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## DISTRICT COURT, WATER DIVISION 1, COLORADO

### JUNE 2025 WATER RESUME PUBLICATION

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#### **TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIVISION 1**

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications, and certain amendments filed in the Office of the Water Clerk and/or ordered published during the month of **JUNE 2025** for each County affected. (This publication can be viewed in its entirety on the state court website at: [www.coloradojudicial.gov](http://www.coloradojudicial.gov))

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**CASE NUMBER 2025CW9 BRENDA VALERIO TANIN**, 5757 S. Russellville Rd., Franktown, CO 80116. 719-337-8300. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN DOUGLAS COUNTY.** Subject Property: Parcel of land consists of 60.32 acres, more or less, located in S8, T9S, R65W of the 6th PM in Douglas County. Permitted Well: Well Permit Number 285465 located NE 1/4, SW 1/4, S8, T9S, R65W of the 6th PM in Douglas County also known as 5757 S. Russellville Rd., Franktown, CO 80116. UTM coordinates: Northing 4347772 Easting 526462. Source: Upper Dawson. Depth: 400 ft. Date of appropriation: 03-29-11. Date water applied to beneficial use: 09-26-11. Claimed pumping rate: 15 gpm. Amount claimed in acre-feet annually: 3 af. Use: single-family dwelling, irrigation of lawns and gardens, domestic animals watering, and livestock watering. Applicant seeks 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 2025CW3066 UNITED CONGREGATIONAL CHURCH** – Order granting motion for no publication in WD1 – to be published in WD2 Case number 25CW3027.

**CASE NUMBER 2025CW3067 PEOPLE OF THE STATE OF COLORADO v. KORBY SOD LLC., et al** – Complaint for Injunctive Relief, Costs, and Penalties.

**CASE NUMBER 2025CW3068 UNION DITCH COMPANY AND UNION WELL AUGMENTATION GROUP, LTD.** Attorneys for Applicant: Gabriella Stockmayer, Atty. Reg. No. 43770, Star Waring, Atty. Reg. No. 10009, Lauren Davis, Atty. Reg. No. 58698. Dietze and Davis, P.C. 2060 Broadway, Suite 400, Boulder, Colorado, 80302. E-mail: [gstockmayer@dietzedavis.com](mailto:gstockmayer@dietzedavis.com); [swaring@dietzedavis.com](mailto:swaring@dietzedavis.com), [ldavis@dietzedavis.com](mailto:ldavis@dietzedavis.com). Phone: (303) 447-1375. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART, IN WELD COUNTY.** Name of Structure: Union Ditch. Description of Conditional Water Right: A. Original Decree: Dated February 1, 2012, Case No. 03CW404, District Court, Water Division No. 1. B. Subsequent Decree Awarding Findings of Diligence: Dated June 6, 2019, Case No. 18CW3022, District Court, Water Division No. 1. C. Legal Description: The headgate of the Union Ditch is located in the Northeast Quarter (NE 1/4) of Section 18, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. A map of the structure is attached as Exhibit 1. D. Source of Water: Unappropriated water which is tributary to the South Platte River. E. Appropriation Date: December 19, 2003. F. Use: Accretions generated from this water right are used for augmentation, replacement, and recharge under the augmentation plan of Applicants approved in Case No. 03CW404 and to replace historical return flows for water rights changed therein. G. Decreed

Amounts: 1. Original Decree: 9.3 c.f.s absolute, 40.7 c.f.s conditional; 112.3 acre-feet absolute, 387.7 acre-feet conditional. 2. Diligence Decree in 18CW3022: 40.7 c.f.s continued as conditional; an additional 141.72 acre-feet made absolute (for a total of 254.02 acre-feet absolute), with 245.98 acre-feet continued as conditional. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use as conditionally decreed: During the diligence period for this conditional water right, from June 6, 2019 to the date of this Application, Applicants have steadily attempted to appropriate the conditional water rights decreed in 03CW404 in a reasonably expedient and efficient manner under all the facts and circumstances. C.R.S. § 37-92-301(4)(b). Specifically, Applicants have expended approximately \$139,961.99 in conducting the following activities towards the completion of the appropriations and their integrated water system: A. Applicants diverted a total volume of 1,297.96 acre-feet from the Union headgate under this water right and their augmentation plan for delivery to the Miller and Boulter Recharge Ponds during the diligence period. B. Applicants maintained the measuring devices, structures, and other equipment necessary to operate this water right and Applicants' augmentation plan, including improvements to the Boulter Recharge Pond at a cost of \$26,935.51, meter testing at a cost of \$16,800.00, and lease fees related to the Recharge Ponds in the amount of \$12,250.00. C. Applicants expended \$80,926.20 for engineering, administrative, and operational services to measure and record the amount of junior water stored, recharged, and utilized by UWAG Member Wells. D. Applicants expended engineering fees and attorney fees in the amount of \$3,050.28 to protect their augmentation plan and the Union Ditch, including participating in water court proceedings related to Applicants' water rights. Further, in diligence cases, where there are integrated water rights, work on one aspect of the water rights indicates diligence towards all of the water rights. C.R.S. § 37-92-301(4)(b); City & Cnty. of Denver By & Through Bd. of Water Comm'rs v. Colorado River Water Conservation Dist., 696 P.2d 730, 750 (Colo. 1985). The water rights subject to this Application are part of an integrated water system of Union and UWAG to serve UWAG Member Wells, which includes the plan for augmentation decreed in Case No. 03CW404 and other water sources used therein, including but not limited to changed Union and Union Reservoir shares. As a result, work done on any aspect of the water rights used in Applicants' augmentation plan indicates diligence towards these water rights. Applicants reserve the right to present additional evidence in this case of Applicants' diligence in developing the subject water rights. Claim to Make Absolute in Part: The Applicants have diverted water pursuant to the foregoing water rights, for the decreed uses, in each year during the diligence period. Based on the maximum rates and amounts of water diverted since it submitted its Application in 18CW3022, Applicants claim to make absolute the following additional water rights: (a) an additional 2.8 c.f.s made absolute, totaling 12.1 c.f.s absolute, with 37.9 c.f.s continued as conditional and (b) an additional 192.81 acre-feet made absolute, totaling 446.83 acre-feet absolute, with 53.17 acre-feet continued as conditional. The Applicants have kept regular records of diversions and made all necessary reports to the Division Engineer, and have installed and maintained measuring devices required to administer the augmentation plan decreed in Case No. 03CW404. This Application does not involve any new diversion or storage structures or the modification of any existing diversion or storage structures. (6 pages)

**CASE NUMBER 2025CW3069 FOOTHILLS PARK AND RECREATION DISTRICT**, 6612 S. WARD ST., LITTLETON, CO (Please address all correspondence and inquires regarding this matter to Applicant's attorney: Robert F. T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Ste. 2, Boulder, CO 80302, 303-442-2156). **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. Name of Structures:** The conditional water storage right which is the subject of this Application is: Beers Sisters Reservoir. **3. Describe conditional water right** (as to each structure) giving the following from the Referee's Ruling and Judgment and Decree: **a. Date of Original Decree:** June 1, 2019, Case No.: 17CW3192, Court: District Court, Water Division No. 1. **b. List all subsequent decrees** awarding findings of diligence: None. **c. Location of structure:** Beers Sisters Reservoir is located in the NW/4SW/4 and the NE/4SW/4 of Sec. 16, T.5 S., R. 69 W. of the 6th P.M. in Jefferson County. It occupies most of Blue Heron Park, which itself comprises Tract C of Foothill Green Filing No. 3, a Jefferson County subdivision. The dam of Beers Sisters Reservoir crosses Coon Creek at a point which is

located 1,860 feet from the west section line, and 2,170 feet from the south section line, of said Section 16. The UTM coordinates of that point are NAD 83, UTM Zone 13 North, 489526 Easting, 4385115 Northing.

**d. Source:** Turkey Creek, tributary to Bear Creek, tributary to the South Platte River. **e. Name of ditch** used to fill reservoir and capacity in cubic feet of water per second (cfs): Bergen Ditch and Reservoir Company system of ditches and canals. The maximum flow rate under said decree in Case 17CW3192 is 20 cfs. **f. The point of diversion** of the Bergen Ditch is on the south side of Turkey Creek in the NE 1/4 NW 1/4 Sec. 14 T.5 S, R.70W of the 6th P.M. at a point approximately 2120 feet from the west line and 1240 feet from the north line of said Sec. 14. The UTM coordinates of the Bergen Ditch diversion point are NAD 83, UTM Zone 13 North, Easting 483232, Northing 4385667. **g. Appropriation Date:** December 12, 2017. **h. Amount:** 40 acre feet, conditional. If filled from a ditch, rate of diversion: 20 cfs conditional. **i. Use:** to supplement the on-stream water storage right for Beers Sisters Reservoir decreed in case 17CW3046. Water stored in Beers Sisters Reservoir will be used for irrigation of up to 6 acres in Blue Heron Park and up to 70 acres in Clement Park. The stored water may be used for recreational and fishing/piscatorial purposes at Beers Sisters Reservoir and may also be delivered to Clement Park to be stored in Johnston Reservoir where it may be used for recreational and fishing/piscatorial purposes. Johnston Reservoir is located in said Clement Park, in the Northwest quarter of Sec. 23, T.5S, R. 69 W of the 6th P.M. in Jefferson County. **4. Additional Storage Locations** (Paragraph 11 of the said Decree in Case 17CW3192). The subject water may also be stored in one or more of the following reservoirs which are components of the Bergen Ditch and Reservoir Company system along the system of ditches and reservoirs which will carry the subject water to storage in, and use in and from, Beers Sisters Reservoir: **a. Bergen Reservoir No. 1**, 375 A.F., located near the center of Sec. 18, T.5 S. R.69W of the 6th P.M., fed by the said Bergen Ditch. (Its decree states that it is in the E/2 NW/4 and the W/2 NE/4 of said Section 18.) The centroid of said Bergen Reservoir No. 1 is approximately 2380 feet from the west section line and 1715 feet from the north section line of said Sec. 18. The UTM coordinates of said centroid are: NAD 83, UTM Zone 13 North, Easting 486464, Northing 4385567. **b. Bergen Reservoir No. 2**, 574 A.F., located near the center of Sec. 18, T.5 S. R.69W of the 6th P.M., fed by the said Bergen Ditch. (Its decree states that it is in the W/2 NE/4 and the NW/4 SE/4 of said Section 18.) The centroid of said Bergen Reservoir No. 2 is approximately 1840 feet from the east section line and 2040 feet from the north section line of said Sec. 18. The UTM coordinates of said centroid are: NAD 83, UTM Zone 13 North, Easting 486773, Northing 4385438. **c. Deane Reservoir** (a/k/a Bergen No. 3, Polly A. Deane Reservoir, Hine Lake or Meffley Lake), 518 A.F., located in the NW 1/4 Sec. 20, T.5 S, R.69 W of the 6th P.M., fed by the Bergen Ditch. The centroid of said Deane Reservoir is approximately 1900 feet from the west section line and 1880 feet from the north section line of said Sec. 20. The UTM coordinates of said centroid are: NAD 83, UTM Zone 13 North, Easting 487904, Northing 4383922. Such storage will facilitate delivery of water to Beers Sisters Reservoir and to serve as a supply of water to fill and refill Beers Sisters Reservoir. The ultimate beneficial use of this water will be at or out of Beers Sisters Reservoir and/or Johnston Reservoir.

**5. Provide a detailed outline** of what has been done toward completion or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: **a. The Beers Sisters Reservoir has been completed**, is operational and all necessary approvals from the offices of the State and Division Engineers are current. Maintenance is up to date. The water rights accounting for Beers Sisters Reservoir and the Bergen Ditch and Reservoir Company system includes tracking of water to be stored under the 17CW3192 Decree. The reservoir is in all respects prepared to store water under the 17CW3192 Decree. However, water has not yet been stored under that Decree because repair and maintenance work on the Bergen Ditch and Reservoir Company system, which is the route by which water is to be delivered to the Beers Sisters Reservoir from Turkey Creek is not yet completed to the point where water can be delivered. **b. However, Beers Sisters Reservoir was full** during portions of 2019, 2020, 2021, 2023 and 2024 as a result of in-priority inflow from Coon Creek pursuant to Foothills decree for Beers Sisters Reservoir from that source as decreed by this Court in Case 17CW3046 on December 28, 2017 and in-priority inflow from Coon Creek stored during free river conditions. **c. The work performed** and actions taken by Foothills during the Diligence Period demonstrate Foothills's continuing intent to develop the conditional right described in this case. Foothills has shown that it can and will divert, possess or control

and beneficially use the subject right and that the subject right can and will be completed with diligence and within a reasonable time. **d. Foothills has in all respects diligently worked** toward placing these conditional water right to beneficial use. **6. Names and addresses of owners** or reputed owners of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure necessary for the subject water storage right is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Foothills owns or has the right to use the land upon which Beers Sisters Reservoir, its dam and structures associated with it are or will be located. In addition, Foothills has an agreement dated October 10, 2018 with the Bergen Ditch and Reservoir Company to convey water from Turkey Creek to Beers Sisters Reservoir. Accordingly, no notices to landowners are required and all requirements of C.R.S. 37-92-302(2)(b)(II) have been met.

**CASE NUMBER 2025CW3070 Applicant: GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“GMS” or “Applicant”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540 with all correspondence herewith being sent to Applicant’s counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION TO ADD WELLS TO PLAN FOR AUGMENTATION IN WELD COUNTY.** 2. **Augmentation Plan.** Applicant operates an augmentation plan decreed in Case No. 02CW335 (“GMS Plan”). ¶14.5 of the decree in Case No. 02CW335 (“Decree”) allows the addition of wells to the GMS Plan subject to filing an application, providing notice and appropriate terms and conditions. 3. **Structures to be Added and Augmented (“Added Wells”).** 3.1. **Name of Structure to be Added and Augmented:** McCarthy Well No. 13587; Well Permit No. 13587-R-R; WDID No. 0207165. 3.1.1. **Name and Address of Owner of Well:** Applicant, same as above. 3.1.2. **Location of Well:** SW 1/4 NW 1/4 Section 12, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, more particularly described as at a point 590 feet North and 25 feet East of the W 1/4 Corner, said section 12. 3.1.3. GMS Contract No.: to be determined. 3.1.4. Prior Decree: A decree was entered in Case No. W-1512 on May 13, 1981, with an appropriation date of May 31, 1923, for irrigation of approximately 80 acres located in the S 1/2 of the NW 1/4 and approximately 40 acres in the NW 1/4 of the NW 1/4, Section 12, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, together with McCarthy Well No. 13586, and surface waters. 3.2. **Name of Structure to be Added and Augmented** McCarthy Well No. 13586; Well Permit No. 13586-R; WDID No. 0207164. 3.2.1. **Name and Address of Owner of Well:** Applicant 3.2.2. **Location of Well:** SW 1/4 NW 1/4 Section 12, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado, more particularly described as at a point 620 feet North and 35 feet East from the W 1/4 Corner, said section 12. 3.2.3. GMS Contract No.: to be determined. 3.2.4. Prior Decree: See paragraph 3.1.4. above. 3.3. **Remarks.** The subject wells are also decreed for augmentation use in Case No. 02CW335 with September 30, 2003, appropriation dates, and are separately permitted and metered for such use. 4. **Proposed Terms and Conditions.** 4.1. **Consumptive Use Factors.** The terms and conditions for the Added Wells will be the same as for the other Member Wells in the Decree. The consumptive use factor will be 60% for flood irrigated acres, 80% for sprinkler irrigated acres and 100% for industrial and commercial uses. The method for determining future well depletions will be those set out in the Decree at ¶17.3.3.2. The Added Wells will be subject to all the terms and conditions for operation as for other Member Wells in the Decree. 4.2. **Net Stream Depletions.** Depletions resulting from the use of groundwater and accretions resulting from deep percolation of groundwater applied for irrigation will be lagged back to the South Platte River using the Glover alluvial aquifer method and the following aquifer characteristics:

WDID	Distance to River (ft)	Distance to Boundary (ft)	Harmonic Mean Transmissivity (gpd/ft)	Specific Yield
0207164	21,961	10,198	200,000	0.2
0207165	21,961	10,198	200,000	0.2

5. A report from White Sands Water Engineers supporting this application is attached as **Exhibit 1** and is on file with the Court. 6. Names and addresses of owners of land on which structure is located: River Road

Holdings, LP, 23360 County Road 35, Johnstown, CO 80534. The original application consists of 4 pages and 1 exhibit.

**CASE NUMBER 2025CW3071 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT** (“ECCV”), c/o David Kaunisto, General Manager, 6201 S. Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800. **APPLICATION FOR REPLACEMENT WELL TO WITHDRAW NONTRIBUTARY ARAPAHOE AQUIFER WATER IN ARAPAHOE COUNTY**. Please send all pleadings and correspondence to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. **2. Decreed Name of Structure for which Replacement Well is Sought**. By this Application, ECCV seeks to adjudicate a replacement well site for Arapahoe Well B-1 (Arapahoe Well B-1 is referred to as “Well A-15”), State Engineer’s Well Permit No. 27262-F. **3. Prior Decrees**. 3.1. Prior Decrees. The original decree was entered on March 31, 1981, by the Division 1 Water Court in Case No. 79CW177. The Well A-15 water right was then made absolute by the decree entered in Case No. 85CW054, dated September 8, 1989. 3.2. Decreed Point of Diversion. Located in the NE1/4 of the NW1/4, Section 17, Township 5 South, Range 66 West of the 6th P.M., at a point 1,200 feet from the North section line and 2,420 feet from the West section line, Arapahoe County, Colorado. 3.3. Decreed Source. Nontributary Arapahoe aquifer. 3.4. Decreed Rate of Flow and Amount. 300 gpm (0.668 cfs) for an annual amount of 374 acre-feet (through this Well A-15 or in combination with Arapahoe Well A and Arapahoe Well B-2 as decreed in Water Division 1 Water Court Case Nos. 79CW177 and 85CW054). 3.5. Decreed Uses. Municipal, domestic, industrial, commercial, irrigation stock watering, recreational, and other beneficial uses within the South Platte River drainage, including the right of succession of uses pursuant to C.R.S. § 37-82-106, until such water is entirely consumed. **4. Proposed Change**. 4.1. The well casing of the original Well A-15 has failed, and the well is no longer capable of producing its original decreed amount. Accordingly, Applicant seeks to construct a replacement well which will enable Applicant to withdraw the fully decreed amount associated with the original Well A-15. 4.2. Applicant is not requesting to change the decreed amount, character, or use of the decreed groundwater right for Well A-15. Applicant is only requesting to drill a replacement well. The change requested herein will not injuriously affect other owners of vested or decreed conditional water rights. There are no wells located within 600 feet of the replacement well location. 4.3. The proposed location for the replacement well (“Well A-15S”) is in the SE1/4 of the SW1/4 of Section 16, Township 5 South, Range 66 West of the 6th P.M., 1,117 feet from the South section line and 2,489 feet from the West section line, Arapahoe County, Colorado. A map showing the location of Well A-15S is attached as **Exhibit A**. 4.4. Well A-15S will be subject to all applicable terms and conditions decreed in Case Nos. 79CW177 and 85CW054. **5. Name and address of owner of land on which the structure is located**. The Hills at Piney Creek Community Association, Inc., a Colorado nonprofit corporation, whose address is c/o Novele Community Management, Inc., 5750 DTC Parkway, Suite 101, Greenwood Village, Colorado, 80111. Applicant is finalizing the acquisition of a permanent exclusive easement over, under, across, above, and through the land upon which Well A-15S is located. WHEREFORE, ECCV requests that this Court enter a Decree granting the above-described Well A-15S to replace Well A-15, and for such other and further relief this Court deems just and proper. (4 pages, 1 exhibits).

**CASE NUMBER 2025CW3072** – Case rejected as requested by filing party.

**CASE NUMBER 2025CW3073** (18CW3201, 12CW146, 05CW169, 95CW52, 86CW273, 79CW333) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507 CONCERNING THE APPLICATION FOR WATER RIGHTS OF **TOWN OF JAMESTOWN**, IN BOULDER COUNTY, COLORADO. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN BOULDER COUNTY**. 1. Name, Address, Telephone Number, and Email Address of Applicant: **TOWN OF JAMESTOWN** (the “Town”), P.O. Box 298, Jamestown, CO 80455-0298, Telephone: (303) 449-1806,

Email: [townclerk@jamestownco.org](mailto:townclerk@jamestownco.org) .Direct All Pleadings to: Bushong & Holleman PC, Attn: P. Fritz Holleman & Cassidy L. Woodard, 1966 13th Street, Suite 270, Boulder, CO 80302 [fholleman@BH-lawyers.com](mailto:fholleman@BH-lawyers.com); [cwoodard@BH-lawyers.com](mailto:cwoodard@BH-lawyers.com)

2. Names of Structures: 2.1. Main Street Diversion; and 2.2. Mesa Street Diversion. The Main Street Diversion and the Mesa Street Diversion will be collectively referred to as the “Structures.”

3. Description of Conditional Water Rights: 3.1. Prior Decrees: The Structures were originally decreed by the District Court in and for Water Division No. 1 (the “Water Court”) in Case No. 79CW333 on December 1, 1982. Subsequent decrees making additional portions of the water rights absolute or awarding findings of reasonable diligence were entered in Case Nos. 89CW273 on March 10, 1989, 95CW52 on June 2, 1999, 05CW169 on June 2, 2006, 12CW146 on December 5, 2012, and 18CW3201 on June 19, 2019., 3.2. Decreed Locations: 3.2.1. Main Street Diversion (Well Permit No. 46189-F): Located in the NE1/4 NE1/4 NW1/4 of Section 30, Township 2 North, Range 71 West of the 6th P.M., 2,600 feet east of the west section line and 200 feet south of the north section line of Section 30. *See Exhibit A.* 3.2.2. Mesa Street Diversion (Well Permit No. 46190-F-R): Located in the NW1/4 SW1/4 SW1/4 of Section 19, Township 2 North, Range 71 West of the 6th P.M., 300 feet east of the west section line and 700 feet north of the south section line of Section 19. *See Exhibit A.* 3.3. Source: The source of water is groundwater and surface water in James Creek and Little James Creek, tributaries of Left Hand Creek, a tributary of St. Vrain Creek, which is a tributary of the South Platte River, 3.4. Appropriation Date: February 10, 1958, 3.5. Amounts: 3.5.1. Main Street Diversion: 0.209 cfs (95 gpm) conditional and 0.121 cfs (55 gpm) absolute, 3.5.2. Mesa Street Diversion: 0.385 cfs (175 gpm) conditional and 0.275 cfs (125 gpm) absolute, 3.6. Uses: Irrigation, commercial, recreation, fire protection, stockwatering, industrial, fishery, domestic, and all municipal purposes, 3.7. Depth: The Main Street Diversion is constructed to a depth of 28 feet, and the Mesa Street Diversion is constructed to a depth of 16 feet.

4. Request for Findings of Reasonable Diligence: The Town requests findings that it has exercised reasonable diligence in the development of all remaining conditional portions of the water rights decreed to the Structures, as described in Paragraph 3 above, and that said conditional amounts continue in full force and effect.

5. Diligence Activities: The subject conditional water rights decreed to the Structures are part of the Town’s water supply system, which is used by the Town to provide water service to its residents. During the subject diligence period, the Town has continued to plan for and pursue development and use of the remaining conditional water rights in its water supply system. In September 2013, the Town suffered catastrophic damage from flooding, which greatly impacted the Town’s water supply system. The Town continues to work on projects to repair, replace, and upgrade its water supply system, which are necessary projects to complete the conditional appropriations for the subject conditional water rights. Work performed by the Town during the diligence period includes the following: 5.1. The Town made improvements to its main water plant, which is served by the water rights decreed to the Structures. Among other things, the Town modernized the plant control and pumping system at a final cost of approximately \$15,000. This included the installation of new computer controls providing removing monitoring and cell phone alert systems, 5.2. The Town purchased land adjacent to the main water plant to support its future replacement and expansion. The land will be used for water equipment storage, accessory structures, and parking. The final cost was approximately \$30,000., 5.3. In 2020, The Town established a capital reserve fund to support future upgrades and replacements of the main water plant. This capital reserve fund is intended to ensure that sufficient funds exist to maintain the main water plant in good and workable condition. The capital reserve fund is intended to offset a substantial part of the future costs of repairing and replacing the main water plant when necessary, by providing base funding for matching grants available for the work, 5.4. The Main Street Diversion was damaged in the 2013 flood, and the Town continues to rebuild the infrastructure at the Main Street Diversion. Once rebuilt, the Main Street Diversion will be used within the water system as a backup to the Mesa Street Diversion and to support future development and growth in the Town. Jamestown has been setting aside the funds necessary to rebuild the pumphouse at the Main Street Diversion and is in the process of replacing the electrical and pumping equipment necessary to return the Main Street Diversion to working order, 5.5. The Town continues to repair the Jamestown Irrigation Ditch from the damage in the 2013 flood. The Jamestown Irrigation Ditch is a historic structure used to provide water for irrigation of areas within the Jamestown boundaries. Jamestown has installed a new headgate and a new



system of pipes tying into the original ditch. This work involved using grant funds to purchase supplies, hire contractors and laborers, and pay for the engineering and design of the system. This project also involved repairing leaks, cleaning out the ditch, repairing fumes, and purchasing and installing piping, culverts, and gates. The funds expended totaled approximately \$29,000. The Jamestown Irrigation Ditch is now operational during the irrigation season, 5.6. The Town recently passed various ordinances to promote increased housing density, primarily through the addition of accessory dwelling units (ADUs) on existing residential lots. The addition of ADUs in the boundaries will likely increase the demand for municipal water from the water rights decreed to the Structures. Additionally, preliminary discussions have begun regarding the initiation of the subdivision process for one of the larger undeveloped tracts of land within the Jamestown boundaries, which will also increase the demand for water supplies, 5.7. The Jamestown Water Committee meets on a monthly basis to review the status of the town's water works facilities and to discuss any necessary upgrades, maintenance, and repair to the water system, 5.8. The Town invested heavily in supporting and maintaining the workforce that supports the main water plant and all water infrastructure. In 2020, the Jamestown Water Committee established an apprenticeship program where residents volunteer to help keep water records at the main water plant. The Town is also working with the Colorado Department of Public Health and Environment to develop a program to mentor trainees in operating the technical aspects of the water system. Because the Town is a small, rural, and remote community, these types of investments in the workforce ensure that the water system continues to be staffed and operated by knowledgeable individuals. 6. Land Ownership: the Structures are both located on land owned by the Town. 7. WHEREFORE, the Town respectfully requests that the court enter an order (1) granting Applicant's request for findings of reasonable diligence for all remaining conditional water rights decreed to the Structures as described in Paragraph 4 above and continuing said conditional water rights in full force and effect; and (2) granting such other and further relief as deemed appropriate. (5 pages + Exhibit)

**CASE NUMBER 2025CW3074** (18CW3126, 12CW66, 02CW132) Division: 1 DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, CONCERNING THE APPLICATION FOR WATER RIGHTS OF: CWS RANCH LLC, IN BOULDER COUNTY, COLORADO **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN BOULDER COUNTY**. 1. Name, Address, Telephone Number, and Email Address of Applicant: CWS RANCH LLC (the "Applicant"), Attn: Justin Davis, 4560 Saint Vrain Road, Longmont, CO 80503, (404) 668-0385, [Jtdavis0813@gmail.com](mailto:Jtdavis0813@gmail.com) Direct All Pleadings to: Bushong & Holleman PC, Attn: Steve Bushong & Cassidy Woodard, 1966 13th Street, Suite 270, Boulder, CO 80302 [sbushong@BH-Lawyers.com](mailto:sbushong@BH-Lawyers.com); [cwoodard@BH-Lawyers.com](mailto:cwoodard@BH-Lawyers.com) 2. Names of Structures: 2.1. Last Ditch Pond No. 1; and 2.2. Last Ditch Pond No. 2. The Last Ditch Pond No. 1 and Last Ditch Pond No. 2 will be collectively referred to herein as the "Structures." 3. Description of Conditional Water Rights: 3.1. Prior Decrees: The conditional water rights associated with the Structures were originally decreed in the District Court in and for Water Division No. 1, State of Colorado, in Case No. 02CW132 on March 23, 2006 (the "Water Court"). Findings of reasonable diligence or making portions of the conditional water rights absolute were entered in Water Court Case Nos. 12CW66 on August 31, 2012, and 18CW3126 on June 17, 2019, 3.2. Decreed Locations: 3.2.1. Last Ditch Pond No. 1: This pond is located in the NW1/4 of the NE1/4 of Section 5, Township 2 North, Range 70 West of the 6th P.M., within 200 feet of a point located 1,250 feet from the North section line and 1,800 feet from the East section line of Section 5. *See Exhibit A*, 3.2.2. Last Ditch Pond No. 2: This pond is located in the SE1/4 of the NE1/4 of Section 5, Township 2 North, Range 70 West of the 6th P.M., within 200 feet of a point located 1,600 feet from the North section line and 1,210 feet from the East section line of Section 5. *See Exhibit A*, 3.3. Sources: The sources for the Structures are spring and seep areas tributary to Lykins Gulch, which is tributary to Dry Creek, which is tributary to St. Vrain Creek. The springs and seep areas that are the source lie below the Lake Ditch and its Branbury Lateral and flow into a natural drainage tributary to Lykins Gulch. The most upstream point of the springs and seeps is where the natural drainage tributary to Lykins Gulch starts to flow below the Lake Ditch and its Branbury Lateral at a point approximately 1,590 feet South of the North section line and 2,650 feet West of the East section line of Section 5, Township 2 North, Range 70 West, 3.4. Appropriation

Dates: 3.4.1. Last Ditch Pond No. 1: January 15, 1989, 3.4.2. Last Ditch Pond No. 2: July 15, 1989, 3.5. Amounts: 3.5.1. Last Ditch Pond No. 1: 0.10 acre-feet, absolute; 2.90 acre-feet, conditional, 3.5.2. Last Ditch Pond No. 2: 0.05 acre-feet absolute; 0.9540 acre-feet, conditional, 3.6. Uses: 3.6.1. Last Ditch Pond No. 1: domestic, irrigation, stock watering, recreation, wildlife, piscatorial purposes, and fire protection, 3.6.2. Last Ditch Pond No. 2: irrigation, stock watering, recreation, wildlife, piscatorial purposes, and fire protection. 4. Request for Findings of Reasonable Diligence: Applicant requests findings that it has exercised reasonable diligence in the development of the full remaining conditional amounts and uses of the water rights decreed to the Structures, as described in Paragraph 3 above, and that said remaining conditional amounts and uses continue in full force and effect. 5. Diligence Activities: Applicant acquired the water rights decreed to the Structures in March 2022. At the same time, Chez Charlie LLC, an entity wholly owned and controlled by the same owners of Applicant, acquired the land upon which the Structures are located (the “Property”). When purchasing the Property and the water rights decreed to the Structures, Applicant and Chez Charlie LLC incurred significant expenses for not only the acquisition but also in researching the water rights and the Property prior to completing the transaction. This included hiring counsel to conduct due diligence and other analyses on the water rights associated with the Structures and the other water rights appurtenant to the Property. Additionally, Applicant ensured that proper legal conveyances and assignments took place with respect to all water rights. On June 25, 2025, Applicant filed Notices of Transfer of Conditional Water Rights for the above-described water rights with the Water Court. Further activities supporting Applicant’s request for findings of reasonable diligence since March 2022 include: 5.1. Since acquiring the Property in March 2022, Applicant has continued to use the water rights decreed to the Structures for their decreed purposes and has been diligence in their continued use and development. For example, water from Last Ditch Pond No. 1 is regularly used for stock watering and irrigation uses. It is connected to a pump that delivers water to various outbuildings on the Property where it is subsequently used for stock watering. Additionally, Applicant has added additional zones of irrigation on the Property by planting native grass seeds. Water from the Last Ditch Pond No. 1 has been used via the same pump to irrigate these areas and help establish the native grasses, 5.2. Applicant conducts annual maintenance on all water infrastructure located on the Property, including the Structures. The Structures are located so as to capture natural seepage and spring flow that Applicant routinely maintains for continued water delivery. This involves regularly removing excess vegetation from the area around the Structures to ensure the proper flow of water, 5.3. Applicant intends to stock the Structures with fish and has begun exploring the expansion of the Structures to store additional water supplies under the water rights that are the subject of this Application, 5.4. The Property also contains various ditches used to deliver water for irrigation of grass lands that are cut each year for hay production. Applicant regularly maintains these areas of irrigation by cleaning out the ditches. Applicant also replaced several culverts on the Property to ensure the proper flow of water to these irrigated grasslands, 5.5. The water rights decreed to the Structures are part of an integrated water supply system for the Property, along with Applicant’s rights to irrigation water in the Left Hand Ditch Company and the Last Ditch Well. As such, under C.R.S. § 37-92-301(4)(b), “[w]hen a project or integrated system of comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” 6. Land Ownership: Chez Charlie LLC, which is an entity wholly owned and controlled by the same owners of Applicant. Therefore, Applicant will not be mailing a notice. (5 pages + Exhibit).

**CASE NUMBER 2025CW3075 ASPEN CREEK FARM, LLC**, 23605 Oehlmann Park Road, Conifer, CO 80433, and **MOUNTAIN MUTUAL RESERVOIR COMPANY**, 6949 County Hwy 73, #15, Evergreen, CO 80439. Matthew S Poznanovic, John D Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. Aaron S Ladd, Rachel L Bolt, Dickinson Wright, PLLC, 1125 17th Street, Suite 550, Denver, CO 80202. **APPLICATION FOR AMENDMENT OF PLAN FOR AUGMENTATION INCLUDING EXCHANGE AND CHANGE OF GROUNDWATER RIGHT, IN PARK AND JEFFERSON COUNTIES.** Introduction: This application requests a change of groundwater right and an amendment to the plan for augmentation, including appropriative right of



exchange, adjudicated in Case No. 05CW57 (“Augmentation Plan”). The Aspen Creek Veterinary Hospital (“Aspen Creek Vet”) is located on approximately 10 acres in the NE1/4 of the SW1/4 of Section 19, Township 6 South, Range 70 West of the 6th P.M., which also includes a single-family residence. Applicants request a change of the 8 gpm water right associated with Well Permit No. 82221-F (“Aspen Creek Well”), as adjudicated in Case No. 05CW57, to remove the existing use for watering of livestock and domestic animals, and to add commercial use in the Aspen Creek Vet clinic. A map showing the location of the Aspen Creek Well is attached as Exhibit A. The Augmentation Plan includes augmentation of up to 0.036 acre-foot per year of consumptive use associated with withdrawals from the Aspen Creek Well for watering of horses or equivalent livestock using 1.1 shares of stock in MMRC as the augmentation water supply. Applicants seek to remove the augmentation of consumptive use associated with watering of horses or equivalent livestock and add augmentation of consumptive use associated with commercial use at the Aspen Creek Vet clinic. No other changes to the Augmentation Plan are requested. The Aspen Creek Well is also used for withdrawals of water for household use inside the single-family residence under the augmentation plan approved in Case No. 83CW323; no change is requested to this augmentation plan.

Description of Change of Water Right: Name of structure: Aspen Creek Well, aka Raven’s Lot “C” Well. Prior decree: The decree entered in Case No. 05CW57, Water Division 1, on December 28, 2005 (“05CW57 Decree”). Location: The well is located in the NE1/4 SW1/4 of Section 19, Township 6 South, Range 70 West, 6<sup>th</sup> P.M., Jefferson County, Colorado, at a point approximately 2,381 ft from the West section line and 2,056 ft from the South section line (Easting 476732, Northing 4373753). The legal description for this well was incorrectly described as being located 2,500 feet from the South Section line and 2,180 feet from the West Section line of said Section 19 in the 05CW57 Decree. The description will be corrected in this application. Source: Groundwater tributary to Deer Creek and the South Platte River. Appropriation date: May 6, 1988. Amount: 8 gpm, absolute. Use: Ordinary household purposes, the watering of livestock and domestic animals and fire protection purposes. Description of proposed change of use: Applicants request to remove the watering of livestock and domestic animals and add commercial use in the Aspen Creek veterinary clinic to the decreed ordinary household use and fire protection purposes. Description of amendment to Augmentation Plan: Name and description of augmented structure: The Aspen Creek Well as described in Section 3. Existing and amended augmented uses: The Augmentation Plan currently allows up to 0.036 acre-foot per year, fully consumptive, for livestock use and transit losses. The new augmented use will be up to 0.036 acre-foot per year of consumptive use and associated transit losses for commercial use in the Aspen Creek veterinary clinic, including sanitary use in a restroom, laundry, and watering of animals that are boarded at the clinic. Withdrawals of water from the Aspen Creek Well will be metered. Water rights to be used for augmentation: Aspen Creek Farm, LLC owns 1.1 shares of the capital stock of MMRC, which represents the right to receive 0.036 acre-foot per year of augmentation water from the water rights and storage facilities MMRC holds for the benefit of its shareholders, as more particularly described below: MMRC owns water rights decreed to the Parmalee Ditch No. 1, the Carruthers Ditch No. 2 and the Nickerson Ditch No. 2 (“Parmalee/Carruthers water rights”). The Parmalee/Carruthers water rights have a priority date of May 1, 1867 and were decreed in the original adjudication for former Water District No. 23 by the Park County District Court on May 22, 1913, in Civil Action No. 1678. Historically, the Parmalee/Carruthers water rights were diverted from Deer Creek at the headgate of the Nickerson Ditch No. 2 in the NW 1/4 SE 1/4 of Section 9, Township 7 South, Range 72 West, 6th P.M., Park County, Colorado. Such diversions no longer occur. The terms and conditions under which the Parmalee/Carruthers water rights are used for augmentation, replacement and storage purposes as described in the Decree entered by the District Court for Water Division 1 in Case No. 2000CW174, dated October 11, 2002. Consumable water stored in Maddox Reservoir and/or the Lower Sacramento Creek Reservoir No. 1 will be released to the stream system when the Parmalee/Carruthers water rights are out-of-priority. The Lower Sacramento Creek Reservoir No. 1 is located in the NE 1/4 NW 1/4 of Section 32 and the SE ¼ of Section 29, Township 9 South, Range 77 West, 6th P.M., Park County. It was originally decreed in Case No. W-7741-74 for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River or its tributaries. Maddox Reservoir is located in the NE 1/4 SW 1/4 of Section 22, Township 7 South, Range 73

West, 6th P.M., Park County. The required volume of augmentation water will be provided from the sources described in Section 4.C.a-b, 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. Whenever possible, depletions to the stream system which occur during the period April 23 through October 31, inclusive, will be continuously augmented by MMRC forgoing the diversion of a portion of its Parmalee/Carruthers water rights. During times when the Parmalee/Carruthers water rights are not in priority and during the non-irrigation season, depletions will be augmented by releasing water from Maddox Reservoir or the Lower Sacramento Creek Reservoir No. 1. Transportation charges from the point where water is released from MMRC's facilities to the stream system, to the point of depletion from the Aspen Creek Well, will be computed on the basis of 0.13 percent per mile. Since the point of depletion associated with withdrawals from the Aspen Creek Well is on a side tributary of the South Platte River, the Augmentation Plan included an appropriative right of substitute supply and exchange. The reach of the exchange extends from the confluence of Deer Creek and the South Platte River in the SE1/4 of Section 11, Township 6 South, Range 69 West, 6th P.M.; thence up Deer Creek to the confluence of Deer Creek and the North Fork of Deer Creek in the NE1/4 SW1/4 of Section 11, Township 6 South, Range 70 West, 6th P.M.; and thence up the North Fork of Deer Creek to the point of depletion from the Aspen Creek well in the NW1/4 SE1/4 of Section 19, Township 6 South, Range 70 West, 6th P.M. The exchange operates to replace depletions to the flow of water in the North Fork of Deer Creek, Deer Creek and the South Platte River as the depletions occur. The exchange will operate only when there is a live stream between the upstream point of the exchange and the location where exchange water is made available to the stream system by MMRC; provided, however, that notwithstanding the above provision, the State water administration officials, on a case by case basis, may authorize an exchange which commands the entire flow of the stream at a particular location outside of a senior instream flow reach if they reasonably determine that there will be no injury to any other water right. Prior to operating the exchange, MMRC shall notify the appropriate State water administration official and obtain approval to proceed. The Division Engineer or his designated agent shall notify MMRC when the exchange must cease. The exchange is administered with a priority date of March 30, 2005, at a maximum flow rate of 0.001 of a cubic foot per second. To the extent that MMRC's water rights cannot be exchanged upstream to the point of injury, the owner of Lot "C" of the Raven's Subdivision shall have the option of physically transporting augmentation water by tank truck for delivery to the stream system at a location upstream of the point of injury, or releasing water from an on-site storage container. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. **WHEREFORE**, Applicants request that the Court enter a judgment and decree approving the change of water right and amendment of the plan for augmentation including exchange described herein, and any other relief the Court deems just and proper. 7 pages.

**CASE NUMBER 2025CW3076 KRISTOPHER D. NUTT & KATERI A. NUTT**, 1622 S. Perry Park Rd. Sedalia, CO 80135, 720-810-7919. Please send all pleadings and correspondence to counsel for Applicants; William Davis Wert, [dwert@troutlaw.com](mailto:dwert@troutlaw.com); 1120 Lincoln St., Suite 1600, Denver, CO 80203, 303-861-1963. **APPLICATION FOR APPROVAL OF AMENDMENT TO PLAN FOR AUGMENTATION IN DOUGLAS COUNTY.** 2. Overview: This Application seeks approval to amend the plan for augmentation decreed in Case No. 99CW166, Water Division No. 1, to modify the types of development and consumptive use covered under the plan. Specifically, Applicants request removal from the plan of the 0.5 acre-feet of allowed "commercial use in a church" and addition of (i) 0.3 acre feet for a second in-house use and (ii) 0.1 acre-feet for horse watering use. The requested change will not result in an increase in the annual amount of withdrawal allowed under the augmentation plan. No change is being made to the augmentation supplies used to cover depletions during or after pumping. 3. Background and summary of plan for augmentation: A. Applicants own approximately 25 acres of land in Douglas County, Colorado, legally described as follows ("Subject Property"): A TRACT OF LAND LYING IN THE

SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 8 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 23, WHICH BEARS SOUTH 177 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23; THENCE WEST 1305 FEET THEN SOUTH 300 FEET THENCE WEST 750 FEET TO THE EAST RIGHT OF WAY LINE OF STATE HIGHWAY NO. 105; THENCE SOUTH 10 DEGREES 15 MINUTES WEST 339 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT WHICH IS DUE WEST OF A POINT ON THE EAST LINE OF SAID SECTION 23, 810 FEET SOUTH OF THE EAST QUARTER CORNER OF SAID SECTION THENCE EAST 2120 FEET, MORE OR LESS, TO THE POINT ON THE EAST LINE OF SECTION 23 WHICH IS 810 FEET SOUTH OF THE EAST QUARTER CORNER OF SAID SECTION 23; THENCE NORTH 633 FEET ALONG SECTION LINE TO POINT OF BEGINNING, COUNTY OF DOUGLAS, STATE OF COLORADO. The Subject Property is also known by its street address of 1622 South Perry Park Road, Sedalia, CO 80135 and is depicted on **Exhibit A** attached to the Application, which is incorporated herein by reference. The Subject Property is not located within a designated ground water basin. B. In Case No. 99CW166, the Water Court adjudicated the ground water rights underlying the Subject Property in the Denver, Arapahoe, and Laramie–Fox Hills aquifers, all of which were determined to be not nontributary. 99CW166 Decree ¶ 4. C. The 99CW166 Decree also approved a plan for augmentation for withdrawal of a portion of the adjudicated Denver aquifer rights, allowing up to 2 acre-feet of not nontributary Denver aquifer ground water to be withdrawn and used for certain specified uses: in-house use (0.3 acre-feet), commercial use in a church (0.5 acre-feet), and irrigation (1.2 acre-feet/limited to irrigation of 21,000 square feet of lawn and garden). 99CW166 Decree ¶ 10.C. The 99CW166 Decree set consumptive use factors for these uses, determining that the in-house and commercial use would be 10% consumptive (so long as a non-evaporative septic system is used) and that the irrigation use would be 90% consumptive. 99CW166 Decree ¶ 10.C. D. Water presently is withdrawn from the Denver aquifer pursuant to the rights and augmentation plan decreed in Case No. 99CW166 using Well Permit No. 66372 F. The 99CW166 Decree includes terms and conditions regarding the ability to construct additional or replacement wells. E. For replacement during pumping, the 99CW166 Decree states that depletions will be replaced by returns flows from use of the Denver aquifer water accruing to the South Platte River via West Plum Creek. 99CW166 Decree ¶ 10.D. F. For post-pumping depletions, the 99CW166 Decree reserves 2 acre-feet of nontributary Arapahoe aquifer ground water held by the applicant in the case and decreed in Case No. 94CW100, Water Division No. 1. 99CW166 Decree ¶ 10.E. 4. Detailed description of proposed amendment to plan for augmentation: By this Application, Applicants seek approval to amend the plan for augmentation decreed in Case No. 99CW166 to modify the types of development and consumptive use covered under the plan, as follows: A. Water to be augmented: 1.9 acre-feet per year and no more than 190 acre-feet total of not nontributary Denver aquifer ground water decreed in Case No. 99CW166. (This amount represents a reduction in the amount of water to be augmented under the plan (from 2 acre-feet annually and 200 acre-feet total).) B. Development and consumptive use: Applicants seek to remove the “commercial use in a church” (0.5 acre-feet) from the augmentation plan and replace it with in-house use in a second residential structure on the Subject Property (0.3 acre-feet) and horse watering use (0.1 acre-feet). As amended, the types of development and consumptive use covered by the plan will be limited to an amount of 1.9 acre-feet per year for in-house use in two residential structures on the Subject Property (0.6 acre-feet total), irrigation (1.2 acre-feet/limited to irrigation of 21,000 square-feet of lawn and garden), and horse watering (0.1 acre-feet). Sewage treatment will continue to be provided by non-evaporative septic system(s) such that the in-house uses will be 10% consumptive. The irrigation use will be approximately 90% consumptive. Horse watering use will be 100% consumptive. C. Water to be used for augmentation: The water to be used for augmentation remains unchanged from the 99CW166 Decree. Return flows from use of the not nontributary Denver aquifer ground water on the Subject Property will replace depletions while pumping is occurring. For post-pumping depletions, Applicants own and reserve for use in this augmentation plan 2 acre-feet per year of nontributary Arapahoe aquifer ground water as decreed in Case No. 94CW100, Water Division No. 1. D. Except as modified herein, the augmentation plan will remain subject to all other terms and conditions in the 99CW166 Decree, including the retained jurisdiction provisions therein. 5. Remarks: By this Application,

Applicants do not seek to change the decreed types of beneficial use of the not nontributary ground water rights associated with the Subject Property. As stated in Paragraph 6 of the 99CW166 Decree, those not nontributary ground water rights are decreed for use, reuse, successive use, and disposal after use for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, and fish and wildlife uses, both on and off the Subject Property. 6. List of 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: N/A. (5 pages)

**CASE NUMBER 2025CW3077 NORTH WELD COUNTY WATER DISTRICT** (“NWCWD” or “Applicant”) c/o Eric Reckentine, General Manager, 32825 Co. Rd. 39, Lucerne, CO 80646, Phone: (970) 356-3020. Serve all pleadings on: Scott E Holwick, Alison I Gorsevski, Gunnar J Paulsen, Lyons Gaddis, PC, PO Box 978, Longmont, CO 80502-0978, (303) 776-9900 sholwick@lyonsgaddis.com, agorsevski@lyonsgaddis.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN LARIMER AND WELD COUNTIES**

**2. Name of Structures:** As described in paragraphs 4 and 5 below. **3. Description of Conditional Appropriative Rights of Exchange:** NWCWD was awarded a decree for several conditional exchanges as part of the decree entered in the Amended Findings of Fact, Conclusions of Law, and Decree of Water Court in Case No. 03CW421, dated April 30, 2012 (“03CW421 Decree”). These exchanges were decreed in conjunction with the change of water rights represented by shares in the Water Supply and Storage Company. The exchange reaches are located along the Cache La Poudre River and its tributaries within the reaches between each of the points described in paragraph 4 and each of the points described in paragraph 5, and as further illustrated and described in the exchange matrix which is attached as **Exhibit A** to this Application. By this Application, NWCWD seeks findings of reasonable diligence for all of its remaining conditional exchanges decreed in the 03CW421 Decree (“Subject Exchanges”). The source for all of the Subject Exchanges is water attributable to NWCWD’s WSSC shares as decreed and approved for change of water rights, alternate points of diversion, alternate places of storage and appropriative rights of substitution and exchange in the 03CW421 Decree. The date of appropriation for all of the Subject Exchanges is December 8, 2003. The uses for the Subject Exchanges are as identified in Paragraph 11 of the 03CW421 Decree and are described as: “all water district uses by NWCWD, either directly or following storage, including but not limited to irrigation, domestic, municipal, mechanical, industrial, commercial, manufacturing, fire protection, sewage treatment, watering of parks, lawns and grounds, recreation, fish culture, maintenance and preservation of wildlife, exchange, augmentation, replacement, adjustment and regulation of the NWCWD water system. NWCWD may also use, consume totally, reuse, make a succession of uses, and dispose of the consumable portion and transmountain portion of the Shares.” **4. Exchange From Points:** Pursuant to the Subject Exchanges as decreed in the 03CW421 Decree, NWCWD will release the water to which it is entitled for exchange at the places listed below not to exceed the maximum rates of flow shown below and in the exchange matrix attached as **Exhibit A**.

**4.1. Box Elder Sanitation Plant Outfall** 4.1.1. Legal description of location: NW 1/4 of the NE 1/4 of Section 28, Township 7 North, Range 68 West, 6th P.M. at a point 800 feet south of the north section line and 1475 feet west of the east section line of said Section 28, Larimer County. 4.1.2. The amount of water: 3.8 c.f.s., conditional. **4.2. Fossil Creek Reservoir Outlet** 4.2.1. Legal description of location: NE 1/4, SW 1/4, Section 11, Township 6 North, Range 68 West, 6th P.M., Larimer County. 4.2.2. The amount of water: 250 c.f.s., conditional. **4.3. Overland Trail Reservoir Release Structure No. 1** 4.3.1. Legal description of location: to be constructed on the south bank of the Cache la Poudre River in Section 34, at a point approximately 240 feet North and 940 feet East of the Southwest corner of Section 34, Township 8 North, Range 69 West, 6th P.M., Larimer County. 4.3.2. The amount of water: 250 c.f.s., conditional. **4.4. Overland Trail Reservoir Release Structure No. 2** 4.4.1. Legal description of location: to be constructed on the west bank of the Cache la Poudre River in Section 3, at a point approximately 700 feet South and 2,420 feet East of the Northwest corner of Section 3, Township 7 North, Range 69 West, 6th P.M., Larimer County. 4.4.2. The amount of water: 250 c.f.s., conditional. **4.5. Overland Trail Reservoir Release Structure No. 3** 4.5.1. Legal description of location: to be constructed

on the south bank of the Cache la Poudre River in Section 33, at a point approximately 1,401 feet North and 2,401 feet West of the Southeast corner of Section 33, Township 8 North, Range 69 West, 6th P.M., Larimer County. 4.5.2. The amount of water: 250 c.f.s., conditional. **4.6. Overland Trail Reservoir Release Structure No. 4** 4.6.1. Legal description of location: to be constructed on the west bank of the Cache la Poudre River in Section 34, at a point approximately 521 feet North and 1951 feet East of the Southwest corner of Section 34, Township 8 North, Range 69 West, 6th P.M., Larimer County. 4.6.2. The amount of water: 250 c.f.s., conditional. **4.7. Overland Trail Reservoir Release Structure No. 5** 4.7.1. Legal description of location: to be constructed on the south bank of the Cache la Poudre in Section 3, at a point approximately 2,364 feet South and 929 feet West of the Northeast corner of Section 3, Township 7 North, Range 69 West, 6th P.M., Larimer County. 4.7.2. The amount of water: 250 c.f.s., conditional. **4.8. Chambers Lake** 4.8.1. Legal description of location: in portions of Sections 6 and 7, Township 7 North, Range 75 West, 6th P.M., and Section 31 Township 8 North, Range 75 West, 6th P.M., Larimer County. 4.8.2. The amount of water: 350 c.f.s., conditional. **4.9. Long Draw Reservoir** 4.9.1. Legal description of location: in portions of Sections 10, 11, and 15, Township 6 North, Range 75 West, 6th P.M., Larimer County. 4.9.2. The amount of water: 350 c.f.s., conditional. **4.10. Grand River Ditch** 4.10.1. Legal description of location: SW 1/4 of the NW 1/4 of Section 21, Township 6 North, Range 75 West, 6th P.M., Grand County. 4.10.2. The amount of water: 6.78 c.f.s., conditional. **4.11. Poudre Tunnel Release to Tunnel Creek** 4.11.1. Legal description of location: NE 1/4 of the NE 1/4 of Section 16, Township 8 North, Range 75 West, 6th P.M., Larimer County. 4.11.2. The amount of water: 3.33 c.f.s., conditional. **4.12. Laramie River Ditch (Skyline Ditch) Release to Joe Wright Creek** 4.12.1. Legal description of location: SE 1/4 of the NE 1/4 of Section 28, Township 8 North, Range 76 West, 6th P.M., Larimer County. 4.12.2. The amount of water: 3.88 c.f.s., conditional. **4.13. Cameron Pass Ditch** 4.13.1. Legal description of location: NW 1/4 of the SE 1/4 of Section 2, Township 6 North, Range 76 West, 6th P.M., Jackson County. 4.13.2. The amount of water: 0.36 c.f.s., conditional. **4.14. Halligan Reservoir** 4.14.1. Legal description of location: in portions of Sections 28, 29, 32, 33, and 34, Township 11 North, Range 71 West, 6th P.M., Larimer County. 4.14.2. The amount of water: 350 c.f.s., conditional. **4.15. Milton Seaman Reservoir** 4.15.1. Legal description of location: in portions of Sections 28 and 33, Township 9 North, Range 70 West, 6th P.M., Larimer County. 4.15.2. The amount of water: 350 c.f.s., conditional. **4.16. Worster Reservoir (a.k.a. Eaton Reservoir)** 4.16.1. Legal description of location: in portions of Sections 5, 7, and 8, Township 11 North, Range 74 West, 6th P.M., Larimer County. 4.16.2. The amount of water: 75 c.f.s., conditional. **4.17. The confluence of the Cache la Poudre River and the North Fork of the Cache la Poudre River** 4.17.1. Legal description of location: S/2 of Section 33, Township 9 North, Range 70 West, 6th P.M., Larimer County. 4.17.2. The amount of water: 350 c.f.s., conditional. **5. Exchange To Points:** NWCWD will divert water pursuant to the exchanges at the points identified below and not to exceed the rates shown below and set forth in the exchange matrix attached as **Exhibit A: 5.1. Munroe Gravity Canal (a.k.a. North Poudre Supply Canal)** 5.1.1. Legal description of location: SW 1/4, NE 1/4 of Section 5, Township 8 North, Range 70 West, 6th P.M., Larimer County, at a point whence the Southeast corner of Section 5 bears South 37°27'30" East 3,647.5 feet. 5.1.2. The amount of water: 250 c.f.s., conditional. **5.2. North Poudre Canal** 5.2.1. Legal description of location: on the North Fork of the Cache la Poudre River at a point 170 feet North and 1,080 feet West of the Southeast corner of Section 12, Township 10 North, Range 71 West, 6th P.M., Larimer County. 5.2.2. The amount of water: 150 c.f.s., conditional. **5.3. City of Fort Collins Pipeline** 5.3.1. Legal description of location: SE 1/4, Section 32, Township 9 North, Range West, 6th P.M., Larimer County, more particularly described as: Considering the East line of said SE 1/4 as bearing North 7°49'9" E, and with all bearings contained therein relative thereto; commencing at the SE corner of said Section 32; thence N 4°32'46" E, 1,335.13 feet to the center of said pipeline intake. 5.3.2. The amount of water: 17 c.f.s., conditional. **5.4. Poudre Valley Canal** 5.4.1. Legal description of location: on the east bank of the Cache la Poudre River at a point 1,020 feet North and 160 feet East of the Southwest corner of Section 10, Township 8 North, Range 70 West, 6th P.M., Larimer County. 5.4.2. The amount of water: 350 c.f.s., conditional. **5.5. City of Greeley Pipeline** 5.5.1. Legal description of location: on the north bank of the Cache la Poudre River at a point 1,790 feet South and 1,970 feet West of the Northeast corner of Section 15, Township 8 North, Range 70 West, 6th P.M., Larimer

County. 5.5.2. The amount of water: 30 c.f.s., conditional. **5.6. Larimer County Canal** 5.6.1. Legal description of location: on the north bank of the Cache la Poudre River at a point 610 feet North and 1,540 feet East of the Southwest corner of Section 13, Township 8 North, Range 70 West, 6th P.M., Larimer County. 5.6.2. The amount of water: 250 c.f.s., conditional. **5.7. Jackson Ditch (a.k.a. Dry Creek Ditch)** 5.7.1. Legal description of location: on a slough of the Cache la Poudre River at a point 1,795 feet North and 1,003 feet East of the Southwest corner of Section 30, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.7.2. The amount of water: 50 c.f.s., conditional. **5.8. New Mercer Ditch** 5.8.1. (Corrected) Legal description of location: The SW1/4 of the SW1/4 of Section 29, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 240 feet from the West Section line and 16 feet from the South Section line. 5.8.2. The amount of water: 27 c.f.s., conditional. **5.9. Larimer County Canal No. 2** 5.9.1. (Corrected) Legal description of location: The SW1/4 of the SW1/4 of Section 29, Township 8 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 240 feet from the West Section line and 16 feet from the South Section line. 5.9.2. The amount of water: 81 c.f.s., conditional. **5.10. Taylor and Gill Ditch** 5.10.1. Legal description of location: on the north bank of the Cache la Poudre River at a point 312 feet North and 844 feet East of the Southwest corner of Section 29, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.10.2. The amount of water: 18.5 c.f.s., conditional. **5.11. Little Cache Ditch** 5.11.1. Legal description of location: on the north bank of the Cache la Poudre River at a point 312 feet North and 844 feet East of the Southwest corner of Section 29, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.11.2. The amount of water: 82.5 c.f.s., conditional. **5.12. Overland Trail Diversion Structure** 5.12.1. Legal description of location: to be constructed on the south bank of the Cache la Poudre River at a point 1,500 feet North and 2,400 feet West of the Southeast corner of Section 33, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.12.2. The amount of water: 50 c.f.s., conditional. **5.13. Taft Hill Diversion Structure** 5.13.1. Legal description of location: to be constructed on the north bank of the Cache la Poudre River at a point approximately 1,205 feet North and 487 feet West of the Southeast corner of Section 33, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.13.2. The amount of water: 250 c.f.s., conditional. **5.14. Larimer and Weld Canal (a.k.a. Eaton Ditch)** 5.14.1. Legal description of location: on the east bank of the Cache la Poudre River at a point 460 feet North and 2,150 feet East of the Southwest corner of Section 34, Township 8 North, Range 69 West, 6th P.M., Larimer County. 5.14.2. The amount of water: 250 c.f.s., conditional. **5.15. Worster Reservoir (a.k.a. Eaton Reservoir)** 5.15.1. Legal description of location: in portions of Sections 5, 7, and 8, Township 11 North, Range 74 West, 6th P.M., Larimer County. 5.15.2. The amount of water: 150 c.f.s., conditional. **5.16. Halligan Reservoir** 5.16.1. Legal description of location: in portions of Sections 28, 29, 32, 33, and 34, Township 11 North, Range 71 West, 6th P.M., Larimer County. 5.16.2. The amount of water: 350 c.f.s., conditional. **5.17. Milton Seaman Reservoir** 5.17.1. Legal description of location: in portions of Sections 28 and 33, Township 9 North, Range 70 West, 6th P.M., Larimer County. 5.17.2. The amount of water: 350 c.f.s., conditional. **5.18. Chambers Lake** 5.18.1. Legal description of location: in portions of Sections 6 and 7, Township 7 North, Range 75 West, 6th P.M., and Section 31, Township 8 North, Range 75 West, 6th P.M., Larimer County. 5.18.2. The amount of water: 350 c.f.s., conditional. **5.19. Long Draw Reservoir** 5.19.1. Legal description of location: in portions of Sections 10, 11, and 15, Township 6 North, Range 75 West, 6th P.M., Larimer County. 5.19.2. The amount of water: 350 c.f.s., conditional. **5.20. Name of Exchange To Structure: Fossil Creek Reservoir Inlet** 5.20.1. Legal description of location: on the south bank of the Cache la Poudre River at a point 2,600 feet North and 85 feet West of the Southeast corner of Section 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. 5.20.2. The amount of water: 3.8 c.f.s., conditional. **6. Outline of what has been done toward completion of the appropriation and application of water to beneficial use:** The Subject Exchanges are part of NWCWD's integrated system for the diversion, collection, storage, transmission, treatment and delivery of water rights for use within its service area as it exists or may be expanded in the future. Pursuant to the Colorado Revised Statutes § 37-92-301(4)(b), "when a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). At a minimum, NWCWD did the following work towards completion of the



Subject Exchanges: **6.1.** NWCWD continued to divert the transmountain component associated with its WSSC shares changed in Case No. 03CW421 every year throughout the diligence period. NWCWD steadily increased the amount of these diversions from 2018 to the present. **6.2.** NWCWD fully converted the native component associated with the WSSC shares changed by the 03CW421 Decree and steadily increased the amount of these diversions from 2018 to the present. **6.3.** NWCWD continued to divert its WSSC shares as changed by the 03CW421 Decree at the alternate point of diversion (“APOD”) at the Munroe Canal for treatment at the Soldier Canyon Filter Plant from 2018 through the present to meet municipal water demand. **6.4.** NWCWD diverted its WSSC shares as changed by the 03CW421 Decree at the Larimer County Canal No. 2 APOD in 2022 and 2024 and stored water attributable to those shares in the Overland Trail Reservoirs for use by exchange or release for augmentation or replacement. **6.5.** NWCWD diverted its WSSC shares as changed as changed by the 03CW421 Decree at the Overland Diversion Structure APOD via portable pumps in 2021 and stored water attributable to such shares in the Overland Trail Reservoirs for use by exchange or release for augmentation or replacement. **6.6.** NWCWD executed a carriage agreement with the Larimer County Canal No. 2 for use of excess capacity in the canal by NWCWD from June 1, 2022, to December 31, 2036, to deliver water to Overland Trail Reservoirs. **6.7.** NWCWD constructed a new diversion structure on the Larimer County Canal No. 2 to increase the maximum divertible flow from the Larimer County Canal No. 2 to Overland Trail Reservoirs from 6 cfs to 20 cfs. **6.8.** NWCWD participated in Water Court Case Nos. 18CW3216, 19CW3199, 20CW3208, 21CW3056, 21CW3094, 21CW3131, 21CW3234, 22CW3042 by filing Statements of Opposition to protect its water portfolio and integrated system from injury by other water users. **6.9.** NWCWD made ongoing expenditures and capital improvements on its integrated water system, including improvements to the Munroe Canal, the Pleasant Valley Pipeline, and the Overland Trail Reservoirs. **6.10.** NWCWD consulted with engineering and construction experts regarding construction on its integrated system, including but not limited to the Pleasant Valley Pipeline and Overland Trail Reservoirs. **6.11.** NWCWD made expenditures of \$108,019.60 for its share of the ongoing annual operation and maintenance (O&M) of the Pleasant Valley Pipeline (PVP) during 2018 through 2024. The PVP annual O&M costs totaled \$319,773.82 during that period. The total costs per year to the Tri-Districts (comprised of NWCWD, East Larimer County Water District and Fort Collins-Loveland Water District), and NWCWD's share of those expenditures each year, were as follows: **Table 1: Pleasant Valley Pipeline O&M Costs by Year:**

<b>Year</b>	<b>Total Cost to Tri-Districts</b>	<b>NWCWD's Portion of Costs</b>
2018	\$ 17,343.43	\$5,858.61
2019	\$ 26,045.46	\$8,798.16
2020	\$ 31,722.76	\$10,715.95
2021	\$ 69,328.99	\$23,419.33
2022	\$ 26,019.15	\$8,789.27
2023	\$ 90,681.82	\$30,632.32
2024	\$ 58,632.21	\$19,805.96
<b>Total</b>	<b>\$319,773.82</b>	<b>\$108,019.60</b>

**6.12.** NWCWD participated in the development of the Overland Trail Reservoir Project with its partners and made expenditures and completed work toward development of its share of the Overland Trail Reservoir Project as set forth in Tables 2 and 3 below. The Overland Trails Reservoirs will consist of 13 cells at full-build out, which are co-owned with the City of Greeley. **Table 2: Overland Trail Reservoirs Capital Construction and Engineering Costs:**

<b>Year</b>	<b>Total Engineering and Construction Costs</b>	<b>NWCWD's Portion of Cost</b>	<b>Summary</b>
2018	\$184,465	\$30,436.73	Overland Trail Reservoir Master Plan

2021	\$174,881	\$28,855.37	Treiber B Outlet & Pond 3 Staff Gage
2022	\$8,033	\$1,325.45	Treiber A Riprap & Pond 5 Underdrain
2023	\$43,800	\$7,227.00	Treiber B Outlet Rubicon Meter
2024	\$196,959	\$32,498.24	Larimer #2 Inlet Expansion

**Table 3:** Overland Trail Reservoirs Acquisition Costs

Year	Pond Name	Purchase Price	NWCWD's Portion of Purchase Price
2019	Pond 5	\$543,574	\$89,689.71

**6.13.** NWCWD consulted with legal counsel regarding legal aspects of the rights and water rights applications and developments potentially affecting the rights. **6.14.** NWCWD consulted with engineering and construction experts regarding construction on its integrated system, including but not limited to the Pleasant Valley Pipeline and the Overland Trail Reservoir Project. **6.15.** NWCWD made expenditures of approximately \$15,077,336.18 during the diligence period at Soldier Canyon Filter Plant to increase treatment capacity to 26.336 million gallons per day to treat the water rights decreed in Case No. 03CW421. **6.16.** NWCWD made total expenditures of approximately \$52,629,686.00 during the diligence period on water distribution and water storage facilities that will use the WSSC shares changed by the 03CW421 Decree. **7. Continued Need for the Subject Exchanges:** As part of this application for findings of reasonable diligence, NWCWD demonstrated that the Subject Exchanges have been or will be needed to serve NWCWD's customers and projected growth within its service area. NWCWD is a quasi-municipal corporation, organized in 1962 as a water district, which operates under Title 32 of the Colorado Revised Statutes. It serves approximately 11,200 total residents within a 325 square mile service area. NWCWD is one of the three Title 32 special districts collectively known as the Tri-Districts. NWCWD's original water supply consisted of water from the Colorado-Big Thompson Project (C-BT). NWCWD owns the Soldier Canyon Filter Plant (SCFP) with the Fort Collins-Loveland Water District and East Larimer County Water District. The SCFP lies at the base of Horsetooth Reservoir. The acquisition of the 7.75 WSSC shares changed by the 03CW421 Decree is part of a plan to develop a more balanced blend of C-BT and Poudre River supplies in NWCWD's portfolio. In addition to the project-specific activities discussed in this application, NWCWD, the other two districts, Fort Collins and Greeley started the process of participating in the construction of the Pleasant Valley Pipeline (PVP) in 1997, which is an 8.5 mile, 67 inch pipeline that connects the Poudre River to the SCFP. NWCWD's Poudre River supplies are diverted at the Munroe Gravity Canal and delivered through the PVP to the SCFP where water is treated and delivered to NWCWD's customers. Access to the Poudre River provides NWCWD with a redundant water supply to the SCFP and has allowed a water portfolio shift from primarily C-BT water to a more balanced blend of C-BT and Poudre River supplies. NWCWD also is addressing its need for firm yield by the development of water storage. Additional water stored during the good years provides insurance during the dry years and unforeseen events. NWCWD is also a partner in the Overland Trail Reservoir Project with the other two Districts and the City of Greeley, which is an important facility in the integrated water system. The 03CW421 Decree includes Alternate Points of Diversion (APODs) and Storage (APOSs) which allow deliveries into the Overland Trail Reservoirs. The Subject Exchanges allow releases from the gravel pits to move upstream to the Munroe Canal, and eventually into the SCFP. The Subject Exchanges are a part of NWCWD's integrated water system. NWCWD and the other two Districts made incremental progress on the integrated water system during the diligence period, which would benefit from future operation of the Subject Exchanges. As discussed above, part of the integrated water system includes the Munroe Canal, the PVP, and the Overland Trail Reservoirs and those structures are integral components for operating the Subject Exchanges. The Subject Exchanges allow NWCWD to move its water supplies to locations of diversion and storage so that the supply can be firmed and ultimately diverted for treatment or otherwise used for NWCWD's replacement obligations. **8. Names(s) and address(es) of owner(s) or reputed**

**owners of structures or the land upon which structures are located or upon which water is or will be stored and beneficially used:**

<b>OWNER NAME AND ADDRESS</b>	<b>STRUCTURE</b>
Northern Colorado Water Conservancy District 220 Water Avenue, Berthoud, CO 80513	Munroe Gravity Canal, Glade Reservoir
North Poudre Irrigation Company P.O. Box 100, Wellington, CO 80549	North Poudre Canal, Fossil Creek Reservoir, Halligan & Enlargement,
Windsor Reservoir and Canal Company P.O. Box 206, Eaton, CO 80615 Windsor Reservoir and Canal Company 106 Elm St, Eaton, CO 80615	Poudre Valley Canal, Douglas Reservoir
State of Colorado, Division of Wildlife 6060 Broadway Avenue, Denver, CO 80216 United States of America Bureau of Land Management, General Delivery, Washington, DC 20090 United States of America, Bureau of Land Management, 1313 Sherman St., Denver, CO 80203 Landowners' Association for Phantom Canyon Ranches, c/o Vanessa Nunes, 1738 Bonny Drive, Loveland, CO 80538 Free Enterprises, Inc., c/o Lee Stark 1803 Garfield Avenue Loveland, CO 80538-3847 City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522 Halligan Home LLC 865 Three Corner Gate Road Livermore, CO 80536 Meadow Creek Cabin Association, LLC , 2212 Kiowa Court, Fort Collins, CO 80525	North Poudre #16 a/k/a Halligan Reservoir
Jackson Ditch Company, P.O. Box 2017, Fort Collins, CO 80522	Jackson Ditch
New Mercer Ditch Company P.O. Box 506, Fort Collins, CO 80522 1319 E. Prospect Road, Fort Collins, CO 80525 New Mercer Ditch Company, 207 Windflower Way Severance, CO 80550-6235 Larimer and Weld Reservoir Company, 106 Elm Ave., Eaton, CO 80615-3420 Lori and Robert Graves, PO Box 312, Bellvue, CO 80512-0312	New Mercer Ditch
Larimer County No. 2 Irrigation Co., P.O. Box 506, Fort Collins, CO 80522 Larimer County No. 2 Irrigation Co., 207 Windflower Way Severance, CO 80550-6235 Larimer and Weld Reservoir Company, 106 Elm Ave. Easton CO 80615-3420 Robert L. Graves & Lori E. Graves, PO Box 312, Bellevue, CO 80512	Larimer County No. 2 Ditch
Taylor and Gill Ditch Co., 207 Windflower Way, Severance, CO 80550-6235 Taylor and Gill Ditch Co., 2305 N. Taft Hill, Ft. Collins, CO 80524 Taylor and Gill Ditch Co., P.O. Box 526, Laporte, CO 80535	Taylor and Gill Ditch
Cache La Poudre Irrigating Ditch Co. 532 N. U.S. Highway 287, Fort Collins, CO 80524	Little Cache Ditch
Water Supply and Storage Company P.O. Box 2017, Fort Collins, CO 80522	Chambers Lake, Long Draw Reservoir, Grand River Ditch, Laramie-Poudre Tunnel, Skyline Ditch, Cameron Pass Ditch, Larimer County Canal
United States of America Arapaho/Roosevelt National Forest 2150 Centre Ave E Ft. Collins, CO 80526	Chambers Lake, Laramie-Poudre Tunnel, Skyline Ditch, Cameron Pass Ditch
United States of America USDI, National Park Service – RMNP PO BOX 25287 Denver, CO 80225-0287	Long Draw Reservoir, Grand River Ditch
Divide Canal and Reservoir Co. 106 Elm Ave, Eaton, CO 80615	Worster Reservoir

Mark A. Linder, 4355 Bingham Hill Rd, Fort Collins, CO 80521	Overland Trail Reservoirs
Ronald W & Kathy L Treiber, 1724 N Overland Trail, Fort Collins, CO 80521	
East Larimer County Water District (ELCO) 232 S. Link Lane Fort Collins, CO 80524 William O and Paulette M Seaworth 2305 N Taft Hill Rd. Ft. Collins, CO 80524 City of Greeley, 1100 10th Street, Ste. 300, Greeley, CO 80631 Fort Collins – Loveland Water District 5150 Snead Drive Fort Collins, CO 80525 North Weld County Water District 32825 WCR 39, P.O. Box 56 Lucerne, CO 80646 Connell Resources, Inc., 7785 Highland Meadows Parkway #100 Windsor, CO 80528 Martin Marietta Materials, Inc. PO Box 54788, Lexington KY 40555-4788 Martin Marietta Materials, Inc., P.O. Box 8040, Fort Wayne, IN 46898-8040	
City of Fort Collins P.O. Box 580, Fort Collins, CO, 80522	
Boxelder Sanitation District P.O. Box 1518, Fort Collins, CO 80522	Ft. Collins Waste Water Plant 1, Fort Collins Waste Water Plant 2, City of Fort Collins Pipeline
City of Greeley 1100 10th Street, Ste. 300 Greeley, CO 80631	Boxelder Sanitation Plant Outfall
Larimer and Weld Irrigation Company P.O. Box 206, Eaton, CO 80615	Milton Seaman & Enlargement, City of Greeley Pipeline
	Larimer and Weld Canal

WHEREFORE, NWCWD seeks a finding that it has exercised reasonable diligence with respect to the Subject Exchanges identified in paragraphs 3 – 5, above, and such other and further relief as this Court deems just and proper. Number of pages in application: 15, excluding the exhibit.

**CASE NUMBER 2025CW3078** (18CW3098, 11CW14, 02CW374), **COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION** (“CPW”) 6060 Broadway, Denver, CO 80216. Please direct communications regarding this case to Christopher R. Stork, Senior Assistant Attorney General; Elizabeth M. Joyce, Senior Assistant Attorney General, 1300 Broadway, 10th Floor Denver, CO 80203 christopher.stork@coag.gov 720-508-6311; elizabeth.joyce@coag.gov 720-508-6761. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN YUMA COUNTY.** 1. **Name, mailing address, e-mail address, and telephone number of applicant:** Colorado Division of Parks and Wildlife (“CPW”) Attn: Pete Conovitz, Water Rights Program Administrator 6060 Broadway, Denver, Colorado 80216 970-666-1365; [pete.conovitz@state.co.us](mailto:pete.conovitz@state.co.us) 2. CPW requests findings of reasonable diligence for the conditional water rights described as follows: A. **Name of structure:** Stalker Lake. i. **Date of original decree:** Case No. 02CW374, entered January 18, 2005, Water Division 1. ii. **Subsequent decrees awarding findings of diligence:** Case No. 18CW3098, entered June 4, 2019, Water Division 1; Case No. 11CW14, entered June 5, 2012, Water Division 1. iii. **Legal description:** N1/2 of Section 3, T1N, R44W of the 6th PM in Yuma County. Stalker Lake is depicted on the map attached as **Exhibit A** to the application. iv. **Source:** Chief Creek, tributary to the North Fork of the Republican River v. **Appropriation date:** December 31, 2002. vi. **Amounts:** 70 acre-feet, conditional, with the right to fill and refill whenever in priority. vii. **Uses:** Augmentation. viii. **Additional remarks:** Additional water rights were decreed to Stalker Lake in Case No. 80CW281 for fish propagation, wildfowl production and recreational uses. Those water rights are absolute and are therefore not the subject of this diligence action. B. **Name of structure:** Bar 11 Direct Exchange. i. **Date of original decree:** January 18, 2005, Case No. 02CW374, Water Division 1. ii. **Subsequent decrees awarding findings of diligence:** 18CW3098, entered June 4, 2019, Water Division 1; Case No. 11CW14, entered June 5, 2012, Water Division 1. iii. **Legal description of exchange from and to points:** a. **Exchange from point:** Confluence

of North Fork of the Republican River with Chief Creek. b. Exchange to points: i. Hatchery Carroll and Gilmore Ditch: located on Workman Creek (a.k.a Pierce Creek) in Section 34, T2N, R44W of the 6th P.M. in Yuma County. ii. Wray Hatchery Pipeline: located at a point on the north bank of Chief Creek whence the N1/4 corner of Section 32, T2N, R44W of the 6th P.M. in Yuma County bears North 20°4'14" East 1617.55 feet. iii. Stalker Lake: located on Chief Creek in the N1/2 of Section 3, T1N, R44W, 6th PM in Yuma County. c. The Bar 11 Direct Exchange exchange from and exchange to points are depicted on the map attached as **Exhibit A** to the application. iv. Exchange water sources: Bar 11 Ditch No. 2 or Pyle Cunningham Ditch water, as changed in Case No. 02CW374. v. Appropriation date: May 13, 1987. vi. Amount: 207.5 acre-feet, conditional, at a rate of no more than 3.5 cfs, of which 107 acre-feet and 2.3 cfs was decreed absolute as to above-described exchange-to points in Case No. 02CW374. vii. Additional remarks: In Case No. 02CW374, the Bar 11 Direct Exchange was made absolute for a rate of 2.3 cfs and a volume of 107 acre-feet at the following exchange to points: a) Hatchery Carroll and Gilmore Ditch, b) Wray Hatchery Pipeline, and c) Stalker Lake. CPW seeks to maintain diligence on the remaining conditional volume of 100.5 acre-feet and the remaining conditional rate of 1.2 cfs for the following exchange to points: a) Hatchery Carroll and Gilmore Ditch; b) Wray Hatchery Pipeline; and c) Stalker Lake. CPW hereby relinquishes the Wray-2 Pipeline and Wray-2 Hatchery Reservoir exchange-to points and the volume and rate associated with the same. **3. Integrated water supply system**: As previously decreed in Case No. 18CW3098, the subject conditional water rights each constitute a feature of an integrated water supply system designed to provide a sufficient and reliable water supply at Wray Hatchery, the Sandsage State Wildlife Area ("SWA"), and the Stalker Lake SWA. Specifically, as decreed in Case No. 02CW374, the Stalker Lake conditional water right is decreed as an augmentation source for the Wray Hatchery. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system" § 37-92-301(4)(b), C.R.S. **4. 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, CPW has taken the following steps to diligently develop the subject water rights: A. During the diligence period, CPW has continued to actively maintain and manage the Wray Hatchery and the SWAs to provide the people of the State of Colorado with recreational opportunities such as hunting, fishing, hiking and wildlife viewing. To that end, CPW has consistently met internally to discuss how to further develop and maintain the subject water rights as a part of the integrated system serving the Wray Hatchery and the SWAs and analyze future needs and the appropriate level of anticipated water needs for the facilities. B. During the diligence period, CPW continued to operate and maintain the Wray Hatchery and expended approximately \$895,000.00 for the general operations from June 2019 through present. C. In June of 2020, CPW engaged Black Sheep Oilfield Services, LLC, to line a total of eight ponds within the Wray Hatchery to improve efficiency and alleviate seepage, levee, and bank issues. CPW's payment for the project totaled \$474,138.36. D. Following the pond lining project, CPW has continuously monitored the ponds for issues and engaged Blue Sage Services in 2021, 2022, and 2023 to perform liner repairs. CPW has expended approximately \$19,500.00 on the liner repairs to date. E. In 2024, CPW staff internally repaired liners on several ponds and is currently scheduling additional repairs. F. During the diligence period, CPW has conducted monthly reviews of the water court resume to determine whether to enter cases in order to protect its water rights in Water Division No.1, including the conditional water rights which are the subject of this Application. **5. Relinquishment of conditional water rights**: Through this application, CPW acknowledges its relinquishment of the following conditional water rights originally decreed on November 2, 1984 in Case No. 84CW131: (1) Wray-2 Reservoir in the amount of 150 acre-feet for piscatorial, wildlife, recreation, augmentation uses; (2) Wray-2 Hatchery Ponds in the amount of 160 acre-feet for piscatorial and augmentation uses; (3) Wray-2 Ditch/Pipeline in the amount of 10 cfs for piscatorial, wildlife, and recreation uses. CPW further acknowledges its relinquishment of the following conditional water right originally decreed on June 18, 2005 in Case No. 02CW374: Stalker Lake/Wray-2 Reservoir Storage Exchange in the amount of 220 acre-feet, conditional, with an annual total of 70 acre-feet from Stalker Lake and 150 acre-feet from Wray-2 Reservoir, at a rate of no more than 10 cfs, conditional. CPW has internally

analyzed its future water needs for the facilities and has decided not to pursue continuation of these conditional water rights and therefore provides notice of its intent to relinquish these conditional water rights through this application. **6. Names of owners of land upon which structures are located:** Applicant, CPW. WHEREFORE, CPW respectfully requests that this Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the above-referenced conditional water rights, continue the conditional water rights in full force as decreed, and for such other relief as this Court deems just and proper. Number of pages of Application: 7 pages.

**CASE NUMBER 2025CW3079 AMENDED APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT NONTRIBUTARY UPPER DAWSON FORMATION IN ELBERT COUNTY. PAUL REED ROSELL, PAUL REDFORD ROSELL AND LAURA LEE STITETELER-ROSELL**, 24981 Cave Spring Trail, Elbert CO 80106. James J. Petrock, John Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. Well Permits: Exempt Well Permit 31631 will serve the 25-acre parcel identified as Lot One in this application, pursuant to C.R.S. 37-92-602(3)(b)(IV). One new well permit in the Upper Dawson aquifer will be applied for to serve Lot Two prior to construction of any well. Subject Property: 35.21 acres now described as Tract 11, Cave Spring Trail, Elbert County located in the North 1/2 North 1/2, section 34 Township 9 South, Range 65 W of 6th PM, Elbert County, State of Colorado, as described in Exhibit A attached ("Subject Property:"). Tract 11 is comprised entirely of Lot One and Lot Two as described in this application. Lot One is a 25-acre parcel and Lot Two is 10.21 acres. Applicants are the owners of the Subject Property, all of which is included within the property described in Case No. 04CW157 Water Division One. Source and amount of Water Rights- 6 acre feet of Upper Dawson nontributary groundwater decreed in Case 04CW157. Acquired by Quitclaim deeds recorded May 14, 2025 at Reception Nos. 642908 and 643909 in Elbert County, Colorado. 2.5 acre feet Lower Dawson nontributary groundwater decreed in Case 04CW157. Acquired by quitclaim deeds recorded May 14, 2025 at Reception No. 642908 and August 15, 2018 at Reception No. 579826 in Elbert County, Colorado. Exempt Well Use: 3 acre feet of the Upper Dawson is reserved for use under exempt well permit 31631 on Lot One, and otherwise excluded from the terms of the decree in this matter, subject to the following conditions: Permit number 31631 shall be used only on Lot One, will not be shared with Lot Two. This will be the only exempt well on Lot One. The well will be used in accordance with permit conditions. No additional wells or permits will be allowed to be constructed on or to claim the area encumbered by the permit (Tract 11 as described in Exhibit A). Proposed Uses: In-house use in one single-family residence, irrigation of home lawns and gardens, and augmentation purposes. Jurisdiction. The Court has jurisdiction over the subject matter of this application pursuant to C RS 37-90-137(6), 37-92-203(1) and 37-92-302(2). Summary of Plan for Augmentation (Lot Two) Groundwater to be augmented: 1 acre feet per year of Upper Dawson not nontributary aquifer. Water to be used for augmentation: return flows from use of not nontributary Upper Dawson groundwater and return flows from use of, or direct discharge of nontributary Lower Dawson groundwater. Statement of Plan for Augmentation: The Upper Dawson aquifer groundwater will be used to serve Lot Two through individual well for in-house use (.3 acre/year) and irrigation of 15,000 square feet of lawns and garden (.7 acre feet). Sewage treatment will be by non-evaporative septic systems. Return flows associated with in-house use will be approximately 90% of total water use for that purpose and irrigation return flows will be 15% of water used for that purpose. During pumping Applicants will replace actual depletions to the affected stream system pursuant to CRS 37-90-137(9)(c.5). Depletions occur to the Cherry Creek stream system. Return flows accrue to the South Platte River stream system via Cherry Creek and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary Lower Dawson aquifer groundwater to meet post pumping augmentation requirements. Applicants request the Court to approve the water rights described herein, find that the Applicant has complied with CRS 37-90-137(4) and water is legally available for withdrawal, find that there will be no material injury to the owners of or persons entitled to use water under any vested right or decreed conditional right, and grant such other and further relief the Court may deem appropriate. 4 pages.



**CASE NUMBER 2025CW3080 THE CITY OF GREELEY, ACTING BY AND THROUGH ITS WATER AND SEWER BOARD**, c/o Leah Hubbard, Deputy Director of Water Resources, 1001 – 11th Avenue, 2nd Floor, Greeley, Colorado 80631, leah.hubbard@greeleygov.com, (970) 350-9811. Please send all correspondence to: Carolyn F. Burr, James M. Noble, and Matthew C. Nadel, Welborn Sullivan Meck & Tooley, 1401 Lawrence Street, Suite 1800, Denver, Colorado, (303) 830-2500, cburr@wsmtlaw.com, jnoble@wsmtlaw.com, mnadel@wsmtlaw.com; and Daniel J. Biwer, Greeley City Attorney’s Office, 1100 – 10th Street, Suite 401, Greeley, Colorado 80631, (970) 350-9291, daniel.biwer@greeleygov.com.

**APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN LARIMER AND WELD COUNTIES.** 2. General Description of the Application. This application concerns the conditional appropriative rights of substitution and exchange, including storage, originally decreed and more particularly described in Case No. 06CW258, District Court, Water Division No. 1 (“Greeley Tunnel Water Exchanges”). Greeley seeks by this application a determination that an additional portion of the Greeley Tunnel Water Exchanges has been made absolute, and that Greeley has exercised reasonable diligence on the remainder not made absolute. Windsor Reservoir and Canal Company (“WRCC”) owns 150 of the 450 outstanding shares of stock in the Tunnel Water Company. That ownership entitles WRCC to a portion of the water diverted under transbasin water rights decreed to the Laramie-Poudre Tunnel and the related collection ditches and reservoirs, commonly known as the Laramie River System. Greeley owns 75 of the 150 outstanding shares of class B common stock in the WRCC (“75 Shares”). Accordingly, Greeley is entitled to one-half of the transbasin water from the Laramie River System to which WRCC is entitled by virtue of its stock ownership in the Tunnel Water Company. The transbasin water attributable to these 75 Shares, for which Greeley also decreed a change of use in Case No. 06CW258, is the source of substitute supply for the Greeley Tunnel Water Exchanges. Description of Conditional Water Rights. 3. Greeley Tunnel Water Exchanges. a. Original and Diligence Decrees. Findings of Fact, Conclusions of Law, Judgment and Decree of the Water Court, Case No. 06CW258, District Court, Water Division No. 1, entered on January 4, 2012. Findings of Fact, Conclusions of Law, Judgment, and Decree of the Water Court, Case No. 2018CW3016, District Court, Water Division No. 1, entered on June 24, 2019. b. Legal Location of the Greeley Tunnel Water Exchanges. The locations of the structures described below are shown on the map attached hereto as Exhibit A. i. Exchange-From Point (Location where water is provided in substitution and/or exchange). Confluence of the mainstem of the Cache la Poudre River and the North Fork of the Cache la Poudre River (“Confluence”). Water attributable to the 75 Shares will be delivered down the Cache la Poudre River from the Laramie River Tunnel to the Confluence, subject to any river transit losses. ii. Exchange-To Points. (Locations where water is diverted by exchange). All of the exchange-to points are located in the 6th P.M., Larimer County, Colorado. a) Milton Seaman Reservoir, as the same may be enlarged. The decreed location of Milton Seaman Reservoir is upon Sections 33 and 28, Township 9 North, Range 70 West. The Milton Seaman Reservoir Dam is presently located in the SW1/4, NE1/4 and SE1/4, NW1/4 of Section 33, Township 9 North, Range 70 West, taking its supply of water from the North Fork of the Cache la Poudre River and its tributaries originating upstream of Milton Seaman Dam. Rate of diversion by exchange: up to 36 c.f.s. b) North Poudre Canal. This point is located on the North Fork of the Cache la Poudre River at a point 1080 feet west and 170 feet north of the SE corner of Section 12, Township 10 North, Range 71 West, from the North Fork of the Cache la Poudre River. Rate of diversion by exchange: up to 36 c.f.s. c) Halligan Reservoir, as the same may be enlarged. The decreed location of Halligan Reservoir is upon portions of Sections 28, 29, 32, 33, and 34, Township 11 North, Range 71 West, taking its supply of water from the North Fork of the Cache la Poudre River and its tributaries originating upstream of the Halligan Dam. Rate of diversion by exchange: up to 36 c.f.s. c. Source of Substitute Supply. Transbasin water yielded from the 75 Shares delivered to the Cache la Poudre River through the Laramie River Tunnel. d. Appropriation Date. November 15, 2006. e. Rate of Exchange. A maximum simultaneous rate of exchange of 36 c.f.s. for the above described exchanges. The Tunnel Water Exchange from the Confluence to Milton Seaman Reservoir was made partially absolute in Case No. 18CW3016, in the amount of 13.56 c.f.s. f. Uses. Greeley may use the water diverted and stored under the Tunnel Water Exchanges for all uses described in ¶10(A) of the decree for

Case No. 06CW258, by direct use or by storage and subsequent release. More specifically, Greeley may use this water for irrigation and the following municipal uses within Greeley's service area as it now exists or may from time to time be expanded, and to serve water users with whom Greeley has contracts to deliver water from its water system: all municipal and related uses, including, but not limited to, domestic, irrigation, watering of lawns, parks and grounds, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, power generation, street sprinkling, recreational, fish and wildlife propagation, lake and reservoir evaporation, maintenance of adequate storage reserves, and maintenance of operating detention. Additionally, Greeley may use this water for maintenance of historical return flows as required by judicial or administrative order, and for replacement, augmentation, substitution, and exchange. The foregoing uses may be made directly, by substitution and exchange, or by storage and subsequent release. Greeley may lease or otherwise dispose of this water to other water users at times when the water is not needed for use by Greeley. Pursuant to C.R.S. §37-82-106, Greeley may fully consume water diverted pursuant to the Tunnel Water Exchanges, whether by direct use, storage and subsequent release, reuse, successive use, further exchange or disposition. Water yielded from operation of the Tunnel Water Exchanges, except for municipal lawn irrigation return flows from this water, may be exchanged pursuant to any other decree or lawful administrative approval authorizing such exchange, including contract exchanges and water trades made by mutual agreement with other water users. Municipal lawn irrigation return flows from use of the 75 Shares may only be used to meet return flow obligations and replacement, augmentation or substitution requirements pursuant to the terms of any other judicial decree or administrative order approving such use, and cannot be exchanged elsewhere or used for other purposes.

Claim for Finding of Reasonable Diligence. 4. Integrated System. The Greeley Tunnel Water Exchanges were and are conceived and planned to be operated as a component of Greeley's municipal water supply system, which is an integrated system comprised of several different water rights, features, and facilities. Work on one or more features of this integrated system constitutes effort toward development of the water rights for all features of the system. C.R.S. §37-92-301(4)(b). 5. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures rounded to the nearest thousand dollars. a. Operation of the Subject Water Rights. Greeley diverted and put to beneficial use more than 6000 acre-feet of water attributable to the 75 Shares after delivery through the Laramie River Tunnel during this diligence period. b. Maintenance and Repair Costs associated with the Laramie River Tunnel. Greeley spent in excess of \$279,000 on maintenance and repairs to the Laramie River Tunnel during this diligence period. c. Expenditures on Greeley's Milton Seaman Reservoir. Greeley spent approximately \$173,000 on improvements, maintenance, and repairs to Milton Seaman Reservoir during this diligence period. d. Expenditures on Greeley's Bellvue Water Treatment Plant. These expenditures facilitate Greeley's ability to treat, deliver, and use water diverted under the Greeley Tunnel Water Exchanges for subsequent municipal purposes. Greeley spent approximately \$37,013,000 on Bellvue Water Treatment Plant improvements, maintenance, and repairs during this diligence period. e. Expenditures on Greeley's Water Transmission Pipelines. These expenditures also facilitate Greeley's ability to treat, deliver, and use water diverted under the Greeley Tunnel Water Exchanges for subsequent municipal purposes. Greeley spent approximately \$12,779,000 on improvements, maintenance, and repairs to its water transmission pipeline infrastructure during this diligence period. f. Expenditures on Greeley's High Mountain Reservoirs. Greeley spent approximately \$627,000 on improvements, maintenance, and repairs to Peterson, Hourglass, and Comanche Reservoirs during this diligence period. g. Work by Greeley Staff, Outside Counsel, and Consultants. Greeley spent significant amounts of money and other resources on staff, engineering consultants, and legal counsel during the diligence period. Representative activities include, but are not limited to, the daily monitoring of river conditions and weekly meetings during which Greeley staff determines the most efficient operation and administration of its water rights. Greeley also participated as an objector in a number of Division 1 Water Court cases during the diligence period to prevent injury to these and other of its vested and decreed water rights. Claim to Make Absolute in Part. 6. Application of Water to Beneficial Use. Greeley diverted transbasin water attributable to the 75 Shares by exchange, after delivery to the Cache la Poudre River from the Laramie River Tunnel, from the Confluence into Milton Seaman Reservoir. a. Greeley operated this

exchange in priority during June 2020 at a maximum rate of 17.02 c.f.s. Summary accounting evidencing these operations is attached hereto as Exhibit B. b. The water diverted into storage under this exchange was subsequently released from Milton Seaman Reservoir for treatment at Greeley's Bellvue Water Treatment Plant and used for municipal purposes within Greeley's service area. c. Greeley claims that the Tunnel Water Exchange from the Confluence to Milton Seaman Reservoir should be made partially absolute, at an additional rate of 3.46 c.f.s., for a total rate of 17.02 c.f.s. absolute. 7. Tunnel Water Exchanges Remaining Conditional. The appropriative rights of substitution and exchange, including storage, decreed in Case No. 06CW258 and not yet made absolute remain conditional in the following amounts. a. The exchange from the Confluence to Milton Seaman Reservoir, as the same may be enlarged, remains conditional in the amount of 18.98 c.f.s. and is absolute in the amount of 17.02 c.f.s. b. The exchange from the Confluence to the North Poudre Canal remains wholly conditional, in the amount of 36 c.f.s. c. The exchange from the Confluence to Halligan Reservoir, as the same may be enlarged, remains wholly conditional, in the amount of 36 c.f.s. 8. 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. a. Milton Seaman Reservoir. State of Colorado, Department of Natural Resources, 6060 Broadway, Denver, CO 80216; United States of America, 2150 Centre Avenue, Building E, Fort Collins, CO 80526; State Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, CO 80203. b. North Poudre Canal. The point of diversion for the North Poudre Canal is located on land owned by the Landowners Association for Phantom Canyon Ranches, 1738 Bonny Drive, Loveland, CO 80538. The structure is owned by the North Poudre Irrigation Company, P.O. Box 100, Wellington, CO 80509. c. Halligan Reservoir. City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522; State of Colorado, Division of Parks and Wildlife, 6060 Broadway Avenue, Denver, CO 80216; United States of America, Bureau of Land Management, General Delivery, Washington, D.C. 20090; Landowners Association for Phantom Canyon Ranches. WHEREFORE, Greeley requests that the Court enter a decree finding that Greeley has satisfied the statutory standard of steady application of effort to complete this appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, that Greeley exercised reasonable diligence toward completion of the Tunnel Water Exchanges appropriation during this diligence period, and continuing the subject conditional water rights for another six-year diligence period; and also finding that an additional portion of the exchange described in ¶ 6 should be made absolute in the amount claimed. 7 pages.

**CASE NUMBER 2025CW3081** (18CW3122, 96CW1063, 94CW463), **COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION** ("CPW") 6060 Broadway, Denver, CO 80216. Please direct communications regarding this case to Ema I. G. Schultz, Second Assistant Attorney General; Christopher R. Stork, Senior Assistant Attorney General, 1300 Broadway, 7th Floor Denver, CO 80203 [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov) 720-508-6307; [christopher.stork@coag.gov](mailto:christopher.stork@coag.gov) 720-508-6311. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LOGAN COUNTY.** 1. **Name, mailing address, e-mail address, and telephone number of applicant:** Colorado Division of Parks and Wildlife ("CPW") Attn: Pete Conovitz, Water Rights Program Administrator 6060 Broadway, Denver, Colorado 80216 970-666-1365; [pete.conovitz@state.co.us](mailto:pete.conovitz@state.co.us) 2. CPW requests findings of reasonable diligence for the conditional water rights described as follows: **A. Name of structure:** Tamarack Ranch Recharge Well #1 i. Date of Original Decree: Case No. 96CW1063, entered July 12, 2012. ii. Subsequent decrees awarding findings of diligence: Case No. 18CW3122, entered June 19, 2019. iii. Permit No.: 47191 iv. Legal description: SW1/4 NE1/4 of Section 13, T10N, R49W of the 6th PM in Logan County. UTM: 687724.0 m E; 4523915.0 m N. See Exhibit A, Well Locations Map. v. Source: Groundwater tributary to the South Platte River. vi. Appropriation Date: December 31, 1996 vii. Amounts: 4.5 cfs, 1900 gpm absolute, 100 gpm conditional. viii. Well Depth: 54 feet. **B. Name of structure:** Tamarack Ranch Recharge Well #14. i. Date of Original Decree: Case No. 98CW463, entered July 12, 2012. ii. Subsequent decrees awarding findings of diligence: Case No. 18CW3122, entered June 19, 2019. iii. Permit No.: 76755. iv. Legal description: NE1/4 NE1/4 of Section 13, T10N, R49W of the 6th P.M. UTM: 688228.0 m E; 4524519.0 m N. See Exhibit A, Well

Locations Map. v. Source: Groundwater tributary to the South Platte River. vi. Appropriation Date: December 31, 1998. vii. Amounts: 6.68 cfs, 1800 gpm absolute, 1200 gpm conditional. viii. Well Depth: 72 feet. **C. Name of structure**: Tamarack Ranch Recharge Well #16 i. Date of Original Decree: Case No. 98CW463, entered July 12, 2012. ii. Subsequent decrees awarding findings of diligence: Case No. 18CW3122, entered June 19, 2019. iii. Permit No.: 76757 iv. Legal description: NW1/4 NE1/4 of Section 13, T10N, R49W of the 6th P.M. UTM: 687699.4 m E; 4524196.6 m N. See Exhibit A, Well Locations Map. v. Source: Groundwater tributary to the South Platte River vi. Appropriation Date: December 31, 1998. vii. Amounts: 6.68 cfs, 1800 gpm absolute, 1200 gpm conditional Well Depth: 67 feet. **D. Name of structure**: Tamarack Ranch Recharge Well #17. i. Date of Original Decree: Case No. 98CW463, entered July 12, 2012. ii. Subsequent decrees awarding findings of diligence: Case No. 18CW3122, entered June 19, 2019. iii. Permit No.: na iv. Legal description: NW1/4 SW1/4 of Section 13, T10N, R49W of the 6th P.M. UTM: 686842.4 m E; 4523718.6 m N. See Exhibit A, Well Locations Map. v. Source: Groundwater tributary to the South Platte River vi. Appropriation Date: December 31, 1998. vii. Amounts: 6.68 cfs, 0 gpm absolute, 3000 gpm conditional. viii. Well Depth: na. E. Use: Fish rearing, maintenance of fish and fish habitat, waterfowl resting habitat, wildlife habitat protection and preservation, augmentation and recharge, in accordance with the terms and conditions of the decree in Case Nos. 96CW1063 and 98CW463. F. Additional remarks: This application does not impact any of the groundwater well water rights previously adjudicated absolute by this court. 4. **Integrated water supply system**: The subject conditional water rights each constitute a feature of an integrated water supply system designed to provide a sufficient and reliable water supply for the Tamarack Project. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). 5. **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, CPW has taken the following steps to diligently develop conditional water rights: A. The subject water rights are part of an integrated water supply system designed to provide a sufficient and reliable water supply at the Tamarack Project. CPW has continued to actively maintain and manage the Tamarack Project to support fish and wildlife habitat at the Tamarack Ranch State Wildlife Area and to operate the Platte River Recovery Implementation Program within Colorado. B. CPW has conducted regular maintenance of all the wells that serve the Tamarack Project along with the associated infrastructure of pipelines and recharge ponds. This maintenance has included the reconstruction and repair of facilities damaged by flooding in 2023. C. The Tamarack Project is coordinated and managed by CPW in conjunction with the South Platte Water Related Activities Program (“SPWRAP”). CPW staff participates in quarterly SPWRAP board meetings and various other meetings to coordinate Tamarack Project operation and planning. D. Pursuant to agreements among CPW and SPWRAP, SPWRAP bears primary responsibility for the costs associated with the Tamarack Project. During the diligence period, SPWRAP expended approximately \$2,890,990 on operations, maintenance, and capital investments in the Tamarack Project. E. During the diligence period, CPW collaborated with SPWRAP and Ducks Unlimited in efforts for the development of Tamarack Ranch Recharge Well #17. This collaboration included surveying the anticipated well location site and feasibility design work. F. During the diligence period, SPWRAP and Ducks Unlimited solicited and received grant funding through Ducks Unlimited, the federal government, the Colorado Water Conservation Board, and the South Platte Basin and Metro Roundtables to support efforts to develop Tamarack Ranch Recharge Well #17. G. CPW has conducted monthly reviews of the water court resume to determine whether to enter cases in order to protect its water rights in Water Division No.1, including the conditional water rights which are the subject of this Application. H. CPW has met internally to discuss how to develop and maintain these conditional water rights. I. CPW has not tracked its expenditures associated with Tamarack Project operations during the diligence period separate from the expenditures made by SPWRAP. However, CPW employs full-time field staff tasked with managing the Tamarack Ranch State Wildlife Area. During a portion of the diligence period, this employee’s duties included monitoring, managing, and operating the Tamarack Project. Recently, this work has been outsourced to a temporary employee. In addition, other CPW staff dedicate

time and expertise to plan for, monitor, and manage the Tamarack Ranch State Wildlife Area and the Tamarack Project including: a Regional Water Specialist, Water Resources Engineer, Water Rights Program Administrator, Area Wildlife Manager, District Wildlife Manager, Wildlife Officers, Area Property Technicians, and Area Biologists. **6. Names of owners of land upon which structures are located:** Applicant. WHEREFORE, CPW respectfully requests that this Court enter a decree finding that CPW has exercised reasonable diligence in the development of the above-referenced conditional water rights, continue the water rights in full force as decreed, and for such other relief as this Court deems just and proper. Number of pages of Application: 6 pages.

**CASE NUMBER 2025CW3082 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: Woodland Park Loy Gulch Infiltration Gallery. a. Previous Decrees: Case Nos 19CW3015 entered June 19, 2019, Case No. 11CW217 entered January 8, 2013, Case No. 92CW146 entered October 18, 2005. b. Legal Description: an infiltration gallery located on Lot 18, Woodland Valley Subdivision, also being in the NE1/4 of the SE1/4 of Section 7, T.12S., R.68W., 6th P.M., Teller County, CO, being more particularly described as follows: commencing at the Southeast corner of said Lot 18 as monumented by rebar with cap stamped "WATTS 9853"; Thence along the southerly boundary of said Lot 18, the following two courses: (1) thence South 83° 23' 07" West, 227.47 feet; (2) thence westerly along the arc of a 570.00 foot radius curve to the right through a central angle of 18° 12' 33" (the long chord of which bears North 87° 30' 37" West, a long chord distance of 180.39 feet), an arc length of 181.15 feet; thence North 49° 40' 37" West, 172.10 feet to the infiltration gallery. A map showing the general location of the structure is attached to the application on file with the Water Clerk. c. Source: Loy Gulch, tributary to the South Platte River. d. Appropriation date: July 31, 1992. e. Uses: municipal, irrigation, domestic, commercial and industrial. f. Amount: 0.085 c.f.s. of the original 0.15 c.f.s. remains conditional. 3. Applicant seeks findings that it has been reasonably diligent toward or for completion of the remaining conditional appropriation and application of the water to beneficial uses as decreed. The water right is 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. During the diligence period Applicant has and continues to maintain and use the Loy Gulch Infiltration Gallery and its associated water right. Out-of-priority diversions of the water right were augmented pursuant to the augmentation plan approved in Case No. 86CW376. The water right is part of Applicant's unified and integrated municipal water supply system and Applicant continues to include the water right in its water supply plan. 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, prosecution of applications in Case Nos. 24CW3048 and 25CW3048 for findings of diligence for other water rights within the City's system. During the diligence period Applicant expended approximately \$5.029 million in connection with operation and maintenance of its integrated water system, including operation and maintenance of this structure. 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. 4. Owners of land upon which the structure is located: Applicant. 4 pages.

**CASE NUMBER 2025CW3083 (2009CW277 and 2018CW3184) CITY OF BLACK HAWK AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK,** City of Black Hawk ("Black Hawk"), c/o Director of Public Works, Miners Mesa Road, P.O. Box 68, Black Hawk, CO 80422; Email: [tisbester@cityofblackhawk.org](mailto:tisbester@cityofblackhawk.org); Telephone: (303) 585-1324 and the board of county commissioners of the county of Clear Creek ("County"), c/o Water Resources Department, P.O. Box 2000, Georgetown, CO 80444; Email: [lleben@clearcreekcounty.us](mailto:lleben@clearcreekcounty.us); Telephone: (303) 679-2434. The Co-Applicants shall be referred to herein collectively as "Applicants" or individually as "Black Hawk" or

“County.” Please direct all correspondence concerning this Application to: On behalf of Black Hawk: David L. Kueter, Esq., Holsinger Law, LLC, 1800 Glenarm Place, Suite 500, Denver, Colorado 80202; Email: dkueter@holsingerlaw.com; Telephone: (303) 722-2828 and on behalf of the County: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION TO MAKE WATER RIGHT PARTIALLY ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY.**

2. Name of structure: Green Lake Reservoir. The water right decreed to Green Lake Reservoir is referred to as the Green Lake Storage Right and Refills, and is referred to below as the “Subject Conditional Water Right.”

3. Description of Subject Conditional Water Right: a. Date of original decree: October 15, 2012, entered in Case No. 2009CW277, District Court, Water Division No. 1 (“09CW277 Decree”). b. Subsequent decrees awarding findings of reasonable diligence and portion made absolute: Case No. 2018CW3184, District Court, Water Division No. 1, entered on June 25, 2019, wherein 179.34 acre-feet of the first fill was decreed absolute (with 90.66 acre-feet remaining conditional) and the full 540 acre-feet of the refills was continued as conditional. c. Legal description of the structure: Green Lake is located on the channel of an unnamed tributary to South Clear Creek in Clear Creek County, Colorado, located in the W1/2 of Section 29 and the E1/2 of Section 30, Township 4 South, Range 74 West of the 6th P.M. A map showing the location of Green Lake is attached hereto as **Exhibit A**. i. Location of dam: The point of intersection of the outlet pipe and the downstream face of the dam is approximately 330 feet east of the West section line and approximately 1,600 feet south of the north section line of Section 29, Township 4 South, Range 74 West, in the SW1/4 of the NW1/4 of said Section 29. d. Source of water: Local inflows and water diverted from Leavenworth Creek, a tributary to South Clear Creek, a tributary of Clear Creek. e. Name and capacity of ditches used to fill reservoir and legal description of point of diversion: The Green Lake Ditch or Flume a/k/a the Leavenworth Pipeline (“Leavenworth Pipeline”) diverts from Leavenworth Creek at a point located approximately 2,580 feet east of the West section line and approximately 80 feet south of the North section line in Section 30, Township 4 South, Range 74 West, in the NE1/4 of the NW1/4 of said Section 30. The decreed filling rate from Leavenworth Creek is 50 c.f.s. f. Date of appropriation: January 6, 2009. g. Surface area of high water line: Approximately 12.0 acres. i. Vertical height of dam: 8 feet. ii. Length of dam: 52 feet. h. Total capacity of reservoir in acre-feet: 334 acre-feet. i. Active capacity: 270 acre-feet. (1) 62 acre-feet of which lies between the spillway and the invert of the outlet for the existing 8-foot high dam. (2) 208 acre-feet of which lies below the invert of the outlet and within the body of the naturally occurring Green Lake, which 208 acre-feet will be utilized by pumping. ii. Other: An additional 64 acre-feet of capacity lies below the pumps and within the body of the naturally occurring Green Lake. i. Amount: One first fill of 270 acre-feet (179.34 acre-feet of which is absolute and 90.66 acre-feet of which remains conditional), with the right to continuous refills when in priority totaling 540 acre-feet in a given year, for a total amount of water that can be stored in one year of 810 acre-feet. Water stored under the first fill storage right decreed in Case No. 2009CW277 and water stored under the refill storage rights decreed therein in the previous water year which remains in storage at the beginning of the new water year shall be considered carryover storage against the first fill in the new water year. j. Decreed Use: All municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stockwatering, recreation, piscatorial, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, lake level maintenance, augmentation and replacement, and adjustment and regulation of water supply systems, including exchange within Applicants’ respective systems and with other water users. Applicants have the right to use, reuse, successively use and dispose of by exchange or otherwise to extinction all water lawfully diverted and/or impounded pursuant to the 09CW277 Decree. k. Places of Use: Any place served in the present or in the future by Black Hawk and/or by the County’s respective raw water and treated water systems, and any place served in the past or the future by the County’s contractees. 4. Additional Amount Claimed Absolute: a. Amount: An additional 19.18 acre-feet under the Green Lake Storage Right first fill of 270 acre-feet, for a total absolute amount of 198.52 acre-feet (71.48 acre-feet remains conditional). b. Date water applied to beneficial use: On June 27, 2023, Applicants diverted water to storage in priority



under the Subject Conditional Water Right for the decreed beneficial uses, in the amount of 198.52 acre-feet, as shown on the accounting sheets attached hereto as **Exhibit B**. Pursuant to C.R.S. § 37-92-103(4) and subpart (4)(a), “beneficial use” includes storage of water for any purpose for which an appropriation is lawfully made. Pursuant to C.R.S. § 37-92-301(4)(e), a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the subject diligence period running from November 1, 2018, through the date of filing this Application (“Diligence Period”), Applicants engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 5, related to the development and use of the Subject Conditional Water Right, and operation of the Applicants’ water systems. These activities and costs are in addition to Applicants’ diversion, storage and beneficial use of the Subject Conditional Water Right as described above in Paragraph 4, and such diversion and beneficial use of water in amounts greater than the amounts previously decreed absolute is additional evidence of reasonable diligence in the development of the Subject Conditional Water Right. The activities and costs identified herein are not exhaustive, and Applicants reserve the right to provide evidence of other work done and costs incurred during the Diligence Period as this case proceeds. Pursuant to paragraph 17 of 09CW277 Decree, Applicants’ respective potable water systems and raw water systems and each of the water rights and structures decreed in the 09CW277 Decree that now and/or in the future will provide water for the respective Applicants were determined to be integrated systems of water rights and structures, and pursuant to and for purposes of C.R.S. § 37-92-301(4)(b). a. Black Hawk water system expenditures: i. During the Diligence Period, Black Hawk has spent in excess of \$15,950,000 on its integrated water system, of which the Subject Conditional Water Right is a part: (1) In fiscal year 2019, Black Hawk expended \$2,603,209 on its water system including \$619,808 on capital projects. Projects included construction of the Hidden Valley Stand-by Generators back-up electrical system, design for a new headgate for the Leavenworth Pipeline, rebuilding the Hidden Valley pipeline pumps, and design and construction of the Green Lake seepage flume. (2) In fiscal year 2020, Black Hawk expended \$2,013,906 on its water system including \$264,600 on capital projects. Projects included improvements to the Church Ditch Augmentation Station, purchasing the headgate structure for the Leavenworth diversion for Green Lake, and improvements to the fiber optic communication system. (3) In fiscal year 2021, Black Hawk expended \$2,969,848 on its water system including \$1,179,493 on capital projects. Projects included construction of the new headgate structure for the Green Lake intake, new generators for the water treatment plant, and expansion of the water distribution system. (4) In fiscal year 2022, Black Hawk expended \$3,351,317 on its water system including \$476,200 on capital projects. Projects included design of a new potable water tank, design of the expansion of the Hidden Valley Water Treatment Plant, and continued expansion of the water distribution system. (5) In fiscal year 2023, Black Hawk expended \$2,549,605 on its water system, including \$1,824,064 for administration and \$725,540 for operations. (6) In fiscal year 2024, Black Hawk spent in excess of \$2,463,558 on its water system, including \$762,210 for administration and \$1,701,347 for operations. Projects included moving forward on a water treatment plant expansion, reservoir permitting and construction, and permitting of new groundwater wells. ii. The amounts in Paragraph 4.b.i. above include more than \$1,200,000 for engineering and \$175,000 for legal fees and costs incurred during the Diligence Period. iii. On March 16, 2021, Black Hawk obtained a decree in Case No. 20CW3140, Water Division 1, for a finding of diligence for the water rights decreed in Case No. 10CW308, which include water rights exchanged to Green Lake as substitute supplies. iv. On February 26, 2024, Black Hawk obtained a decree in Case No. 22CW3211, Water Division 1, for a finding of diligence for the water rights decreed in Case No. 12CW303, which include Green Lake as an exchange-to point and source of augmentation supply. v. On December 27, 2024, Black Hawk filed an application in Case No. 24CW3179, Water Division 1, for a finding of diligence for the exchanges decreed in Case No. 09CW276, which include Green Lake as an exchange-to point. vi. During the Diligence Period, Black Hawk has participated as an objector in numerous Water Court proceedings in order to protect its water rights, including the Subject Conditional

Water Right. b. Clear Creek County water system expenditures: i. The Subject Conditional Water Right is part of an integrated system operated by the County for use of water within Clear Creek County, which system includes other reservoirs, exchanges, the Basin-Wide Augmentation Plan, and senior water rights. Pursuant to C.R.S. § 37-92-301(4)(b), work performed, effort, and cost expended on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. ii. During the Diligence Period, the County has continued to install, maintain, and upgrade its integrated water system. These activities and expenses include, but are not limited to, those described in this Paragraph 5.b. (1) In fiscal year 2019, the County expended approximately \$60,000 on its water system, including \$15,000 for its portion of the bentonite lining at Green Lake and preliminary design for a new headgate for the Leavenworth Pipeline, in addition to related expenses and staff time of approximately \$45,000. (2) In fiscal year 2020, the County expended approximately \$55,000 on its water system, including \$20,000 for its portion of the Leavenworth Pipeline headgate construction project, in addition to related expenses and staff time of approximately \$35,000. (3) In fiscal year 2021, the County expended approximately \$50,000 on its water system, including \$10,000 for its portion of seepage measuring equipment at Green Lake, in addition to related expenses and staff time of approximately \$40,000. (4) From 2022 to the present, the County has expended in excess of approximately \$122,500 on its water system, including its portion of continued operation and maintenance costs and staff time for activities associated with Green Lake and the Subject Conditional Water Right as well as internal water planning efforts. iii. During the Diligence Period, the County has maintained its water rights portfolio associated with its integrated water system and has prosecuted several water court applications related to its water rights, including: Green Lake (Case No. 18CW3184, entered June 25, 2019); Leavenworth Reservoirs Nos. 1 and 2 and Bakerville Reservoirs Nos. 1 and 2 (Case No. 19CW3095, entered November 19, 2019); Clear Creek Mainstem Exchange and Leavenworth Creek Exchange (Case No. 20CW3082, entered April 6, 2021); amendment to King Murphy School Pond augmentation plan (Case No. 20CW3165, entered April 14, 2022); Clear Creek Reservoirs Nos. 2 – 4 and Clear Creek Diversion Structures A, B, and D (Case No. 22CW3179, entered June 6, 2023); Upper Johnson Gulch Reservoir (Case No. 23CW3113, entered March 6, 2024); Clear Creek Reservoir Nos. 3 and 4 Exchange, Ball Placer Reservoir Exchange, Clear Creek Exchange, Idaho Springs Reservoir Exchange, Upper Beaver Brook Reservoir Exchange, Johnson Gulch Exchange (Case No. 23CW3088, entered June 6, 2024); and Grizzly Gulch Reservoir (Case No. 24CW3027, entered November 27, 2024). The continued maintenance and operation of the water rights, structures, and components of the County's integrated water system is additional evidence of the County's reasonable diligence in the development of the Subject Conditional Water Right. iv. The Subject Conditional Water Right is identified as a source of augmentation water in the County's Basin-Wide Augmentation Plan, whether as an exchange-to point or by direct releases. Further, the Subject Conditional Water Right is identified as an exchange-to point in the exchange matrix in Case No. 05CW302. Throughout the Diligence Period, the County has operated, managed, administered, and maintained accounting for the Basin-Wide Augmentation Plan, which involves substantial staff time, water planning efforts, and costs associated with legal and engineering support and review. Further, during the Diligence Period, the County followed the decreed procedure to include several new plan participants in the Basin-Wide Augmentation Plan. The County is currently undertaking the process of adding new plan participants, which process involves staff time and costs associated with legal and engineering support and review. v. The County has participated in numerous regional and statewide water planning meetings and efforts during the Diligence Period and has continued to actively attend and exercise its voting membership duties on the South Platte River Basin Roundtable. The County has also engaged in several internal water planning meetings and efforts related to regional and statewide water planning actions and updates. vi. In addition to the activities and expenses described in Paragraph 5.b.ii above, the County has expended in excess of \$250,000 on legal fees during the Diligence Period to support the County's water rights applications, planning, development, Basin-Wide Augmentation Plan, and to protect its existing water rights, including the Subject Conditional Water Right, from injury. vii. In addition to the activities and expenses described in Paragraphs 5.b.ii and vi. above, the County has expended in excess of \$122,000 on water resources engineering consultant and staff time during the Diligence Period for purposes of

ongoing water accounting, supporting the County's own water rights applications and the Basin-Wide Augmentation Plan, monitoring opposition cases, , and other integrated water system planning activities. viii. During the Diligence Period, the County monitored the Water Court applications filed in Division No. 1 and opposed seven Water Court applications to protect its water rights, including the Subject Conditional Water Right, from injury. 6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: a. Green Lake is located on land owned by the Applicants. b. The headgate of the Green Lake Ditch or Flume a/k/a the Leavenworth Pipeline is located on land owned by the United States Forest Service, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526, and for which a special use permit has been issued. WHEREFORE, Applicants request entry of a decree confirming that: (1) an additional 19.18 acre-feet of the Green Lake Storage Right has been made absolute (for a total absolute amount of 198.52 acre-feet); (2) Applicants have proceeded with reasonable diligence in the development of the remaining conditional portions of the Green Lake Storage Right and Refills; and (3) the remaining conditional portions of the Green Lake Storage Right (71.48 acre-feet, conditional) and Refills (540 acre-feet, conditional) be continued in full force and effect for an additional diligence period. (13 pgs., 2 Exhibits)

**CASE NUMBER 2025CW3084 THE CONSOLIDATED MUTUAL WATER COMPANY**, 12700 West 27th Avenue, Lakewood, Colorado 80215, (303) 238-0451, through counsel Evan D. Ela, Joseph W. Norris and Madison D. Phillips, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND PARTIAL PERFECTION FOR CONDITIONAL WATER RIGHTS IN JEFFERSON AND ADAMS COUNTIES**. 1. Name, Address and Telephone Number of Applicant. The Consolidated Mutual Water Company 12700 West 27th Avenue Lakewood, Colorado 80215 (303) 238-0451. 2. Purpose of the Application. This Application seeks to confirm perfection of a portion of certain conditional water rights and obtain findings of reasonable diligence toward full perfection of the conditional water exchange rights originally decreed in Case No. 09CW107. 3. Name of Conditional Water Rights. The Metro Outfall Exchange and the Clear Creek Exchange (collectively, the "Subject Water Rights"). 4. Description of the Subject Water Rights. (a) Previous Decrees. (i) Original Decree: The Subject Water Rights were originally decreed in Case No. 09CW107, District Court, Water Division 1, entered January 21, 2013. (ii) Prior Diligence Decree: The District Court, Water Division 1, entered a final decree on June 24, 2019 in Case No. 19CW3103 continuing diligence for the Subject Water Rights. (b) The Metro Outfall Exchange. (i) Exchange-From Point: The outfall of the Metropolitan Wastewater Reclamation Plant No. 1 (aka the Robert W. Hite Treatment Facility) to the South Platte River as it exists and as it may be relocated in the future, presently located on the South Platte River near the section line between Sections 1 and 12, Township 3 South, Range 68 West of the 6th P.M. in Adams County, Colorado ("Metro Outfall"). (ii) Exchange-To Points: (1) The headgate of the Agricultural Ditch located on the South bank of Clear Creek in the City of Golden, Jefferson County, Colorado, in the SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. (2) The headgate of the Lee Stewart and Eskins Ditch located on the South bank of Clear Creek at a point whence the South quarter corner of Section 32, Township 3 South, Range 70 West of the 6th P.M. bears South 28° E 900 feet, more or less, in Jefferson County, Colorado. (3) The confluence of Lena Gulch and Clear Creek located in the NW1/4 SW1/4 of Section 22, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado, and up said Lena Gulch to Applicant's Maple Grove Reservoir located in the S1/2 of Section 29 and the N1/2 of Section 32, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. (4) The headgate of the Rocky Mountain Ditch, located on the South side of the Croke Dam in the NE1/4 NE1/4 NW1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, at a point on the South side of Clear Creek which bears South 18°12'25" West, a distance of 401.11 feet from the North quarter-corner of said Section 26. (iii) Source: Clear Creek, a tributary of the South Platte River, and the South Platte River. (iv) Date of Appropriation: July 31, 2009. (v) Amount: 5.0 cfs, CONDITIONAL. (iv) Uses: All beneficial uses including municipal, irrigation, domestic, mechanical, commercial, industrial, recreation, fish and wildlife,

augmentation, exchange, replacement, and any other use necessary, desirable, or incidental to the operation of the Consolidated Mutual Water Company's water system, including reuse, successive use, and disposition in accordance with the decree in Case No. 09CW107. (c) The Clear Creek Exchange. (i) Exchange-From Points: (1) Maple Grove Reservoir on Lena Gulch in the S1/2 of Section 29 and the N1/2 of Section 32, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado; and/or (2) Fairmount Reservoir located in the NE1/4 of Section 24, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado; and/or (3) Welton Reservoir, formerly known as Fortune Reservoir, located in the S1/2 of Section 24, and the N1/2 of Section 25, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. (ii) Exchange-To Points: (1) The headgate of the Agricultural Ditch located on the South bank of Clear Creek in the City of Golden, Jefferson County, Colorado, in the SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. (2) The headgate of the Lee Stewart and Eskins Ditch located on the South bank of Clear Creek at a point whence the South quarter corner of Section 32, Township 3 South, Range 70 West of the 6th P.M. bears South 28° E 900 feet, more or less, in Jefferson County, Colorado. (3) The headgate of the Rocky Mountain Ditch, located on the South side of the Croke Dam in the NE1/4 NE1/4 NW1/4 of Section 26, Township 3 South, Range 70 West of the 6th P.M., Jefferson County, Colorado, at a point on the South side of Clear Creek which bears South 18°12'25" West, a distance of 401.11 feet from the North quarter-corner of said Section 26. (iii) Source: Clear Creek, tributary of the South Platte River. (iv) Date of Appropriation: July 31, 2009. (v) Amounts: (1) 90 cfs, CONDITIONAL, for diversions at the Agricultural Ditch. The cumulative exchange amount for diversions made at the Agricultural Ditch pursuant to the Clear Creek Exchange decreed in Case No. 94CW197 and the Clear Creek Exchange decreed in Case No. 09CW107 will not exceed 90 cfs. (2) 25 cfs, CONDITIONAL for diversions at the Lee Stewart and Eskins Ditch. (3) 90 cfs, CONDITIONAL for diversions at the Rocky Mountain Ditch. The cumulative exchange amount for diversions made at the Rocky Mountain Ditch pursuant to the Clear Creek Exchange decreed in Case No. 94CW197 and the Clear Creek Exchange decreed in Case No. 09CW107 will not exceed 90 cfs. (vi) Uses: All beneficial uses including municipal, irrigation, domestic, mechanical, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, replacement, and any other use necessary, desirable, or incidental to the operation of the Consolidated Mutual Water Company's water system, including reuse, successive use, and disposition in accordance with the decree in Case No. 09CW107. 5. Outline of work done and funds expended by Applicant during the relevant diligence period (June 24, 2019 through June 30, 2025) toward completion of the appropriation. (a) Applicant is the owner of other water rights, which together with the subject conditional exchange rights form an integrated and unified municipal water supply system. Pursuant to § 37-92-301(4)(b), C.R.S., work on one feature of an integrated system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the integrated system. Thus, work on any part of Applicant's integrated municipal water supply system must be considered in finding that reasonable diligence has been shown for the subject conditional exchange rights. (b) Applicant diverted and beneficially used water under the exchange from the Metro Outfall to Maple Grove Reservoir under a separate Metro Outfall Exchange right that was originally decreed in Case No. 94CW197, and was partially perfected in Case No. 23CW3015, which was prosecuted and adjudicated during the relevant diligence period. (c) Applicant expended over \$1,069,000 for maintenance of Maple Grove Reservoir, Fairmount Reservoir, and Welton Reservoir. (d) Applicant has expended approximately \$9,874,800 on improvements to, repair, operation, and maintenance of its municipal water treatment plant, which draws water from Maple Grove Reservoir. (e) Applicant has expended approximately \$1,609,000 on improvements to, repair, and maintenance of the Rocky Mountain Ditch and related water control works, which convey water to Maple Grove Reservoir. (f) Applicant expended \$2,203,368 in assessment payments for its ownership interests in the Agricultural Ditch and Reservoir Company and \$206,192 in annual contractual payments for water from the Rocky Mountain Ditch Company. (g) Applicant expended over \$1,481,000 for legal costs and over \$417,000 for engineering and other consultant fees to increase, adjudicate, maintain, and defend Applicant's portfolio of water rights. (h) Applicant budgets and expends approximately \$5,665,900 for improvements to its water distribution system each year (approximately \$39,661,300 during the current diligence period). Additionally, Applicant has engaged in planning and

engineering analyses associated with improving, managing, constructing, and operating its integrated municipal water supply system. 6. Claim for Perfection of Conditional Water Right(s). (a) Metro Outfall Exchange. (i) On June 8, 2025, CMWC diverted a total of 3.87 acre feet at a rate of 1.95 cfs at the river headgate of the Agricultural Ditch, with simultaneous substitution in the same rates and amounts at the Metro Outfall to the South Platte River, by exercising the Metro Outfall Exchange with prior notice and approval of the Water Commissioner. Such diversions were conveyed by the Agricultural Ditch for storage and subsequent decreed beneficial uses in and from Maple Grove Reservoir. Applicant claims perfection of 1.95 cfs as absolute and seeks findings of continued diligence for the remaining conditional 3.05 cfs rate of exchange. (b) Clear Creek Exchange. (i) On June 8, 2025, CMWC diverted a total of 10.27 acre feet at a rate of 5.18 cfs at the river headgate of the Agricultural Ditch, with simultaneous release from Maple Grove Reservoir for substituting the same amounts to Lena Gulch, by exercising the Clear Creek Exchange with prior notice and approval of the Water Commissioner. Such diversions were conveyed by the Agricultural Ditch for storage and subsequent decreed beneficial uses in and from Fairmont Reservoir. Applicant claims perfection of 5.18 cfs as absolute and seeks findings of continued diligence for the remaining conditional 84.82 cfs rate of exchange. 7. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. Not applicable. WHEREFORE, the Applicant respectfully requests this Court enter a decree granting this Application and finding that the Applicant has diligently pursued perfection of the subject conditional water rights and continuing the same for another diligence period. (7 pages)

**CASE NUMBER 2025CW3085 AMRIZE WEST CENTRAL INC.** (Attn: Walt Wright, Senior Manager – Environment & Land, 1687 Cole Blvd, Suite 300, Golden, CO 80401, 303.406.8593, walter.wright@amrize.com; Please direct all correspondence and pleadings for Amrize to: James S. Witwer, Natalie C. Boldt, Davis Graham & Stubbs LLP; 3400 Walnut Street, Suite 700, Denver, CO 80205; Telephone: 303.892.9400; Facsimile: 303.893.1379; E-mail: James.Witwer@davisgraham.com Natalie.Boldt@davisgraham.com) AND Co-Applicant **CARL F. EIBERGER**, Pro Se, 303 S. Broadway B-200, Denver, CO 80209, 303.880.4001, Black.Bear@comcast.net (Please direct all correspondence and pleadings for Mr. Eiberger to him as noted above). **APPLICATION FOR APPROVAL OF AMENDED PLAN FOR AUGMENTATION IN WELD COUNTY.** 1. Name, Address, and Telephone Number of Applicants: (see above) 2. SUMMARY OF APPLICATION: Applicants Amrize West Central Inc., f/k/a Holcim - WCR, Inc. and Aggregate Industries - WCR, Inc. (“Amrize”), and Carl F. Eiberger (“Eiberger”) (collectively, the “Applicants”), are the owners of Stillwater Ski Lake (Well Permit No. 047367-F) in Weld County, Colorado. Amrize derives its interest in Stillwater Ski Lake from Peter L. Baurer and Cynthia S. Baurer. By decree entered on January 11, 1999 in Case No. 97CW383, the District Court, Water Division 1, approved the Applicants’ plan for augmentation (“97CW383 Decree”). The 97CW383 Decree allowed for water for augmentation of evaporation from Stillwater Ski Lake to be pumped from a nontributary Laramie-Fox Hills aquifer well (Well Permit No. 049717-F) and discharged directly into the South Platte River system. Net evaporation losses are 21.48 acre feet per year. Applicants seek to amend the plan for augmentation approved in the 97CW383 Decree to add additional sources of water to be used for augmentation. 3. NAME AND LOCATION OF STRUCTURE TO BE AUGMENTED A. Name of Structure: Stillwater Ski Lake (Well Permit No. 047367-F). The 97CW383 Decree adjudicated a conditional water right to Stillwater Ski Lake, which was made fully absolute by decree entered on November 15, 2006 in Case No. 05CW158. B. Legal Description: In the West One-half of the Northwest Quarter of Section 31, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 500 feet north and 700 feet east of the Southwest corner of said section 31. C. Source: Tributary alluvium. D. Date of Appropriation: October 11, 1996. E. Amount: 25 acre feet, absolute. F. Use: Evaporation, recreation, water loss in product during mining and fire protection. 4. WATER RIGHTS TO BE USED FOR AUGMENTATION A. Groundwater pumped from the well bearing Well Permit No. 049717-F issued April 21, 1998, a nontributary Laramie-Fox Hills aquifer well with an annual appropriation of 34 acre feet at a rate of 25 g.p.m. as described in Paragraph 6 of the 97CW383 Decree. B. Fully consumable municipal water

return flows leased to Amrize and Stillwater Lake Ranch LLC by the City of Aurora, Colorado, a Colorado municipal corporation of the counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise (“Aurora”) pursuant to an Agreement For Delivery of Reusable Raw Water dated January 10, 2022 (the “Aurora Agreement”), as the same has been or may be amended or extended. A copy of the Aurora Agreement is attached as Exhibit A. C. Additional Water Rights Separately Decreed or Lawfully Available for Augmentation Use: If a water right is decreed or lawfully available for augmentation use but not already approved for such use under this plan for augmentation, Applicants may seek Court approval to add such water right to this plan for augmentation by giving at least 30 days advance written Notice of Use of Water Right for Augmentation to the Court, the Division Engineer, and all parties to this action, which will describe: 1) the water right by name and decree, if any; 2) the annual and monthly amount of water available to Applicants from the water right; 3) the location or locations at which the water will be delivered to the stream; 4) evidence that the claimed amount of water will not be used by another person; and 5) the manner in which Applicants will account for use of the augmentation credits. Applicant may also obtain or lease, and the court may authorize Applicant to use, additional or alternative sources of augmentation water for replacement in this augmentation plan, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 and notice thereof is provided to the parties described above. 5. DESCRIPTION OF PLAN FOR AUGMENTATION A. Statement of Plan for Augmentation: Applicants have excavated Stillwater Ski Lake pursuant to Well Permit No. 047367-F and will exercise the water right decreed thereto in the 97CW383 Decree. The lake has a surface area of 9.9 acres. The Stillwater Ski Lake will cause evaporative depletions as described more fully in paragraph 5.B below. B. Timing and Location of Depletions: Depletions will occur at Stillwater Ski Lake as described in paragraph 3.A above as follows: Month Net Evaporation (acre-feet) Jan 0.00 Feb 0.84 Mar 1.75 Apr 2.02 May 1.77 June 3.06 July 3.07 Aug 2.77 Sept 2.35 Oct 1.58 Nov 1.28 Dec 0.99 Total 21.48 C. Water for augmentation of net evaporation described in paragraph 4 of this application will be delivered directly into the South Platte River system to replace out-of-priority depletions caused by net evaporation at the Stillwater Ski Lake. The primary location of delivery of replacement water pursuant to the Aurora Agreement is the outfall of the Metro Wastewater Reclamation District's Robert W. Hite treatment facility (aka Metro Sewer, WDID 0200700) ("Hite"), which is located approximately 18 miles upstream of Stillwater Ski Lake. Appropriate transit losses from Hite or other delivery point(s) used to deliver water under the Aurora Agreement will be assessed between such point(s) and the point of depletion for Stillwater Ski Lake. 6. NAME AND ADDRESS OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED: Applicants.

**CASE NUMBER 2025CW3086 MANATT HIER REVOCABLE TRUST, 920 W. Wolfensberger Road, Castle Rock, CO, 80109. Eric K Trout, 1013 Meadow Run, Golden, CO, 80403. APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY DENVER AQUIFER IN DOUGLAS COUNTY.** Subject Property: A parcel totaling 30 acres located in the SW1/4 of the NW1/4 of Section 16, Township 8 South, Range 67 West of the 6th P.M., Lot 2A, Hemphill Subdivision, 1st Amendment, also known as 920 W. Wolfensberger Road, Castle Rock, CO, 80109, Douglas County, State of Colorado, as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Applicant certifies that there are no mortgage or lien holders for the Subject Property, therefore no notice is required under C.R.S. § 37-92-302(2)(b). A copy of the Applicant’s deed is attached as **Exhibit B**. Well Permits: There is one existing Lower Dawson Aquifer domestic exempt well on the Subject Property under Well Permit Number 153256 (“**Well 153256**”), which will be re-permitted under the decree in this case once it is issued by the Court. Additional well permits will be applied for prior to construction of additional wells. There is an existing pre-213 well completed into the Lower Dawson Aquifer permitted under Well Permit Number 16809-F (“**Well 16809-F**”) and is shown by the Division of Water Resources (the “DWR”) well permit



database to be located on the Subject Property. A review of the documents filed under Well 16809-F includes a location description that places the well on the Subject Property, however the documents indicate that the well serves a home on Lot 1 of the Hemphill Subdivision. Well 16809-F's physical location is likely to be located further to the north near the home constructed on Lot 1. Applicant believes that Well 16809-F is not located on the Subject Property. Source of Water Rights: The Denver Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Volumes: Applicant estimates the following volumes may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Volume (acre-feet)	Total Volume (acre-feet)
Lower Dawson (NT)*	2.68	268
Denver (NNT)	18.69	1,869
Arapahoe (NT)	14.18	1,418
Laramie-Fox Hills (NT)	7.87	787

\* The volume has been reduced for the overlapping pre-213 cylinder of Well 16809-F. Applicant desires to leave no additional groundwater adjudicated.

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). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

**CASE NUMBER 2025CW3087 JAMES CLIFTON HASELDEN TRUST**, 91 Indigo Way, Castle Rock, CO, 80108. Eric K Trout, 1013 Meadow Run, Golden, CO, 80403. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AND DENVER AQUIFERS IN ARAPAHOE COUNTY**. Subject Property: A parcel totaling 20 acres located in the NW1/4 of the NW1/4 of Section 32, Township 5 South, Range 65 West of the 6th P.M., also known as 25151 E Kettle Ave, Aurora, CO, 80016, Arapahoe County, State of Colorado, as shown on **Exhibit A** ("Subject Property"). Lien Holder Certification: Applicant certifies that there are no mortgage or lien holders for the Subject Property, therefore no notice is required under C.R.S. § 37-92-302(2)(b). A copy of the Applicant's deed is attached as **Exhibit B**. Well Permits: There is one existing Lower Dawson Aquifer domestic exempt well on the Subject Property under Well Permit Number 108566 ("**Well 108566**"), which will continue operating under its existing permit. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson and Denver

aquifers are not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Volumes: Applicant estimates the following volumes may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Volume (acre-feet)	Total Volume (acre-feet)
Upper Dawson (NNT)	1.22	122
Lower Dawson (NT)*	1.48	148
Denver (NNT)	7.57	757
Arapahoe (NT)	9.54	954
Laramie-Fox Hills (NT)	5.86	586

\* The volume has been reduced by 1 acre-foot per year, 100 acre-feet total, for existing Well 108566. Applicant desires to leave no additional groundwater unadjudicated. 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). Remarks: Applicant claims the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicant requests the Court approve the above underground water rights, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 3 Pages.

**CASE NUMBER 2025CW3088** Applicant: **GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28th Street, Greeley, CO 80634, 970- 330-4540 with all correspondence connected herewith being sent to Applicant's counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Regan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART IN WELD COUNTY**. 2. Name of Structure: Bernhardt Reservoir. 3. Description of Conditional Water Right. 3.1. Previous Decrees. Case No. 02CW269, decree dated October 20, 2025, Water Division 1; Case No. 11CW216, decree dated June 26, 2012, Water Division 1; Case No. 18CW3103, decree dated June 27, 2019, Water Division 1. 3.2. Legal Description. The reservoir is located in the South 1/2 of Section 1, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.3. Legal Description of Points of Diversions. 3.3.1. Bee Line Ditch headgate, located in the NW 1/4 of Section 10, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.3.2. Big Thompson Platte River Ditch headgate, located in the SW 1/4 NE 1/4 NE 1/4 of Section 10, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.3.3. Bernhardt pump station adjacent to the Big Thompson River and the reservoir in the South 1/2 of Section 1, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.4. Source: Big Thompson River and its tributaries. 3.5. Appropriation Date and Amount. November 19, 2002, 3000 acre-feet,

conditional, 100 cfs, conditional. 3.6. Uses. Augmentation, replacement and exchange for irrigation, commercial, industrial, recreation, municipal and domestic purposes, fish, wildlife, gravel washing, dust suppression, and reclamation. The waters may be used 100 % to extinction to the extent it is feasible to account for the same. 3.7. Remarks. In Case No. 18CW3103, 367.2 acre-feet of the 3000 acre-feet and 24 c.f.s. of the 100 c.f.s. were made absolute. 4. Detailed Outline of What has Been Done Toward Completion of the Appropriation and Application of Water to a Beneficial Use as Conditionally Decreed, Including Expenditures. During the diligence period, mining of reservoir cells continued, and the Reservoir is currently in the final stages of completion and reclamation. Central made modifications and improvements to the inlet and outlet structures, among other improvements. In total, Central made capital improvements to the Reservoir totaling over \$5,000,000. Water was diverted and stored as further described below. Additionally, the water right listed herein is part of Central's integrated system of water rights. Central has operated and developed its integrated system during the diligence period, including its Plans for Augmentation decreed in Case Nos. 02CW335, 03CW99 and 16CW3202 and has retained legal counsel and engineering consultants to assist in such operation and development. Central has filed and prosecuted applications for the addition and removal of wells to and from its Plans. Central has acquired water rights represented by shares in various ditch companies and has prosecuted applications changing those water rights for use by Central in its Plans. Central has acquired various gravel pits and made capital improvements for storage of water. Central has appropriated new water rights and has leased water rights on a temporary basis for use in its Plans. Central has participated as an opposer in numerous water court applications to protect its water rights. Central has prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights. Central and its parent district the Central Colorado Water Conservancy District have expended more than \$111,000,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 5. Claim to Make Water Right Partially Absolute. During the diligence period, Applicant operated the reservoir and stored water for later use in its plan(s) for augmentation. The maximum diversion rate was 19.19 c.f.s. and the maximum volume in a single year was 517.63-acre feet. Therefore, Applicant seeks to make an additional 140.43-acre feet absolute for all decreed uses and seeks to maintain the balanced of the right as conditional for an additional statutory period. 6. Names and Addresses of Owners of Land Upon Which Water Will be Stored. Bernhardt Farms LLC, c/o Timothee Bernhardt, 12881 Highway 60, Milliken, CO 80534. Bestway Concrete Co., 301 Centennial Drive, Milliken, CO 80543. The original application consists of 4 pages.

**CASE NUMBER 2025CW3089** (Prior Case Nos. 16CW3075/17CW3031) 1. Name, Address and Telephone Number of Applicant: **CITY OF AURORA**, Colorado, a home rule municipal corporation of the counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise ("Aurora Water" or "Aurora" or "Applicant"): 15151 East Alameda Parkway, Suite 5300 Aurora, Colorado 80012-1555 Telephone: 303-739-7030 E-Mail: CityAttorneyNotice@auroragov.org Please send all pleadings and correspondence to BROWNSTEIN HYATT FARBER SCHRECK, LLP Steven O. Sims, #9961, Dulcinea Z. Hanuschak, #44342, and Katherine J. Duncan, #47890 675 15th Street, Suite 2900 Denver, CO 80202 Phone Number: (303) 223-1100 Fax Number: (303) 223-1111 Email: ssims@bhfs.com; dhanuschak@bhfs.com; kduncan@bhfs.com **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE, DOUGLAS, AND WELD COUNTIES.** 2. Background and Claim for Finding of Reasonable Diligence. Aurora Water is the successor-in-interest to Sorin Natural Resource Partners, LLC and Denver-Julesburg Water Resource Partners and the owner of the water rights decreed in consolidated case number 16CW3075 and 17CW3031. Aurora seeks a finding of reasonable diligence for the conditional appropriative rights of exchange that were decreed in the 16CW3075 and 17CW3031 consolidated case. The operation of the exchanges is a component in the operation of the plan for augmentation decreed in Case No. 12CW179 (Paragraph 11). Aurora is also the successor-in-interest to the applicants in Case No. 12CW179. On February 13, 2023, the Division 1 Water Court granted diligence for the 12CW179 conditional rights in 22CW3061. The 12CW179 conditional rights are a subject of this application. The subject exchanges are used to exchange Applicant's changed

Big Bend Water Right, Godfrey Ditch shares and recharge accretion credits decreed in Case No. 12CW179 from the Rumsey Recharge Facility up the South Platte River, then up the St. Vrain Creek and finally up Boulder Creek to the Idaho Creek Diversion Structure for subsequent diversion and storage in Middle Shaw Lake No. 2 and North Shaw Lake No. 3 for subsequent use. A map depicting the structures involved and the exchange reaches is included as Exhibit 1. Applicant and Denver Julesburg Water Resource Partners, LLC, (“DJWRP”) have entered a Well Operation, Augmentation and License Agreement (dated June 2021) which, among other things, authorized DJWRP’s ongoing use of the conveyed water and water interests, including the conditional exchanges adjudicated in Case No. 16CW3075. 3. Description of Structures for Conditional Appropriative Rights of Exchange. 3.1 Name of structures involved and legal descriptions: 3.1.1 Exchange-From Points (See Exhibit 1): 3.1.1.1 Union/Big Bend Augmentation Station (WDID No. 0202978), located in the SE1/4 of the SW1/4 of Section 4, Township 4 North, Range 66 West, 2,396’ FWL, 195’ FSL, near the Rumsey South Farm Headgate described in Paragraph 7.3.2.8 of the decree in Case No. 12CW179. *Substitute Supply:* Water attributable to the Changed Big Bend Water Right as defined in Paragraph 7.1.2 of the decree in Case No. 12CW179 and described in Paragraph 8.1 below. 3.1.1.2 Rumsey Recharge Facility (WDID No. 0202163) Recharge Accretion Point. The recharge accretions from the Rumsey Recharge Facility accrue to the South Platte River in the river reach generally located below the Godfrey Ditch Headgate (WDID 0200830) and above the Lower Latham Ditch Headgate (WDID No. 0200834). 1. The Rumsey Recharge Facility consists of the North Ponds (Nos. 1-6): SW1/4 of SE1/4, Section 35, Township 5 North, Range 66 West, 1,140’ FSL, 1,780’ FEL and the West Pond: SW1/4 of SW1/4, Section 35, Township 5 North, Range 66 West, 870’ FSL, 1,270’ FWL. 2. Accretions from the Rumsey Recharge Facility accrue to South Platte River at the following locations: (a) North Ponds: SW 1/4 of the NE 1/4 of Section 35, Township 5 North, Range 66 West, 1,510’FWL, 2,270’ FNL, in the river reach below the Godfrey Ditch Headgate and above the Lower Latham Ditch Headgate. (b) West Pond: SW 1/4 of the NW 1/4 of Section 35, Township 5 North, Range 66 West, 1,150’ FWL, 2,640’ FSL, in the river reach below the Godfrey Ditch Headgate and above the Lower Latham Ditch Headgate. For the purposes of this exchange, the quantification point for the recharge accretions available for exchange shall be considered the recharge accretion point for the North Ponds which is the furthest downstream accretion point for the Rumsey Recharge Facility. *Substitute Supply.* Water attributable to the Subject Godfrey Shares as defined in Paragraph 7.1 of the decree in Case No. 12CW179 and described in Paragraph 8.3 below, delivered to the Rumsey Recharge Facility. 3.1.1.3 CCWCD Godfrey Augmentation Station (WDID No. 0201022), located generally in the NW1/4 SW1/4 of Section 31, Township 5 North, Range 65 West, 6th P.M. The point of discharge to the South Platte River and Exchange From point is located in the NE 1/4 of the NW 1/4 of Section 31, Township 5 North, Range 65 West, 6th P.M., approximately 2,300 feet FWL, and 1,120 feet FNL. *Substitute Supply.* Water attributable to the Subject Godfrey Shares as defined in Paragraph 7.1 of the decree in Case No. 12CW179 and described in Paragraph 8.3 below, delivered to the South Platte River. 3.1.1.4 Godfrey Station #2 (WDID No. 0202306) located generally located generally in the SW1/4, NE1/4 of Section 3, Township 4 North, Range 66 West, 6th P.M. The point of discharge to the South Platte River and Exchange From point is located in the NE 1/4 of the NW 1/4 of Section 3, Township 4 North, Range 66 West, 6th P.M., approximately 2,910’ FSL and 980’ FNL. *Substitute Supply.* Water attributable to the Subject Godfrey Shares as defined in Paragraph 7.1 of the decree in Case No. 12CW179, and described in Paragraph 8.3 below, delivered to the South Platte River. 3.1.1.5 Proposed Sorin Augmentation Station (SAS). The SAS will be located in the SE1/4, SE1/4 of Section 35, Township 5 North, Range 66 West, 6th. P.M., at a point 830 feet west of the East Section line and 50 feet north of the South Section line. The point of discharge to the South Platte River and Exchange From point is to be located generally in the SW 1/4 NW 1/4 of Section 36, Township 5 North, Range 66 West, 6th P.M., 1050’ FWL, 2,340’ FNL. *Substitute Supply.* Water attributable to the Subject Godfrey Shares as defined in Paragraph 7.1 of the decree in Case No. 12CW179, and described in Paragraph 8.3 below delivered to the South Platte River. 3.1.2 Exchange-To Point (See Exhibit 1) 3.1.2.1 Idaho Creek Diversion Structure (WDID No. 0600783) diverts off of the south side of Boulder Creek, located in the NW1/4 of SW1/4 of Section 29, Township 2 North, Range 68 West of the 6th P.M. at a point 15’ FEL, 2,500 FNL. 4. Source: South Platte River, St. Vrain Creek, and Boulder Creek. 5. Description of exchange

reaches and maximum individual and cumulative rate of exchange: The overall reach of the subject appropriative rights of exchange extend from the downstream most Exchange-From Point which is the CCWCD Godfrey Augmentation Station to the Exchange-To Point which is the Idaho Creek Diversion Structure on Boulder Creek. The appropriative rights of exchange include the right to exchange water from any of the Exchange-From Points identified in Paragraph 3.1.1 above to the Exchange to Point identified in Paragraph 3.1.2 above, with each exchange occurring within the overall reach described herein, with a maximum cumulative rate for all five exchanges of 10 c.f.s. subject to the terms and conditions of the 16CW3075/17CW3031 decree. The individual exchanges and corresponding maximum individual exchange rates are listed below: 5.1 Union/Big Bend Augmentation Station to Idaho Creek Diversion Structure Exchange: 5.1.1 Rate: 1.50 c.f.s. 5.2 Rumsey Recharge Facility Recharge Accretion Point to Idaho Creek Diversion Structure Exchange: 5.2.1 Rate: 3.04 c.f.s. 5.3 CCWCD Godfrey Augmentation Station to Idaho Creek Diversion Structure Exchange: 5.3.1 Rate: 8.31 c.f.s. 5.4 Godfrey Station #2 to Idaho Creek Diversion Structure Exchange: 5.4.1 Rate: 8.31 c.f.s. 5.5 SAS to Idaho Creek Diversion Structure Exchange: 5.5.1 Rate: 8.31 c.f.s. 6. Diversion and storage of exchanged water: Water exchanged to the Idaho Creek Diversion structure identified in Paragraph 3.1.2 above pursuant to the exchanges identified in this case will then be diverted for carriage in Idaho Creek where it will be subsequently diverted and stored in the following structures shown on Exhibit 1: 6.1 Middle Shaw Lake No. 2 (WDID No. 0603368), in S1/2 of NW1/4, Section 29, Township 2 North, Range 68 West, 6th P.M., Weld County Colorado with an approximate center point 2,200 feet from the North section line and 1,350 feet from the West section line. Middle Shaw Lake No. 2 will be filled with diversions from Idaho Creek via Shaw Lakes Diversion Structure No. 1, located in the SE 1/4 of the NW 1/4 of Section 29, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado with an approximate center point 2,186 feet from the North section line, and 1,921 feet from the West section line. Water diverted to Middle Shaw Lake No. 2 via Shaw Lakes Diversion Structure No. 1 may be transferred from Middle Shaw Lake No. 2 to North Shaw Lake No. 3 via a pump. 6.2 North Shaw Lake No. 3 (WDID 0603369), in E1/2 of NW1/4 and the N1/2 NE1/4, Section 29 and the SE1/4 of Section 20, both in Township 2 North, Range 68 West, 6th P.M., Weld County Colorado with an approximate center point 150 feet from the North section line and 1,800 feet from the East section line. North Shaw Lake No. 3 will be filled with diversions from Idaho Creek via Shaw Lakes Diversion Structure No.2. Water diverted to Middle Shaw Lake No. 2 via Shaw Lakes Diversion Structure No.1 may also be transferred from Middle Shaw Lake No. 2 to North Shaw Lake No.3 via a pump. 7. Release point for exchanged water: Water exchanged to the Idaho Creek Diversion Structure and stored in Middle Shaw Lake No.2 or North Shaw Lake No. 3 shall be released to Boulder Creek at a location upstream of the Rural Ditch diversion structure via the following structure as shown on Exhibit 1: 7.1 Shaw Lakes Outlet Structure (WDID No. 0600786), located in the NW 1/4 of the SE 1/4, Section 20, Township 2 North, Range 68 West, 6th P.M., Weld County Colorado with an approximate center point 1,844 feet from the East section line and 1,324 feet from the South section line. The Shaw Lakes Outlet Structure discharges water to Boulder Creek approximately 1,670 feet upstream of the Rural Ditch headgate. 7.2 Limitation: Identification of the Shaw Lakes Outlet Structure is neither intended nor shall it be construed as authorization to use this structure as an approved structure to deliver augmentation and replacement supplies under Case No. 12CW179. Any proposal to add the supplies decreed in Case No. 12CW179 exchanged to and stored in Shaw Lakes pursuant to the terms of the 16CW3075/17CW3031 decree shall be governed by the terms and conditions governing the addition of augmentation and replacement supplies in 12CW179, including those terms and conditions requiring notice to add additional augmentation and replacement supplies. 8. Sources of substitute supply: The sources of substitute water supply for these exchanges are the following: 8.1 Changed Big Bend Water Right (2 c.f.s.) decreed in 12CW179. The Big Bend Water Right that is part of this exchange will be returned to the South Platte River at the augmentation station identified in Paragraph 3.1.1.1 above. Transit losses shall be applied from the point of release on the South Platte River to the Exchange-From Point. 8.2 Rumsey Recharge Facility recharge accretion credits attributable to shares changed in 12CW179, described in Paragraph 3.1.1.2 above. Recharge accretions derived from the Subject Godfrey Shares will be determined in accordance with terms and conditions of the Decree in Case No. 12CW179. 8.3 Changed Subject Godfrey Shares decreed in Case No.

12CW179. Water derived from these shares is diverted at the Godfrey Ditch Headgate (WDID No. 0200830) and shall be returned to the South Platte River from one or more of the augmentation stations listed above in Paragraphs 3.1.1.3 through 3.1.1.5. Transit losses shall be applied from the point of release on the South Platte River to the Exchange-From Point. 9. Exchange Reaches. Applicant shall have the right to exchange from any of the Exchange-From Points identified in Paragraph 3.1.1 to the Exchange-To Point identified in Paragraph 3.1.2. An exchange matrix showing all five (5) exchanges is included below in Table 1 contained in Paragraph 12. 10. Priority and date of appropriation: The exchanges identified in Paragraphs 5.1 and 5.2 shall be administered as having been applied for in 2016 with an appropriation date of May 31, 2016. The exchanges identified in Paragraphs 5.3, 5.4, and 5.5 shall be administered as having been applied for in 2017 with an appropriation date of February 28, 2017. 10.1 Date water applied to beneficial use: N/A, Applicant is seeking a finding of reasonable diligence for the conditional exchanges. 11. Use of exchanged water: The exchanged water will be used for the same purposes decreed for the conditional exchanges in paragraph 15 of the 16CW3075 and 17CW3031 decree. That decree provides without limitation that the uses of each source of substitute supply used in the conditional exchanges are the same as and subject to the terms and conditions of the 12CW179 decree. The 16CW3075 and 17CW3031 decree paragraph 15 also provides that the exchanged water may be used consistent with any Substitute Water Supply Plans approved by the State Engineer. Furthermore, the decree in 16CW3075 and 17CW3031 provides that Applicant may fully consume the exchanged water by delivering water to Boulder Creek for use as augmentation and replacement supplies subject to the terms and conditions as provided in the decrees in Case Nos. 16CW3075/17CW3031, and 12CW179. That portion of the exchanged water that is attributable to historical return flow requirements in Case No. 12CW179 shall only be fully consumable if the return flows are replaced by a fully consumable supply. 12. Terms and Conditions Governing the Exchanges: The subject exchanges are subject to the terms and conditions in the decree in Case No. 16CW3075/17CW3031, including: 12.1 All exchange rights must be in priority and operated without injury: The subject exchanges shall only operate at such times when they are in priority and when all water rights, including other senior decreed exchanges, located between the Exchange-From Points and Exchange-To Point are satisfied with the remaining flows available to them. 12.2 Exchange potential and live stream requirement: Applicant shall limit operation of the exchange to times when there is exchange potential within the entire exchange reach. The exchanges may operate only when there is a live stream as determined by the Water Commissioner, at all locations between the Exchange-From Point(s) and the Exchange-To Point and shall be limited to operate at a rate which does not exceed the lesser of the decreed exchange rate, the amount and rate of the source of substitute supply available at the Exchange-From Point, or the minimum streamflow between the Exchange-From Point(s) and the Exchange-To Point, and shall not exceed the combined maximum cumulative rate limitation of 10 c.f.s for all five exchanges. If a live stream ceases to exist at any point between the Exchange-From Point(s) and the Exchange-To Point while the exchange is being operated, the operation of the exchange shall cease immediately. The appropriative rights of exchange shall not be operated if the operation will cause injury to vested water rights and decreed exchanges with priority dates senior to the priority date of these appropriative rights of exchange. The appropriative rights of exchange shall be exercised within the priority system and are subject to the call of other water rights, including exchanges, and any senior instream flow rights located at or between the Exchange-From Points and the Exchange-To Point. 12.3 Carriage of exchanged water in ditches: The exercise of any exchange that involves the carriage of water in ditches is subject to Applicant having necessary carriage agreements or rights of use in such ditches, including, but not limited to, Idaho Creek. 12.4 Division Engineer or Water Commissioner Approval of Exchange Operations: Applicant shall obtain approval from the Division Engineer or the Water Commissioners for District Nos. 2, 5 and 6 forty-eight hours (48) in advance or such lesser time that they obtain approval from the Division Engineer or those Water Commissioners prior to operating any of the subject exchanges and shall notify the Division Engineer or those Water Commissioners upon completion of such operation. The notification prior to operating any of the exchanges shall include, for each exchange, the amount of the exchange in flow rate, the source(s) of substitute supply, the location(s) of the delivery of the substitute supply, the Exchange-To Point where the substitute supply will be diverted and the duration of the exchange(s). The notifications to the Division

Engineer or the Water Commissioner shall be in a verifiable format in order to support any future claim to make absolute any portion of the conditional exchanges in a future water court application. 12.5 Administration within priority system: The exchanges are appropriative water rights and like other appropriative water rights will be exercised within the priority system so that Applicant's rights of exchange are subject to the legal call of water rights, including exchanges senior in priority, and are able to call out water rights junior in priority to Applicant's rights of exchange. 12.6 Volumetric limits on the exchange: The individual and cumulative maximum annual volumetric limit for diversion under the subject exchange rights are listed below and shall be measured at the Idaho Creek Diversion Structure during the period from April 1 of each year to March 31 of the succeeding year. 12.6.1 Union/Big Bend Augmentation Station to Idaho Creek Diversion Structure Exchange: 12.6.1.1 Maximum annual volume for exchange: 92 acre-feet. 12.6.2 Rumsey Recharge Facility Recharge Accretion Point to Idaho Creek Diversion Structure Exchange: 12.6.2.1 Maximum annual volume for exchange: 181 acre-feet. 12.6.3 CCWCD Godfrey Aug. Station to Idaho Creek Diversion Structure Exchange: 12.6.3.1 Maximum annual volume for exchange: 511 acre-feet. 12.6.4 Godfrey Station #2 to Idaho Creek Diversion Structure Exchange: 12.6.4.1 Maximum annual volume for exchange: 511 acre-feet. 12.6.5 SAS to Idaho Creek Diversion Structure Exchange: 12.6.5.1 Maximum annual volume for exchange: 511 acre-feet. 12.6.6 Cumulative annual maximum volume for all five exchanges: 600 acre-feet

**Table 1: Exchange Matrix**

<b>Exchange-From Points (Downstream Location)</b>	<b>Exchange-To Point (Upstream Location): Idaho Creek Diversion Structure</b>	
	<b>Exchange Rate (cfs)</b>	<b>Annual Volumetric (ac-ft)</b>
Union/Big Bend Augmentation Station	1.50	92
Recharge accretion point for the Rumsey Recharge Facility	3.04	181
CCWCD Godfrey Aug. Station	8.31	511
Godfrey Station #2	8.31	511
Sorin Augmentation Station	8.31	511
<b>Total Combined Exchange</b>	<b>10.0</b>	<b>600</b>

12.7 Diversion limitations: The amount of water diverted at the Exchange-To Point shall not exceed the amount of water delivered to the South Platte River under Applicant's entitlements at the Exchange-From Point(s) as outlined above in Paragraph 12.6. 12.8 Delivery of substitute water: The Division Engineer, or his designated representative, will administer all such water transported in the South Platte River or its tributaries pursuant to the subject exchanges, including water for substitute supply, past intervening headgates to ensure that such water is not intercepted or otherwise diminished in quantity by diversion, use or other interference by intervening water rights and to assure that such water remains available and suitable for Applicant's uses. In the event that the operations of the exchanges decreed herein require delivery of substitute supplies past intervening headgates, Applicant shall do so via a bypass structure. Applicant is responsible for either installing a new bypass structure with a continuous recording measuring device(s) as approved by the Water Commissioner or securing an agreement with a third-party to use an existing bypass structure and providing such information and agreement to the Division Engineer and all Opposers before using said structure as part of the operation of the subject exchanges. 12.9 Transit losses: The Division Engineer or Water Commissioner shall assess stream transit losses as necessary to prevent injury to other water rights where Applicant's use the natural stream channel to transport a substitute supply to the Exchange-From Point. Transit losses shall be assessed from the point where the substitute supply is introduced to the stream as listed above in Paragraph 3.1.1 to the Exchange-From Point. Transit losses shall be determined and assessed by the Division Engineer or Water Commissioner in the same manner as for other water users on the South Platte River and its tributaries. No transit losses shall be assessed on the



exchange from the Exchange-From Points upstream to the Exchange-To Point. The Division Engineer or Water Commissioner shall also assess transit losses for exchange water delivered via Idaho Creek from the Exchange-To Point identified in Paragraph 3.1.2.1 to the diversion structures identified in Paragraphs 6.1 and 6.2. 12.10 Substituted water quality: Any substituted water shall be of a quality and continuity to meet the requirements of use to which the senior appropriation has normally been put C.R.S. § 37-80-120(3). 12.11 Term of the Exchanges: The term of the subject exchanges shall run as long as Applicant, its successors, or licensees have a current, presently enforceable right to store water in Middle Shaw Lake No. 2 and/or North Shaw Lake No. 3 (collectively the “Shaw Lakes”) via a leasehold interest or subsequent acquisition of an ownership interest and all other requirements for maintenance of the conditional water rights continue to be met. DJWRP’s current lease for use of storage space in Shaw Lakes runs through March 31, 2027. DJWRP’s lease of Shaw Lakes also includes an option to extend the lease an additional two (2) years beyond the end of the original lease term as referenced herein. If Applicant, its successors, or licensees do not extend the Shaw Lake lease, enter a new lease, or acquire an ownership interest in Shaw Lakes, then they shall file a written notice that they are no longer in compliance with paragraph 16.11 of the 16CW3075 and 17CW3031 decree, as a pleading in this case. Applicant shall serve written notice on the Division Engineer and all Opposers of any exercised option to extend the lease or notice of non-renewal before the end of the expiration of the original lease term. Applicant shall serve written notice on the Division Engineer and all Opposers within five (5) business days if and when their Shaw Lakes lease is terminated before the expiration of the original or option lease term or any extensions thereto. If Applicant or their successors acquire an ownership interest in Shaw Lakes before the termination or expiration of their lease, then they shall file a notice of such acquisition as a pleading in this case, and such notice shall include the documents by which Applicant obtained such ownership interest. If Applicant or DJWRP agrees to an extension of the Shaw Lakes lease or any amendment of said lease which changes its duration, then Applicant shall file a notice of such extension or amendment as a pleading in this case, and such notice shall include the document(s) evidencing such extension or amendment. 12.12 Measuring devices: Applicant shall ensure that properly maintained measuring devices capable of continuous recording approved by the State Engineer and Water Commissioners are installed and/or maintained at the Idaho Creek Diversion Structure, the inlets to Shaw Lake No. 2 and Shaw Lake No. 3, the outlet from Shaw Lake No. 3 and any augmentation station used for delivery of substitute supplies. 12.12.1 Notice: Applicant shall be required to provide notice to all Opposers of all flow measurement equipment and/or devices to be installed and/or used in the operation of the subject exchanges, which shall include information on the type of flow measurement equipment/device and its date of installation and location. 12.13 Use of Idaho Creek: Applicant’s or its successors use of the Idaho Creek Diversion Structure and carriage of water in Idaho Creek shall be consistent with the terms and conditions of Paragraph 32 of the 16CW3075/17CW3031 decree. 12.14 Return Flow Obligations: Applicant may only exchange its full farm headgate delivery amount (less applicable transit losses) under conditions when they satisfy their return flow obligations from other fully consumable sources of substitute supply, subject to the individual exchange rate limitations outlined in Paragraph 5. The return flow obligations of Applicant’s substitute supply shall be satisfied by the replacement sources identified in the underlying decrees for those sources and any additional sources subsequently added to those decrees, either by direct delivery or pursuant to the subject exchanges and subsequent release from Shaw Lakes Outlet Structure. Otherwise, the amounts available for exchange shall be limited to the consumptive use component of their farm headgate deliveries as determined by the underlying decrees. 12.15 Accounting. Accounting for operation of the exchanges shall be pursuant to the terms of the 16CW3075/17CW3031 decree. 12.16 Projection: Any projection of supplies exchanged pursuant to the subject exchanges in the decreed augmentation plan outlined in Case No. 12CW179 shall be limited to amounts that have already been exchanged to Shaw Lakes per the decree terms in 16CW3075/17CW3031 and are physically in storage at the time of the projection. 13. Detailed Outline of Activity During the Diligence Period: During the diligence period, the Applicant has made substantial expenditures, including consultant engineering and legal costs associated with acquiring the subject water rights. The subject water rights are part of an integrated system of development pursuant to C.R.S. § 37-92-301(4)(b) and Paragraph 24 of the decree entered in consolidated case number 16CW3075/17CW3031.

The following summary of Applicant's diligence activities is not exclusive and may be supplemented with additional evidence of these or of other diligence activities: 13.1 On June 29, 2021, Aurora acquired the rights and interests in the decrees in Case Nos. 16CW3075 and 17CW3031 from co-applicant Sorin Natural Resource Partners, LLC, ("Sorin") and its co-applicant subsidiary entity DJWRP for approximately \$21,000,000. 13.2 Contemporaneously with the acquisition, the parties entered into a separate Well Operation, Augmentation and License Agreement which, among other things, authorized Sorin and its related entities' (including DJWRP) ongoing use of the conveyed water and water interests, including the conditional exchanges adjudicated in Case No. 16CW3075. 13.3 The conditional exchanges adjudicated in Case No. 16CW3075 include Shaw Lakes as an exchange to point, as more particularly described in said decree. At the time of entry of the decree in said case, Sorin held a lease interest in the Shaw Lakes. During the diligence period, Sorin, through its subsidiary DJWRP, negotiated several short term temporary extensions to the lease interest for Shaw Lakes and, ultimately, co-applicant DJWRP entered into a longer term extension of said Shaw Lakes lease. Costs and expenses associated with these negotiation efforts were incurred during the diligence period. 13.4 At several times during the diligence period and when in priority, DJWRP operated an exchange of water interests into storage in Shaw Lakes and subsequently applied the water to beneficial uses consistent with the decree in Case No. 16CW3075, at a maximum exchange rate of 0.78 c.f.s. and for a maximum total exchange volume of 29.55 acre-feet in September and October 2021. Applicant is not seeking to make these amounts absolute at this time. Rather, Applicant includes these activities as evidence of reasonable diligence in the above-captioned matter. 13.5 During the diligence period, Aurora spent approximately \$168,000 in consulting attorneys' fees associated with the acquisition of the subject water rights and \$65,000 in consulting engineering fees. Aurora also spent approximately \$350,000 on land management and revegetation work on the historically irrigated lands. 13.6 System-wide Efforts. The subject water rights will be used as part of Aurora's integrated municipal system. Aurora has accomplished at least the following system-wide efforts during the diligence period: 13.6.1 South Platte River Basin: Applicant made the following diligent efforts with regard to its water supply system components in the South Platte River Basin which are necessary for continuation of its reusable supplies from the South Platte River Basin. *13.6.1.1 Spinney Mountain Reservoir*. Applicant expended substantial sums for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. *13.6.1.2 Griswold Water Treatment Plant Renovations*. This facility treats a portion of the raw water that is delivered to Applicant's customers and subsequently partially recovered in Gilcrest Reservoir. Applicant spent at least \$58,024,000 during this diligence period for improvements to this facility. This includes expenditures directly by Applicant for renovation of the facility. *13.6.1.3 Wemlinger Water Treatment Plant Improvements*. During the diligence period, Applicant spent at least \$1,487,000 for improvements to the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water that may be recovered in Gilcrest in part after it is delivered to Applicant's customers. *13.6.1.4 Rampart Reservoir Improvement*. Applicant spent at least \$13,084,000 during this diligence period for improvements to the Rampart Reservoir delivery system, including improvements to the 54" raw water transmission pipeline between Rampart Reservoir and storage and water treatment facilities within the city. Rampart Reservoir is used to store the water that has been exchanged from the Arkansas and Colorado River Basins and transported to the South Platte River before it is transported through the parallel 54" and 40" pipelines to Applicant. Rampart Reservoir is important for regulation of the flow through these parallel pipelines. *13.6.1.5 Improvements to Extend and Improve Water Service in and to Applicant*. At least \$95,647,000 was spent by Applicant for extension and upgrade of its water transmission system necessary to deliver water to Applicant's customers. *13.6.1.6 Automated Meter Reading System*. Applicant spent approximately \$21,303,000 for updates to its automated utility reading system to improve efficiency in operations. *13.6.1.7 Binney Water Purification Facility*. Applicant spent at least \$15,718,000 during the diligence period for improvements to this water purification and recycling plant owned and operated by Applicant, which treats water for use throughout the City of Aurora. 13.6.2 Arkansas River Basin: Applicant made the following diligent efforts with regard to maintaining and enlarging its water supply system

components in the Arkansas River Basin which are necessary for continuation of its reusable supplies from the Arkansas River Basin. *13.6.2.1 Revegetation.* Applicant has expended at least \$26,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18. Applicant also expended an additional \$1,413,000 for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). *13.6.2.2 Payments to Otero County.* Applicant and Otero County entered into an Intergovernmental Agreement on February 22, 1994, and amended that Agreement on October 29, 2001 under which Amendment Applicant agreed to make annual payments to Otero County concerning the Rocky Ford Ditch shares that are the source for the subject conditional water right. During this diligence period, Applicant made payments of approximately \$176,000. *13.6.2.3 Pueblo Reservoir Storage.* During this diligence period, Applicant paid the Bureau of Reclamation approximately \$2,993,000 for storage use of Pueblo Reservoir in the storage and exchange of Arkansas River basin water upstream for transport and use by Applicant in the South Platte Basin. *13.6.2.4 Intergovernmental Agreement with SECWCD.* On October 3, 2003, Applicant entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District (“SECWCD”), replacing an agreement between the parties dated December 7, 2001. During this diligence period, Applicant made payments of approximately \$657,000 to SECWCD under this IGA. *13.6.2.5 Agreements for Use of the Holbrook System Facilities.* On March 1, 2005, Applicant entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company (“Holbrook”). Applicant and Holbrook extended this agreement on February 2, 2010. These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. During this diligence period, Applicant made payments of approximately \$293,000 to Holbrook under this agreement. *13.6.2.6 Recovery of Yield (“ROY”).* On August 17, 2016, Applicant, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in WD-2, Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement (“IGA”) between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo’s RICD reaches on the condition those flows could be removed downstream and exchanged back upstream. Applicant has expended approximately \$15,000 on these efforts during the diligence period. *13.6.2.7 Assessments Paid for Use of Twin Lakes, Lake Henry/Lake Meredith, Rocky Ford Ditch.* During this diligence period, Applicant paid the following in annual assessments: approximately \$327,000 for Twin Lakes Company (necessary for storage); at least \$1,506,000 for the Colorado Canal/Lake Henry/Lake Meredith (necessary for storage); and approximately \$967,000 for the Rocky Ford Ditch for the shares attributable to the Subject Rocky Ford Ditch Water Right.

*13.6.3 Colorado River Basin:* Applicant made the following diligent efforts with regard to its water supply system components in the Colorado River Basin that are necessary for continuation of its reusable supplies from the Colorado River Basin. *13.6.3.1* During this diligence period, Applicant negotiated with Objectors in Case No. 19CW3159, Water Division 5, and entered into Stipulations all of the Objectors in that case, which adjudicated an exchange of water released by Applicant from its Twin Lakes Reservoir and Canal Company water rights in the Roaring Fork River basin. A decree in this matter was issued October 31, 2024. *13.6.3.2* Applicant has continued to pursue development of a joint project or projects as contemplated in a 1998 Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company and the Colorado River Water Conservation District. On June 21, 2004, the City of Aurora entered into an additional Water Exchange Agreement with the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Eagle River Water and Sanitation District, the Upper Eagle Regional Water Authority, and Vail Associates, Inc. to supplement a 1998 Water Exchange Agreement. This agreement affects operations of the Homestake water rights and deliveries of reusable water to Applicant for use in the exchanges that facilitate delivery of water to the structure addressed herein. On January 5, 2010, the City of Aurora entered into a Consolidated Water Exchange Agreement to supplement, merge and consolidate the 1998 and 2004 agreements. Applicant seeks to further maximize the operations of the Homestake water rights with these

projects. A diligence application was filed by the parties to the agreements in regard to the aforementioned exchange rights in 2023. *13.6.3.3 Homestake Project.* Once water is transported over the Continental Divide through the Otero Pump Station and Homestake Pipeline, Applicant transports its share to Spinney Mountain Reservoir in the South Platte Basin. During this diligence period, Applicant completed work on the Homestake Arkansas River Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Additionally, Homestake Reservoir underwent resurfacing and improvement. *13.6.3.4* During this diligence period, Applicant prosecuted Case Nos. 23CW3031, 20CW3024 and 23CW3087 in Water Division 5 through the Homestake Partners, comprising the City of Aurora and the City of Colorado Springs Utility. These water court matters seek a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case No. 98CW270, which comprise part of the Homestake Project. *13.6.4 Non-Basin Specific Efforts: 13.6.4.1 Protection Efforts.* During this diligence period, Applicant spent at least \$7,210,534 on legal and engineering services for participation in Water Divisions 1, 2, and 5 cases to protect the rights and interests of Applicant with regard to its water supply system. Applicant incurred additional legal and engineering costs prosecuting changes of water rights to integrate acquired water rights into Applicant's municipal water rights portfolio. **14. NAMES AND ADDRESSES OF OWNER(S) OR REPUTED OWNERS:** The names and addresses of owners of or reputed owners of the land upon which any diversion, storage or outlet structure, or modifications to any existing diversion, storage or outlet structure is or will be constructed or upon which water is or will be diverted, stored or discharged, including any modifications to existing facilities, other than Aurora, is as follows: *14.1* Shaw Family LLLP, P.O. Box 1227, Longmont, CO 80502-1227 has ownership interests in: Middle Shaw Lake No. 2, which includes Idaho Creek – Shaw Lakes Diversion Structure No. 1; North Shaw Lake No. 3, which includes Idaho Creek – Shaw Lakes Diversion Structure No. 2; and North Shaw Lake No. 3 outlet structure. *14.2* Williams Family Farm, LLC, 8876 Rogers Road, Longmont, CO 80503 has an ownership interest in Shaw Lakes Outlet Structure. *14.3* Central Colorado Water Conservancy District 3209 West 28th Street, Greeley, CO 80634 owns CCWCD Godfrey Aug. Station. The owners of the underlying land and related facilities includes HS Land & Cattle LLC, P.O. Box 366, Gilcrest, CO 80623. *14.4* Dixie Water, LLC, 500 Canal St., Metairie, LA 70005-3602 owns the land underlying Godfrey Station #2. *14.5* Aurora has researched the county assessor's records and interviewed the Water Commissioner and is unable to identify the current owner of the Idaho Creek Diversion structure or the underlying land. Continental View Homeowners' Association ("Association") owns the land according to the county assessor's records but the Association was dissolved February 1, 2000 according to the Colorado Secretary of State's records. WHEREFORE, Applicant requests: 1. A finding of reasonable diligence as to all of the Subject Water Rights; and 2. Such other relief as the Court deems just and proper.

**CASE NUMBER 2025CW3090 JOHN B. JENSEN**, 5901 S.W. Frontage Road, Fort Collins, CO 80525, (970) 289-6000 (business). Please send all further pleadings to: Sara J.L. Irby, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FINDING OF REASONABLE DILIGENCE OF STORAGE WATER RIGHT AND A CLAIM TO MAKE ABSOLUTE IN LARIMER COUNTY.** 2. Name of the structure: Harris Reservoir A ("Reservoir"). 3. Description of conditional water right: 3.1. Date of Original Decree: April 9, 1998, Case No. 88CW213, District Court, Water Division No. 1, Weld County, Colorado. 3.2. Dates of Diligence Decrees: October 6, 2004, Case No. 04CW098; May 17, 2012, Case No. 10CW265; and June 25, 2019, Case No. 18CW3085, all of which were filed in District Court, Water Division No. 1, Weld County, Colorado. 3.3. Legal description of the structure: 3.3.1. The Harris Reservoir A is located in a portion of the SE ¼ of the NW¼ Section 10, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. 3.3.2. The outlet structure is an outlet tube. The center line of the outlet tube along the axis of the dam is located at a point described as 2,260.7 feet South and 1,849.8 feet East from the Northwest corner of Section 10, Township 6 North, Range 68 West of the 6th P.M. A map showing the approximate configuration of the Reservoir is attached as Exhibit A. 3.4. Source: Natural runoff and return flows from lands lying generally to the west of the Reservoir tributary to the Cache La Poudre River. 3.5. Appropriation Date: March 2, 1987. 3.6. Amount of water claimed: 100 acre feet, CONDITIONAL, with the right to fill and refill the Reservoir

when water is legally available, with the maximum amount of annual refill to be 50 acre feet, CONDITIONAL. 3.7. Uses of water: Augmentation, wildlife propagation, piscatorial, recreation, replacement and exchange, and irrigation of approximately 6.0 acres situate in the southeast corner of the real property shown on the map attached hereto as Exhibit A, and of approximately one-half acre of trees generally located in the NE1/4 of the NW1/4, Section 10, Township 6 North, Range 68 West, Larimer County, Colorado. The augmentation replacement and exchange uses herein decreed relate solely to the Harris Reservoir B (a.k.a. Harris Gravel Pit), generally located in the E 1/2 of the NW 1/4 of Section 10, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado and decreed in Case No. 88CW213, District Court, Water Division No. 1. 4. Diligence/Conditional Claims. In the event that for whatever reason the Court concludes that any portion of the foregoing conditional water right has not been made absolute, Applicant requests that said portion continues as a conditional water right and further provides the following outline of what has been done toward completion of the conditional appropriation: In addition to diverting and storing water in the Reservoir when in priority, as further set forth below in Paragraph 5 below, during this diligence period, Applicant continued to develop, maintain, and operate the Harris Reservoir A and its related structures. Specifically, Applicant built up the north shore of the Reservoir in 2020 and removed several dead trees along the south bank of the Reservoir. Additionally, in November 2023, Applicant replaced the north valve of the Reservoir, and in March 2024, Applicant installed a concrete ramp on the east side of the Reservoir for access to the Reservoir, and to unload boats and other water related equipment. Applicant also shared in the costs, fees and expenses to form the Spring Cañon Waste Way Ditch Company in 2024, which owns and operates the Spring Cañon Waste Way Ditch that delivers the water to Applicant's inlet ditch and continues to share in the Company's maintenance and operational costs, fees and expenses. In total, Applicant expended approximately \$7,500.00 in developing, maintaining, repairing, and operating the Reservoir and the related structures and appurtenances during the diligence period. Applicant reserves the right to amend this Application in order to assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation. 5. Claim for Absolute Amount. 5.1. Starting on February 9, 2020 and ending on February 29, 2020, Applicant diverted and stored 81.9 acre feet of water in the Reservoir when in priority. From March 5, 2020 to March 9, 2020, Applicant diverted and stored an additional 18.1 acre feet of water when in priority in the Reservoir. Accordingly, Applicant claims 100 acre feet of the storage right absolute pursuant to C.R.S. §37-92-301(4)(e). Applicant reserves the right to amend this Application to make any portion of the refill right diverted and stored in the Reservoir during the pendency of this Application absolute for all beneficial uses pursuant to C.R.S. § 37-92-103(4)(e). 6. Name(s) and address(es) of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant is the owner of the property and all diversion and storage structures. WHEREFORE, Applicant respectfully requests a ruling and decree for the following: A. Applicant has made the conditional storage right set forth in Paragraph 3 ABSOLUTE, in accordance with Paragraph 5 above; B. In the event that for whatever reason the Court concludes that any portion of the foregoing conditional water right has not been made absolute, Applicant has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 18CW3085 towards completion or for completion of the appropriation and application of water therein decreed, and for such other relief as the Court may determine proper; C. Applicant further prays that this Court continue in full force and effect any remaining portion of the water right as CONDITIONAL for an additional six-year period, and for such other relief as the Court may deem proper; and D. Applicant has demonstrated continued intent and progress towards finalizing the remaining portion of the conditional water right and further demonstrated that he has satisfied the requirements of "can and will". (5 pages, 1 exhibit).

**CASE NUMBER 2025CW3091 CITY OF BRIGHTON**, 500 South 4th Avenue, Brighton, Colorado 80601, Attn: Michael Martinez, City Manager, (303) 655-2043. Please send all further pleadings to: Brent A. Bartlett, Esq., Sara J.L Irby, Esq. and Whitney Phillips Coulter, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR AUGMENTATION**

**PLAN, QUANTIFICATION AND USE OF LAWN IRRIGATION RETURN FLOWS, SYSTEM LOSSES AND EFFLUENT, APPROPRIATIVE RIGHTS OF EXCHANGE, AND WATER EXCHANGE PROJECT WITH WATER EXCHANGE PROJECT RIGHTS IN ADAMS COUNTY.**

2. Overview. Lutz Reservoir is a lined, off-channel reservoir, and an application to confirm a conditional water right for Lutz Reservoir is currently pending in Water Division Case No. 23CW3173. With this Application, Brighton seeks a decree confirming an augmentation plan that will allow Brighton to replace depletions caused by water stored out-of-priority in Lutz Reservoir. Additionally, Brighton seeks to quantify and claim reusable lawn irrigation return flows (LIRF), system losses, and municipal wastewater (effluent) returns generated by the use of water stored in Lutz Reservoir. Brighton seeks to use the LIRFs and system loss reusable returns in its calculation of the depletions owed under the augmentation plan sought herein and under Brighton's augmentation plans decreed in 2000CW202 and 2003CW320. Brighton may also use its reusable effluent as a fully consumable replacement supply in the augmentation plan sought herein, under Brighton's augmentation plans decreed in 2000CW202 and 2003CW320, and may store it in any reservoir legally available to Brighton. In order to operate the augmentation plan and fully reuse the claimed LIRFs, system losses and municipal returns, Brighton also seeks to confirm several appropriative rights of exchange and water exchange project rights.

3. Application for Approval of a Plan for Augmentation.

3.1. Structures to be augmented: Lutz Reservoir.

3.2. Water rights to be used for augmentation: Applicant owns or controls a large portfolio of water rights, has contractual rights to the use of other sources of water rights, and is continuing to develop new sources of water. The sources of water that Applicant will utilize in this plan for augmentation include any water that Applicant may obtain the right to so use which is fully consumable and suitable for augmentation use including but not limited to the following: The 608.15 Fulton Company and 110 Burlington Company shares previously changed by Brighton in Case No. 2000CW202; the 555.02 Fulton Company shares previously changed by Brighton in Case No. 2004CW174; the 128.28 Burlington Company and the 126.61 Wellington Company shares previously changed by Brighton in Case No. 2009CW144; the 153.08 Burlington Company and 159.02 Farmers Reservoir and Irrigation Company shares previously changed by Brighton in Case No. 2003CW320; 3.14 cfs in the Spickerman Ditch, 5.13 cfs in the Lower Spickerman Ditch, and 4.675 cfs (the equivalent of 179.525 inches) in the Robert Lewis Ditch previously changed in Case No. 18CW3195; 149.5 Fulton Company shares, 101.52 Burlington Company shares, 98.35 Wellington Company shares previously changed in Case No. 20CW3199; water attributable to water rights now owned by Brighton, listed on Exhibit A hereto, as the same is made available for augmentation and replacement pursuant to a subsequent change decree; the storage water rights decreed to Ken Mitchell Lakes in Case No. 1992CW018; the storage water rights decreed to the 124th Avenue Reservoir in Case No. 2002CW234; the storage water rights decreed to Erger's Pond in Case Nos. 1998CW257 and 2008CW105; the storage rights decreed in Bear Creek Lake and Soda Lakes Reservoirs in Case No. 2018CW3195; water made available to Brighton under contractual agreements; reusable wastewater return flows from Brighton's previously changed water rights, reusable wastewater return flows from Brighton's South Platte Wells included in Brighton's Case No. 2000CW202 augmentation plan; reusable wastewater return flows from Brighton's Beebe Draw Wells included in Brighton's Case No. 2003CW320 augmentation plan, reusable wastewater return flows from contractual agreements, listed on Exhibit A hereto; Brighton's interest in the Farmer's Reservoir and Irrigation Company's Multipurpose Water Right decreed in Case No. 2002CW403; nontributary groundwater, water diverted by Brighton under a junior appropriation at any of Brighton's storage locations; lawn irrigation return flow credits generated by outdoor irrigation use within Brighton's city limits; and fully consumable water available to Brighton by lease or agreement, listed on Exhibit A hereto. At any time, Brighton may acquire new water rights and if such water rights are, or are changed to be, suitable for augmentation uses Brighton may, with proper notification, utilize them as part of the augmentation plan claimed herein.

3.3. Statement of Plan for Augmentation. The primary purpose of the plan for augmentation described in this Application is to replace depletions to the South Platte River caused by out-of-priority storage of water in Lutz Reservoir. The out-of-priority storage of water in Lutz Reservoir may be caused by storage or detention of runoff and precipitation in the structure.

3.3.1. Augmentation Operations. Depletions caused by out-of-priority storage in Lutz Reservoir accrue to the South Platte River. Applicant's

proposed plan for augmentation consists of the following operational components which are designed to allow Applicant to control the time, amount, and location of augmentation water provided to the South Platte River, to meet Applicant's augmentation demands to prevent injury to vested water rights as described below, and to maintain dominion over and maximize the beneficial use of the water available to Applicant:

3.3.1.1. Municipal Return Flows from use in Applicant's Non-Potable System. Water returning to the South Platte River and Beebe Draw as LIRFs or System Losses generated from reusable water initially stored in Lutz Reservoir will be used to offset the calculation of augmentation or replacement obligations to the South Platte River and Beebe Draw.

3.3.1.2. Municipal Return Flows from use in Applicant's Potable System. Water returning to the South Platte River and Beebe Draw as LIRFs or System Losses generated from reusable water initially stored in Lutz Reservoir will be used to offset the calculation of Brighton's augmentation or replacement obligations to the South Platte River and Beebe Draw. Water returning to the South Platte River and Beebe Draw as effluent generated from reusable water initially stored in Lutz Reservoir will be used as an augmentation and replacement supply and may be rediverted, stored and used to extinction.

3.3.1.3. South Platte Reservoir Storage. Applicant has or will have the ability to store water in various storage vessels with the ability to divert and store water directly from the South Platte River, including the 124th Avenue Pond, Ken Mitchell Lakes, Erger's Pond, and the United Reservoir (a/k/a Brannan Pit), and all future storage the Applicant may develop on the South Platte River, including but not limited to Lupton Meadows Reservoir. Applicant will utilize water stored in these reservoirs to make direct releases to the South Platte River for augmentation and replacement purposes.

3.3.1.4. Beebe Draw Reservoir Storage. Applicant has or will have the ability to store water in various storage vessels located within the Beebe Draw basin, including Barr Lake. Applicant will utilize its water stored in these reservoirs to make direct releases to the Beebe Draw for augmentation and replacement purposes.

3.3.1.5. All other sources of water available for use by Brighton as an augmentation source, including those sources identified in 00CW202 and 03CW320 and subsequent cases, so long as such sources are added as augmentation sources pursuant to the final decree entered in this matter.

3.3.1.6. South Platte Exchanges. Applicant has various appropriative rights of exchange on the South Platte River, including those confirmed in Case Nos. 2000CW202, 2003CW320, 2004CW174, 2018CW3195, and 20CW3199. Applicant also claims new appropriative rights of exchange with this Application. All of these appropriative rights of exchange will be utilized in this plan for augmentation.

3.3.2. Augmentation Demands. Applicant will utilize water made available pursuant the plan for augmentation to replace out-of-priority depletions caused by storage of water in Lutz Reservoir. To the extent the augmentation water generated by the plan for augmentation is not necessary for immediate use, Applicant may re-divert the water by exchange or otherwise store it for subsequent beneficial use (including augmentation and replacement, or use in Applicant's municipal water system), or lease the rights to its use to others.

4. Quantification of Reusable Lawn Irrigation Return Flows, System Losses, and Effluent.

4.1. Applicant seeks to quantify and claim reusable LIRFs, System Losses and Effluent from use of its Lutz Reservoir Storage Right in its potable water supply system and claim reusable LIRFs and System Losses from use of its Lutz Reservoir Storage Right and any other reusable water supply in its non-potable water supply system.

4.1.1. Municipal Return Flows from use in Applicant's Potable Water Supply System. Applicant's use of its various sources of water, including water diverted by the structures to be augmented by this plan for augmentation, in its municipal water supply system generates return flows to the South Platte River and/or tributaries thereto. The approach for quantifying municipal return flows accruing to the South Platte River and the Beebe Draw from Applicant's Potable Water Supply System were determined in Case Nos. 2000CW202 and 2003CW320, respectively. This case seeks to add reusable water initially stored in Lutz Reservoir as another source of supply using the same approach as previously decreed. Applicant's municipal return flows consist generally of, but are not limited to, the following:

4.1.1.1. Municipal Return Flows to the South Platte River. Water distributed in Applicant's municipal water system located in the South Platte basin returns to the Northern Treatment Plant located in the SE 1/4 of the SW 1/4 of Section 31, Township 1 North, Range 66 West, of the 6th P.M and is thence discharged to the South Platte River. A portion of the water distributed in Applicant's municipal water system located in the South Platte basin is used for outdoor irrigation and other purposes, a portion of which returns to the South Platte River. Additionally, a portion



of the treated water distributed through Applicant's municipal water system located in the South Platte basin returns to the South Platte River as system losses. Applicant will calculate and take credit for all of its municipal returns to the South Platte River. Applicant may include credits calculated under its 2000CW202 augmentation plan and credits calculated pursuant to the final decree entered in this case.

4.1.1.2. Municipal Return Flows to Beebe Draw. Water distributed in Applicant's municipal water system located in the Beebe Draw basin returns to the Lochbuie Waste Water Treatment Plant, located in the NE 1/4 of the NW 1/4 of the NW 1/4 of Section 29, Township 1 North, Range 65 West, 6th P.M. and is thence discharged to the Beebe Draw Canal at a point located 724 feet from the west section line and 332 feet from the north section line of said Section 29. A portion of the water distributed in Applicant's municipal water system located in the Beebe Draw basin is used for outdoor irrigation and other purposes, a portion of which returns to the Beebe Draw. Additionally, a portion of the treated water distributed through Applicant's municipal water system located in the Beebe Draw basin returns to the Beebe Draw as system losses.

4.1.2. Municipal Return Flows from use in Applicant's Non-Potable System. Applicant's use of its various sources of water, including water diverted by the structures to be augmented by this plan for augmentation, its changed Burlington and Wellington water rights, and any other water rights decreed for reuse stored in Lutz Reservoir, in its non-potable water supply system generates return flows to the South Platte River and/or tributaries thereto. Applicant's non-potable system return flows consist generally of, but are not limited to, the following:

4.1.2.1. Non-Potable Return Flows to the South Platte River. Water distributed in Applicant's non-potable water system located in the South Platte basin is used for outdoor irrigation, a portion of which returns to the South Platte River as LIRFs. Additionally, a portion of the water distributed through Applicant's non-potable water system located in the South Platte basin returns to the South Platte River as system losses. Applicant will calculate and take credit for all of its municipal returns to the South Platte River.

4.1.2.2. Non-Potable Return Flows to Beebe Draw. Water distributed in Applicant's non-potable water system located in the Beebe Draw basin is used for outdoor irrigation and other purposes, a portion of which returns to the Beebe Draw as LIRFs. Additionally, a portion of the non-potable water distributed through Applicant's municipal water system located in the Beebe Draw basin returns to the Beebe Draw as system losses. Applicant will calculate and take credit for all of its municipal return flows to Beebe Draw.

4.2. Applicant seeks to apply LIRFs and System Losses generated by use of water initially stored in Lutz Reservoir as a credit against its depletions and return flow obligations to the South Platte River and to the Beebe Draw in order to determine its augmentation and replacement obligations.

4.3. Applicant seeks to apply effluent generated by use of water initially stored in Lutz Reservoir as credits against its augmentation obligations to the South Platte River (both in this case and in 2000CW202) and to the Beebe Draw as determined pursuant to 2003CW320. Brighton may redivert, store and use to extinction the effluent generated by use of water initially stored in Lutz Reservoir.

5. Application for Appropriative Rights of Exchange. Applicant seeks judicial confirmation of the following appropriative rights of exchange (see Exhibit B):

5.1. Exchanges on the South Platte River

5.1.1. Downstream Points for the Exchanges (Exchange-From Points): The exchange-from points are the points listed below:

5.1.1.1. Northern Wastewater Treatment Plant located in the SE 1/4 of the SW 1/4 of Section 31, Township 1 North, Range 66 West, of the 6th P.M. This is the most downstream point of the exchange reach. The UTM coordinates are approximately NAD 1983 UTM Zone 13T 514896mE 4427952mN.

5.1.1.2. The confluence of Brighton's North Storm Drain Outfall and the South Platte River, located in the SE 1/4 of the SW 1/4 of Section 31, Township 1 North, Range 66 West, of the 6th P.M. The UTM coordinates are approximately NAD 1983 UTM Zone 13T 514857mE 4427914mN.

5.1.1.3. The exchange-from point is the confluence of Brighton's South Storm Drain Outfall and the South Platte River located in the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 12, Township 1 South, Range 67 West, of the 6th P.M. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 514295mE 4426015mN.

5.1.2. Upstream Points for the Exchanges (Exchange-To Points):

5.1.2.1. The exchange-to point is the confluence of Brighton's South Storm Drain Outfall and the South Platte River located in the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 12, Township 1 South, Range 67 West, of the 6th P.M. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 514295mE 4426015mN.

5.1.2.2. This is the point the South Platte River is depleted by out-of-priority storage in Lutz Reservoir.

5.1.2.2. Ken Mitchell Reservoir Pump

Station Inlet Pipe, located on the east bank of the South Platte River, in the SE 1/4 of Section 11, Township 1 South, Range 67 West, of the 6th P.M., at a point whence the Southwest Corner of said Section 11 bears approximately South 86° West, approximately 4,160 feet, in Adams County. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 512760mE 4424757mN. 5.1.2.3. Ken Mitchell Reservoir Pump Station Inlet Pipe, located on the east bank of the South Platte River, in the NW 1/4 of the SE 1/4 of Section 14, Township 1 South, Range 67 West, of the 6th P.M., at a point whence the Southwest Corner of said Section 14 bears approximately South 69° West, approximately 4,000 feet, in Adams County. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 512630mE 4423502mN. 5.1.2.4. Ken Mitchell Reservoir Inlet, located on the east bank of the South Platte River, in the SE 1/4 of Section 14, Township 1 South, Range 67 West at a point approximately 1,245 feet north of the south section line of said section and 1,721 feet west of the east section line of said section. The UTM coordinates for the New POD are as follows: Easting 512575; Northing 4423460 (Zone 13). 5.1.2.5. The Fulton Ditch headgate located in the NE 1/4 of the NE 1/4 of the SE 1/4 of Section 17, Township 2 South, Range 67 West, of the 6th P.M., in Adams County. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 508230mE 4414170mN. 5.1.2.6. The United Diversion Facility No. 3, located on the east bank of the South Platte River in the SW 1/4 of Section 26, Township 1 South, Range 67 West, of the 6th P.M., in Adams County. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 512061mE 4420309mN. 5.1.2.7. The Burlington Canal Headgate was originally decreed as being located on the east bank of the South Platte River in the SW 1/4 of the NE 1/4, Section 14, Township 3 South, Range 68 West, of the 6th P.M., in Adams County, Colorado, at a point approximately 3,084 feet east of the West line and 2,327 feet south of the North line of Section 14; latitude 039° 47'30.97"N, longitude 104° 58'0.92"W. In Case No. 2002CW403, affirmed by the Colorado Supreme Court in Case No. 2009SA133, the Court determined that the Globeville Area Flood Control Project structure constituted a new point of diversion for the Burlington Ditch at a point on the east bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 14, Township 3 South, Range 68 West, of the 6th P.M. The headgate is located at approximately latitude 039° 47'24.69"N, longitude 104° 58'9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89mE 4404471.42mN. 5.1.2.8. The Erger's Pond inlet structure, located on the east bank of the South Platte River in the NE 1/4 of the SW 1/4, Section 12, Township 1 South, Range 67 West, of the 6th P.M., in Adams County. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 513507mE 4425288mN. 5.1.2.9. Bear Creek Dam and Reservoir, located in portions of Sections 31 and 32, Township 4 South, Range 69 West, of the 6th P.M.; portions of Sections 5 and 6, Township 5 South, Range 69 West, of the 6th P.M.; and portions of Section 1, Township 5 South, Range 70 West, of the 6th P.M. 5.1.2.10. Arnett-Harriman Ditch, located on the south bank of Bear Creek, NE 1/4 of the NE 1/4 of Section 2, Township 5 South, Range 70 West, of the 6th P.M. 5.2. Exchange in Beebe Draw 5.2.1. Downstream Point for the Exchange (Exchange-From Point): The exchange-from point is the point of discharge from the Lochbuie WWTP located in the NE 1/4 of the NW 1/4 of the NW 1/4 of Section 29, Township 1 North, Range 65 West, 6th P.M. The following substitute supplies can be delivered to this exchange-from point: Brighton's fully consumable portion of effluent generated from the Lutz Reservoir Storage Right. 5.2.2. Upstream Point for the Exchange (Exchange-To Point): The exchange-to point is Barr Lake, which is located in portions of Sections 15, 21, 22, 23, 26, 27, 28 and 33, Township 1 South, Range 66 West, 6th P.M. 5.3. Date of appropriation: December 28, 2023, for exchanges described in Paragraphs 5.1, 5.2., and 5.3., based on the date of filing of the Application for the conditional water right for the Lutz Reservoir in Case No. 23CW3173. 5.4. Amounts. 72.6 cfs conditional unless structurally limited to a lesser capacity by the current design of the structures utilized to complete the exchanges described in Paragraphs 5.1, 5.2., and 5.3. Please see Exhibit B for exchange matrices containing further information. 5.5. Sources of substitute supply. Water made available by operation of Applicant's plan for augmentation as described herein, water made available pursuant to the plans for augmentation decreed in Case No. 2000CW202 & 2003CW320, and all other water rights lawfully available to the Applicant for such use including the water rights described in Paragraph 3.2 above will be used as substitute supplies for the exchanges described in Paragraphs 5.1, 5.2, and 5.3. 5.6. Claimed uses. Brighton will use the water diverted by the exchanges described in Paragraphs 5.1, 5.2, and 5.3 for the uses authorized by the respective water court decree(s) for

the source of substitute supply then being diverted by exchange and pursuant to Brighton's other decrees that authorize said use. 6. Application for Water Exchange Projects With Water Exchange Project Rights. Applicant seeks judicial confirmation of the following water exchange project rights (see Exhibit B): 6.1. Operation of Water Exchange Project: 6.1.1. Sources of substitute supply. Water made available by operation of Applicant's plan for augmentation as described herein, water made available pursuant to the plans for augmentation decreed in Case No. 2000CW202 & 2003CW320, and all other water rights lawfully available to the Applicant for such use including the water rights described in Paragraph 3.2 above will be used as substitute supplies for the exchanges described in Paragraphs 6.1 and 6.2. 6.1.2. Claimed uses. Brighton will use the water diverted under these water exchange project rights for the uses authorized by the respective water court decree(s) for the source of substitute supply then being diverted by exchange and pursuant to Brighton's other decrees that authorize said use. 6.2. South Platte River Water Exchange Project Right. 6.2.1. Source: South Platte River 6.2.2. Appropriation: December 28, 2023, based on the date of filing of the Application for the conditional water right for the Lutz Reservoir in Case No. 23CW3173 6.2.3. Locations: 6.2.3.1. Downstream Points for the South Platte Water Exchange Project Right (Exchange-from Points): 6.2.3.1.1. The exchange-from point is the confluence of Brighton's South Storm Drain Outfall and the South Platte River located in the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 12, Township 1 South, Range 67 West, of the 6th P.M. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 514295mE 4426015mN. 11.2.1.3. 6.2.3.1.2. Northern Wastewater Treatment Plant located in the SE 1/4 of the SW 1/4 of Section 31, Township 1 North, Range 66 West, of the 6th P.M. This is the most downstream point of the exchange reach. The UTM coordinates are approximately NAD 1983 UTM Zone 13T 514896mE 4427952mN. 6.2.3.2. Upstream Point for the South Platte Water Exchange Project Right (Exchange-To Points): The point where the South Platte River crosses the South line of Section 23, Township 1 South, Range 67, Adams County. This is an approximation of the upstream limit of the reach of the South Platte River that is depleted by pumping of the City of Brighton's South Platte Alluvial Wells. 6.2.4. Amounts: 19 cfs conditional, unless structurally limited to a lesser capacity by the current design of the structures utilized to complete the exchange. Please see Exhibit B for exchange matrices containing further information. 6.3. Beebe Draw Water Exchange Project Right. 6.3.1. Source: Beebe Draw, tributary to the South Platte River 6.3.2. Appropriation: December 28, 2023, based on the date of filing of the Application for the conditional water right for the Lutz Reservoir in Case No. 23CW3173. 6.3.3. Locations: 6.3.3.1. Downstream Point for the Beebe Draw Water Exchange Project Right (Exchange-From Point): The exchange-from point is the point of discharge from the Lochbuie WWTP located in the NE 1/4 of the NW 1/4 of the NW 1/4 of Section 29, Township 1 North, Range 65 West, 6th P.M. The following substitute supplies can be delivered to this exchange-from point: Brighton's fully consumable portion of effluent generated from the Lutz Reservoir Storage Right. 6.3.3.2. Upstream Point for the Beebe Draw Water Exchange Project Right (Exchange-To Point): The exchange-to point is the Toe of Barr Lake, which is the upstream extent of well depletions from the Beebe Draw Wells in the NW 1/4 of Section 23, Township 1 South, Range 66 West, 6th P.M. approximately 390 feet from the North section line and 930 feet from the West section line, and the location where the depletions from the Beebe Draw Wells are assumed to affect the Beebe Draw. 6.3.4. Amounts. 5 cfs conditional, unless structurally limited to a lesser capacity by the current design of the structures utilized to complete the exchange. Please see Exhibit B for exchange matrices containing further information. 7. Name(s) and address(es) of owner(s) (other than Applicant) upon which any structure is or will be located, upon which water is or will be stored, or upon which water is or will be placed to beneficial use. THF Prairie Center Development, L.L.C., 211 N. Stadium Blvd, Suite 201, Columbia, Missouri 80631, Burlington Ditch, Reservoir and Land Company, 80 South 27th Avenue, Brighton, Colorado 80601 Platte Land and Water, LLC, 3900 E Mexico Ave, Suite 614, Denver, Colorado 80210. (13 pages, 2 exhibits).

**CASE NUMBER 2025CW3092 CITY OF BRIGHTON**, 500 South 4th Avenue, Brighton, Colorado 80601, Attn: Michael Martinez, City Manager, (303) 655-2043. Please send all further pleadings to: Brent A. Bartlett, Esq., Sara J.L Irby, Esq. and Whitney Phillips Coulter, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR SIMPLE CHANGE**

**IN SURFACE POINT OF DIVERSION PURSUANT TO C.R.S. § 37-92-305(3.5) IN ADAMS, CLEAR CREEK, JEFFERSON AND WELD COUNTIES.**

**2. Introduction.** The City of Brighton (“Brighton” or “Applicant”) is the owner and claimant of numerous water rights decreed for diversion at the Burlington Ditch Headgate. Through this Application, Brighton seeks to change the decreed point of diversion for the water rights described in this Application under the simple change in surface point of diversion in accordance with C.R.S. §37-92-305(3.5). The simple change sought in this Application is necessary because the District Court for Water Division No. 1, in Case No. 02CW403, determined that the construction of the Globeville Area Flood Control Project in the vicinity of the historical Burlington Ditch Headgate constituted a changed point of diversion for the Burlington Ditch under which water was now diverted at a structure located approximately 900 feet upstream from the historical Burlington Ditch Headgate. The diversion structure for the Burlington Ditch from the South Platte River established by the Globeville Area Flood Control Project is referred to in this Application as the “New Burlington Ditch Headgate.” The locations of the historical Burlington Ditch Headgate and the New Burlington Ditch Headgate are shown in the map attached as Exhibit A to this Application. **CHANGE OF WATER RIGHTS**

**3. Description of water rights for which change is sought.** The headgate of the Burlington Ditch is the decreed point of diversion for certain water rights represented by Brighton’s shares in the Burlington Ditch and Reservoir Company (“Burlington Company”) and the Wellington Reservoir Company (“Wellington Company”) and also serves as a point of re-diversion of those water rights after release from prior upstream storage.

**3.1. Burlington Rights.** Brighton seeks to change the legally described point of diversion for the Burlington Ditch Headgate, as that location was described in Case No. 00CW202, District Court, Water Division No. 1, entered on July 11, 2007, which changed water rights represented by 110 of Brighton’s paired shares in the Burlington Company and Wellington Company. The proposed change applies to the decree entered in Case No. 00CW202, the subsequent diligence decrees related thereto (Case Nos. 13CW3076 and 21CW3037, District Court, Water Division No. 1), and the decree entered in Case No. 15CW3012, District Court, Water Division No. 1, which involves the water rights changed in Case No. 00CW202. Brighton’s shares represent a pro-rata interest in the following water rights presently decreed for diversion at the Burlington Ditch Headgate:

**3.1.1. Decreed water rights:**

**3.1.1.1. Duggan Ditch.** Duggan Ditch water rights were originally decreed in Case No. 6009, District Court for Arapahoe County, entered on April 28, 1883. The point of diversion for the Duggan Ditch was changed in later decrees to the Burlington Ditch Headgate.

**3.1.1.2. Burlington Company decrees.** Burlington Company water rights were decreed to be diverted at the Burlington Ditch Headgate (referred to as the Burlington South Platte River Headgate), in Case No. 11200, Arapahoe County District Court, entered July 8, 1893.

**3.1.1.3. Duck Lake.** The Duck Lake water rights were decreed in Case No. 1777, Park County District Court, entered May 15, 1918. The Duck Lake water rights are re-diverted at the Burlington Ditch Headgate.

**3.1.2. Legal description of Burlington Headgate as described in most recent Brighton decree that adjudicated the location:**

**3.1.2.1.** The Burlington Ditch Headgate, as described in Case No. 00CW202 as the Burlington Ditch South Platte River Headgate, located in Section 14, Township 3 South, Range 68 West, 6th P.M. in Adams County.

**3.1.3. Decreed sources of water, amounts, and appropriation dates:** Brighton seeks to change the legal description of the Burlington Ditch Headgate as it pertains to Brighton’s pro-rata portion of the following rights:

**3.1.3.1. Duggan Ditch:** South Platte; 16.28 cfs April 1, 1864

**3.1.3.2. Burlington Ditch:** South Platte; 350.00 cfs (200.00 cfs in Little Burlington system); November 20, 1885

**3.1.3.3. Duck Lake:** Geneva Creek; 750.00 AF; September 15, 1904

**3.1.4. Uses.** Pursuant to 00CW202, Brighton may fully consume the changed water rights to extinction, and may reuse and successively use such water for the following purposes: municipal uses within the present and future service area of the City of Brighton, specifically including but not limited to domestic, mechanical, manufacturing, industrial, sewage treatment, street sprinkling and the irrigation of parks, lawns, gardens and grounds, augmentation, replacement, recharge, use as a substitute supply, and exchange, and continued historical irrigation.

**3.2. Wellington Reservoir Company (“Wellington Company”) Water Rights.** The headgate of the Burlington Ditch is the decreed point of diversion for certain water rights represented by Brighton’s shares in the Wellington Company or serves as a point of re-diversion of such water rights after release from prior upstream storage.

**3.2.1. Decreed water rights:**

**3.2.1.1. Duggan Ditch.** Duggan Ditch water rights were originally decreed in Case

No. 6009, District Court for Arapahoe County, entered on April 28, 1883. The point of diversion for the Duggan Ditch was changed in later decrees to the Burlington Ditch Headgate. 3.2.1.2. Wellington Reservoir and Wellington Reservoir Enlargement. These rights were originally decreed in Case No. 1839, Park County District Court, entered June 21, 1922. The Wellington Reservoir rights are re-diverted at the Burlington Ditch Headgate. 3.2.1.3. Mendenhall Feeder Ditch. These rights were originally decreed in Case No. 1839, Park County District Court, entered June 21, 1922. The Mendenhall Feeder Ditch rights are stored in Wellington Reservoir and are re-diverted at the Burlington Ditch Headgate. 3.2.1.4. Hicks Creek Feeder Ditch. These rights were originally decreed in Case No. 1839, Park County District Court, entered June 21, 1922. The Hicks Creek Feeder Ditch rights are stored in Wellington Reservoir and are re-diverted at the Burlington Ditch Headgate. 3.2.2. Legal description of Burlington Headgate as described in most recent Brighton decree that adjudicated the location: 3.2.2.1. The Burlington Ditch Headgate, as described in Case No. 00CW202 as the Burlington Ditch South Platte River Headgate, located in Section 14, Township 3 South, Range 68 West, 6th P.M. in Adams County. 3.2.3. Decreed sources of water, amounts, and appropriation dates: Brighton seeks to change the legal description of the Burlington Ditch Headgate as it pertains to its pro-rata portion of the following rights: 3.2.3.1. Duggan Ditch: South Platte; 7.987 cfs; April 1, 1864. 3.2.3.2. Wellington Reservoir: Buffalo Creek; 2747.72 AF; May 31, 1892. 3.2.3.3. Wellington Reservoir Enlargement: Buffalo Creek; 1652.00 AF; June 5, 1920. 3.2.3.4. Mendenhall Feeder Ditch: Mendenhall Creek; 25.00 cfs; September 3, 1892. 3.2.3.5. Hicks Creek Feeder Ditch: Hicks Creek; 25.00 cfs; December 31, 1921. 3.2.4. Uses. Pursuant to 00CW202, Brighton may fully consume the changed water rights to extinction, and may reuse and successively use such water for the following purposes: municipal uses within the present and future service area of the City of Brighton, specifically including but not limited to domestic, mechanical, manufacturing, industrial, sewage treatment, street sprinkling and the irrigation of parks, lawns, gardens and grounds, augmentation, replacement, recharge, use as a substitute supply, and exchange, and continued historical irrigation. 4. Detailed description of Proposed Simple Change in Surface Point of Diversion. Brighton proposes to change the point of diversion at the Burlington Ditch Headgate for the above-listed water rights to the New Burlington Ditch Headgate, described below. This proposed change is not combined with and does not include any other type of change of water right. There is no intervening surface diversion point or inflow, as defined in C.R.S. 37-92-305(3.5)(I), between the New Burlington Ditch Headgate and the original Burlington Ditch Headgate. The change from the original Burlington Ditch Headgate to the New Burlington Ditch Headgate for the above-listed water rights has already been physically accomplished. 4.1. New Point of diversion for the New Burlington Ditch Headgate: 4.1.1. Public Land Survey System (PLSS): A point on the east bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 14, T.3 S., R. 68 W., of the 6th P.M., City and County of Denver, Colorado. 4.1.2. UTM coordinates: At approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed. To the best of Brighton's knowledge, information and belief, the Globeville Area Flood Control Project structure located within the South Platte River through which water is diverted into the Burlington Canal, defined in this Application as the New Burlington Ditch Headgate, is located on property owned by the City and County of Denver, 1437 Bannock St., Rm. 451, Denver, Colorado 80202; and the Farmers Reservoir and Irrigation Company, 80 South 27th Ave., Brighton, Colorado 80601. WHEREFORE, Brighton requests the Court enter a decree granting the simple change in surface point of diversion claimed herein, and for such other relief as the Court deems proper. (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 **AUGUST 2025** (forms available on [www.courts.state.co.us](http://www.courts.state.co.us) or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.