the uses described in Paragraph No. 5, below. The exact locations of the Experience Well Nos. 2-3 on the Subject Property will be determined at the time of drilling and will be reflected on the well permit(s) and construction report(s) for the wells; however, the wells will be located between Blue Creek and S. Blue Creek Rd. 4. **Water Rights to be Used for Augmentation Purposes:** Experience has purchased 5.8 shares of MMRC stock which represents a total firm annual yield of 0.182 acre-feet of Bear Creek/Turkey Creek replacement water and is in active negotiations to secure an additional 5 shares, which would provide a total firm annual yield of 0.339 of an acre-foot to satisfy the present and anticipated future replacement needs, as show on the summary of Firm Yield commitments, attached as **Exhibit B**. Should Experience not secure an additional five shares of MMRC stock as anticipated, then the uses in the final decree entered in this matter will be adjusted not to exceed the available augmentation supply. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the “Bear Creek/Turkey Creek water rights”), are summarized as follows: i. **Harriman Ditch:** 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
April 15, 1868	21	Turkey Creek	10.75 cfs	0.2072 cfs
March 16, 1869	23	Bear Creek	7.94 cfs	0.1530 cfs
May 1, 1871	25	Bear Creek	25.54 cfs	0.4923 cfs
March 1, 1882	30	Bear Creek	12.87 cfs	0.2481 cfs

The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The ditch was originally decreed for irrigation, livestock watering, domestic and municipal purposes. ii. **Warrior Ditch:** 2.0 shares of 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. Said company owns direct flow water rights decreed to the Warrior Ditch. Pursuant to the Decree entered in Civil Action No. 6832 on February 4, 1884, the ditch was awarded the following direct flow priorities:

Appropriation Date	Priority Number	Source	Amount	MMRC Entitlement
Dec. 1, 1861	4	Bear Creek	12.33 cfs	0.1541 cfs
April 16, 1862	8	Turkey Creek	2.86 cfs	0.0358 cfs
Oct. 31, 1864	14	Bear Creek	25.47 cfs	0.3184 cfs
April 1, 1865	16	Bear Creek	11.49 cfs	0.1436 cfs

iii. **Soda Lakes Reservoir Nos. 1 and 2:** 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. **Meadowview Reservoir:** The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26,

Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek. Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this Application shall have the meaning set forth in the decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this Application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this Application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said Decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7, 22.1, 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the Decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this Application. 5. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Subject Wells, for indoor and outdoor uses, as described below. a. The anticipated water requirements for the Subject Wells is for the watering of horses using 10 gallons per animal per day with 100% consumption. Indoor uses will be for 50 gallons per person per day with 10% consumption based on subsurface discharge from a septic tank-soil absorption system serving the Subject Property. Indoor use will include (i) 1-2 year-round barn managers, and (ii) students residing in a “barndominium” dorm for Fall and Spring Semesters (16 weeks each) and summer semester (70 days). The final number of staff, students, and horses may vary, but the total depletions from this plan will not exceed the replacement supply of the firm yield of the MMRC stock secured by Experience before entry of a final decree in this matter. An example projected water requirement is set forth in Table 1 below.

Table 1

Use	Water Requirements	Units	Quantity AF	CU Rate	Replacement Requirement Total Ac-Ft	Replacement Requirement Summer Ac-Ft	Replacement Requirement Winter Ac-Ft
Year-Round Staff (per capita)	50 gpd * 365 days per year	2	0.112	10%	0.011	0.005	0.006
Student per Semester	50 gallons per student per day * 224 days	17	0.58	10%	0.058	0.029	0.029

(Fall or Spring)	(2 112-day semesters)						
Summer Semester Student	50 gallons per student per day * 70 days	17	0.183	10%	0.018	0.018	0.000
Horse	10 gallons per head per day * 365 days a year	13	0.146	100%	0.146	0.073	0.073
Total			1.021		0.233	0.125	0.108

b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. c. The total consumptive use water requirement will be up to 0.339 of an acre-foot of the annual firm yield of the total Bear Creek/Turkey Creek water rights as reflected in **Exhibit B**. These requirements are needed at the point of depletion in the NE1/4, Section 33, Township 5 South, Range 71 West of the 6th P.M. This is upstream of the point of replacement at the confluence of Bear Creek and Turkey Creek in Section 5, Township 5 South, Range 69 West of the 6th P.M. 6. Water Exchange Project: Since the point of depletion associated Subject Wells is upstream of the augmentation supplies, Applicants assert an exchange project right pursuant to Sections 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), C.R.S. The reach of said exchange shall extend from the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West, thence up Bear Creek to the confluence of Bear Creek and Cub Creek in SW1/4, NE1/4, Section 10, Township 5 South, Range 71 West, thence up Cub Creek to the confluence of Cub Creek and Blue Creek in the NE1/4, NW1/4, Section 28, Township 5 South, Range 71 West, thence up Blue Creek to the point of depletion in the NE1/4, Section 33, Township 5 South, Range 71 West, all in the 6th P.M. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, Applicants can have replacement water delivered via trucking to a point above the calling right or release water from an onsite container. The exchange project right will operate to replace depletions to the flow of water in the stream system consistent with operation of the augmentation plan. The water exchange project right will be operated and administered with a priority date of May 29, 2025, at a maximum flow rate of 0.005 of a cubic foot per second. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address 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: The Co-Applicant, Experience Institute Colorado, LLC. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, and (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits for the construction and use of, or any replacement well permits required, for the Subject Wells consistent with the final decree entered in this case. (8 Pages, 2 Exhibits)

CASE NUMBER 2025CW3062 RIVERSIDE IRRIGATION DISTRICT AND RIVERSIDE RESERVOIR & LAND COMPANY, 221 East Kiowa Avenue, Fort Morgan, Colorado 80701 Telephone: (970) 867-6586; **EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT** (“ECCV”), c/o Dave Kaunisto, 6201 South Gun Club Road Aurora, Colorado 80015, Telephone: (303) 693-3800. **APPLICATION FOR ALTERNATE POINT OF DIVERSION IN WELD COUNTY**. All correspondence and communications should be addressed to: Peter J. Ampe, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Telephone: (303) 296-8100, (Attorney for Riverside Irrigation

District and Riverside Reservoir & Land Company) and Brian M. Nazareus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazareus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200 Greenwood Village, Colorado 80111 Telephone: (720) 647-5661 (Attorneys for ECCV). **2. Description of Water Right.** 2.1 **Name of Structure:** Riverside/National Hog Farms Recharge Facility Pond Nos. 1 & 2. 2.2. **Original Decree:** Case No 88CW264(A). 2.3. **Subsequent Decrees:** Diligence decrees have been entered in Case Nos. 02CW087 and 10CW307. Pond No. 2 was made absolute in Case No 18CW3034. Consolidated Case No. 02CW404/03CW442 changed the use of the 40% of the Pond Nos. 1 and 2 owned by ECCV to new uses and places of use. 2.4. **Pond Locations:** Pond No. 1 is located in the SE1/4 of Section 5 and W1/2 and the SE1/4 of Section 4, Township 4 North, Range 62 West, 6th P.M. Pond No. 2 is located in the E1/2 of the Section 4 and the W1/2 of Section 3, Township 4 North, Range 62 West, 6th P.M. 2.5. **Point of Diversion:** Pond Nos. 1 & 2 and currently filled by diversions at the headgate of the Riverside Canal located on the north bank of the South Platte River near Kuner, Colorado in the SW1/4 of the SW1/4 of Section 20, Township 5 North, Range 63 West, 6th P.M., Weld County, Colorado. 2.6. **Source of Water:** South Platte River. 2.7. **Appropriation Date:** November 4, 1988. 2.8. **Amount of Water.** Pond No. 1 for 368 acre-feet, absolute and Pond No. 2 for 460 acre-feet, absolute; together with the right to fill and refill Pond Nos. 1 and 2 continuously at the rate of 80 cfs. 2.9. **Use:** Wildlife habitat, recreation, and aesthetic purposes, irrigation, recharge of the alluvial aquifer and augmentation as further detailed in the decrees entered in Case Nos. 88CW264(A) and 02CW404/03CW442. **3. Claim for Alternate Point of Diversion.** By this application Applicants seek to add an alternate point of diversion for the fill and refill of Pond Nos. 1 & 2. 3.1. **Location:** The alternate point of diversion will be located within the S1/2 of the NW1/2 and the N1/2 of the SW1/4 of Section 16, Township 4 North, Range 62 West of the 6th P.M. 3.2. **Flow Rate:** Up to 80 cfs. 3.3. Applicants do not seek any other change to the prior decrees or the terms and conditions contained therein. **4. Names and address of owners of land upon which structure is or will be located, upon water is or will be stored, or upon which water is or will be placed to beneficial use.** 4.1. Riverside Pond Nos. 1 & 2 are partially located on lands owned by the Colorado State Land Board, 1313 Sherman Street, Room 620, Denver, CO 80203 and 70 Ranch LLC, 8301 E. Prentice Ave., Suite 100, Greenwood Village, CO 80111. 4.2. The alternate point of diversion and the pipeline used to convey water from the alternate point of diversion to Riverside Pond Nos. 1 & 2 will be located on lands owned by Equus Farms Inc., 555 17th Street, Suite 2400, Denver, CO 80202. WHEREFORE, the Co-Applicants respectfully request that the Court enter an order which approves of an alternate point of diversion for Riverside Pond Nos. 1 & 2. (5 pages, 0 exhibits).

CASE NUMBER 2025CW3063 CITY OF ARVADA, c/o Amy Willhite, 8101 Ralston Road, Arvada, CO 80001-8101. Serve all pleadings on: Steven P. Jeffers and Madoline Wallace-Gross, Lyons Gaddis, 950 Spruce Street, Unit 1B, Louisville, CO 80027 (720) 726-3670. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.** 2. **Name of Structure:** Highway 93 Lakes. 3. **Describe conditional water right from the previous decrees:** 3.1. **Original decree:** Case No. 89CW224, District Court, Water Division No. 1, entered August 18, 1992. 3.2. **Subsequent decrees:** The Court made findings of reasonable diligence by the decrees entered in: Case No. 98CW332 on January 12, 1999; Case No. 05CW9 on October 13, 2005; Case No. 11CW202 on October 28, 2012; and Case No. 18CW3165 on May 10, 2019. 3.3. **Legal description:** Highway 93 Lakes will be located in the N 1/2 and the N 1/2 of the S 1/2 of Section 34, Township 2 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado. A map showing the location of the lakes and structures to be used to fill the lakes is attached as **EXHIBIT A.** 3.4. **Names of the ditches and other structures that will be used to fill the reservoir and legal descriptions for each of the points of diversion:** 3.4.1. **Clear Creek:** Water will be diverted from Clear Creek through the Croke Canal, Farmers High Line Canal, and/or Church Ditch (a/k/a Golden City and Ralston Creek Ditch). Water diverted through the Farmers High Line and Church ditches may be released into Ralston Creek and then diverted into Applicant's Croke Canal Pump Station on Ralston Creek. Water diverted through the Farmers High Line Canal may also be delivered from the Farmers High Line Canal directly into Applicant's Croke Canal Pump Station. Once the water is delivered to Applicant's Croke Canal Pump Station, it will be pumped to Arvada Reservoir and then pumped to Highway 93 Lakes. Water

diverted through the Church Ditch may also be pumped through Applicant's Church Ditch Pump Station directly to Arvada Reservoir then pumped to Highway 93 Lakes. The Clear Creek headgates of the above-described ditches are located as follows: 3.4.1.1. **Croke Canal:** On the north bank of Clear Creek in the NW 1/4 NE 1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.4.1.2. **Farmers High Line Canal:** On the north bank of Clear Creek in the N 1/2 SW 1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. Jefferson County, Colorado, about 860 feet South, 7°30' East (magnetic bearing) from the northeast corner of the west 1/2 of Section 27. 3.4.1.3. **Church Ditch** (a/k/a Golden City and Ralston Creek Ditch): On the north bank of Clear Creek about one mile west of Golden, at a point in the SE 1/4 NW 1/4 NE 1/4 of Section 32 Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, South 69°30' West, 1,450 feet from the NE corner of Section 32. 3.4.1.4. **Croke Canal Pump Station:** Near the intersection of the Croke Canal and Ralston Creek, in the SW 1/4 NE 1/4 of Section 1, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.4.1.5. **Church Ditch Pump Station:** Near the intersection of the Church Ditch and Ralston Creek in the NE 1/4 SW 1/4 of Section 2, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.4.2. **Arvada Reservoir:** The center line of the dam for Arvada Reservoir is described as follows: Commencing at the NE corner of Section 3, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado; thence at an angle to the right of 17°34'59" from the East line of Section 3, a distance of 200.75 feet to the True Point of Beginning. Thence at a deflection angle to the right of 4°52'48", a distance of 1,683.374 feet to a point of curvature; thence along a curve to the right, having a radius of 2,585.813 feet, and delta of 26°7'37", a distance of 1,179.134 feet to a point of tangency; thence along the tangent of the before-described curve, a distance of 819.242 feet to the point of ending. 3.4.3. **Leyden Creek:** Water will be diverted from Leyden Creek into Highway 93 Lakes via pipeline and pump station to be located at a point along Leyden Creek that is approximately 1,400 feet North 15° West from the SE corner of Section 27, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.4.4. **Coal Creek:** Water will be diverted from Coal Creek into Highway 93 Lakes via pipeline and pump station to be located at a point along Coal Creek that is approximately 2,900 feet South 15° East from the NW corner of Section 18, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. 3.4.5. **Ralston Creek:** Water will be diverted into Highway 93 Lakes via pipeline and pump station to be located next to Arvada Reservoir. The location of Arvada Reservoir is described in paragraph 2.4.2, above. 3.5. **Sources:** Clear Creek, Leyden Creek, Coal Creek, and Ralston Creek, which are tributaries of the South Platte River, and surface runoff from the tributary drainage areas of the lakes. 3.6. **Appropriation date:** December 14, 1989. 3.7. **Amount:** 6,000 acre-feet cumulative from all sources with the right to fill and refill, CONDITIONAL, with the maximum annual diversion limited to 9,000 acre-feet and a maximum cumulative rate of diversion for filling the lakes of 75 cfs. 3.8. **Uses:** Municipal (including domestic, irrigation, commercial, industrial, manufacturing, and firefighting), aesthetic, recreational (including fishing, fishery, boating, and swimming), fish and wildlife propagation, irrigation, and augmentation purposes. No augmentation use of the conditional water right will be made unless pursuant to a separately decreed augmentation plan allowing such use. 3.9. **Claim to make absolute:** Not applicable. 4. **Claim for reasonable diligence, including expenditures:** The Highway 93 Lakes conditional water right is part of an integrated system for supplying the water demands of the City of Arvada. The following is a summary of specific projects and work undertaken during the diligence period in furtherance of the development of this conditional water right and Applicant's integrated water system: 4.1. Applicant worked with the Division Engineer to revise the Arvada Reservoir accounting forms in 2020 and 2021. 4.2. Applicant conducted a seismic study of Arvada Reservoir in a dam safety evaluation in 2020 at a cost of approximately \$37,000. 4.3. Applicant conducted a bathymetric survey of Arvada Reservoir in 2020 at a cost of approximately \$10,000. 4.4. Applicant constructed a pump station and pipeline to deliver water from Arvada Reservoir to the Ralston Water Treatment Plant in 2021 at a cost of approximately \$11 million. 4.5. Applicant repaired the Arvada Reservoir spillway at a cost of approximately \$43,000. 4.6. Applicant constructed and installed a bypass structure in Ralston Creek at a cost of approximately \$42,000. 4.7. Applicant hired consultants to conduct a water treatment plant siting study at a cost of approximately \$448,000. 4.8. Applicant hired consultants to update the Raw Water Master Plan at a cost of approximately

\$150,000. 4.9. Applicant evaluated raw water infrastructure from supply points to water treatment plants. 4.10. Applicant entered into an agreement with the City of Black Hawk for use of its augmentation station on the Church Ditch in 2020. 4.11. Applicant conducted an electrical assessment of the Croke Pump Station at a cost of approximately \$20,000. 4.12. Applicant replaced hydraulic gate actuators at Arvada Reservoir with electrical gate actuators at a cost of approximately \$45,000. 4.13. Applicant adjudicated water court cases related to Arvada's integrated system, including Case No. 17CW3210 for change of water rights, exchanges, and plans for augmentation involving Highway 93 Lakes, and Case Nos. 20CW3064, 20CW3119, 21CW3069, 21CW3136, 22CW3132, 22CW3133, and 23CW3163, all for diligence on and to make absolute portions of Applicant's other conditional water rights. 4.14. Applicant opposed numerous water court cases filed by other water users to protect Applicant's water rights, including the Highway 93 Lakes conditional water right, from injury, and incurred legal and engineering expenses in defense of Applicant's water rights. 4.15. Applicant incurred approximately \$973,000 in legal and engineering fees since May of 2019. 5. **Names and addresses of the owners of the land on which the structures are or will be located:** 5.1. Arvada Reservoir, Church Ditch Pump Station, Croke Canal Pump Station, Highway 93 Lakes, Leyden Creek Diversion and Ralston Creek Diversion: Applicant. 5.2. Church Ditch Headgate and Coal Creek Diversion: County of Jefferson, 100 Jefferson County Parkway, Golden, CO 80419. 5.3. Croke Canal Headgate: MillerCoors LLC, 3939 W. Highland Blvd., Milwaukee, WI 53201. 5.4. Farmers High Line Canal Headgate: City of Golden, 911 10th St., Golden, CO 80401. **WHEREFORE**, Applicant requests that this Court enter a decree finding and determining that: 1. Applicant has exercised reasonable diligence in the development of the conditional water right; and 2. The conditional water right should be continued in full force and effect for an additional six years following entry of the decree in this case. Number of pages in application: 7, excluding exhibits.

CASE NUMBER 2025CW3064 JENNIFER L VANDEVENTER AND DUSTIN V DEVINE, 37631 County Rd. 21, Elizabeth, CO 80107, James J. Petrock, John D Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY DENVER BASIN AQUIFERS AND APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY UPPER DAWSON IN ELBERT COUNTY.** **Subject Property:** A parcel totaling approximately 40 acres generally located in the SE1/4 of the NE1/4 of Section 29, Township 7 South, Range 64 West of the 6th P.M., at the street address 37631 County Rd. 21 Elizabeth, CO 80107 as shown on **Exhibit A** ("Subject Property"). **Lien Holder Certification:** Applicant has provided notice to all mortgage or lien holders as required under C.R.S. § 37-92-302(2)(b). **Well Permits:** There is a well on the Subject Property permitted under Well Permit Number 144394. Additional well permits will be applied for prior to construction of additional wells. **Source of Water Rights:** The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). **Estimated Amounts:** Applicants may leave groundwater associated with Permit No. 144394 adjudicated. Applicants estimate the following amounts may be available for withdrawal, based on a 100-year and 300-year withdrawal period:

Aquifer	Annual Amount for 100-year withdrawals (acre-feet)	Annual Amount for 300-year withdrawals (acre-feet)
Upper Dawson (NNT)	13.55	4.52*
Lower Dawson (NT)	5.49	1.83
Denver (NT)	19.39	6.46
Arapahoe (NT)	14.89	4.96
Laramie-Fox Hills (NT)	10.31	3.44

* Applicants plan to leave up to one acre-foot per year of water in the Upper Dawson aquifer unadjudicated for use in the existing well permit no. 144394, which leaves 3.52 acre-feet per year available for adjudication. Applicants reserve the right to adjudicate all or a portion of this one acre-foot in this application without amending the application or republishing the same. 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 Plan for Augmentation: Groundwater to be Augmented: 3.1 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: Applicants plan to subdivide the Subject Property and construct up to four homes, including ADUs. The not-nontributary Upper Dawson Aquifer groundwater will be used to provide in-house use in the four single-family dwellings (0.3 acre-foot per year) for a total of 1.2 acre-feet per year; commercial sanitary use in a workshop and veterinary clinic totaling 0.14 acre-foot per year; watering of horses totaling up to 0.25 acre-foot per year, which may include commercial use for boarding horses; irrigation of up to 20,000 square feet of lawn, garden, trees, and landscaping totaling 1 acre-foot per year; filling of pools and hot tubs totaling up to 0.5 acre-foot per year; and fire protection. The water will be used directly and/or after storage anywhere on the Subject Property. Applicants reserve the right to amend the amount and uses and amount of water estimated for each use without amending the application or republishing the same. Sewage treatment for in-house and commercial use will be provided by non-evaporative septic systems. Return flow from in-house and commercial use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have 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 2025CW3065 BEAUFORT SAMPSON KING, 1718 State Street, Houston, TX 77007; Email: beausking@gmail.com; Telephone Number: (888) 774-5720 and Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: 613blatch@gmail.com; Telephone Number: (303) 989-6932. Co-Applicant, **HOMESTEAD WATER COMPANY**, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: norm@hch2o.com; Telephone Number: (303) 670-7146. Please address all correspondence for King and Mountain Mutual Reservoir Company to: Aaron S. Ladd, Esq. and Rachel L. Bolt, Esq., Dickinson Wright, PLLC, 1125 17th Street, Suite 550, Denver, CO 80202; Email: aladd@dickinson-wright.com; rbolt@dickinson-wright.com; Telephone Number: (303) 723-8400. Please address all correspondence for Homestead Water Company to: Matthew Poznanovic, Esq., Hayes Poznanovic Kover, LLC, 700 17th Street, Suite 1800, Denver, CO 80202; Email: matt@hpkwaterlaw.com; Telephone Number: (303) 825-1980. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY, COLORADO.** 2. Overview: Co-Applicants King, successor-in-interest to Homesteader Development Company, LLC, MMRC, and Water Company

seek a finding of reasonable diligence for conditional groundwater rights originally decreed to four wells ("Homestead Wells") in the decree entered in Case No. 18CW3127 on May 10, 2019. This is the first request for a finding of reasonable diligence for these conditional water rights. The wells, owned and operated by the Water Company, are decreed to provide the water supply for the development, consisting of up to 21 single-family dwellings and fire protection, on a 65-acre parcel located in the S1/2, Section 32, Township 5 South, Range 70 West of the 6th P.M. (the "Property") being developed by King. The out-of-priority depletions from the pumping of these wells for use at the Property will be replaced using firm yield from shares of MMRC stock pursuant to the previously-decreed Plan for Augmentation in Case No. 18CW3127. Since the original decree was entered in Case No. 18CW3127, King, King's predecessor-in-interest, and the Water Company have been diligently completing work on the development and the water infrastructure needed to supply water to the Property, as described below.

3. Name of Structure and Description of the Conditional Water Rights: The conditional water rights for the Homestead Wells, described in Paragraphs 3.A-D below, are collectively referred to as the "Subject Conditional Water Rights."

A. Settlers Deep Well (WDID No. 0906253): i. Location: SW1/4 SW1/4, Section 33, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado, at a point approximately 435 feet from the south section line and 115 feet from the west section line as shown in the map attached to this application as **Exhibit A**. ii. Source: Groundwater tributary to Iowa Gulch and South Turkey Creek. iii. Amount: 20 gpm (CONDITIONAL). iv. Date of appropriation: August 27, 2018. v. Uses: The water will be used for in-house domestic use at single family residences and for fire protection at the development on the Property.

B. Settlers Gallery Well (WDID No. 0906254) i. Location: NW1/4 SW1/4, Section 33, Township 5 South, Range 70 West in the 6th P.M., Jefferson County, Colorado, at a point approximately 1680 feet from the south section line and 80 feet from the west section line as shown in the map attached to this application as **Exhibit A**. ii. Source: groundwater tributary to Iowa Gulch and South Turkey Creek. iii. Amount: 30 gpm (CONDITIONAL). iv. Date of appropriation: August 27, 2018. v. Uses: The water will be used for in-house domestic use at single family residences and for fire protection at the development on the Property.

C. Sourdough Well (WDID No. 0906252) i. Location: SW1/4 NW1/4, Section 33, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point approximately 1,740 feet from the north section line and 280 feet from the west section line as shown in the map attached to this application as **Exhibit A**. ii. Source: Groundwater tributary to Iowa Gulch and South Turkey Creek. iii. Amount: 20 gpm (CONDITIONAL). iv. Date of appropriation: August 27, 2018. v. Uses: The water will be used for in-house domestic use at single family residences and for fire protection at the development on the Property.

D. Wagon Rim Well (WDID No. 0906163) i. Location: SW1/4 SE1/4, Section 29, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point approximately 400 feet from the south section line and 1900 feet from the east section line as shown in the map attached as **Exhibit A**. ii. Source: Groundwater tributary to North Turkey Creek, Iowa Gulch, and South Turkey Creek. iii. Amount: 25 gpm (CONDITIONAL). iv. Date of Appropriation: August 27, 2018. v. Uses: The water will be used for in-house domestic use at single family residences and for fire protection at the development on the Property.

E. Combined total diversions pursuant to the conditional water rights for the Subject Conditional Water Rights shall not exceed 6.59 acre-feet per year.

4. 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. Over the diligence period, King has spent over \$1 million in development-related improvements to the Property before the single family homes can be constructed and Subject Conditional Water Rights can be put to use. These development improvements include the construction of a detention pond and drainage facilities. This work is in addition to the development activities of King's predecessor-in-interest. In addition, King has completed significant planning, design, engineering, and legal activities necessary to develop the Property at considerable additional cost.

B. The Water Company has constructed a new water treatment plant needed to provide potable water to the Property, and its other customers, at an approximate cost of \$500,000. The Water Company has incurred significant legal and engineering costs necessary to maintain the wells associated with the Subject Conditional Water Rights and its water treatment and distribution system that constitutes an integrated system for the Subject Conditional Water Rights.

C. In addition to legal and

engineering expenditures, King, his employees and agents, have dedicated significant time and attention to the development of Subject Conditional Water Rights; however, it is difficult at this time to assign specific expenses associated with such efforts. D. Based on the work outlined above, Applicants seek a decree finding that they have exercised reasonable diligence in development of the Subject Conditional Water Rights and continuing the Subject Conditional Water Rights for an additional diligence period. E. Applicants reserve the right to provide additional detail and evidence related to the tasks described in this Application, or descriptions and evidence of additional work performed during the diligence period not listed here, as may be necessary to support its claims in this matter. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Settlers Deep Well: Turkey Creek Recreational Association, Inc., 26624 N. Turkey Creek Rd. Evergreen, CO 80439. B. Settlers Galley Well: Philip A. and Wenda M. Wilson, 6443 S. Beech Cir. #717, Littleton, CO 80465. Isidoro Pena Torres, 4847 W. Tennessee Ave., Denver, CO 80219. Daniel Edward Warfield and Jenevie Collette Klein, 8175 Federation Dr., Morrison, CO 80465. C. Wagon Rim Well: Anna Klesney & Matthew Schneider, 21741 Wagon Rim Trail, Morrison, CO 80465. D. Sourdough Deep Well: Timothy and Sarah Weber, 7855 S. Sourdough Dr., Morrison, CO 80465. WHEREFORE, Applicants request the Court enter a decree granting the Application herein determining Applicants exercised reasonable diligence with respect to the Subject Conditional Water Rights and continuing said rights, in the full amount set forth herein, in full force and effect for another six years or until made absolute by reason of the completion of the appropriation and for such other and further relief as this Court deems just and proper in the premises. (7 Pages, 1 Exhibit)

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT WITHIN THE TIME PROVIDED BY STATUTE OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **JULY 2025** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.