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DISTRICT COURT, WATER DIVISION 1, COLORADO
JULY 2025 WATER RESUME PUBLICATION

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

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

CASE NUMBER 2025CW3093 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; Ema I. G. Schultz, Second Assistant Attorney General, 1300 Broadway, 7th Floor Denver, Colorado 80203 christopher.stork@coag.gov 720-508-6311; ema.schultz@coag.gov 720-508-6307. **APPLICATION FOR CONDITIONAL GROUNDWATER RIGHTS AND APPROVAL OF PLAN FOR AUGMENTATION IN GILPIN COUNTY.** **1. Name, mailing address, e-mail address, and telephone number of Applicant:** Colorado Division of Parks and Wildlife and the Parks and Wildlife Commission (“CPW”) 6060 Broadway, Denver, CO 80216 Attn: Pete Conovitz, Water Rights Program Administrator (970) 666-1365 pete.conovitz@state.co.us **2. Background:** CPW owns and manages Golden Gate Canyon State Park, located within an hour of the Denver metro area with over 35 miles of trails and various camping opportunities. The purpose of this Application is to adjudicate conditional water rights and approval of a plan for augmentation for structures with sources of water tributary to the South Boulder Creek and Ralston Creek in Water Division 1. CPW seeks conditional water rights for three groundwater wells serving the Reverend’s Ridge Campground and approval of a plan for augmentation to replace depletions resulting from operation of these wells. Historically, the Reverend’s Ridge Campground has been served by three water wells currently permitted as commercial exempt. The wastewater treatment facility that serves the campground currently discharges to groundwater. However, due to difficulties in meeting permit requirements, the wastewater treatment plant will soon begin discharging treated wastewater effluent into lined evapotranspiration fields. Discharge to an evaporative system is not allowed under the existing well permit conditions and requires adjudication of an augmentation plan to allow any treated well effluent to be discharged to the lined evapotranspiration fields. Accordingly, CPW has filed this application. **3. First Claim for Relief: Conditional Groundwater Rights** A. Name of Structure: Reverend’s Ridge East Well. 1. Location of Structure: See **Exhibit A** for the location map. a. Legal Description: SW1/4 of NE1/4 of Section 16, Township 2 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point 2606 feet South and 1345 feet West of the NE Corner of said Section 16. b. UTM Coordinates: 13N 461595.4m E 4414075.3m N. 2. Source: Groundwater tributary to Clear Creek, tributary to the South Platte River. 3. Depth of Well: approximately 200 feet. 4. Appropriation date: July 3, 2025. 5. How appropriation was initiated: By CPW’s formation of the intent to use the water and filing of the application in this case. 6. Date water applied to beneficial use: N/A. 7. Amount: 15 gpm, conditional. 8. Uses: Domestic and commercial uses associated with the campground, stock watering, fire suppression, replacement, and augmentation. B. Name of Structure: Reverend’s Ridge West Well. 1. Location of Structure: See **Exhibit A** for the location map. a. Legal Description: SW1/4 of NE1/4 of Section 16, Township 2 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point 2606 feet South and 1345 feet West of the NE

Corner of said Section 16. b. UTM Coordinates: 13N 461274.3m E 4414057.6m N. 2. Source: Groundwater tributary to Clear Creek, tributary to the South Platte River. 3. Depth of Well: approximately 200 feet. 4. Appropriation date: July 3, 2025. 5. How appropriation was initiated: By CPW's formation of the intent to use the water and filing of the application in this case. 6. Date water applied to beneficial use: N/A. 7. Amount: 15 gpm, conditional. 8. Uses: Domestic and commercial uses associated with the campground, stock watering, fire suppression, replacement, and augmentation. B. Name of Structure: Reverend's Ridge West Well. 1. Location of Structure: See Exhibit A for the location map. a. Legal Description: SW1/4 of NE1/4 of Section 16, Township 2 South, Range 72 West of the 6th P.M., Gilpin County, Colorado, at a point 1712 feet South and 1815 feet West of the NE Corner of said Section 16. b. UTM Coordinates: 13N 461446.0m E 4414347.4m N. 2. Source: Groundwater tributary to Clear Creek, tributary to the South Platte River. 3. Depth of Well: approximately 200 feet. 4. Appropriation: July 3, 2025. 5. How appropriation was initiated: By CPW's formation of the intent to use the water and filing of the application in this case. 6. Date water applied to beneficial use: N/A. 7. Amount: 15 gpm, conditional. 8. Uses: Domestic and commercial uses associated with the campground, stock watering, fire suppression, replacement, and augmentation. 8. Uses: Domestic and commercial uses associated with the campground, stock watering, fire suppression, replacement, and augmentation. D. Remarks: 1. CPW intends to utilize the existing well structures for Reverend's Ridge East Well, Reverend's Ridge West Well, and Reverend's Ridge North Well, and will apply for well permits consistent with this application. 2. Before the wells are pumped, applications for well permits will be filed with the State Engineer's office, and well permits shall be granted consistent with the decree resulting from this application. 3. CPW intends to discharge the treated wastewater effluent from the wastewater treatment facility into lined evapotranspiration fields. 4. If the wells permitted as described above in Paragraphs 3(A)-(C) are in any way physically or legally limited in producing the desired flow rate, CPW reserves the right to drill and replace the wells associated with the water rights to be decreed in this case. 5. Upon entry of the decree resulting from this application, CPW intends to abandon the existing water rights associated with the structures decreed in Case No. W-64368, Water Division 1 Case No. W-8208-76. **4. Second Claim for Relief: Claim for Approval of Plan for Augmentation:** A. Names of structures to be augmented: 1. Reverend's Ridge East Well, Reverend's Ridge West Well, Reverend's Ridge North Well as described above in paragraph 3. B. Water Rights to be used for augmentation: 1. Up to 50 acre-feet of non-potable water per calendar year from Denver Water sources under an Amended Intergovernmental Agreement. Water will be released from Ralston Creek Reservoir to replace depletions impacting Ralston Creek and water will be released from Gross Reservoir to replace depletions on South Boulder Creek. The Amended Intergovernmental Agreement is finalized and is being sent out for signatures as of the date of this application. This Agreement expires on August 31, 2028. 2. Credits from Goodrich Augmentation Plan W-2919 may be used as replacement to satisfy a downstream call if located on the mainstem South Platte River below the Fort Morgan Canal. 3. CPW's "North Fork" rights decreed in Case No. 84CW566, either by direct replacement or subsequent to storage in Chatfield Reservoir. 4. Fully consumable augmentation water contracted to CPW by the City of Longmont. 5. CPW may utilize trucking of replacement water to replace depletions. 6. CPW may also pump augmentation water from Reverend's Ridge West Well and truck such water to South Boulder Creek to replace depletions on the same. 7. Additional replacement sources. Water from additional and alternative sources may be used in this plan for augmentation if such sources are decreed or lawfully available for such use or are part of a substitute water supply plan approved by the State Engineer under section 37-92-308, C.R.S., or an interruptible supply agreement approved under section 37-92-309, C.R.S., or other applicable and/or successor statutes C. Does the Applicant intend to change any water rights to provide a source of augmentation? CPW does not intend to change any water rights to provide a source of augmentation in this case. D. Complete statement of plan for augmentation: 2. Location of depletions: The well depletions impact South Boulder Creek above Gross Reservoir and Ralston Creek above Kriley Pond located in Golden Gate State Park. The location of well depletions is shown in Exhibit B. 3. Amount of depletions: The maximum annual depletions will be 4.71 acre-feet, with a maximum of 2.58 acre-feet of depletions accruing to Ralston Creek and a maximum of 2.13 acre-feet of depletions accruing to South Boulder Creek. Well pumping is considered 100% depletive as the treatment process for wastewater will involve discharge

into lined evapotranspiration fields. 4. Timing of depletions: The depletions will be determined by lagging actual well depletions according to the Unit Response Factors (URFs) in Exhibit C. 5. Replacement of depletions: Depletions will be replaced on South Boulder Creek from releases from Gross Reservoir or replacement water will be trucked and released above the calling water right on South Boulder Creek. Depletions will be replaced to Ralston Creek from Ralston Reservoir. Depletions will be replaced on a frequency as requested by the Division Engineer or Water Commissioner. 6. Terms and conditions to prevent injury: CPW will include sufficient terms and conditions in any decree in this case to prevent injury to owner of or persons entitled to use water under a vested water right or a decreed conditional water right. Terms and conditions will include, but are not limited to: a. Transit losses. When replacement water is released at locations upstream of locations of depletions, transit losses will be assessed at the rate prescribed by the Division Engineer. b. Accounting. CPW will account for the depletions and amounts of replacement water under this augmentation plan. Accounting will be submitted as required to the Division Engineer. 7. Does the plan for augmentation include an exchange that Applicant desires to adjudicate? No. This plan for augmentation does not include any type of exchange. 5. **Integrated System**: The conditional groundwater rights that are the subject of this Application are part of this integrated water system comprising all water rights decreed and used for operation of the Applicant's water supply system for Golden Gate Canyon State Park. Applicant requests that reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. 6. **Name and addresses of 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 will be stored**: Applicant, CPW. WHEREFORE, CPW respectfully requests this Court enter a decree adjudicating the conditional groundwater rights and approving the plan for augmentation as described herein, and for such other relief as this Court deems just and proper. Number of pages of Application: 8

CASE NUMBER 2025CW3094 KEVIN LUDWIG, 24935 Cave Spring Trail, Elbert, CO 80106. James J. Petrock, John Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT NON TRIBUTARY UPPER DAWSON FORMATION IN ELBERT COUNTY**. Well Permits: Well permits will be applied for before construction of any wells. Subject Property: Lot 3 Palmer Divide Ranches on East Cherry Creek per plat recorded June 6.2005 reception no 470987, Elbert County Colorado, as described in the attached Exhibit A (:Subject Property"). Applicant the sole owner of the Property. All of the Subject Property is included within the property described in Case No 04CW157, Water Division One. Source and amount of Water Rights- 3.1 acre feet per year non tributary Lower Dawson groundwater as decreed in Case 04CW157, Water Division One. 3.0 acre feet per year Upper Dawson not non tributary groundwater as decreed in Case 04 CW 157 Water Division One. Proposed Uses: In-house use, irrigation of home lawns and gardens in 2 single-family residences, 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. Groundwater to be augmented: 2 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 2 residences on Lot 3 as permitted under Elbert County regulation, through individual wells for in-house use (.3 acre/year .6 acre feet per year total) and irrigation of 15,000 square feet of lawns and garden per house 30,000 square feet totsl 1.4 acre feet/year.. 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 as the Court may deem appropriate. 3 Pages.

CASE NUMBER 2025CW3095 THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS (“Denver Water”), 1600 West 12th Avenue, Denver, Colorado 80204. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler, Crystal J. Easom. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES IN DOUGLAS, JEFFERSON, ARAPAHOE, DENVER, BROOMFIELD, WELD, BOULDER AND ADAMS COUNTIES. Number of pages of Application 14. 2. Name of Water Rights for Which Diligence is Sought. a. Recycling Plant Intake Water Right b. Recycling Plant Substitution and Exchange Water Right 3. Description of Recycling Plant Intake Water Right. a. Type of Water Right. Direct flow. b. Date of Original and All Relevant Subsequent Decrees. The original decree for the Recycling Plant Intake Water Right was entered on December 6, 2011, in Case No. 2001CW287 WD1. A decree continuing the conditional water rights and making a portion absolute was entered in Case No. 2017CW3206 WD1, dated July 1, 2019. c. Legal Description of Structure. The Recycling Plant Intake Pump Station is located near the Metro North and South Outfalls at the Robert W. Hite Treatment Facility (“Metro Plant”). The Recycling Plant Intake Pump Station diverts treated wastewater through two intakes from the Metro Plant effluent streams located in the North and South channels that feed into Metro Plant’s chlorine contact basin. The two intakes are located in the NE 1/4 of the NW 1/4, S12, T3S, R68W, 6th P.M. in Adams County, Colorado, approximately 777 feet from the north section line and 1,455 feet from the west section line and approximately 797 feet from the north section line and 1,553 feet from the west section line. d. Source of Water. Wastewater effluent tributary to the South Platte River that is diverted from the North and South Outfalls of Metro. e. Date of Appropriation. December 28, 2001. f. Flow Rate and Amount Absolute and Remaining Conditional. A maximum flow rate not to exceed 70 cubic feet per second (“c.f.s.”). Of the 70 c.f.s., 60.36 c.f.s. has been made absolute, and 9.64 c.f.s. is conditional. g. Volumetric Limit. 17,500 acre-feet diversion limit annually from November 1 through October 31 of the following year, in combination with the volume of water diverted under the Recycling Plant Substitution and Exchange Water Right, and the exchange from the Lupton Lakes Reservoir Complex to the Recycling Plant Intake Pump Station claimed in Case No. 2009CW123 WD1. h. Use. The water diverted under the Recycling Plant Intake Water Right will be diverted through the Recycling Plant Intake Pump Station for use by Denver Water’s Recycling Plant water customers following treatment at the Recycling Plant, for nonagricultural irrigation, commercial, industrial, and municipal uses, including mechanical, manufacturing, industrial, power generation, fire protection, street sprinkling, irrigation of parks, schools, yards, lawns, grounds and open spaces, maintenance and filling of lakes and ponds, recreation, piscatorial, and maintenance and preservation of wildlife and aesthetic values. The water so delivered may be fully consumed and, if not fully consumed in the first use, any return flows from such first use may be reused and successively used, subject to the terms and conditions of the decree entered in Case No. 2001CW287 WD1, by Denver Water and its customers, directly or after storage or exchange, for the uses described above, as well as for all municipal uses, including but not limited to domestic uses, augmentation, substitution, replacement of lake and reservoir evaporation, and sewage treatment. i. Place of Use. Waters diverted under this water right may be placed to beneficial use by Denver Water wherever it may, now or in the future, legally provide water. 4. Description of Recycling Plant Substitution and Exchange Water Right. a. Type of Water Right. Appropriative right of substitution and exchange. b. Appropriative Right of Substitution and Exchange. The Recycling Plant Substitution and Exchange Water Right will be used to divert water out-of-priority at the Recycling Plant Intake Pump Station, described in paragraph 4.0, by substitution and exchange from the exchange-from points set forth

in paragraph 4.0 of this Application. Maps generally depicting the exchange reaches are attached hereto as **Exhibit A**. c. Date of Original and All Relevant Subsequent Decrees. See paragraph 3.b above. d. Source of Water at Exchange-to Point. Wastewater effluent tributary to the South Platte River that is diverted from the North and South Outfalls of the Metro Plant. e. Locations of Exchange-to Point. The Recycling Plant Intake Pump Station is located near the Metro North and South Outfalls at the Metro Plant. The Recycling Plant Intake Pump Station diverts treated wastewater through two intakes from the Metro wastewater treatment plant effluent streams located in the North and South channels that feed into Metro's chlorine contact basin. The two intakes are located in the NE 1/4 of the NW 1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. The first intake is located approximately 777 feet from the north section line and 1,455 feet from the west section line. The second intake is located approximately 797 feet from the north section line and 1,553 feet from the west section line. f. Locations of Exchange-from Points. (1) Metro Outfall. The point where the Metro Outfall physically discharges wastewater to the South Platte River, located within the NE 1/4 of the NW 1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado, at a point located approximately 37 feet from the north section line and 1,367 feet from the west section line. (2) The Outlet of the South Reservoir Complex. The South Reservoir Complex consists of two off-channel reservoirs designated as Bambei-Walker Reservoir (f.k.a. Miller Dam and Reservoir) and Welby Reservoir (f.k.a. Cat Reservoir). A pipeline located under the South Platte River connects the two reservoirs so they operate as an integrated unit. The outlet for the South Reservoir Complex is located on the west bank of the South Platte River in the NE 1/4 of the NW 1/4 of S1, T3S, R68W of the 6th P.M., Adams County, Colorado, at a point located approximately 997 feet from North section line and 2,477 feet from West section line. (3) Confluence of South Platte River and Clear Creek. The confluence of the South Platte River and Clear Creek, located in the SW 1/4 of the SE 1/4 of S36, T2S, R68W of the 6th P.M., in Adams County, Colorado. (4) The Outlet of the North Reservoir Complex. The North Reservoir Complex consists of five off-channel reservoirs designated as Howe-Haller A Reservoir, Howe-Haller B Reservoir, Hazeltine Reservoir, Dunes Dam and Reservoir and Tanabe Reservoir. The five reservoirs are connected by pipelines so that they function as an integrated unit. The outlet of the North Reservoir Complex is located within the NW 1/4 of the NE 1/4 of S3, T2S, R67W, 6th P.M., in Adams County, Colorado being 2578.48 feet westerly of the easterly line of said section and 179.01 feet southerly of the northerly line of said section. (5) South Adams County Water and Sanitation District Wastewater Treatment Plant Outfall. The point where the South Adams County Wastewater Treatment Plant physically discharges wastewater to the South Platte River located within the SW 1/4 of the SE 1/4 of S17, T2S, R67W, 6th P.M., in Adams County, Colorado, at a point located approximately 1,245 feet from South section line and 2,607 feet from East section line. (6) Outfall of Northern Treatment Plant. The Northern Treatment Plant Outfall is located in the SE 1/4 of the SW 1/4 of S31, T1N, R66W, 6th P.M., Weld County, Colorado. g. Locations of Upstream Substitute Supply Release Points. Water will be released from the sources listed in **Exhibit B** from the structures or locations described below and transported downstream to the confluence of the Metro Outfall and the South Platte River pursuant to C.R.S. § 37-83-101 for use as a substitute supply for wastewater tributary to the South Platte that is diverted from the locations described in paragraph 4.0. (1) Lawn Irrigation Return Flows. Denver Water's Lawn Irrigation Return Flows as quantified and decreed for use and at the locations decreed in Case No. 2004CW121 WD1. (2) South Platte Renew Outfall. The South Platte Renew Outfall (formerly the Littleton/Englewood Waste Water Treatment Plant Outfall) is located in the SE 1/4 of the SE 1/4 of S28, T4S, R68W of the 6th P.M., 128 feet from South Section line and 34 feet from East Section line, Denver County, Colorado. (3) Chatfield Reservoir Outlet. The Reservoir formed by the Chatfield Dam, an existing structure located approximately eight miles southwest of the City and County of Denver, Colorado on the main stem of the South Platte River; the right abutment of which is located in Douglas County, Colorado in S6 and S7, T6S, R68W, of the 6th P.M.; and the left abutment of which is located in Jefferson County, Colorado in S1, T6S, R69W of the 6th P.M. (4) Harriman Ditch Headgate. The Harriman Ditch Headgate from Bear Creek is located at a point on the South side of said creek in the NE 1/4 of the NE 1/4 of S2, T5S, R70W, 6th P.M., in Jefferson County, Colorado, approximately 199 feet from North section line and 783 feet from East section line. The Turkey Creek point of diversion is located on the south bank of Turkey Creek in the NW 1/4 of the NW 1/4 of S7, T5S, R69W, 6th P.M., in Jefferson County,

Colorado, approximately 38 feet from North section line and 541 feet from West section line. h. Sources of Substitute Supply for Exchange. The water rights that will be used as substitute supplies to operate the Recycling Plant Substitution and Exchange described in paragraph 4 are those identified in **Exhibit B**. i. Exchange Reaches. The exchanges are decreed to operate within the following six exchange reaches: (1) Exchange Reach A. From the point where the Metro Outfall physically discharges wastewater to the South Platte River, located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (2) Exchange Reach B. From the South Reservoir Complex outlet located on the west bank of the South Platte River in the SW 1/4 of the NE 1/4 of S1, T3S, R68W of the 6th P.M., Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (3) Exchange Reach C. From the confluence of the South Platte River and Clear Creek, located in the SW1/4 of the SE1/4 of S36, T2S, R68W of the 6th P.M., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (4) Exchange Reach D. From the outlet of the North Reservoir Complex which is located within the NW1/4 of the NE1/4 of S3, T2S, R67W, 6th PM., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (5) Exchange Reach E. From the confluence of the outfall of the South Adams County Wastewater Treatment Plant with the South Platte River located within the SW1/4 of the SE1/4 of S17, T2S, R67W, 6th P.M., in Adams County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. (6) Exchange Reach F. From the Northern Treatment Plant Outfall which is located at the SE1/4 of the SW1/4 of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado to the Recycling Plant Intake Pump Station located in the NE1/4 of the NW1/4, S12, T3S, R68W, 6th P.M., in Adams County, Colorado. j. Date of Appropriation. December 28, 2001. k. Flow Rate and Amounts Absolute and Remaining Conditional. A maximum flow rate not to exceed 70 c.f.s., provided that the combined diversion rate at the Recycling Plant Intake Pump Station from all sources shall not exceed a flow rate of 70 c.f.s. at any one time. The Recycling Plant Substitution and Exchange Water Right is absolute in the following amounts: Exchange Reach A: 29.05 c.f.s. based on operation of a substitution and exchange on August 1, 2008, from the Metro Outfall to the Recycling Plant Intake Pump Station. Exchange Reach B: 16.09 c.f.s. based on operation of an exchange on September 8, 2010, from the South Reservoir Complex to the Recycling Plant Intake Pump Station. The following exchange reaches remain conditional by the following amounts: Exchange Reach A: 40.95 c.f.s. Exchange Reach B: 53.91 c.f.s. Exchange Reach C: 70 c.f.s. Exchange Reach D: 70 c.f.s. Exchange Reach E: 70 c.f.s. Exchange Reach F: 70 c.f.s. l. Volumetric Limit. 17,500 acre-feet annually from November 1 through October 31 of the following year, in combination with the exchange from the Lupton Lakes Reservoir Complex to the Recycling Plant Intake Pump Station decreed in Case No. 2009CW123 WD1 and the Recycling Plant Intake Water Right. m. Use. The water diverted under the Recycling Plant Substitution and Exchange will be diverted through the Recycling Plant Intake Pump Station for use by Denver Water's Recycling Plant water customers following treatment at the Recycling Plant for nonagricultural irrigation, commercial, industrial, and municipal uses, including mechanical, manufacturing, industrial, power generation, fire protection, street sprinkling, irrigation of parks, yards, schools, lawns, grounds and open spaces, recreation, piscatorial, maintenance and filling of lakes and ponds, and maintenance and preservation of wildlife and aesthetic values. If Denver Water uses a fully consumable substitute supply to perform the Substitution and Exchange, the water so diverted and delivered may be fully consumed and, if not fully consumed in the first use, any return flows from such first use may be reused and successively used, subject to the terms and conditions of the decree entered in Case No. 2001CW287 WD1, by Denver Water and its customers, directly or after storage or exchange, for the uses described above, as well as for all municipal uses, including but not limited to domestic uses, augmentation, substitution, replacement of lake and reservoir evaporation, and sewage treatment. n. Place of Use. Waters diverted under the Recycling Plant Substitution and Exchange will be placed to beneficial use by Denver Water wherever it may, now or in the future, legally provide water. **Claim for Finding of Reasonable Diligence** 5. Claim for Finding of Reasonable Diligence. During the

most recent diligence period, Denver Water completed the following work which allows for the reasonably diligent completion of the project and diversion of water for beneficial use within a reasonable time: a. Recycling Plant. Denver Water completed the following diligence activities directly related to the Recycling Plant during the diligence period: (1) In 2019, entered into an agreement with Denver Public Schools for the conversion of its terminal to recycled water, including disconnecting irrigation and wash systems from potable water supply and connecting them to recycled water supply. The total project cost was approximately \$17,300. (2) In 2019, contracted with Moltz Construction Inc. to upgrade the polymer system and valves at the Recycling Plant. The total project cost was approximately \$741,000. (3) In 2019, contracted with Archer Western Construction, LLC to provide cost estimating for the Recycling Plant polymer system and valves upgrade project. Denver Water expended approximately \$11,800 for the estimate. (4) In 2019, entered into an intergovernmental agreement with the City and County of Denver to provide funding for recycled water infrastructure at the National Western Center to help meet non-potable water demands. Denver Water expended \$58,100 under the IGA related to the recycled water infrastructure. (5) In 2022, contracted with Garney Companies Inc. to improve the chlorine and solids removal systems at the Recycling Plant, including replacing chlorine evaporators, converting the chlorine scrubber, and replacing components of the solids removal system. Denver Water expended approximately \$882,000 under the contract. (6) In 2022, contracted with Canterbury Construction Management Services, Inc. for cost estimating and construction schedule services for the chlorine gas and solids removal systems upgrades at the Recycling Plant. Denver Water expended approximately \$10,900 under the contract. (7) In 2023, contracted with Murphy Company for the replacement of the heating, ventilation, and air conditioning system of the Recycling Plant distribution pump station and to add air conditioning to the Recycling Plant chemical building. Denver Water expended approximately \$2,042,000 under the contract. (8) In 2024, entered into an Intergovernmental Agreement with the City of Aurora and Metro Water Recovery (a/k/a Metro Wastewater) to study potential options to utilize reusable effluent generated at the Metro Plant. (9) In 2024, entered into a contract with Fairmount Cemetery for recycled water service, and in 2025 constructed infrastructure at Fairmount Cemetery to allow it to take delivery of recycled water when a future main extension is complete. b. South Reservoir Complex. The South Reservoir Complex is used to exchange water to the Recycling Plant Pump and Intake and is an integrated portion of the Recycling Plant Substitution and Exchange Water Right. During the diligence period, Denver Water performed the following work on the South Reservoir Complex to maintain the facility: (1) Denver Water completed annual operations and maintenance including annual dam safety inspections with State Engineer's Office ("SEO") at Miller Dam and survey for movement. (2) Denver Water stored, diverted, and placed to beneficial use water stored in the South Reservoir Complex during the diligence period. c. North Reservoir Complex. The North Reservoir Complex is used to exchange water to the Recycling Plant Pump and Intake and is an integrated portion of the Recycling Plant Substitution and Exchange Water Right. During the diligence period, Denver Water performed the following work on the North Reservoir Complex to construct and maintain the facility: (1) Denver Water completed annual operations and maintenance including annual dam safety inspections with SEO at Dunes Dam and survey for movement. (2) In 2021, contracted with Jacobs Engineering Group Inc. to perform the North Reservoir Complex water quality study project. Denver Water expended approximately \$21,000 under the contract. (3) In 2021, entered into an intergovernmental agreement with South Adams County Water and Sanitation District to remove additional material from and enlarge Hazeltine Reservoir. (4) In 2021, contracted with Concrete Express, Inc. for mining services to remove material from Hazeltine Reservoir. Denver Water expended a total of \$5,956,000 under the contract. (5) In 2022, contracted with Garney Companies LLC for Phase 1 design assistance for the North Reservoir Complex. Denver Water expended approximately \$154,000 under the contract. (6) In 2022, contracted with HRS Water Consultants Inc. for hydrogeologic consulting to design and test the North Reservoir Complex's mounding drain. Denver Water expended approximately \$135,000 under the contract. (7) In 2022, contracted with Olsson Associates for a hydraulic analysis of the Hazeltine Reservoir Spillway. Denver Water expended approximately \$14,000 under the contract. (8) In 2022, contracted with Guarantee Electrical Contracting LLC for estimating, constructability, and value engineering assessment services for the North Complex Hazeltine Pump Station site electrical project. Denver Water expended approximately

\$2,600 under the contract. (9) In 2022, contracted with Alden Research Laboratory Inc., later Verdantas LLC, for structural and architectural design services for Phase 1 of the Hazeltine Pump Station and appurtenant electrical, instrumentation, and control (“EI&C”) project for the North Complex. Denver Water expended approximately \$663,903 under the contract. (10) In 2022, retained W.W. Wheeler and Associates for engineering services to design and construct a spillway on the Hazeltine Reservoir embankment adjacent to the South Platte River. Denver Water expended approximately \$245,000 under the contract. (11) In 2022, contracted with Merrick & Company to provide surveying and aerial mapping services to map the topographic conditions of Hazeltine Reservoir. Denver Water expended approximately \$40,400 under the contract. (12) In 2023, contracted with Clemson Engineering Hydraulics Inc. for a scaled physical model of the North Reservoir Complex facility station design to ensure Hydraulic Institute Standard compliance. Denver Water expended approximately \$65,000 under the contract. (13) In 2023, contracted with HRS Water Consultants for civil and hydraulic engineering for the mounding drain gravity design project for the North Reservoir Complex. Denver Water expended approximately \$64,000 under the contract. (14) In 2023, contracted with HRS Water Consultants for hydrogeologic consulting services for the mounding drain gravity design project for the North Reservoir Complex. Denver Water expended approximately \$110,000 under the contract. (15) In 2023, contracted with Guarantee Electrical Contracting LLC for labor, materials, and equipment for the Hazeltine Pump Station site electrical project. Denver Water expended approximately \$3,385,000 under the contract. (16) In 2023, contracted with American West Construction, LLC to provide labor, materials, and equipment for armoring and bank protection of the spillway between Hazeltine Reservoir and the South Platte River. Denver Water expended approximately \$1,524,000 under the contract. (17) Denver Water repaired the south slope of Howe-Haller A Reservoir that was damaged during a 2023 spring storm. Denver Water expended approximately \$71,800 in repair work. (18) In 2024, contracted with United Power Inc. for construction services for required EI&C for the North Reservoir Complex. Denver Water expended approximately \$59,000 under the contract. (19) In 2024, contracted with QP Services, LLC for labor, materials, and equipment for North Reservoir Complex mounding drain modifications, including installing a fiberglass manhole foundation and flume as well as providing dewatering activities. Denver Water expended approximately \$208,000 under the contract. (20) In 2024, contracted with Hensel Phelps Construction Co. for all labor, materials, and equipment for the Hazeltine Pump Station heavy civil project, including completing most of the earthwork and concrete scope needed for the station. Denver Water expended approximately \$2,388,000 under the contract. (21) In 2025, contracted with United Power, Inc. for cost estimate and design services for engineering, constructing, and installing electric service at Hazeltine Reservoir of the North Reservoir Complex. Denver Water expended approximately \$64,600 under the contract. (22) Denver Water stored, diverted, and placed to beneficial use water stored in the North Reservoir Complex during the diligence period. **Claim to Make Amounts Absolute** 6. Claim to Make Amount Absolute. a. Of the 70 c.f.s. conditionally decreed, Denver Water claims 40.27 c.f.s. of the Recycling Plant Substitution and Exchange Water Right absolute for Exchange Reach A. This claim is based on the operation of an exchange from the Metro Outfall at the South Platte River to the Recycling Plant Intake Pump Station, on August 17, 2021. b. Of the 70 c.f.s. conditionally decreed, Denver Water claims 16.98 c.f.s. of the Recycling Plant Substitution and Exchange Water Right absolute for Exchange Reach D. This claim is based on the operation of an exchange from the North Reservoir Complex Outlet at the South Platte River to the Recycling Plant Intake Pump Station, on October 3, 2023. c. Denver Water may rely on other diversions under the Recycling Plant Intake Water Right and Recycling Plant Substitution and Exchange Water Right to support its claim to make absolute an amount equivalent to the amounts set forth in paragraph 6.a. and 6.b. above or a lesser amount. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Denver Water is not proposing new diversion or storage structures that do not already exist, nor is Denver Water proposing modifications to any existing diversion or storage structure for the diversion of the water rights described herein. However, Denver Water is providing notice to the following entities because this application relates to certain structures and property in which the following entities may have a property interest. a. Metro

Wastewater Reclamation District, 6450 York Street, Denver, CO 80229 b. South Adams County Water and Sanitation District, 6595 East 70th Avenue, Commerce City, CO 80022

CASE NUMBER 2025CW3096 (12CW205 and 19CW3026) W6, LLC (“Applicant”), c/o Ted Watchorn, 9594 Road 58, Dalton, NE 69131; Email: tedwatch@hotmail.com; Telephone Number: (308) 249-0600. Please direct all correspondence concerning this Application to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., and Bradley N. Kershaw, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, Colorado 80301; Telephone Number: (303) 443-6151; Email: pcj@vrlaw.com; aak@vrlaw.com; bnk@vrlaw.com. **APPLICATION TO MAKE WATER RIGHT ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN SEDGWICK COUNTY.** 2. Name of structure: New Reservoir. The water right decreed to New Reservoir is referred to below as the “Subject Conditional Water Right.” 3. Description of Subject Conditional Water Right: A. Date of original decree: Case No. 05CW310, District Court, Water Division No. 1, entered on August 3, 2006 (“05CW310 Decree”). B. Subsequent decrees awarding findings of reasonable diligence: Case No. 12CW205, entered on February 21, 2013; and Case No. 19CW3026, entered on July 26, 2019, both by the District Court, Water Division No. 1. C. Legal description of the structure: New Reservoir is located in the E1/2 of Section 15, Township 11 North, Range 45 West, 6th P.M., approximately 1,460 feet West of the East section line and 940 feet South of the North section line. D. Source of water: Natural springs tributary to the South Platte River. E. Date of appropriation and amount: April 30, 1999; 5 acre-feet, fill and re-fill, CONDITIONAL. F. Uses: Storage for recreation, piscatorial, wetland and wildlife habitat, livestock watering and irrigation of 130 acres in the E1/2 of Section 15 and the SE1/4 of Section 10, Township 11 North, Range 45 West, 6th P.M. G. Depth: N/A. H. Comment: New Reservoir is a component of Applicant’s integrated water system, which includes additional water rights decreed in the 05CW310 Decree. 4. Amount Claimed Absolute: A. Amount: 1.2 acre-feet, for a total absolute amount of 1.2 acre-feet (3.8 acre-feet remains conditional). B. Date water applied to beneficial use: During the period from June 3, 2025, to June 8, 2025, Applicant diverted water to storage during free river under the Subject Conditional Water Right for the decreed beneficial uses, in the amount of 1.2 acre-feet, as shown on the documentation attached hereto as **Exhibit A**. 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. C. Applicant reserves the right to claim absolute any additional amount of water diverted and stored under the Subject Conditional Water Right prior to the Court entering a decree in this case, without the need for publishing an amendment to this Application. 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 February 27, 2019 through the date of filing this Application (“Diligence Period”), Applicant 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 Applicant’s integrated water system. The activities and costs identified herein are not exhaustive, and Applicant reserves the right to provide evidence of other work done and costs incurred during the Diligence Period as this case proceeds. A. During the Diligence Period, Applicant has continued to install, maintain, and operate the structures and components of New Reservoir and the Subject Conditional Water Right. Such activities include, but are not limited to, the following: i. Installation and maintenance of valves, outlets, and diversion structures associated with New Reservoir, during each year of the subject Diligence Period, including underground pipeline repair and maintenance in December 2023. During the Diligence Period, Applicant has expended in excess of approximately \$35,000 on such installation and maintenance activities at New Reservoir to improve the structures necessary for operation and measurement under the Subject Conditional Water Right. ii. Maintenance of berms associated with New Reservoir, including structural berm repairs and efforts to control noxious weeds and phreatophytes in November 2023 as well as berm excavation efforts in July 2024. During the Diligence Period, Applicant has expended in excess of

approximately \$12,000 on berm repair and maintenance efforts, including labor costs. iii. During the Diligence Period, Applicant has dedicated significant staff time and resources related to the activities and efforts above, and for planning efforts related to New Reservoir and the Subject Conditional Water Right. B. Applicant has expended substantial costs during the Diligence Period on outside professional services, including but not limited to engineering consultant and legal costs and fees related to the management, operation, maintenance, and protection of the Subject Conditional Water Right. C. New Reservoir and the Subject Conditional Water Right are components of Applicant's integrated water system, which includes additional water rights decreed in Case No. 05CW310 that are used for irrigation and wildlife habitat. During the Diligence Period, Applicant has continued to develop, construct, operate, repair, maintain, and improve its integrated water system. D. Applicant has retained legal counsel to monitor Water Court applications during the Diligence Period and to prepare and prosecute this Application, for which Applicant has incurred and will incur additional legal fees. E. The activities and costs described in this Paragraph 5 are in addition to Applicant's 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 an amount greater than the amount previously decreed absolute is additional evidence of Applicant's reasonable diligence in the development of the Subject Conditional Water Right. 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: No new diversion or storage structure, or modification to any existing diversion or storage structure is contemplated by this Application. The land on which New Reservoir is located is owned by Applicant. WHEREFORE, Applicant requests the Court to enter a decree granting the Application herein and finding and determining: (1) that Applicant has made an amount of 1.2 acre-feet absolute under the Subject Conditional Water Right (with 3.8 acre-feet remaining conditional); (2) that Applicant has proceeded with reasonable diligence in the development of the remaining conditional 3.8-acre-foot portion of the Subject Conditional Water Right; and (3) continuing the remaining conditional 3.8-acre-foot portion of the Subject Conditional Water Right in full force and effect for another diligence period or until made absolute by reason of the completion of the appropriation. (8 pgs., 1 Exhibit)

CASE NUMBER 2025CW3097 (09CW271, 19CW3025) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER AND WELD COUNTIES, COLORADO 1. Name and address of Applicant: CITY OF LONGMONT ("Longmont" or "City") c/o Water & Waste Department, Water Resources Division 375 Airport Road Longmont, CO 80503, (303) 651-8376. Copies of all pleadings to: David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980, dhayes@hpkwaterlaw.com, john@hpkwaterlaw.com. 2. Name of conditional water rights: Project Reclamation Features, Coffin Davis-St. Vrain Creek Pump Station No. 1 Exchange, Coffin Davis-Union Reservoir Exchange, and Coffin Davis Ditch, Sherwood Enlargement (collectively, the "Subject Water Rights"). The Subject Water Rights are components of an integrated post-mining reclamation and augmentation plan for several parcels, collectively known as the Saint Vrain Integrated Reclamation Plan Project ("Project"), which is being reclaimed as an open space greenway for the City. 3. Description of conditional water rights: A. Project Reclamation Features: The Project Reclamation Features consists of all new ponds, streams and other reclamation features within the mined and reclaimed area that cause new evaporative depletions and new consumptive use from wetlands established as the result of reclamation. i. Decrees: Originally adjudicated in the decree entered on February 20, 2013 in Case No. 09CW271 ("09CW271 Decree"), with findings of diligence approved in the decree entered on July 23, 2019, in Case No. 19CW3025 ("19CW3025 Decree"), by the District Court, Water Division No. 1, Colorado. ii. Location: The Project Reclamation Features are located within the Mine Permit Area, consisting of approximately 712 acres located in Sections 7, 8, 9, 17, & 18, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, as depicted on Exhibit A, (available for inspection at the office of the Division 1 Water Clerk or via CCE). iii. Source: Water tributary to St. Vrain Creek and Dry Creek, a tributary of St. Vrain Creek. iv. Appropriation date: October 26, 2004. v. Amount: 2 c.f.s., conditional. vi. Use: Reclamation, recreation, fish and wildlife propagation, and wetland propagation. B.

Coffin Davis-St. Vrain Creek Pump Station No. 1 Exchange: i. Decrees: Originally adjudicated in the 09CW271 Decree, with findings of diligence approved in the 19CW3025 Decree. ii. Upstream terminus: The St. Vrain Creek Pump Station No. 1, with an inlet located at a point on the North bank of St. Vrain Creek approximately 1,680 feet south and 1,010 feet west of the NE corner of Section 10, Township 2 North, Range 69 West, 6th P.M., Boulder County, Colorado. iii. Downstream terminus: The confluence of Dry Creek and St. Vrain Creek, in the NW 1/4 SE 1/4 of Section 7, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, approximately 2,490 feet west and 1,710 feet north of the southeast corner of Section 7. The exchange reach is depicted on Exhibit A. iv. Rate: 12 c.f.s., conditional. v. Source of replacement water: The Longmont Coffin Davis Right, as more fully described in and changed in the 09CW271. vi. Date of appropriation: December 22, 2009. vii. Use: The water diverted by exchange shall assume the decreed uses of the Longmont Coffin Davis Right, pursuant to the change of water right approved in the 09CW271 Decree. C. Coffin Davis-Union Reservoir Exchange: i. Original decree: Originally adjudicated in the 09CW271 Decree, with findings of diligence approved in the 19CW3025 Decree. ii. Upstream terminus: Union Reservoir, the outlet of which is located at a point on Spring Gulch in the NW1/4 NE1/4 of Section 6, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, approximately 660 ft south and 2230 ft west of the northeast corner of Section 6. iii. Downstream terminus: The confluence of Spring Gulch and St. Vrain Creek, in the NE1/4 SE1/4 of Section 7, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, approximately 840 ft west and 1960 ft north of the southeast corner of Section 7. The exchange reach is depicted on Exhibit A. iv. Rate: 17.3 c.f.s., conditional. v. Source of replacement water: The Longmont Coffin Davis Right. vi. Date of appropriation: December 30, 2009. vii. Use: The water diverted by exchange shall assume the decreed uses of the Longmont Coffin Davis Right, pursuant to the change of water right approved in the 09CW271 Decree. D. Coffin Davis Ditch, Sherwood Enlargement: i. Original decree: Originally adjudicated in the 09CW271 Decree, with findings of diligence approved in the 19CW3025 Decree. ii. Legal description: In the SW1/4 of Section 7, Township 2 North, Range 68 West, 6th P.M., Weld County, Colorado, at a point commencing at the SW corner of Section 7, whence the West one-quarter corner of said Section 7 bears North 00°00'00" East, thence North 88°03'49" East 999.07 feet to the point of diversion, as depicted on Exhibit A. iii. Source: Dry Creek, tributary to St. Vrain Creek. iv. Date of appropriation: December 22, 2009. v. Amount: 17.3 c.f.s., conditional. vi. Use: Recreation, fish and wildlife propagation, wetland propagation, and irrigation within the Project located in Sections 7, 8, 9, 17, & 18, Township 2 North, Range 68 West, Weld County, Colorado. vii. Other: Longmont may divert the Coffin Davis Ditch, Sherwood Enlargement at any time of the year, when available in priority. 4. **Detailed outline of work done to complete project and apply water to beneficial use**: The Subject Water Rights are integral components of Longmont's St. Vrain Integrated Reclamation Plan Project. During the applicable Diligence Period (July 2019 to the present), Longmont has taken steps to diligently develop the Subject Water Rights, including, without limitation, the activities listed in the application (available for inspection at the office of the Division 1 Water Clerk or via CCE). The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. The work and expenditures listed in the application are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. 5. **Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool**: A. Applicant, City of Longmont. B. Mhari and Gary Peschel, 10220 County Road 1, Longmont, CO 80504. C. Holcim-WCR, Inc. et al. 6211 North Ann Arbor Road, Dundee, MI 48131. D. Joseph, William, Richard Distel & Robert F Distel Trust, 7741 County Road 24 Longmont, CO 80504-9549. E. Bigelow Investments, LP, 2401 Ginny Way, Lafayette, CO 80026. F. County of Boulder, 5201 St. Vrain Rd., Bldg. 1, Longmont, CO 80503. **WHEREFORE**, Longmont respectfully requests that the Court enter an order finding reasonable diligence for and continuing in full force and effect the conditional Subject Water Rights described in Paragraph 3 above.

CASE NUMBER 2025CW3098 (94CW62, 08CW203, 18CW3008) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY

1. Name and address of Applicant: CITY OF LONGMONT (“Longmont” or “City”) c/o Water & Waste Department, Water Resources Division, 375 Airport Road, Longmont, CO 80503, (303) 651-8376 Copies of all pleadings to: David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800 Denver, Colorado 80202 (303) 825-1980 dhayes@hpkwaterlaw.com, john@hpkwaterlaw.com

2. Description of conditional water rights: A. Original Decree: Case No. 94CW62, Division 1 Water Court, entered September 26, 2002. B. Diligence Decrees: Case No. 08CW203, Division 1 Water Court entered January 23, 2012; and Case No. 18CW3008, Division 1 Water Court entered July 23, 2019. C. Name of Structures: i. Longmont Operations Lake No. 1 (a/k/a Longmont Operation Lakes No. 1 and Longmont Operation Tull Reservoir No. 1); ii. Longmont Operations Lake No. 2 (a/k/a Longmont Operation Lakes No. 2 and Longmont Operation Tull Reservoir No. 2); iii. Longmont Operations Lakes Pipeline No. 1; iv. Longmont Operations Lakes Pipeline No. 2. D. Legal Description of Structures: The Longmont Operation, a/k/a Longmont Operations Tull Reservoirs site, consists of Longmont Operations Lake Nos. 1 and 2 and will be located in the NW 1/4 of Section 16 and in a part of the E 1/2 of the NE 1/4 of Section 17 and the SE 1/4 of the SW 1/4 of Section 9, Township 2 N, Range 68 W of the 6th P.M., in Weld County. Longmont Operation Lake Nos. 1 and 2 will be located north of Weld County Road 20.5 and west of Weld County Road 7 in Weld County, Colorado and are generally depicted on the location map attached to the application as Exhibit A (available for inspection at the office of the Division 1 Water Clerk or via CCE) in the area denoted as the “Tull Pit”. Longmont Operation Lake Nos. 1 and 2 may be filled using one or more of the following structures: i. Longmont Operation Lakes Pipeline No. 1 will be located on the east bank of Boulder Creek in the east half of the northeast quarter of Section 17, Township 2 North, Range 68 West, 6th P.M., Weld County. ii. Longmont Operation Lakes Pipeline No. 2 will be located on the east bank of Boulder Creek in the west half of the northwest quarter of Section 16, Township 2 North, Range 68 West, 6th P.M., Weld County. iii. Smith and Emmons Ditch: The Smith and Emmons Ditch headgate is on Boulder Creek located 1,056 feet from the west line and 1,650 feet from the north line, Section 21, Township 2 North, Range 68 West, 6th P.M., Weld County. A lateral from the Smith and Emmons Ditch can serve Longmont Operation Lakes No. 2. E. Source: Water tributary to the South Platte River, specifically Boulder Creek via the Longmont Operations Lakes Pipeline No. 1, No. 2 or the Smith and Emmons Ditch. F. Appropriation date: April 13, 1994, for all four structures. G. Amounts: i. Longmont Operation Lake No. 1: 1,071 acre-feet conditional; ii. Longmont Operation Lake No. 2: 1,408 acre-feet conditional; iii. Longmont Operation Lakes Pipeline No. 1: 50 c.f.s. conditional; iv. Longmont Operation Lakes Pipeline No. 2: 50 c.f.s. conditional. H. Use: As limited by the original decree in Case No. 94CW62, the water diverted under the four water rights described herein will be used directly or by exchange for irrigation, commercial and all industrial uses, including but not limited to aggregate washing and crushing, fire protection, dust suppression, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, at the locations identified in Table 1 to the original decree (and attached as Exhibit B to the application, available for inspection at the office of the Division 1 Water Clerk or via CCE), augmentation and replacement. The water diverted under these water rights may be fully consumed by direct use, storage, and subsequent release, reuse, successive use, further exchange and disposition to the point of extinction.

3. Detailed outline of work done to complete project and apply water to beneficial use: The conditional water rights described in Paragraph 2 (“Subject Water Rights”) are integral components of Longmont’s St. Vrain Integrated Reclamation Plan Project. During the applicable Diligence Period (July 2019 to the present), Longmont has taken steps to diligently develop the Subject Water Rights, including, without limitation, the activities outlined in the application, available for inspection at the office of the Division 1 Water Clerk or CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. The work and expenditure listed in the application are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application.

4. 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, City of Longmont. **WHEREFORE**, Longmont respectfully requests that the Court enter an order finding reasonable diligence for and continuing in full force and effect the Subject Water Rights described in Paragraph 2 above.

CASE NUMBER 2025CW3099 (2019CW3012; 2005CW23) CITY OF STERLING (Sterling), c/o John Sheldon, City Manager, P.O. Box 4000, Sterling, CO 80751, (970) 522-9700. Please direct all court filings and all communications to attorneys Alan E. Curtis, #34571, Nicoli R. Bowley, #58709, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado, 80234. Tele: (303) 595-9441, Email: alanc@cjzwaterlaw.com, nicolib@cjzwaterlaw.com **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE OR, IN THE ALTERNATIVE, FOR FINDINGS OF REASONABLE DILIGENCE IN LOGAN COUNTY.** 2. **BACKGROUND.** Sterling Well No. 14 (Permit No. 62619-F) is an existing, adjudicated municipal well within Sterling's city-wide well system as confirmed in the July 7, 1976 decree in Case No. W-5708, Water Division 1 (W-5708 Decree). Out-of-priority depletions from pumping Sterling Well No. 14 for municipal purposes are replaced under the augmentation plan approved in the December 30, 2003 decree in Consolidated Case Nos. 98CW450 and 00CW253, Water Division 1 (Consolidated Decree). The January 10, 2013 Decree in Case No. 05CW23, Water Division 1 (05CW23 Decree) confirmed, among other things, a conditional right for augmentation and replacement purposes for Sterling Well No. 14 (Well No. 14 Augmentation Right). The other water rights confirmed by the 05CW23 Decree have been made absolute and are not at issue in this diligence proceeding. The water rights confirmed by the Consolidated Decree and the W-5708 Decree are also not at issue in this diligence proceeding. 3. **SUMMARY OF APPLICATION.** Sterling's Application in this case (Application) seeks a decree confirming the entirety of the Well No. 14 Augmentation Right has been made absolute for all decreed purposes, and no further diligence filings for the Well No. 14 Augmentation Right are required (Sterling's Absolute Claim). If the Court does not confirm Sterling's Absolute Claim, Sterling requests the Well No. 14 Augmentation Right is continued for all decreed purposes for an additional diligence period (Sterling's Diligence Claim). 4. **DESCRIPTION OF THE WELL NO. 14 AUGMENTATION RIGHT.** a. **Previous Decrees.** i. 05CW23 Decree. ii. July 26, 2019 in Case No. 19CW3012, Water Division 1 (19CW3012 Decree). b. **Legal Description.** Sterling Well No. 14 is located in the NE1/4 SW1/4, Section 32, Township 8 North, Range 52 West of the 6th P.M. in Logan County, Colorado, 2210 feet north and 1511 feet east of the southwest corner of said Section 32. A map showing the location of Sterling Well No. 14 is attached as **EXHIBIT A**. c. **Source.** Alluvial groundwater tributary to the South Platte River. d. **Amount.** 2.6737 c.f.s. (1,200 g.p.m.), conditional. e. **Appropriation Date.** February 7, 2005. f. **Uses.** Augmentation and replacement. Although the 05CW23 Decree adjudicates augmentation and replacement uses for Sterling Well No. 14, no specific augmentation or replacement use is approved by the 05CW23 Decree except for use in the augmentation plan decreed in the 05CW23 Decree and the Consolidated Decree. Any use in an augmentation or replacement plan, other than the augmentation plan decreed in the 05CW23 Decree and the Consolidated Decree, must be approved by subsequent decrees. 5. **STERLING'S ABSOLUTE CLAIM.** a. **Date Water Applied to Beneficial Use.** May 30, 2024. b. **Amount.** 2.6737 c.f.s. (1,200 g.p.m.). See Well Test Meter for Sterling Well No. 14, attached as **Exhibit B**. c. **Description of Use.** Augmentation within Sterling's water service area pursuant to the 05CW23 Decree and the Consolidated Decree. 6. **STERLING'S DILIGENCE CLAIM.** a. **Diligence Period.** The most recent diligence period for the Well No. 14 Augmentation Right was from July 26, 2019, when the 19CW3012 Decree was entered, through July 31, 2025 (Diligence Period). b. **Sterling's Water System.** Sterling operates an integrated water and wastewater system to divert, treat, and deliver potable water to its municipal users, supply public parks and other open spaces owned by Sterling, augment depletions from Sterling's wells, and treat, dispose of and recharge water following its initial use. c. **Integrated System.** Sterling's water system, including the Well No. 14 Augmentation Right, Sterling's municipal well system, distribution, delivery, collection and treatment systems, and the water rights and structures which provide augmentation and replacement supplies for the municipal well system comprise an integrated water supply system. This is confirmed by the 05CW23 Decree and the decrees entered in the following Division 1 Water Court cases: (1) 19CW3012 Decree; (2) 18CW3068/18CW3069 (October 1, 2018); (3) 17CW3093 (August

14, 2018); (4) 10CW75 (April 13, 2012); (5) 09CW269 (April 13, 2012); and (6) 02CW201 (February 24, 2004). Pursuant to C.R.S. § 37-92-301(4)(b), work on other components of Sterling's water system is evidence of diligence on the Well No. 14 Augmentation Right. d. **Activities and Expenditures.** During the Diligence Period, Sterling, with the assistance of Curtis, Justus, & Zahedi, LLC and BBA Water Consultants, Inc., and other consultants, completed activities and expended funds exceeding Ten Million Dollars (\$10,000,000.00). These actions and expenditures confirm Sterling's steady and diligent effort to complete the appropriation of the Well No. 14 Augmentation Right and include: i. ii. Protection of Sterling's Water Rights. Sterling protected its water rights, including the Well No. 14 Augmentation Right, through the following activities and expenditures: (1) *Resume Review.* Reviewing Division 1 Water Court resumes and substitute water supply plan notices to identify applications requiring opposition. (2) *Statements of Opposition.* Filing statements of opposition in Water Division 1, Case Nos. 20CW3113, 20CW3166, 20CW3215, 21CW3122, 21CW3125, 21CW3185, and 24CW3041. (3) *Stipulated Settlements.* Entering stipulations in Water Division 1 Case Nos. 17CW3178, 17CW3179, 17CW3218, 19CW3253, 20CW3166, 21CW3122, and 21CW3125. (4) *Trial and Appellate Proceedings.* Participating in trial in Water Division 1 Case No. 20CW3113, including an appeal to the Colorado Supreme Court in Case No. 23SA258. ii. Water Court Applications. Sterling protected and expanded its existing water rights portfolio, including the Well No. 14 Augmentation Right, by obtaining decrees in the following Water Division 1 cases: (1) *Case No. 24CW3123.* Application to make conditional water rights absolute or, in the alternative, for findings of reasonable diligence. (2) *Case No. 24CW3150.* Application to make conditional water rights absolute and for findings of reasonable diligence. iii. Accounting. Sterling prepared and submitted accounting and projections required for operations under Sterling's decrees, including the 05CW23 Decree. iv. Operation, Maintenance, and Improvement of Sterling's Water System. In addition to the specific activities discussed above, with the assistance of its engineering consultants, Sterling has undertaken substantial efforts to operate, maintain, improve, and extend its overall water system and water rights portfolio to meet the requirements of its municipal users and its own public uses. 7. **REQUESTED RULING.** Sterling respectfully requests the Water Court enter a decree: (a) approving Sterling's Absolute Claim; (b) in the alternative, approving Sterling's Diligence Claim; and (c) granting such other and further relief as it deems appropriate. 8. **NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH STRUCTURES ARE LOCATED.** Sterling is the owner of all lands on which the Well No. 14 Augmentation Right has been used. (6 pages, 2 exhibits)

CASE NUMBER 2025CW3100 (18CW3223, 08CW028, 12CW093, 05CW189, 95CW276)
APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS, ARAPAHOE AND DOUGLAS COUNTIES - COTTONWOOD WATER AND SANITATION DISTRICT, c/o Richard J. Mehren, Elizabeth D. Truitt, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, CO 80302. 1. Name, mailing address, email address, and telephone number of Applicant: Cottonwood Water and Sanitation District ("Cottonwood"), c/o Luis Tovar, Manager, Mulhern MRE, Inc., 58 Inverness Drive East, Suite 100, Englewood, CO 80112. 2. Description of conditional appropriative rights of exchange: 2.1 Original decree: Case No. 95CW276, dated July 22, 1999, District Court, Water Division No. 1, State of Colorado ("95CW276 Decree"). The exchanges decreed in the 95CW276 Decree are referred to herein as the "95CW276 Exchanges." 2.2 Prior diligence decrees: 2.2.1 In the decree entered in Case No. 05CW189, District Court, Water Division No. 1, State of Colorado, 1.02 cfs of the 95CW276 Exchange was made absolute, and the remaining 2.24 cfs, CONDITIONAL, portion of the 95CW276 Exchanges were continued for an additional diligence period. 2.2.2 In the decree entered in Case No. 12CW093, District Court, Water Division No. 1, State of Colorado, the 2.24 cfs, CONDITIONAL, portion of the 95CW276 Exchanges were continued for an additional diligence period. 2.2.3 In the decree entered in Case No. 18CW3223, District Court, Water Division No. 1, State of Colorado, the 2.24 cfs, CONDITIONAL, portion of the of the 95CW276 Exchanges and all 3.26 cfs, CONDITIONAL, rate of the NGA No. 2 Exchanges, were continued for an additional diligence period. 2.3 Subsequent change decree: The decree entered on November 13, 2018 in Case No. 08CW028, District Court, Water Division No. 1, State of Colorado ("08CW28 Decree") adjudicated changes and additions to the 3.26 cfs

decreed to the 95CW276 Exchanges, including but not limited to the addition of exchange-from points, exchange-to points, and sources of substitute supply. The 95CW276 Exchanges, as modified in the 08CW28 Decree, are referred to herein as the “Cottonwood Cherry Creek Exchanges.”

2.4 Description of the Cottonwood Cherry Creek Exchanges: The Cottonwood Cherry Creek Exchanges include two sets of exchanges. The first set of the Cottonwood Cherry Creek Exchanges are the 95CW276 Exchanges that have an exchange-from point at Cherry Creek Reservoir and exchange-to points at the points of depletion for Cottonwood’s Diamond over D Wells Nos. 1 through 7 and Feedlot Well No. 2. The second set of the Cottonwood Cherry Creek Exchanges are the 95CW276 Exchanges as changed and added to in the 08CW28 Decree to include the exchange of downstream sources of substitute supply available to Cottonwood at the outfall of the Metro Wastewater Reclamation District’s Robert W. Hite Wastewater Treatment Facility (“Hite Facility”) on the South Platte River and/or released from the Lone Tree Creek Water Treatment Facility and available to Cottonwood at Cherry Creek Reservoir, upstream to Parker Water and Sanitation District’s (“Parker Water”) Newlin Gulch Aqueduct No. 2 diversion structure on Cherry Creek for subsequent storage in Rueter-Hess Reservoir (“NGA No. 2 Exchanges”).

2.5 Exchange reach: The exchange reach for the Cottonwood Cherry Creek Exchanges extends from the downstream terminus at the outfall of the Hite Facility, located on the South Platte River in the SE1/4 of the SW1/4 of Section 1, Township 3 South, Range 68 West of the 6th P.M. in Adams County, Colorado, to the upstream terminus at the Newlin Gulch Aqueduct No. 2 diversion structure, located on Cherry Creek in the SE1/4 of the NW1/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County, Colorado. The overall exchange reach and the structures involved in the Cottonwood Cherry Creek Exchanges are shown on **Exhibit A**.

2.6 Decreed locations of structures:

2.6.1 Exchange-to points:

2.6.1.1 Diamond Over D Well No. 1A: The 08CW28 Decree changed the decreed location of this well to the NW1/4 of the SW1/4 of Section 4, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 1,180 feet from the West section line and 2,250 feet from the South section line of said Section 4.

2.6.1.2 Diamond Over D Well No. 2: The well is located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 2,656 feet from the North section line and 2,073 feet from the West section line of said Section 9.

2.6.1.3 Diamond Over D Well No. 3: The well is located in the SW1/4 of the NW1/4 of Section 4, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 1,495 feet from the West section line and 2,000 feet from the North section line of said Section 4.

2.6.1.4 Diamond Over D Well No. 4: The well is located in the SE1/4 of the SW1/4 of Section 4, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 1,506 feet from the West section line and 1,108 feet from the South section line of said Section 4. In Case No. 82CW138, District Court, Water Division No. 1, State of Colorado, the water right associated with Bruce Domestic Well was transferred to the Diamond Over D Well No. 4.

2.6.1.5 Diamond Over D Well No. 5: The well is located in the SW1/4 of the NW1/4 of Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 1,023 feet from the West section line and 2,648 feet from the North section line of said Section 9.

2.6.1.6 Diamond Over D Well No. 6: The well is located in the SE1/4 of the NW1/4 of Section 9, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 1,503 feet from the West section line and 2,645 feet from the North section line of said Section 9.

2.6.1.7 Diamond Over D Well No. 7: The well is located in the SE1/4 of the NE1/4 of Section 5 Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 464 feet from the East section line and 1,705 feet from the North section line of said Section 5.

2.6.1.8 Feedlot Well No. 2: The 08CW28 Decree changed the location of this well to the NE1/4 of the SW1/4 of Section 4, Township 6 South, Range 66 West of the 6th P.M., Douglas County, Colorado, at a point approximately 1,955 feet from the West section line and 2,511 feet from the South section line of said Section 4.

2.6.1.9 Newlin Gulch Aqueduct No. 2: Parker Water’s surface diversion structure on Cherry Creek known as Newlin Gulch Aqueduct No. 2, which is located in the SE1/4 of the NW1/4 of Section 3, Township 7 South, Range 66 West of the 6th P.M. in Douglas County, where said diversion dam intersects the thread of Cherry Creek at a point 2,090 feet south of the north line of Section 3 and 1,870 feet east of the west line of said Section 3, as decreed in Case No. 04CW348, District Court, Water Division No. 1,

State of Colorado. 2.6.2 Exchange-from points: 2.6.2.1 Cherry Creek Reservoir: On Cherry Creek at Cherry Creek Reservoir, located in Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, and 24, Township 5 South, Range 67 West of the 6th P.M.; Sections 35 and 36, Township 4 South, Range 67 West of the 6th P.M.; Sections 31 and 32, Township 4 South, Range 66 West of the 6th P.M.; and Sections 7, 18, and 19, Township 5 South, Range 66 West of the 6th P.M.; all in Arapahoe County, Colorado. 2.6.2.2 Outfall of the Metro Wastewater Reclamation District's Hite Facility: The Hite Facility outfall is located on the South Platte River in the SE1/4 of the SW1/4 of Section 1, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. 3. Sources of substitute supply: 3.1 Not-nontributary and nontributary water rights (included in the 95CW276 Decree): Fully consumable and reusable return flows derived from Cottonwood's not-nontributary and nontributary Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifer wells decreed in Case Nos. W-7824-74, 80CW416, 81CW142, 81CW246, 81CW368, 83CW173, 84CW206, 85CW190 and 85CW195, 85CW167, 86CW055, 86CW270(A), 88CW110, and 01CW052, all in District Court, Water Division No. 1, State of Colorado, together with any additional sources of fully consumable water from the Denver Basin aquifers which underlie property located within Cottonwood's service area. 3.2 Not-nontributary and nontributary water rights (added in the 08CW28 Decree): Fully consumable and reusable return flows derived from Cottonwood's not-nontributary and nontributary Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifer wells decreed in Case Nos. W-7824-74 (Deep Well No. 5), 86CW360 (Cottonwood Loyd Well No. DA-1), 86CW361 (Cottonwood Loyd Well No. A-1 and LFH-1), and 86CW362 (Cottonwood Loyd Well No. DEN-1), all in District Court, Water Division No. 1, State of Colorado. 3.3 Cottonwood's tributary water rights: Fully consumable and reusable return flows derived from Cottonwood's tributary water rights, including: 3.3.1 Cottonwood's ownership interests in the Boss Ditch, Gilman Ditch, Parker Ditch, and Fifty-Nine No. 1 Ditch, the historic consumptive use of which was quantified in Case No. 81CW142, District Court, Water Division No. 1, State of Colorado; 3.3.2 Loyd Wells Nos. 1-18788 and 2-14736, the historic consumptive use of which was quantified in Case No. 84CW155, District Court, Water Division No. 1, State of Colorado; 3.3.3 Diamond Over D Wells Nos. 1 through 7, the historic consumptive use of which was quantified in Case No. 81CW142, District Court, Water Division No. 1, State of Colorado; 3.3.4 Feedlot Well No. 2 and Bruce Domestic Well, the historic consumptive use of which was quantified in Case No. 81CW142, District Court, Water Division No. 1, State of Colorado; and 3.3.5 The Cottonwood Cherry Creek Well Field ground water right, as decreed in the 08CW28 Decree. 3.4 Contract water rights: Fully consumable and reusable return flows derived from water sources owned, leased, and/or used by Cottonwood as described below: 3.4.1 Cherry Creek Project Water Authority water rights: Cottonwood is a member of the Cherry Creek Project Water Authority ("CCPWA"). Cottonwood is entitled to the delivery of water based on its ownership interest in the CCPWA water rights. 3.4.2 WISE Water: Cottonwood has entered into a contract with several other municipal water providers to form the South Metro WISE Authority, a water authority as defined in C.R.S. § 29-1-204.2. The South Metro WISE Authority entered into the WISE Partnership – Water Delivery Agreement with the City and County of Denver, acting by and through its Board of Water Commissioners ("Denver Water") and the City of Aurora, acting by and through its Utility Enterprise ("Aurora"), by which Aurora and Denver Water agree to provide fully reusable water to the members of the South Metro WISE Authority, including Cottonwood. 3.4.3 Baja Water: Cottonwood has the contractual right to the delivery of 120 acre-feet per year of fully reusable water pursuant to the Water Delivery Contract for Delivery of Fully Reusable Water between Aurora and the Baja Ranch Co., dated November 20, 2009 ("Baja Water"). 4. Appropriation date: July 13, 1993 for the 95CW276 Exchanges. January 31, 2008 for the NGA No. 2 Exchange from Cherry Creek Reservoir that utilize one or more of the sources of substitute supply described in paragraph 3, above; except that any exchange of the Baja Water, described in paragraph 3.4.3 above, has an appropriation date of July 30, 2015. **Exhibit B** is an exchange matrix showing the appropriation dates for the Cottonwood Cherry Creek Exchanges. 5. Amount: The Cottonwood Cherry Creek Exchanges will operate at a maximum rate of 3.26 cfs. Cottonwood seeks a finding of reasonable diligence as to the conditional portion of the Cottonwood Cherry Creek Exchanges, that includes 2.24 cfs of the 3.26 cfs of the 95CW276 Exchanges and all 3.26 cfs of the NGA No. 2 Exchanges ("Subject Conditional Exchanges"). 6. Uses: The water exchanged by operation of the Cottonwood Cherry Creek Exchanges will be used for

all municipal purposes, including domestic, agricultural, industrial, commercial, stockwatering, fire protection, recreation, fish and wildlife preservation and propagation, and all other beneficial purposes, including but not limited to recharge of Denver Basin aquifers, exchange purposes, replacement of depletions resulting from the use of water from other sources, relinquishment pursuant to C.R.S. §37-90-137(9)(b), and all augmentation purposes. The water diverted by substitution and exchange is fully consumable and may be used, reused, and successively used and completely disposed of to extinction by Cottonwood for the above-described purposes. 7. Outline of work and expenditures during the diligence period towards completion of the appropriation and application of water to a beneficial use: Cottonwood provides water service to nearly 9,700 customers in Douglas County plus an estimated transient population of 5,000 people. Cottonwood maintains a diverse portfolio of water rights - both conditional and absolute – in order to provide potable and non-potable water to its present and future customers. The Cottonwood Cherry Creek Exchanges are integral to Cottonwood’s overall water supply system and Cottonwood has during the diligence period and will continue to pursue development and beneficial use of the Cottonwood Cherry Creek Exchanges as growth continues and water demands increase within Cottonwood. The Cottonwood Cherry Creek Exchanges are part of Cottonwood’s extensive integrated system to supply municipal water to its customers. “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). Consequently, all work and expenditures by Cottonwood in connection with its municipal water operations directly and indirectly constitute part of Cottonwood’s reasonable diligence in developing the Cottonwood Cherry Creek Exchanges to be used in its water system, which supplies its municipal water operations. The subject diligence period is July 2019 through July 2025 (“Diligence Period”). During the Diligence Period, Cottonwood engaged in the following activities and incurred the following costs in its efforts to develop, operate, and maintain its municipal water supply system and to complete the appropriation of the Cottonwood Cherry Creek Exchanges. 7.1 Cottonwood has incurred an average of \$6.6 million per year in overall costs and expenses to maintain, operate, protect, and expand its municipal water supply and wastewater treatment systems. 7.2 Cottonwood’s wastewater, including wastewater derived from the Subject Conditional Water Right, is treated at the Lone Tree Creek Water Reuse Facility (“WRF”). In May 2017, Cottonwood renewed its sewer service agreement with ACWWA and secured 1 MGD a year of wastewater treatment capacity on a perpetual basis. Additionally, during the Diligence Period, Cottonwood constructed an additional 1,000 linear feet of an 18-inch effluent main line that will be used to discharge effluent treated at the WRF at additional locations on Cherry Creek for use and reuse by Cottonwood. 7.3 Cottonwood incurred approximately \$831,200 in attorney fees and engineering costs for work in support of its municipal water supply system, including but not limited completion of a recalculation of Cottonwood’s lawn irrigation return flow deep percolation percentages and related updates to its accounting forms as required by the 08CW028 Decree. 7.4 Cottonwood and ACWWA restarted operations of the JWPP in 2019. The JWPP may be used to treat water pumped by the CCCWF wells for potable use by Cottonwood and ACWWA. To recondition and upgrade the JWPP at that time, Cottonwood spent \$7.1 million out of a total \$11.6 million combined with ACWWA. The JWPP allows Cottonwood to maximize the use of its decreed Cherry Creek tributary water rights, including the Cottonwood Cherry Creek Exchanges. 7.5 Cottonwood is an active member of Upper Cherry Creek Water Association (“UCCWA”) and operates its tributary wells, including the CCCWF wells under the UCCWA plan for augmentation decreed in Case No. 01CW284. Cottonwood contributes approximately \$15,000 a year towards the operation of and accounting for the UCCWA plan for augmentation. 7.6 Cottonwood is also a member of the Cherry Creek Project Water Authority (“CCPWA”). The 08CW028 Decree confirmed Cottonwood’s use of the CCPWA water supplies for augmentation and replacement purposes both under the 08CW028 Decree and the UCCWA Plan for Augmentation and as a source of substitute supply for the Cottonwood Cherry Creek Exchanges. During the Diligence Period, CCPWA completed development and construction of Walker Reservoir that will be used to manage CCPWA’s augmentation supplies, including completion of related well field pipelines, and Cottonwood contributed \$1.9 million towards completion of that project by CCPWA. 7.7 During the Diligence Period, Cottonwood has continued to invest in the

development of additional infrastructure required by the Water Infrastructure and Supply Efficiency system (“WISE”) to fully operate WISE water sources. Cottonwood spent approximately \$1.7 million in capital costs associated with the WISE water during the Diligence Period. Deliveries of WISE water to Cottonwood have taken place each year during the Diligence Period. 8. Names and addresses of owners or reported owners of land on which any new diversion or storage structure, or modification to an existing diversion or storage structure, is or will be constructed or upon which water will be stored, including any modification to the existing storage pool: Rueter-Hess Reservoir: Parker Water and Sanitation District, 13939 Ancestry Dr., Parker, Colorado 80134. WHEREFORE, Cottonwood requests that the Court enter a decree: (i) granting this Application; (ii) finding that Cottonwood has exercised reasonable diligence in completing the appropriation of the Subject Conditional Exchanges during the Diligence Period; (iii) continuing the Subject Conditional Exchanges in full force and effect for an additional diligence period; and (iv) and granting all other relief as may be necessary to enter such decree.

CASE NUMBER 2025CW3101 (Prior Cases No. 60052, W-71, W-2829, W-2829-76, 80CW126, 88CW160, 98CW386, 08CW256, and 18CW3043) THE FARMERS RESERVOIR AND IRRIGATION COMPANY. 80 South 27th Ave., Brighton, Colorado 80601. Please send all correspondence to Joseph B. Dischinger, Philip Lopez, Eric K. Trout, Fairfield & Woods, P.C., 1801 California St, Ste. 2600, Denver, CO 80202. **VERIFIED APPLICATION TO MAKE WATER RIGHT PARTIALLY ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN ADAMS AND JEFFERSON COUNTIES.** The Farmers Reservoir and Irrigation Company (“FRICO”), by and through its undersigned attorneys, hereby files the following application to make absolute a portion of the water right conditionally decreed to Standley Lake in Case No. 60052, District Court of the City and County of Denver, and continued in effect in Cases No. W-71, W-2829, W-2829-76, 80CW126, 88CW160, 98CW386, 08CW256, and 18CW3043, District Court, Water Division 1. FRICO further seeks a finding of diligence for the remaining portion of such conditional water right, and a ruling that a subsequent showing of diligence for the conditional water right decreed to Standley Lake be made six years from the date of entry of a decree of diligence. 2. Water Right: Standley Lake Conditional Water Right. 2.1. Original Decree: Case No. 60052, District Court of the City and County of Denver, May 13, 1936 (“Dunklee Decree”). 2.2. Subsequent Diligence Decrees: Cases No. W-71, W2829, W-2829-76, 80CW126, 88CW160, 98CW386, 08CW256, and 18CW3043, District Court, Water Division 1. 2.3. Legal Description: Standley Lake is located in parts of Sections 16, 17, 20, 21, 22, 28 and 29, Township 2 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. Pursuant to the Dunklee Decree, the decreed points of diversion for the Standley Lake Conditional Water Right include the following: 2.3.1. Croke Canal 2.3.1.1. On the north bank of Clear Creek in the NW1/4 NE1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. 2.3.1.2. On Ralston Creek where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado at a point near the center of said Section 1. 2.3.1.3. On Leyden Creek at a point where the Croke Canal crosses Leyden Creek in the NW1/4 of Section 31, Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado. 2.3.2. Church Ditch 2.3.2.1. The headgate of the Church Ditch on Clear Creek, (also known as the Golden City and Ralston Creek Ditch), is located on the north bank of Clear Creek at a point in the NE1/4 of Section 32, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, 1450 feet S 69° 30' W from the northeast corner of said section. 2.3.2.2. The headgate of the Church Ditch on Ralston Creek, (also known as the Golden City and Ralston Creek Ditch), is located on the north bank of Ralston Creek in Section 2, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point 445 feet S 69° W from the center of said section. 2.3.3. The locations of the diversion points set forth above are based on the descriptions found in the Dunklee Decree. For purposes of this application, these diversion points have also been located using a Global Positioning System (GPS) unit. On information and belief, the following coordinates identify the relevant locations utilizing the Universal Transverse Mercator (UTM) grid system projection based on the North American Datum of 1983 (NAD83): Croke Canal at Clear Creek – NAD 83 UTM Zone 13 S, 0483410, 4402100, Croke Canal at Ralston Creek – NAD 83 UTM Zone 13 S, 0485113, 4407847, Croke Canal at Leyden Creek – NAD 83 UTM Zone 13 S, 0485905, 4409929,

Church Ditch at Clear Creek – NAD 83 UTM Zone 13 S, 0478988, 4400303, Church Ditch at Ralston Creek – NAD 83 UTM Zone 13 S, 0483277, 4407888. 2.4. Source: Clear Creek, Ralston Creek and Leyden Creek, tributary to the South Platte River. 2.5. Appropriation date: March 4, 1902. 2.6. Amount: 16,699 acre feet, conditional. 2.7. Original Decreed Use: Storage of water for irrigation purposes. 2.8. Subsequent Change of Use Cases: FRICO is a mutual ditch company. A substantial number of the shares of the company are held by municipal entities that have subsequently obtained change of use decrees for a pro rata share of the Standley Lake Conditional Water Right. These decrees include the following: 2.8.1. Case No. 82CW056 (consolidated with W-8445-76), City of Northglenn. This decree authorized a change of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 220.729 shares allocated to the Standley Lake Division and owned by Northglenn for all municipal purposes within the Northglenn utility system. 2.8.2. Case No. 88CW268, FRICO, City of Westminster, City of Thornton and the Adolph Coors Company. This decree authorized a change in place of storage of a cumulative maximum volume 3,980 acre-feet of water of the Standley Lake decrees, including the Standley Lake Conditional Water Right, derived from Clear Creek at a maximum rate of flow of 25 cfs. The alternate places of storage include West Gravel Lakes, Happe Lake, Sheets Ponds, and Brannan Lake. This decree also authorized exchanges from such alternate places of storage to the Croke Canal and Farmers' Highline Canal. 2.8.3. Consolidated Cases No. 86CW397, 88CW267, and 89CW129, City of Westminster. This consolidated decree changed the use of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 883.83 shares allocated to the Standley Lake Division and owned by Westminster, as well as Westminster's interest in the 3,980 acre-feet of water rights decreed to Standley Lake that may be stored pursuant to the decree in Case No. 88CW268 in the West Gravel Lakes, Happe Ponds and Sheets Lake, from domestic and irrigation to all beneficial uses within the municipal water supply system and service area of the City of Westminster, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, and exchange and storage for these uses. In addition, the consolidated decree provided for an alternate point of diversion at the Farmers' High Line Canal located on the North bank of Clear Creek in the NW ¼ SW¼ of Section 27, Township 3 South, Range 70 West, a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado, at a point approximately 950 feet East and 1500 feet North of the Southwest corner of said section. The aggregate rate of flow of water diverted at all original and alternate points of diversion shall not exceed 944 cfs. The Standley Lake Conditional Right cannot be made absolute based on storage in the alternate places of storage. 2.8.4. Case No. 90CW211, City of Westminster. This decree changed the use of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 29.995 shares allocated to the Standley Lake Division and owned by Westminster, as well as Westminster's interest in the 3,980 acre-feet of water rights decreed to Standley Lake that may be stored pursuant to the decree in Case No. 88CW268 in the West Gravel Lakes, Happe Ponds and Sheets Lake, from domestic and irrigation to all beneficial uses within the municipal water supply system and service area of the City of Westminster, including domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, and exchange and storage for these uses. In addition, the decree provided for an alternate point of diversion at the Farmers' High Line Canal, located on the North bank of Clear Creek in the NW 1/4 SW1/4 of Section 27, Township 3 South, Range 70 West, a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado, at a point approximately 950 feet East and 1500 feet North of the Southwest corner of said section. The aggregate rate of flow of water diverted at all original and alternate points of diversion shall not exceed 944 cfs. The Standley Lake Conditional Right cannot be made absolute based on storage in the alternate places of storage. 2.8.5. Case No. 89CW132, City of Thornton. This decree changed the use of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 325.67 shares allocated to the Standley Lake Division and owned by Thornton, from domestic and irrigation to all municipal uses within Thornton's service area, and provided for an alternate point of diversion at Farmers' High Line Canal located on the North bank of Clear Creek in the NW1/4 SW1/4 of Section 27, T.3S., R. 70 W., 6 P.M, Jefferson County, Colorado, at a point approximately 950 feet East and 1500 feet North of the Southwest corner of said section. Alternate places of storage include

the West Gravel Lakes, Brannan Lake, Eastlake Reservoirs Nos. 1, 2 and 3, and Croke Reservoir No. 12. The aggregate rate of flow of water diverted at all original and alternate points of diversion shall not exceed 944 cfs. The Standley Lake Conditional Right cannot be made absolute based on storage in the alternate places of storage. 2.8.6. Case No. 02CW266, City of Thornton. This decree changed the use of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 23.49 shares allocated to the Standley Lake Division and owned by Thornton, from domestic and irrigation to all municipal uses within Thornton's service area and provided for an alternate point of diversion at Farmers' High Line Canal located on the north bank of Clear Creek in the NW1/4 SW1/4 of Section 27, T.3S., R. 70 W., 6 P.M, Jefferson County, Colorado, at a point approximately 950 feet East and 1500 feet North of the Southwest corner of said section. Alternate places of storage include the West Gravel Lakes, Brannan Lake, Eastlake Reservoirs Nos. 1, 2 and 3, Croke Reservoir No. 12, Poitz Reservoir, Tani Lakes, and the South Dahlia, North Dahlia, East Sprat-Platte, West Sprat-Platte, East Cooley and West Cooley gravel lake reservoirs. The aggregate rate of flow of water diverted at all original and alternate points of diversion shall not exceed 944 cfs. The Standley Lake Conditional Right cannot be made absolute based on storage in the alternate places of storage. 2.8.7. Case No. 94CW36, City of Black Hawk. This decree changed the use of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 11.61 shares allocated to the Standley Lake Division and owned by Black Hawk, from domestic and irrigation to all municipal purposes, including domestic, irrigation, industrial, commercial, fire protection, stock watering, recreation, piscatorial, storage and all other municipal purposes. The water will also be used for exchange, for replacement, and for augmentation purposes. 2.8.8. Case No. 00CW262, City of Westminster. This decree changed the use of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 26.38 shares allocated to the Standley Lake Division and owned by Westminster, as well as Westminster's interest in the 3,980 acre-feet of water rights decreed to Standley Lake that may be stored pursuant to the decree in Case No. 88CW268 in the West Gravel Lakes, Happe Ponds and Sheets Lake, from domestic and irrigation, to all beneficial uses of the municipal water system of Westminster as it presently exists and as it may hereafter be expanded or modified, including, but not limited to municipal, irrigation, domestic, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, and storage for these purposes. In addition, the decree provided for an alternate point of diversion at, among other locations, the Farmers' High Line Canal, located on the North bank of Clear Creek in the NW 1/4 SW1/4 of Section 27, Township 3 South, Range 70 West, a short distance below the Ford Street Bridge across Clear Creek in the City of Golden, Jefferson County, Colorado, at a point approximately 950 feet East and 1500 feet North of the Southwest corner of said section. The aggregate rate of flow of water diverted at all original and alternate points of diversion shall not exceed 944 cfs. The Standley Lake Conditional Right cannot be made absolute based on storage in the alternate places of storage. 2.8.9. Case No. 17CW3105, City of Westminster. This decree changed the use of the 11.61 shares changed by Black Hawk in 94CW36, which shares were purchased by Westminster. The decree confirmed alternate points of diversion, including, among other locations, the Farmers' High Line Canal. The aggregate rate of flow of water diverted at all alternate, and original points of diversion shall not exceed 944 c.f.s. 2.8.10. Case No. 18CW3007, City of Northglenn. This decree changed the use of a pro rata portion of the Standley Lake decrees, including the Standley Lake Conditional Water Right, attributable to 615.151 shares allocated to the Standley Lake Division and owned by Northglenn. The shares were changed for use within Northglenn's municipal water system as it presently exists or may exist in the future within Adams and Weld counties and any extra-territorial area in which the City of Northglenn contracts to provide augmentation and/or water service within Adams, Weld, Arapahoe, Douglas, Jefferson, and Boulder counties, and for use for irrigation under the FRICO-Standley Division, and for municipal and related purposes, including but not limited to domestic, commercial, industrial, recreational, replacement, augmentation, fish and wildlife (within reservoirs owned by Northglenn), irrigation (including watering of lawns, parks, and grounds), and fire protection, and for irrigation under the FRICO-Standley Division. No change in point of diversion was sought or decreed. The Standley Lake Conditional Right can be made absolute based only on the physical storage at Standley Lake. 2.8.11. Case No. 18CW3090, City of Westminster. This decree changed the use of a pro rata portion of the Standley

Lake decrees, including the Standley Lake Conditional Water Right, attributable to 128.06 shares allocated to the Standley Lake Division and owned by Westminster, as well as Westminster's interest in the 3,980 acre-feet of water rights decreed to Standley Lake that may be stored pursuant to the decree in Case No. 88CW268 in the West Gravel Lakes, Happe Ponds and Sheets Lake, from domestic and irrigation, to all beneficial uses of the municipal water system of Westminster as it presently exists and as it may hereafter be expanded or modified, including, but not limited to municipal, irrigation, domestic, commercial, industrial, recreation, fish and wildlife, augmentation, exchange, and storage for these purposes. In addition, the decree provided for an alternate point of diversion at, among other locations, the Farmers' High Line Canal. The aggregate rate of flow of water diverted at all alternate, and original points of diversion shall not exceed 944 c.f.s. The Standley Lake Conditional Right can be made absolute based only on the physical storage at Standley Lake. **FIRST CLAIM FOR RELIEF (Claim to Make Absolute In Part)** 3. Date water applied to beneficial use: Between May 14 and May 28, 2018, FRICO diverted through the Farmers' Highline Canal the total amount of water described in paragraph 4 below under the Standley Lake Conditional Water Right ("Absolute Portion"). 4. Amount: 2,159.4 acre-feet 5. Use: The Absolute Portion was stored in Standley Lake for subsequent lawful use, pursuant to § 37-92-103(4)(a), C.R.S. 6. Evidence to support absolute claim: In 2018 and 2019, the Division of Water Resources ("DWR") conducted an audit of the Standley Lake Operating Committee's ("SLOC") joint Standley Lake Accounting. SLOC is composed of FRICO, Westminster, Thornton, and Northglenn. DWR approved revised accounting forms for Standley Lake on November 20, 2019 (Revised Accounting Form). The Revised Accounting Form contains several changes to the previous accounting form (Old Accounting Form) including three new sheets to track the fill of the absolute and conditional portions of the Standley Lake 1902 storage right. (FN1. The Durkee Decree adjudicated an absolute right to Standley Lake in the amount of 32,361 acre-feet, and the subject Standley Lake Conditional Right in the amount of 16,699 acre-feet.) SLOC began using the Revised Accounting Form in Water Year 2020. While DWR conducted its audit in 2018 and 2019, SLOC maintained two sets of accounting using both the Old Accounting Form and Revised Accounting Form. Although SLOC continued to submit the Old Accounting Form to the DWR, SLOC internally used the New Accounting Form to evaluate revisions that had been proposed during the review process. SLOC did not submit the New Accounting Form to DWR for water years 2018 and 2019 since the DWR had not yet approved the New Accounting Form until November 20, 2019. However, based on the diversion records shown in the New Accounting Form from 2018, FRICO diverted 2,159.4 acre-feet of water under the Standley Lake Conditional Right between May 14 and May 28, 2018. A copy of the Revised Accounting Form for 2018 is attached hereto as Exhibit 1. **SECOND CLAIM FOR RELIEF (Claim for Finding of Diligence)** 7. Amount: FRICO seeks diligence on the remaining conditional amount of the Standley Lake Conditional Water Right in the amount of 14,539.6 acre-feet. In the alternative, to the extent FRICO's First Claim to make partially absolute is not granted, FRICO seeks diligence on the full amount the Standley Lake Conditional Water Right in the amount of 16,699 acre-feet. The diligence activities below apply to either situation. 8. 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. 8.1. **FRICO**: FRICO, either independently or in participation through SLOC, performed the following diligence activities related to the Standley Lake Conditional Water Right during the diligence period between August 1, 2018 and the date of this application: 8.1.1. Completed a study to estimate the updated probable maximum precipitation (PMP) depth using Colorado Dam Safety's (Dam Safety) new guidelines based on the Regional Extreme Precipitation Study (REPS) tool. This study resulted in favorable outcome and a basis for further spillway raise studies. Raising the spillway at Standley Lake will increase the storage capacity of the lake and allow more of the Standley Lake Conditional Water Right to be stored. 8.1.2. Conducted detailed hydrologic and hydraulic (HH) modeling to determine the Inflow Design Flood (IDF) rate based on the new PMP and to see if a raised spillway could safely pass this flow while maintaining the required freeboard. The results suggested that the spillway could be raised between 3.0 and 3.5 feet based on the hydrologic loading conditions. A report titled Standley Lake Spillway Raise Evaluation – Hydrological and Hydraulic Assessment Report, dated April 5, 2023, was issued to Dam Safety. Dam Safety approved the study for use in risk studies and other dam safety evaluations. 8.1.3. Awarded a grant of \$204,406 in 2022

from the Colorado Water Board Conservation to complete a Prefeasibility Design study for raising the Standley Lake spillway. This involved performing a Comprehensive Dam Safety Evaluation (CDSE), collecting data from historical geotechnical studies, conducting a structural analysis, and creating preliminary drawings for raising the spillway. It also included identifying inundation areas along the shoreline with the elevated water level and carrying out an environmental pre-screening assessment. A report was issued to SLOC in June 2024. 8.1.4. Applied for and received approval for CWCB grant funding of \$289,777 in September 2024 to complete final design work for spillway raise in 2025 and 2026. SLOC members contributed matching funds in order to obtain such grant funding, as well as additional funds to contribute to the spillway raise. 8.1.5. Conducted monthly and annual engineering reviews and maintenance work on Standley Lake dam. These activities involved, but are not limited to, monitoring of toe drains, piezometers, inclinometers, movement monuments and crack gages and general maintenance activities related to Standley Lake dam structures. FRICO incurred the costs related to these activities during the diligence period. 8.1.6. Conducted numerous reviews of development plans and crossing permits related to the Croke Canal. 8.1.7. Undertook various projects, repair work, and engineering analyses to ensure and maintain the decreed carrying capacity in the Croke Canal. 8.1.8. Participated in numerous water court proceedings in an effort to protect both the absolute and conditional water rights associated with Standley Lake. Significant costs related to these water court proceedings have been incurred during the diligence period. 8.2. Municipal Shareholders: The Standley Lake Conditional Water Right is part of each individual municipal shareholder's (Westminster, Thornton, Northglenn) Clear Creek water supply systems, each of which is an integrated system under § 37-92-301(4)(b), C.R.S. During the diligence period, each individual municipal shareholder has continued the development of its respective Clear Creek water supply system. Activities include, but are not limited to, participation in continuing efforts to effect improvements to and the enlargement of Standley Lake and acquisition of various Clear Creek water rights for incorporation into the respective integrated water supply systems. The municipal shareholders have made substantial efforts to protect the quality of water entering Standley Lake from impacts in the Clear Creek, Ralston Creek, Leyden Creek and Woman Creek basins. Water quality efforts have included, but are not limited to, participation in the Church Ditch Water Quality Project, ongoing efforts regarding source water protection, participation in various rulemaking proceedings before the Colorado Water Quality Control Commission, and participation in various water court proceedings. Individual shareholders' activities include, but are not limited to, the following: 8.2.1. Thornton: 8.2.1.1. As indicated above, the Standley Lake Conditional Water Right is part of Thornton's Clear Creek raw water supply system, an integrated system as defined by § 37-92-301(4), C.R.S. Thornton has continued the development of its Clear Creek Water Supply System by conducting the activities identified in paragraph 8.2, above. 8.2.1.2. During the diligence period, Thornton participated in numerous Water Court proceedings in an effort to protect its pro rata interest in the water rights associated with the Standley Lake Conditional Water Right. Thornton has incurred costs during the diligence period related to these activities. 8.2.1.3. Thornton and Northglenn jointly own a 7-mile section of the Standley Lake Pipeline. Thornton has paid for half of the costs associated with inspection and repair of various sections in the pipeline during the diligence period. In addition to regular inspection and maintenance, Thornton rebuilt the "T" in the pipeline bifurcation, repaired a meter vault and valve, installed four new manways, and completed some cathodic protection. Thornton has incurred costs during the diligence period related to these activities. 8.2.1.4. During the diligence period, Thornton participated in outlet inspection and installation of security cameras at Standley Lake. Thornton has incurred costs during the diligence period related to these activities. 8.2.1.5. During the diligence period, Thornton incurred costs in the form of ditch assessments to the Farmers' High Line Canal and Reservoir Company, which have been used in part to fund annual operations and maintenance activities associated with the Farmers' High Line Canal. In addition, Thornton reimburses FRICO for one third of the operations and maintenance costs associated with Standley Lake and the Croke Canal through the Standley Lake Operating Committee (SLOC). 8.2.2. Northglenn: 8.2.2.1. As indicated above, the Standley Lake Conditional Water Right adjudicated in Case No. 60052 is part of Northglenn's Clear Creek raw water supply system, an integrated system as defined by § 37-92-301(4) C.R.S. Northglenn has continued the development of its Clear Creek Water Supply System by conducting the activities identified in Paragraph 8.3 above. Costs related to these

activities have been incurred during the diligence period. 8.2.2.2. During the diligence period, Northglenn participated in numerous water court proceedings in an effort to protect its pro rata interest in both the absolute and conditional water rights associated with Standley Lake, including the Standley Lake Conditional Water Right. Costs related to these activities have been incurred during the diligence period. 8.2.2.3. During the diligence period Northglenn participated in various activities related to its Integrated Water System, including but not limited to performing ongoing maintenance work on the Northglenn Water Treatment Plant and maintenance and upgrades to its Waste Water Treatment Plant, which, among other things, will allow Northglenn to more efficiently utilize its water available from the FRICO Standley Lake Division, including the Standley Lake Conditional Water Right. Costs related to these activities have been incurred during the diligence period. 8.2.2.4. During the diligence period, Northglenn has worked to obtain agreements for access to and use of structures owned by other entities in order to maximize the beneficial use of its water rights associated with Standley Lake. 8.2.2.5. During the diligence period, Northglenn incurred legal and engineering costs associated with its Application for Conditional Appropriative Rights of Exchange in Case No. 19CW3108, District Court, Water Division 1, which sought conditional appropriative rights of exchange on Big Dry Creek from the South Platte River to Standley Lake. 8.2.2.6. During the diligence period, Northglenn incurred legal and engineering costs related to its application in Case No. 18CW3007, District Court, Water Division 1, and ultimately obtained a final Decree in on December 8, 2022, changing the use of Northglenn's pro rata portion of the Standley Lake Conditional Water Right shares represented by 615.151 shares in the FRICO Standley Lake Division. 8.2.3. Westminster: 8.2.3.1. The Standley Lake Conditional Water Right is part of Westminster's raw water supply system, an integrated system as defined by § 37-92-301(4) C.R.S. Westminster has continued the development of its Clear Creek Water Supply System by conducting a number of the activities identified in Paragraph 8.3, above. Costs related to these activities have been incurred during the diligence period. 8.2.3.2. During prior diligence periods, Westminster City Council adopted Resolution No. 5, Series of 1987, instructing City staff and agents to conduct any further investigations and surveys, to prepare all plans and such other documents as may be needed for acquiring necessary rights-of-way and easements for effectuating appropriations, and to make the necessary filings to increase water supply with the appropriate Water Court. Thereafter, Westminster City Council adopted Resolution No. 11, Series of 2014, reaffirming the statements and intent of Resolution No. 5, Series of 1987, and confirming the City's intent to increase its water supply for the present and future needs of the residents of the City of Westminster. Since the adoption of these resolutions, and consistent with the intent of the same, Westminster has continued to appropriate water rights and perfect conditional water rights for use within the Westminster Municipal Water Supply System. 8.2.3.3. During prior diligence periods, Westminster obtained change of use decrees in Cases No. 86CW397, 88CW267, 89CW129, 90CW211 and 00CW262 changing the use of a portion of its pro rata interest in the Standley Lake Water rights, including its pro rata interest in the Standley Lake Conditional Water Right, for use in its municipal system, either directly or by exchange. During the current diligence period, Westminster obtained several diligence and absolute decrees for the appropriative rights of exchange decreed in the above-named cases. Costs related to these activities have been incurred during the diligence period. 8.2.3.4. During the immediate prior diligence period, Westminster prosecuted the application in Case No. 17CW3105, seeking a change of use for additional FRICO Standley Lake shares, including its pro rata interest in the Standley Lake Conditional Water Right, for use in its municipal system. A decree entered in Case No. 17CW3105 on October 26, 2018. Moreover, during the immediate prior diligence period, Westminster initiated an application in Case No. 18CW3090, seeking a change of use for additional FRICO Standley Lake shares, including its pro rata interest in the Standley Lake Conditional Water Right, for use in its municipal system. A decree entered in Case No. 18CW3090 on January 27, 2022. Costs related to these activities have been incurred during the diligence period. 8.2.3.5. During the diligence period, Westminster continued to prosecute the application in Case No. 18CW3090, seeking a change of use for additional FRICO Standley Lake shares, including its pro rata interest in the Standley Lake Conditional Water Right, for use in its municipal system. A decree entered in Case No. 18CW3090 on January 27, 2022. Costs related to the prosecution and completion of Case No. 18CW3090 were incurred during the diligence period. 8.2.3.6. During the prior diligence period, Westminster, in cooperation with

the other municipal shareholders and the Church Ditch Water Authority, designed, constructed and completed certain headgate improvements to the Church Ditch on Clear Creek. The Church Ditch is a decreed point of diversion for the Standley Lake Water Rights as adjudicated in Case No. 60052. Costs related to these activities have been incurred during the diligence period. 8.2.3.7. One of the sources of water for the appropriative rights of exchanges adjudicated in Cases No. 86CW397, 88CW267, 89CW129, 90CW211, 99CW207 and 00CW262 is wastewater return flows generated, in part, from the municipal use of Westminster's Standley Lake Water Rights at the Big Dry Creek Plant Waste Water Treatment Plant ("Big Dry Creek Plant"). During the diligence period, Westminster completed an approximately \$20.0 million dollar project involving solids dewatering upgrades associated with the Big Dry Creek Plant. Some of the expenditures related to said upgrades were incurred during the diligence period. In addition, during the diligence period, Westminster incurred operation and maintenance expenses associated with the Big Dry Creek Plant. Another source of water to be exchanged is Westminster's fully consumable effluent generated at the Metro Wastewater Reclamation District Plant. During the diligence period, Westminster paid certain fees to the Metro Wastewater Reclamation District related to treatment and discharge of Westminster's effluent at the Metro Plant. 8.2.3.8. During the diligence period, Westminster continued to operate under the carriage agreement with the Farmers' High Line Canal and Reservoir Company for the use of excess capacity in the Farmers' High Line Canal. This agreement allows Westminster to carry additional water through the Farmers' High Line Canal, including Westminster's Standley Lake Water Rights and water exchanged to the Farmers' High Line Canal in accordance with the decrees in Cases No. 86CW397, 88CW267, 89CW129, 90CW211, 99CW207 and 00CW262, District Court, Water Division No. 1. Westminster is contractually obligated to pay an annual fee for use of the Farmers' High Line Canal. Westminster has continually made these payments during the diligence period. 8.2.3.9. During the diligence period, Westminster paid funds in the form of ditch assessments to the Church Ditch Water Authority, the Farmers' High Line Canal and Reservoir Company, and The Farmers Reservoir and Irrigation Company. Said assessments have been used in part to fund annual operations and maintenance activities associated with the Farmers' High Line Canal, the Church Ditch and the Croke Canal. In addition, by separate agreement, Westminster also reimburses FRICO for one third of the operations and maintenance costs associated Standley Lake and the Croke Canal. Westminster's interest in the Standley Lake Water Rights are, or can be, carried in these ditches either directly, or as alternate points of diversion and via exchanges adjudicated in Cases No. 86CW397, 88CW267, 89CW129, 90CW211, 99CW207 and 00CW262. 8.2.3.10. During the diligence period, Westminster participated in numerous water court proceedings in an effort, in part, to protect the City's pro rata interest in both the absolute and conditional water rights associated with Standley Lake. Costs related to these activities have been incurred during the diligence period. 8.2.3.11. Westminster is a participant in the South Platte Water Related Activities Program, Inc., a Colorado nonprofit corporation established by Colorado water users for the purpose of representing water users' interests and partnering with the State of Colorado to implement the Platte River Recovery Implementation Program in central Nebraska. Westminster has paid annual fees into this program during the diligence period and continues to be an active member of this program. 8.2.3.12. Westminster's efforts, discussed above, in concert with the efforts of FRICO and the other municipal shareholders in the Standley Lake Division of FRICO, constitute a steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. 8.3. CDWA: The Church Ditch is a decreed point of diversion for the Standley Lake Conditional Water Right. The municipal shareholders and the Church Ditch Water Authority ("CDWA") conducted the following activities during the diligence period. The following activities and costs related to these activities have been incurred during the diligence period. 8.3.1. CDWA, in cooperation with the FRICO municipal shareholders, completed numerous reviews of development plans and crossing permits related to the Church Ditch. 8.3.2. CDWA, in cooperation with the FRICO municipal shareholders, completed extensive repair work to ensure capacity of the Church Ditch. 8.3.3. 2018-2020: CDWA project – 1/2 mile of ditch lined with polyvinyl chloride (PVC) and concrete blocks for stabilization. 8.3.4. 2019-2020: 3rd party project - reviewed, approved, and construction completed for piping 900' of open ditch in reinforced concrete pipe (RCP). 8.3.5. 2019-2020: CDWA project – designed and constructed new headgate/headworks for Arvada lateral. 8.3.6. 2019-2021:

Joint CDWA and 3rd party project – designed and constructed culvert replacement of twin corrugated metal pipes (CMPs) with 80’ long concrete box culvert (CBC) for road widening, improving freeboard and maintenance. 8.3.7. 2020-2022: CDWA project – designed and constructed culvert replacement of deteriorated twin CMPs with 200’ long CBC, improving freeboard and maintenance. 8.3.8. 2023: CDWA project – designed replacement of deteriorated twin CMPs with 60’ long CBC, improving freeboard and maintenance. 8.3.9. 2023-2025: 3rd party project – 300’ of ditch treated for arsenic remediation per Colorado Department of Public Health and Environment (CDPHE) requirements and lined with PVC and riprap to reduce arsenic exposure, reduce seepage, and stabilize. 8.3.10. 2024: 3rd party project – designed and constructed emergency culvert replacement of failed twin CMPs with 60’ long CBC, also improving freeboard and maintenance. 8.4. Applicant reserves the right to supplement the factual support for the claims in this Application. 9. Because FRICO or its municipal shareholders are the owners of the land on which the diversion structures are, or will be, located, no registered or certified mail notice pursuant to C.R.S. § 37-92-302(2)(b)(II) is required in this case. WHEREFORE, FRICO requests the Court to find that FRICO has made absolute 2,159.4 acre-feet of the Standley Lake Conditional Water Right decreed in Case No. 60052. FRICO also requests that the Court find that FRICO has been reasonably diligent in the development of the Standley Lake Conditional Water Right originally decreed in Case No. 60052 and rule that the remaining portion of said conditional water right shall remain in full force and effect. FRICO further seeks a ruling that a subsequent showing of diligence for the remaining portion of the conditional water right decreed to Standley Lake be made six years from the date of entry of a decree of diligence. (16 pages and 1 exhibit)

CASE NUMBER 2025CW3102 (18CW3119; 11CW192; 04CW214; 97CW193) CENTENNIAL LIMITED LIABILITY CO. III APPLICATION FOR FINDING OF REASONABLE DILIGENCE FOR CONDITIONAL WATER RIGHTS IN DOUGLAS COUNTY. 1. Name, Address, and Telephone Number of Applicant Centennial Limited Liability Co. III (“Centennial LLC” or “Applicant”), Tabor Center, 1200 17th Street, Suite 850, Denver, CO 80202. Telephone: (303) 572-6990. Please direct all correspondence or inquiries regarding this matter to the attorneys for the Applicant: Carolyn F. Burr, Matthew C. Nadel, Welborn Sullivan Meck & Tooley, P.C., 1401 Lawrence St., Suite 1800, Denver, CO 80202, Telephone: 303-830-2500, Facsimile: 303-832-2366. Background 1. Applicant owns approximately 2,396 acres of land in Douglas County, Colorado located in portion of Sections 16, 17, 20, 21, 22, 27, 28, 29, and 33, Township 8 South, Range 68 West of the 6th P.M. in Douglas County, Colorado (the “Property”), as shown in **Exhibit A**. This is a diligence application for the conditional direct flow and storage water rights decreed for use on the Property in Case No. 97CW193 (the “Original Decree”). Subsequent findings of diligence were entered in Case No. 04CW214 on August 3, 2005, in Case No. 11CW192 on July 17, 2012, and Case No. 18CW3119 on July, 23, 2019. 2. 97CW193. The conditional water rights decreed in the Original Decree, that are the subject of this diligence application (“Subject Water Rights”) are as follows: Jackson Creek Highline Ditch First Enlargement for 25 cfs with an appropriation date of July 29, 1996. This right was decreed the following alternative points of diversion: Houston Ditch, Second Enlargement, Upper Diversion, Middle Diversion, Lower Diversion, Pond #1 for 68 a.f. and refill, Pond #2 for 52 a.f. and refill, Pond #3 and #3B for a total of 19.8 a.f. and refill, Pond #4 for 40 a.f. and refill, Pond #5 for 56 a.f. and refill, Pond #6 for 52 a.f. and refill, Pond #7 for 12 a.f. and refill, Pond #8 for 7 a.f. and refill, Pond #9 for 31 a.f. and refill, Pond #10 for 30 a.f. and refill, Pond #11 for 23 a.f. and refill, Pond #12 for 15 a.f. and refill. 3. 98CW471. In case No. 98CW471 (the “Change Decree”), the subject conditional storage rights decreed in Original Decree were changed as follows: Ponds #1, #2 (Now #2A) and #4 were enlarged by a total of 300 a.f., with an appropriation date of Dec. 15, 1998. The conditional uses of commercial and domestic use on the Subject Property, including reuse and Denver Basin aquifer recharge, storage and withdrawal were added to the original decreed uses of irrigation, recreation, augmentation, wildlife and fish propagation for all of the storage rights. The new conditional uses were given a priority date of Dec. 15, 1998. West Plum Creek was added as a source for the storage rights via the West Plum Creek Diversion. The new source of supply was given an appropriation date of Dec. 15, 1998. 4. 00CW18, 00CW111 & 00CW129. Another decree was entered in Consolidated Case Nos.

00CW18, 00CW111 and 00CW129 (“Consolidated Decree”). The Consolidated Decree changed senior irrigation rights, adjudicated additional storage rights, and resulted in the following additional changes to the Subject Water Rights: The storage rights were changed so that they may be stored anywhere on the Property in ponds of any configuration, size and location and were renamed the Centennial Ponds. A total volumetric limit of 1,922.8 acre feet was set for all of the storage rights decreed in the Original Decree, the Change Decree and the Consolidated Decree. These previously decreed changes are reflected in this Application.

5. Name of Structures and Facilities Associated with the Conditional Water Rights: 5.1 Jackson Creek Highline Ditch First Enlargement, and the following alternative points of diversion: Houston Ditch Second Enlargement; Upper Diversion, Middle Diversion; Lower Diversion. 5.2 Centennial Ponds.

6. Description of Conditional Water Rights: 6.1 Jackson Creek Highline Ditch First Enlargement: 6.1.1 Original Point of Diversion: The headgate is located on the north side of Jackson Creek, generally in the SE 1/4 NE 1/4 of Section 29, T8S, R68W, 6th P.M. 6.1.2. Alternative Points of Diversion 6.1.2.1. Houston Ditch Second Enlargement: The headgate is located on the north side of Jackson Creek, generally in the SE1/4 NE1/4 of Section 29. T8S, R68W, 6th P.M., at a point approximately 1,050 feet from the East section line and 2,500 feet from the North section line of said Section 29. 6.1.2.2. Upper Diversion: Located in the SE1/4 NE1/4 of Section 29, T8S, R68W, 6th P.M., at a point approximately 950 feet from the East section line and 2,550 feet from the North section line of said Section 29. 6.1.2.3. Middle Diversion: Located in the NE1/4 NW1/4 of Section 28, T8S, R68W, 6th P.M., at a point approximately 1,450 feet from the West section line and 850 feet from the North section line of said Section 28. 6.1.2.4 Lower Diversion: Located in the SE1/4 SE1/4 of Section 21, T8S, R68W, 6th P.M., at a point approximately 1,250 feet from the East section line and 1,100 feet from the South section line of said Section 21. 6.1.3 Appropriation Date: July 9, 1996. 6.1.4. Adjudication Date: July 7, 1997. 6.1.5 Amount: 25 cfs, conditional. 6.1.6. Source: Jackson Creek, a tributary of West Plum Creek, a tributary to Plum Creek, a tributary to the South Platte River. 6.1.7. Uses: Irrigation on approximately 200 acres of the Property and storage in the Centennial Ponds, subject to the limits decreed in Case No. 97CW193, and for subsequent irrigation, recreation, augmentation, wildlife and fish propagation uses as decreed for the ponds in Case No. 97CW193. 6.2. Centennial Ponds. Only the conditional storage rights that were decreed in the Original Decree are the subject of this Application (“Subject Storage Rights”). 6.2.1. The original places of storage for Ponds #1-#3, #3B, and #4-#12 were changed in the Consolidated Decree to allow for the Subject Storage Rights to be stored anywhere on the Property in ponds of any configuration, size and location. 6.2.2. Appropriation Date: July 9, 1996. 6.2.3. Adjudication Date: July 7, 1997. 6.2.4. Amount: The total volume decreed to the Subject Storage Rights in the Original Decree was 405.8 acre feet, plus refill in the same amount, conditional. 6.2.5. Sources: 6.2.5.1. The Original Decree identified the source for the Subject Storage Rights as Jackson Creek, a tributary of West Plum Creek, a tributary to Plum Creek, a tributary to the South Platte River, through the Jackson Highline Ditch and its alternative points of diversion, the Houston Ditch, the Upper Diversion, the Middle Diversion and the Lower Diversion. Water diverted from Jackson Creek may be stored under the July 9, 1996 priority of the Original Decree. 6.2.5.2. The Change Decree identified West Plum Creek via the West Plum Creek Diversion and/or West Plum Creek Alternate Diversion structure as an additional source of supply. Water diverted from West Plum Creek into storage under the Subject Storage Rights has a priority date of Dec. 15, 1998. 6.2.5.3. In Case No. 97CW076, the Applicant was granted the ability to store not nontributary Denver Basin groundwater in the Centennial Ponds. Applicant has listed the not nontributary groundwater here in order to accurately reflect prior decree terms. However, Applicant is not claiming storage of such water would be treated as water being stored under the Subject Storage Rights. 6.2.6. Uses: 6.2.6.1. The uses under the Original Decree, with an Appropriation Date of July 9, 1996, are: irrigation, recreation, augmentation, wildlife, and fish propagation. 6.2.6.2. The Change Decree added the following uses: commercial and domestic use on the Subject Property, including reuse and Denver Basin aquifer recharge, storage and withdrawal. These uses have an appropriation date of Dec. 15, 1998. 7. Evidence of Reasonable Diligence toward Completing Appropriations: Centennial LLC, III has expended time, money and effort over the diligence period towards development and beneficial use of the subject conditional water rights. The direct flow of water storage rights conditionally decreed in Case No. 97CW193 and continued in Case Nos. 04CW214, 11CW192 and 18CW119 are part of an integrated system

of water rights to supply water to the Property near Sedalia, Colorado. 7.1 Centennial LLC, III repeatedly cleaned and repaired the Jackson Creek Highline ditch, particularly during periods of heavy participation. The ditch is located on a steep, remote hillside largely made of decomposed granite. As a result, extra labor and materials were required to rebuild and reinforce erosion-damaged sections of the ditch. 7.2 A portion of the ditch flows through a pipe supported by a trestle on a remote, steep hill. Erosion caused the trestle to slip and the pipe to fall. Applicant made emergency repairs to the trestle in 2016, but repairs to the trestle are ongoing in this diligence period. 7.3 To access narrow and steep terrain, Centennial LLC, III purchased a \$6,000 tractor to reach otherwise impassible areas to build a road and lift heavy items, such as timber and drainage conduit. 7.4 Centennial LLC, III undertook over 500 hours of manual labor to clear plant growth from the ditch because burning is no longer supported by the local fire district. Additionally, Centennial LLC performed repairs on the ditch due to foliage overgrowth, dead trees, and burrowing wildlife. 7.5 In response engineering studies from previous diligence periods that found considerable earth work or pumping would be required to divert water to proposed storage locations, Centennial LLC, III has sought to acquire alternative parcels which are more easily and economically served. These efforts are ongoing. 7.6 Centennial LLC, III has diligently monitored stream conditions and priority calls on the Jackson Creek and West Plum Creek to measure and document in-priority diversion and stream flows. 8. Names and Addresses of Owners of the Land Upon Which Any New Diversion or Storage Structure, or Modification to Any Existing Diversion or Storage Structure Is or Will Be Constructed or Upon Which Water Is or Will Be Stored, Including Any Modification to the Existing Storage Pool. Application is the owner of the land on which any structures associated with the Subject Water Rights are or will be located. WHEREFORE, Centennial LLC requests that the Court enter a decree finding that Centennial LLC, III has satisfied the statutory standard of steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in development of the subject water rights, and that the remaining conditional portion of the water right should continue.

CASE NUMBER 2025CW3103 Applicant: **THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“Central”), **THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“GMS”), and **THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (“WAS”) (collectively “Central”), 3209 West 28th St., Greeley, CO 80631, Telephone: (970) 330-4540. Please send all correspondence to Ryan M. Donovan, #44435, David L. Strait, #52659, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, ryan@lcwaterlaw.com; dstrait@lcwaterlaw.com. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN WELD AND MORGAN COUNTIES.** 2. **Conditional Underground Water Rights:** 2.1. **Original Decree and Subsequent Diligence Filings:** The original decree for Central’s Walker Recharge Project which is the subject of this Application was entered in Case No. 16CW3202 on July 29, 2019 (the “16CW3202 Decree”). The 16CW3202 Decree adjudicated the following conditional underground and surface water rights, referred to herein collectively as the “Walker Project Water Rights.” 2.2. **Walker North Side Well Field No. 1** 2.2.1. Points of Diversion. Walker North Side Well Field No. 1 consists of up to 22 individual wells to be located on the north side of the South Platte River in the N 1/2 of the SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County, and the N 1/2 of the SW 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. The specific UTM coordinates for each of the 22 wells are identified on Exhibit 2 to the 16CW3202 Decree. The wells shall be constructed such that they are no more than 25 feet further from the South Platte River than their modeled location and otherwise no further than 100 feet from the modeled location. 2.2.2. Source. Alluvial groundwater tributary to the South Platte River. 2.2.3. Diversion Rate and Volume. Up to 50 c.f.s., conditional and 30,000 AF annually, conditional. The diversion rate of 50 c.f.s. is also the combined maximum diversion rate for the “Walker Well Fields,” which includes the Walker North Side Well Field No. 1, the Walker South Side Well

Field No. 2 (described in paragraph 2.3 below), the Walker South Side Well Field No. 3 (described in paragraph 2.4 below), and the Walker North Side Well Field No. 4 (described in paragraph 2.5 below). The annual volumetric limit of 30,000 AF is the combined maximum annual volume for the Walker Project Water Rights, which includes the Walker Well Fields, the “Orchard Well No. 63835-F”, and the “Walker Surface Diversions” (described in paragraphs 3.1 to 3.3 below).

2.2.4. Date of Appropriation. December 29, 2016.

2.2.5. Uses. Water diverted by the Walker North Side Well Field No. 1 shall be delivered to the “Walker Recharge Ponds” described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store in other locations and totally consume the water being appropriated and use the same to extinction consistent with the terms of the 16CW3202 Decree.

2.2.5.1. *Place of Use.* Central shall use the water diverted pursuant to the Walker North Side Well Field No. 1, including any recharge credits derived therefrom, within the boundaries of Central, GMS, or WAS, as they now exist or as modified in the future. The recreation use shall only occur within and proximate to the Recharge Ponds identified in **Exhibit 1**.

2.2.5.2. *Replacement of Return Flows.* Replacement use may occur so as to replace return flows associated with the water rights included in Exhibit 8 of the 16CW3202 Decree, and the return flows for other water rights if allowed by the terms of a future decree of the water court or substitute water supply plan.

2.2.5.3. *Rediversion to Recharge.* Central may re-divert the water diverted under this right and any recharge credits derived from this right to any existing or future recharge projects that include the recharge credits as a source in a Water Court decree. Re-diversion for delivery to recharge projects decreed in Case No. 05CW331 shall be allowed only after complying with ¶25 of the decree in Case No. 05CW331. Additionally, until such time as Central applies for and obtains an amendment to the 05CW331 decree that allows re-diversion into the 05CW331 recharge projects by exchange, such re-diversion is limited to direct delivery of recharge credits from the Central West Pond (North Side) at the Orchard Recharge Well Field under the 05CW331 decree.

2.2.5.4. *Re-diversion by Well(s).* Water diverted under this right and any recharge credits derived from this right shall not be diverted or re-diverted at a well(s) (including an infiltration gallery or other type of groundwater diversion structure), including for delivery to storage, unless Central first obtains a subsequent decree authorizing diversion of such water at such well(s).

2.2.5.5. *Exchange.* Water diverted pursuant to the Walker North Side Well Field No. 1 may be used as a source of substitute or replacement supply in an exchange only if the exchange is operated for the purposes described in this paragraph and either in accordance with the terms and conditions of a decreed exchange that includes the recharge credits as a source of substitute supply or in accordance with administrative approval given in advance by State water administration officials, pursuant to the existing statutory authority.

2.2.5.6. *Storage.* Central may re-divert, by direct delivery or exchange, recharge credits to any storage facilities listed on Exhibit 5 of the 16CW3202 Decree, and any storage facilities that Central acquires the right to use in the future, subject to the terms and conditions of the 16CW3202 Decree and in accordance with advance administrative approval by State water administration officials.

2.2.6. Location of Recharge Ponds. See **Exhibit 1**.

2.2.7. Walker North Side Well Field No. 1 Depletions to the South Platte River. Daily Unit Response Functions (URF) were decreed in the 16CW3202 Decree to calculate the daily timing of well depletions for each of the 22 wells in the Walker North Side Well Field No. 1. Exhibit 2 to the 16CW3202 Decrees includes a table of the URFs for each of the 22 well locations (shown in UTM format) and a map showing the 22 well locations for the wells in the Walker North Side Well Field No. 1. URFs for the wells included in the Walker North Side Well Field No. 1 have also been determined for each well location at both high (greater than 2,000 cfs) and low (less than 2,000 cfs) flow conditions, as determined by the mean daily flow at the Masters stream gage on the South Platte River and are also included in Exhibit 2 to the 16CW3202 Decree.

2.3. Walker South Side Well Field No. 2

2.3.1. Points of Diversion. Walker South Side Well Field No. 2 consists of up to 20 individual wells located on the south side of the South Platte River in the SW 1/4 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. The specific UTM coordinates for each of the 20 Wells are identified on Exhibit 2 to the 16CW3202 Decree. The wells shall be constructed such that they are no more than 25 feet further from the South Platte River than their modeled location and otherwise no further than 100 feet from the modeled location.

2.3.2. Source. Alluvial groundwater tributary to the South Platte River and an unnamed slough

tributary to the South Platte River. 2.3.3. Diversión Rate and Volume. Up to 50 c.f.s., conditional and 30,000 AF annually, conditional. The diversion rate of 50 c.f.s. is also the combined maximum diversion rate for the Walker Well Fields. The annual volumetric limit of 30,000 AF is also the combined maximum annual volume for the Walker Project Water Rights. 2.3.4. Date of Appropriation. December 29, 2016. 2.3.5. Uses. Water diverted by Walker South Side Well Field No. 2 shall be delivered to the Walker Recharge Ponds described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store in other locations and totally consume the water being appropriated and use the same to extinction. All uses are subject to the terms set forth in paragraphs 2.1.5.1 through 2.1.5.6 above. 2.3.6. Location of Recharge Ponds. See **Exhibit 1**. 2.3.7. Walker South Side Well Field No. 2 Depletions to the South Platte River. Daily URFs were decreed in the 16CW3202 Decree to calculate the daily timing of well depletions for each of the 20 wells in the Walker South Well Field No. 2. Exhibit 2 to the 16CW3202 Decree includes a table of the URFs for each of the 20 well locations (shown in UTM format) and a map showing the potential well locations which correspond to each UTM for the wells in the Walker South Side Well Field No. 2. URFs for the wells included in the Walker South Side Well Field No. 2 have also been determined for each well location at both high (greater than 2,000 cfs) and low (less than 2,000 cfs) flow conditions, as determined by the mean daily flow at the Masters stream gage on the South Platte River and are also included in Exhibit 2 to the 16CW3202 Decree. 2.4. **Walker South Side Well Field No. 3** 2.4.1. Point of Diversión. Walker South Side Well Field No. 3 consists of up to 12 individual wells located on the south side of the South Platte River in the W 1/2 of the NW 1/4 of Section 17, Township 4 North, Range 60 West of the 6th P.M. in Morgan County, and the NW 1/4 of the SW 1/4 of Section 17 Township 4 North, Range 60 West of the 6th P.M. in Morgan County, and the NE 1/4 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. The specific UTM coordinates for each of the 12 wells are identified on Exhibit 2 to the 16CW3202 Decree. The wells shall be constructed such that they are no more than 25 feet further from the South Platte River than their modeled location and otherwise no further than 100 feet from the modeled location. 2.4.2. Source. Alluvial groundwater tributary to the South Platte River and an unnamed slough tributary to the South Platte River. 2.4.3. Diversión Rate and Volume. Up to 50 c.f.s., conditional and 30,000 AF annually, conditional. The diversion rate of 50 c.f.s. is also the combined maximum diversion rate for the Walker Well Fields. The annual volumetric limit of 30,000 AF is also the combined maximum annual volume for Walker Project Water Rights. 2.4.4. Date of Appropriation. December 29, 2016. 2.4.5. Uses. Water diverted by Walker South Side Well Field No. 3 shall be delivered to the Walker Recharge Ponds described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store in other locations and totally consume the water being appropriated and use the same to extinction. All uses are subject to the terms set forth in paragraphs 2.1.5.1 through 2.1.5.6 above. 2.4.6. Location of Recharge Ponds. See **Exhibit 1**. 2.4.7. Walker South Side Well Field No. 3 Depletions to the South Platte River. Daily URFs were decreed in the 16CW3202 Decree to calculate the daily timing of well depletions for each of the 12 wells in the Walker South Side Well Field No. 3. Exhibit 2 to the 16CW3202 Decree includes a table of the URFs for each of the 12 well locations (shown in UTM format) and a map showing the potential well locations which correspond to each UTM for the wells in the Walker South Side Well Field No. 3. URFs for the wells included in Walker South Side Well Field No. 3 have also been determined for each well location at both high (greater than 2,000 cfs) and low (less than 2,000 cfs) flow conditions, as determined by the mean daily flow at the Masters stream gage on the South Platte River and are also included in Exhibit 2 to the 16CW3202 Decree. 2.5. **Walker North Side Well Field No. 4** 2.5.1. Point of Diversión. Walker North Side Well Field No. 4 consists of up to 26 individual wells located on the north side of the South Platte River in the SE 1/4 of the NE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County, and the N 1/2 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. The specific UTM coordinates for each of the 26 wells are identified on Exhibit 2 to the 16CW3202 Decree. The wells shall be constructed such that they are no more than 25 feet further from the South Platte River than their modeled location and otherwise no further than 100 feet from the modeled location. 2.5.2. Source. Alluvial

groundwater tributary to the South Platte River. 2.5.3. Diversion Rate and Volume. Up to 50 c.f.s., conditional and 30,000 AF annually, conditional. The diversion rate of 50 c.f.s. is also the combined maximum diversion rate for the Walker Well Fields. The annual volumetric limit of 30,000 AF is also the combined maximum annual volume for the Walker Project Water Rights. 2.5.4. Date of Appropriation. December 29, 2016. 2.5.5. Uses. Water diverted by Well Field No. 4 shall be delivered to the Walker Recharge Ponds described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store and totally consume the water being appropriated and use the same to extinction. All uses are subject to the terms set forth in paragraphs 2.1.5.1 through 2.1.5.6 above. 2.5.6. Location of Recharge Ponds. See **Exhibit 1**. 2.5.7. Walker North Side Well Field No. 4 Depletions to the South Platte River. Daily URFs were decreed in the 16CW3202 Decree to calculate the daily timing of well depletions for each of the 26 wells in the Walker North Side Well Field No. 4. Exhibit 2 to the 16CW3202 Decree includes a table of the URFs for each of the possible 26 well locations (shown in UTM format) and a map showing the potential well locations which correspond to each UTM for the wells in the Walker North Side Well Field No. 4. URFs for wells included in Walker North Side Well Field No. 4 have also been determined for each well location at both high (greater than 2,000 cfs) and low (less than 2,000 cfs) flow conditions, as determined by the mean daily flow at the Masters stream gage on the South Platte River and are also included in Exhibit 2 to the 16CW3202 Decree. 2.6. **Orchard Well No. 63835-F** 2.6.1. Point of diversion: NW 1/4 of the SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County, 1,502 feet from the South Section line and 1,698 feet from the East Section line. UTM: 571632m Easting and 4462439m Northing. Any replacement well shall be constructed no more than 25 feet further from the South Platte River than this location and otherwise no further than 100 feet from this location. 2.6.2. Source: Alluvial groundwater tributary to the South Platte River. 2.6.3. Date of appropriation: December 29, 2016. 2.6.4. Diversion Rate and Volume: 11.14 c.f.s. (5,000 g.p.m.), conditional, and 30,000 AF annually. The annual volumetric limit of 30,000 AF is the combined maximum annual volume for the Walker Project Water Rights. 2.6.5. Uses: Water diverted by Orchard Well No. 63835-F shall be delivered to the Walker Recharge Ponds described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store in other locations and totally consume the water being appropriated and use the same to extinction. All uses are subject to the terms set forth in paragraphs 2.1.5.1 through 2.1.5.6 above. 2.6.6. Prior Decrees: Orchard Well No. 63835-F was originally decreed in Case No. 05CW331. Diversions of Orchard Well No. 63835-F pursuant to the Walker Recharge Project will be delivered only to those recharge ponds described in **Exhibit 1** or otherwise added to the Walker Recharge Project pursuant to a separate application and not to the ponds decreed to the Orchard Recharge Project as described in Case No. 05CW331. 2.6.7. Location of Recharge Ponds. Diversions from Orchard Well No. 63835-F under this Decree shall be delivered to the Walker Recharge Ponds described in **Exhibit 1**. 2.6.8. Orchard Well No. 63835-F Depletions to the South Platte River: Daily URFs were decreed in the 16CW3202 Decree to calculate the daily timing and location of well depletions associated the Orchard Well No. 63835-F. The URFs for Orchard Well No. 63835-F are included in Exhibit 2 to the 16CW3202 Decree, and have also been determined at both high (greater than 2,000 cfs) and low (less than 2,000 cfs) flow conditions, as determined by the mean daily flow at the Masters stream gage on the South Platte River. **3. Conditional Surface Water Rights**: 3.1. **Walker Diversion No. 13** 3.1.1. Point of diversion: At the location of the Weldon Valley Ditch Company river diversion on the north bank of the South Platte River located in the NW 1/4 of the SE 1/4 of Section 13, Township 4 North, Range 61 West of the 6th P.M. in Weld County. UTM: 571335m Easting and 4462421m Northing. 3.1.2. Source: Surface water of the South Platte River and its tributaries; including tailwater, drain, and seep waters accumulating in Sections 13 and 14, Township 4 North, Range 61 West of the 6th P.M. 3.1.3. Date of appropriation: December 29, 2016. 3.1.4. Diversion Rate and Volume: Up to 50 c.f.s., conditional and 30,000 AF annually, conditional. The diversion rate of 50 c.f.s. is also the combined maximum diversion rate for the Walker Surface Diversions. The annual volumetric limit of 30,000 AF is also the combined maximum annual volume for the Walker Project Water Rights. 3.1.5. Uses: Water diverted at Walker Diversion No. 1 shall be delivered to the Walker Recharge

Ponds described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store at other locations and totally consume the water being appropriated and use the same to extinction. All uses are subject to the terms set forth in paragraphs 2.1.5.1 through 2.1.5.6 above. 3.1.6. Location of Recharge Ponds. See **Exhibit 1**. 3.2. **Walker Diversion No. 2** 3.2.1. Point of diversion: A point located on the south bank of the South Platte River and an unnamed slough located in the SW 1/4 of the SE 1/4 of Section 18, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. 3.2.2. Source: Surface water of the South Platte River and its tributaries, including an unnamed slough; and including tailwater, drain, and seep waters accumulating in Sections 13, 24, and 25, Township 4 North, Range 61 West of the 6th P.M., and Sections 17, 18, 19, 20, 29, and 30, Township 4 North, Range 60 West of the 6th P.M. 3.2.3. Date of appropriation: December 29, 2016. 3.2.4. Diversion Rate and Volume: Up to 50 c.f.s., conditional and 30,000 AF annually, conditional. The diversion rate of 50 c.f.s. is also the combined maximum diversion rate for the Walker Surface Diversions. The annual volumetric limit of 30,000 AF is also the combined maximum annual volume for the Walker Project Water Rights. 3.2.5. Uses: Water diverted by Walker Diversion No. 2 shall be delivered to the Walker Recharge Ponds described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store at other locations and totally consume the water being appropriated and use the same to extinction. All uses are subject to the terms set forth in paragraphs 2.1.5.1 through 2.1.5.6 above. 3.2.6. Location of Recharge Ponds. See **Exhibit 1**. 3.3. **Walker Diversion No. 3** 3.3.1. Point of diversion: A point located on the east bank of the South Platte River located in the NW 1/4 of Section 17, Township 4 North, Range 60 West of the 6th P.M. in Morgan County. 3.3.2. Source: Surface water of the South Platte River and its tributaries; including tailwater, drain, and seep waters accumulating in Sections 13, 24, and 25, Township 4 North, Range 61 West of the 6th P.M., and Sections 17, 18, 19, 20, 29, and 30, Township 4 North, Range 60 West of the 6th P.M. 3.3.3. Date of appropriation: December 29, 2016. 3.3.4. Diversion Rate and Volume: Up to 50 c.f.s., conditional and 30,000 AF annually, conditional. The diversion rate of 50 c.f.s. is also the combined maximum diversion rate for the Walker Surface Diversions. The annual volumetric limit of 30,000 AF is also the combined maximum annual volume for the Walker Project Water Rights. 3.3.5. Uses: Water diverted by Walker Diversion No. 3 shall be delivered to the Walker Recharge Ponds described in paragraph 15 of the 16CW3202 Decree and identified in **Exhibit 1** hereto, and used for augmentation, recharge, replacement, exchange, and recreation, including the right to divert, re-divert, store at other locations and totally consume the water being appropriated and use the same to extinction. All uses are subject to the terms set forth in paragraphs 2.1.5.1 through 2.1.5.6 above. 3.3.6. Location of Recharge Ponds. See **Exhibit 1**. 4. **Walker Recharge Ponds:** The Walker Project Water Rights and other water rights allowed to be recharged according to the terms of the 16CW3202 Decree will be diverted and delivered via pipelines to the Walker Recharge Ponds shown in **Exhibit 1** hereto. The net volume of recharge from deliveries to the Walker Recharge Ponds shall be lagged to the South Platte River and will be calculated using Unit Response Functions (URFs) shown in Exhibit 3 to the 16CW3202 Decree for ponds with a daily URF and the analytical equations described by Glover and others (Glover 1977) utilizing a monthly timestep (parallel no-flow boundary method) for the remaining ponds. 5. **Outline of What Has Been Done Toward Completion:** 5.1. During the diligence period, Central expended over \$25,210,368 in legal and engineering expenses, supplies, utilities, equipment rentals, maintenance, and participation in various other activities related to the Walker Recharge Project. 5.2. Integrated System. Central owns numerous water rights and ditch and reservoir structures on the South Platte River and its tributaries which are operated as an integrated system to provide augmentation to over 1,200 member wells in the GMS and WAS Subdistricts. The conditional right decreed for Walker Recharge Project is a part of Central's integrated system. During the diligence period, Central undertook many different projects on its integrated system, including but not limited to purchasing water rights, constructing water storage and delivery infrastructure, filing applications for and obtaining decreed water rights and changes of water rights, and participating as an objector in water court cases for the purpose of protecting Central's water rights. 6. **Claims To Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4).** 6.1. Between July 29, 2019,

and July 31, 2025, Central diverted water at Walker Diversion No. 1 in priority and at a maximum rate of diversion of 13.31 c.f.s., diverted water at Walker Diversion No. 2 in priority and at a maximum rate of diversion of 9.62 c.f.s., and diverted water from Walker South Side Well Field No. 2 in priority and at a maximum rate of diversion of 48.75 c.f.s. The total volume of water diverted by Central from Walker Diversion No. 1, Walker Diversion No. 2 and Walker South Side Well Field No. 2 during the diligence period was 2,891.95 acre-feet. Central seeks a decree approving the Walker Diversion No. 1 water right absolute in the amount of 13.31 c.f.s., with the amount of 36.69 c.f.s. remaining conditional; approving the Walker Diversion No. 2 water right absolute in the amount of 9.62 c.f.s., with the amount of 40.38 c.f.s. remaining conditional; and approving the Walker South Side Well Field No. 2 absolute in the amount of 48.75 c.f.s., with the amount of 1.25 c.f.s. remaining conditional. Additionally, Central seeks a decree approving 2,891.95 acre-feet of the Walker Project Water Rights absolute, with 27,108.05 acre-feet remaining conditional. The water rights for the Walker North Side Well Field No. 1, Walker South Side Well Field No. 3, Walker North Side Well Field No. 4, Orchard Well No. 63835-F and Walker Diversion No. 3 should be continued as conditional in the amounts identified above. As described above, Central's Walker Project Water Rights are part of an integrated system under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Central on any water rights or structures which are part of its integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 7. **Name and address of owner of land which structures are located:** 7.1. Peggram Recharge Ponds 1-4: Timothy A. and Eileen K. Peggram; 0372 County Road U, Wiggins, CO 80654. 7.2. Empire Recharge Pond: Empire Dairy, LLC, 1473 County Road S, Wiggins, CO 80654. 7.3. Olsen Recharge Ponds 1 and 2: James L. and Darlene M. Olsen; 19073 County Road 1; Wiggins, CO 80654. 7.4. Seiber Recharge Pond: Robert E. and Edith Seiber, 18374 County Road 2, Wiggins, CO 80654. 7.5. Wiggins (Knieval) Recharge Pond: David Knieval, 2381 I-76 Frontage Road, Wiggins, CO 80654. 7.6. Weldon Valley Ditch: Weldon Valley Ditch Company, 911 North Ave. Weldon, CO 80653. **WHEREFORE**, Central requests the Court enter a decree finding that Central has satisfied the statutory standard of steady application of effort to complete the appropriations described above for Central's Walker Recharge Project water right in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the Walker Recharge Project water right, that a portion of Central's Walker Recharge Project water right should be made absolute as described herein, and that the remaining conditional portion of the water right should continue. This application consists of twelve (12) pages and one (1) exhibit.

CASE NUMBER 2025CW3104 HIDDEN PINES LLC, 6752 S Kearney Ct., Centennial, CO 80112. Philip Lopez, Eric K. Trout, Fairfield & Woods, P.C., 1801 California St, Ste. 2600, Denver, CO 80202. (303) 830-2400. plopez@fwlaw.com, etrout@fwlaw.com. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT-NONTRIBUTARY SOURCES AND APPROVAL OF A PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON AQUIFER AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** 2. Subject Property: A parcel totaling 40 acres generally located in the SE1/4 of the NE1/4 of Section 19, Township 6 South, Range 65 West of the 6th P.M., also known as 10615 Tomahawk Road, Parker, CO, 80138, as shown on **Exhibit A** (the "**Subject Property**"). 3. Lien Holder Certification: Applicant certifies that there are no mortgage or lien holders, and no notice was required under C.R.S. § 37-92-302(2)(b). 4. Well Permits: There is an Upper Dawson exempt well on the Subject Property under Well Permit Number 204920. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. 5. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson Aquifer is nontributary as defined in C.R.S. § 37-90-103(10.5). 6. Decreed Volume: Applicant owns the following volume of groundwater pursuant to the Quitclaim Deed dated and recorded June 24, 2025, at Reception No. 2025029056 in the records of the Douglas County Clerk and Recorder, attached as **Exhibit B**. The volume

was decreed in Case No. 1991CW094, District Court, Water Division 1 on May 19, 1992 (the “**91CW094 Decree**”). The annual volume is based on a 100-year withdrawal period:

Aquifer	Decree	Annual Volume (acre-feet)	Total Volume (acre-feet)
Lower Dawson (NT)	91CW094	3	300

7. 94CW094 Decreed Uses: All water withdrawn from the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills Formations will be used and reused successively, leased, sold or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, and exchange. The waters will be withdrawn for immediate application to beneficial use, for storage and subsequent application to beneficial use, for exchange purposes, for sale, exchange for replacement of depletion resulting from the of water from other sources, and for all other augmentation purposes. 8. Estimated Volume: Applicant requests to adjudicate all remaining groundwater underlying the Subject Property. Applicant estimates that the following volume may be available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Annual Volume (acre-feet)	Total Volume (acre-feet)
Upper Dawson (NNT)	3	300

9. Proposed Uses: Groundwater withdrawn from the not-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. 10. 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). 11. Summary of Plan for Augmentation: 11.1 Groundwater to be Augmented: Up to 1.5 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 100 years. 11.2 Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. 11.3 Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be used through one well to provide in-house use in up to two (2) single-family homes or their equivalent (0.6 acre-feet per year), outdoor irrigation of up to 10,000 square-feet of home lawn, garden, and trees (0.5 acre-feet per year), watering of up to 28 large domestic animals including use in a horse rehabilitation facility (0.4 acre-feet per year), fire protection, and storage before use anywhere on the Subject Property. Applicant reserves the right to amend the volumes and uses without amending the Application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. (5 pages, 2 exhibits).

CASE NUMBER 2025CW3105 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 FINDING OF REASONABLE DILIGENCE AND TO MAKE AMOUNT ABSOLUTE IN ADAMS, ARAPAHOE, DENVER, DOUGLAS, ELBERT, JEFFERSON, MORGAN AND WELD COUNTIES**. 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. Beebe Draw Recharge Project**. The Beebe Draw Recharge Project was previously decreed in Consolidated Case Nos. 02CW404/03CW442. ECCV's position is that the Beebe Draw Recharge Project is not a conditional appropriative right and, thus a finding of due diligence or claim to make absolute is unnecessary for the right to remain in effect. **3. 70 Ranch Recharge Project**. The 70 Ranch Recharge Project was previously decreed in Consolidated Case Nos. 02CW404/03CW442. ECCV's position is that the 70 Ranch Recharge Project is not a conditional appropriative right; thus, a finding of due diligence or claim to make absolute is unnecessary for the right to remain in effect. **4. Right of Substitution**. ECCV's Right of Substitution of ECCV's "Historic Return Flow Water" account in Barr Lake for historical return flows with a release of their legally available 70 Ranch Water Rights was decreed in Consolidated Case Nos. 02CW404/03CW442. ECCV's position is that the right of substitution is not a conditional appropriative right and, thus a finding of due diligence or claim to make absolute is unnecessary for the right to remain in effect. **5. Conditional Water Storage Right**. 5.1. Name and General Description of Conditional Water Right. Milton Lake 2003 Storage Right. Milton Lake is an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 5.2. Original Decree. The original decree was entered by the Water Court, Water Division 1, on April 15, 2011, in Consolidated Case Nos. 02CW404/03CW442. 5.3. Subsequent Decree. A subsequent decree was entered by the Water Court, Water Division 1, on July 12, 2019, in Case No. 17CW3068. 5.4. Source. Beebe inflow into Milton Lake from the Beebe Draw. 5.5. Appropriation Date. December 31, 2003. 5.6. Amount. 5,000 acre-feet, CONDITIONAL, each water storage year, which shall be November 1 through October 31, at a rate not to exceed 50 cfs. 5.7. Uses. Use by ECCV for augmentation and replacement of depletions associated with pumping from the ECCV Well Field. **6. Conditional Rights of Exchange**. 6.1. General Description of the Rights of Exchange. The South Platte River exchanges decreed herein (the "South Platte River Exchanges") are identified in the Exchange Matrix provided below and will operate on the South Platte River using the exchange points listed below. The lower terminus of the exchange reach is at the Fort Morgan Canal Augmentation Station, which will be located in the SE1/4 of Section 20, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado. The upper terminus of the exchange reach is located at the headgate of the Burlington Ditch, which is located in the SW1/4 of the NE1/4, Section 14, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. 6.2. Exchange Points. 6.2.1. Name, location, and source of diversion points ("Exchange-To Points") at which water will be diverted and/or stored by exchange: 6.2.1.1. United Diversion Facility No. 1. If an agreement with Riverside Irrigation District and Riverside Reservoir Company ("Riverside") is obtained, the headgate will be located at the existing headgate for the Riverside Intake Canal. The existing headgate for the Riverside Canal Intake is located on the north bank of the South Platte River, in the SW1/4 of the SW1/4 of Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Absent an agreement with Riverside, the headgate will be located on the north bank of the South Platte River, in the S1/2 of the SW1/4 of Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, between the headgate of the Riverside Intake Canal and the west section line of Section 20, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado, at a location to be established within that reach, Findings of Fact, Conclusions of Law, Judgment and Decree Case No. 17CW3068 Page 4 approximately 200 yards in extent. The maximum rate of diversion for United Diversion Facility No. 1 is 100 cfs. 6.2.1.2. United Diversion Facility No. 3. The headgate is located on the east bank of the South Platte River, in the SW1/4 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. The maximum rate of diversion is 100 cfs. 6.2.1.3. Jay Thomas Ditch Diversion Dam for delivery to Milliken Reservoir (f/k/a Gilcrest Reservoir). Milliken Reservoir is an off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado, and sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M.,

Weld County, Colorado. The point of diversion for Gilcrest Reservoir will be located adjacent to the Jay Thomas Ditch Diversion Dam, and will be located on the east bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. A diversion facility at the Jay Thomas Ditch Diversion Dam will only be constructed and used by ECCV pursuant to an agreement with the owner, Public Service Company of Colorado. 6.2.1.4. Platte Valley Canal Intake (a/k/a Evans No. 2 Ditch). The headgate is on the east bank of the South Platte River, in Section 19, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado. ECCV shall obtain any necessary agreements with Platte Valley Irrigation Company prior to using the jointly operated portion of the Platte Valley Canal for any excess capacity. The maximum rate of delivery is 350 cfs. 6.2.1.5. Burlington Ditch Intake (also known as the Burlington/O'Brian Canal). The headgate is located on the east bank of the South Platte River, in the SW1/4 of the NE1/4, Section 14, Township 3 South, Range 68 West of the 6th P.M., Adams County, Colorado. The maximum rate of delivery is 900 cfs. 6.2.2. The downstream points of exchange ("Exchange-From Points") at which ECCV shall make substitute supplies available to allow diversion by exchange at the points set forth in paragraph 6.2.2, above, are: 6.2.2.1. Fort Morgan Canal Augmentation Station, which will be located in the SE1/4 of Section 20, Township 4 North, Range 56 West of the 6th P.M., Morgan County, Colorado. 6.2.2.2. Weldon Valley Canal Augmentation Station, which will be located approximately in Section 18, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. 6.2.2.3. 70 Ranch Exchange Quantification Point. The 70 Ranch Quantification Point is the point at which recharge accretions from the 70 Ranch Recharge Project and the legally available consumptive use water from the 70 Ranch Water Rights decreed herein accrue to the South Platte River, the furthest downstream point of which is located at the west section line of Section 23, Township 4 North, Range 62 West of the 6th P.M., Weld County, Colorado, as the section line intersects with the South Platte River. 6.2.2.4. Confluence of the Cache La Poudre River and the South Platte River. Located in the SW1/4 of the SW1/4 (Lot 4) of Section 6, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado, the centroid being 590 feet from the west section line and 4,760 feet from the north section line. 6.2.2.5. Western Mutual Ditch Augmentation Station, which will be located approximately in Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.2.2.6. Milliken Reservoir Outlet Structure. Discharges may be made at the following approximate locations: Section 2, Township 3 North, and Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.2.2.7. Farmers Independent Ditch Augmentation Station, which will be located approximately in Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.3. Amounts. Operation of the South Platte River Exchanges shall be limited to the Exchange-From and Exchange-To Points described in paragraph 6.2.1, above, and the maximum rates described in the Exchange Matrix below:

EXCHANGE-TO POINTS					
EXCHANGE- FROM POINTS	Burlington Canal Intake	United Diversion Facility No. 3	Platte Valley Canal Intake	Jay Thomas Ditch Diversion Dam (Milliken Reservoir Intake)	United Diversion Facility No. 1
Farmers Independent Ditch Augmentation Station	1.5 cfs	1.5 cfs	1.5 cfs	N/A	N/A
Milliken Reservoir Outlet Structure	260 cfs	260 cfs	260 cfs	N/A	N/A
Western Mutual Ditch Augmentation Station	5.5 cfs	5.5 cfs	5.5 cfs	N/A	N/A
Confluence of the South Platte River and Cache la Poudre River	5.2 cfs	5.2 cfs	5.2 cfs	5.2 cfs	N/A

70 Ranch Exchange Quantification Point	11.0 cfs	11.0 cfs	11.0 cfs	11.0 cfs	11.0 cfs
Weldon Valley Canal Augmentation Station	14.2 cfs	14.2 cfs	14.2 cfs	14.2 cfs	14.2 cfs
Fort Morgan Canal Aug. Station	12.2 cfs	12.2 cfs	12.2cfs	12.2 cfs	12.2 cfs

6.3.1. The maximum total aggregate rate of exchange for the simultaneous operation of two or more of the South Platte River Exchanges decreed herein shall not exceed 309.60 cfs. 6.3.2. The total volume of water that may be diverted under the South Platte River Exchanges at all Exchange-To Points shall be limited to a maximum of 8,706 acre-feet in any water year, and a maximum of 63,820 acre-feet in any 10-year period.

6.4. Uses. ECCV shall use the water diverted by exchange under the South Platte River Exchanges for replacement and augmentation of depletions resulting from pumping from the ECCV Well Field to supply ECCV's municipal uses. Water diverted by exchange under the South Platte River Exchanges may also be delivered to recharge ponds approved for use in the 70 Ranch Recharge Project or in the Beebe Draw Recharge Project, or stored in the reservoirs that can be filled from the Exchange-To Points described in paragraph 6.2.1, above, for later release for the uses by ECCV.

6.5. Appropriation Date. The exchanges from the Exchange-From Points described in paragraph 6.2.2, above, to the Exchange-To Points described in paragraph 6.2.1, above, shall be administered with an appropriation date of December 31, 2003, for an average annual total of 5,821 acre-feet, and May 31, 2007, for an average annual total of 561 acre-feet.

6.6. Sources of Substitute Supply for the South Platte River Exchanges. The substitute supplies are:

6.6.1. The 70 Ranch Water Rights, defined in paragraph 39 of the decree in Consolidated Case Nos. 02CW404/03CW442.

6.6.2. ECCV water rights changed in Case No. 02CW403, stored in:

6.6.2.1. United Reservoir No. 3, an off-channel reservoir in the E1/2 of Section 26, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado.

6.6.2.2. Milliken Reservoir, an off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West, and sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado.

6.6.2.3. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir.

6.6.3. Milton Lake, described in paragraph 5.1, above.

6.6.4. FRICO's Multi-Purpose Water Right, decreed in Case No. 02CW403 (limited to the extent of ECCV's pro rata ownership of FRICO shares, or as otherwise allocated by and between FRICO shareholders).

6.6.5. Currently Owned but Unchanged Water Sources and Future Acquired Water Sources. United and its related entities and ECCV have acquired water rights represented by shares in or the right to use water associated with the following: Greeley Irrigation Company, Weldon Valley Ditch Company, Farmers Independent Ditch, Western Mutual Ditch Company, Jackson Lake Reservoir and Irrigating Company, New Cache la Poudre Irrigating Company, Cache la Poudre Reservoir Company, Ogilvy Irrigation and Land Company, Fort Morgan Reservoir and Ditch Company, Fort Morgan Asset Management Inc., and Fort Morgan Water Company, all of which are shown on **Exhibit A** ("Currently Owned But Unchanged Water Sources"). United and its related entities and ECCV also intend to acquire additional water sources for use as a source of substitute supply in the plan for augmentation, exchanges, and substitutions decreed herein ("Future Acquired Water Sources"). The Future Acquired Sources will be limited to only those sources that can be delivered at the Exchange-From Points described in paragraph 6.2.2, above, and to the rate and volume limitations described in paragraph 6.3, above.

Detailed outline of work done for the completion of the conditional appropriation for reasonable diligence. ECCV's unified, integrated system for the diversion, accretion, collection, storage, transmission, and treatment of water rights (the "Water Supply Project") was originally designed to provide ECCV with a long-term, sustainable municipal water supply for its existing and future service area. The conditional water rights decreed herein are part of the Water Supply Project, which will provide water within ECCV's existing and future service areas. Pursuant to C.R.S. §37-92-301(4)(b), for purposes of demonstrating diligence, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of all water rights conditionally decreed herein, and shall constitute diligence toward the development of each of the conditional water rights decreed herein. During

the diligence period ECCV has done, at a minimum, the following work towards completion or for completion of the appropriations and application of water to a beneficial use as conditionally decreed (expenditure numbers are rounded to the nearest \$1,000).

7.1. Legal Fees. Legal fees in the amount of \$3,586,000.00 were expended during the diligence period in ECCV's adjudicatory proceedings and for the appropriation of new water rights for ECCV's Water Supply Project and water rights protection and opposition.

7.2. Engineering Costs. Engineering costs in the amount of \$1,192,000.00 were expended during the diligence period in connection with ECCV's Water Supply Project, to perform water rights modeling, exchange potential modeling, appropriation of new water rights, changes to existing water rights, water rights protection and opposition, and water rights accounting.

7.3. Additional Replacement Supplies. ECCV has filed applications and obtained decrees in the cases listed below to increase the available replacement supplies available under its augmentation plan decrees and facilitate increased diversions in the ECCV Well Field, to add additional storage facilities and recharge locations, and to add exchanges to aid in moving its replacement water to its place of beneficial use.

7.3.1. Case No. 11CW151, original application filed on August 31, 2011; decree entered November 26, 2018.

7.3.2. Case No. 16CW3196, original application filed on December 29, 2016; decree entered October 20, 2021.

7.3.3. Case No. 16CW3200, original application filed on December 29, 2016; decree entered March 28, 2021.

7.3.4. Case No. 19CW3075, original application filed on April 27, 2019; decree entered on September 27, 2021.

7.3.5. Case No. 19CW3084, original application filed on May 15, 2019; decree entered on May 10, 2021.

7.3.6. Case No. 20CW3096, original application filed on July 13, 2020; decree entered on April 20, 2023.

7.3.7. Case No. 20CW3117, original application filed on August 21, 2020; decree entered on November 21, 2023.

7.3.8. Case No. 22CW3209, original application filed on December 27, 2022; decree entered on April 19, 2024.

7.3.9. Case No. 20CW3147, original application filed on September 30, 2020; decree entered on October 11, 2022.

7.3.10. Case No. 20CW3161, original application filed on October 30, 2020; decree entered on November 23, 2022.

7.3.11. Case No. 23CW3142, original application filed on October 31, 2023; decree entered on March 17, 2025.

7.3.12. Case No. 23CW3075, original application filed on June 30, 2023; decree entered on April 29, 2025.

7.3.13. Case No. 24CW3168, original application filed on December 20, 2024; case pending.

7.3.14. Case No. 25CW3062, original application filed on May 29, 2025; case pending.

7.4. Water System Development. During the diligence period, United Water and Sanitation District, on behalf of ECCV, has developed and acquired infrastructure for Phase II of the Water Supply Project ("Phase II"), including, but not limited to, completing United Reservoir No. 3; completing construction of 70 Ranch Reservoir in July 2019; completing cell C2 of Milliken Reservoir in 2020; acquiring Holton Reservoir in September 2019; completing construction of Holton Lake in June 2021; commencing construction of the Serfer Augmentation Station in 2021; completing construction of the A2 recharge pond in 2022; and securing easement deeds and agreements for structures necessary to deliver water to ECCV. During this diligence period ECCV has been working on Phase II, which will allow ECCV to deliver up to 14.75 million gallons of renewable water to customers each day, whereby reducing dependency on non-renewable wells. Phase II also included the following: designing the expansion of the RO Plant and the North and South Booster Pump Stations (2017), construction of Deep Injection Well II (2018), expansion of the plant and pump station (2020), and. The estimated cost of the Phase II infrastructure is \$84.8 million.

7.5. Substitute Water Supply Plans. During this diligence period, ECCV filed joint substitute water supply plans ("SWSP") with Arapahoe Water and Wastewater Authority ("ACWWA") in order to use additional replacement supplies to replace out-of-priority depletions from the ACWWA/ECCV Well Field to facilitate the efficient operation of the Water Supply Project. SWSPs were filed annually from 2019-2024.

7.6. Protection of Water Rights. ECCV has regularly monitored the filings of other water users. It has filed Statements of Opposition to, and has incurred legal and engineering costs in connection with, numerous cases to protect its water rights. The legal fees relating to this is included in paragraph 7.1, above.

7.7. Renegotiation of the Water Supply Agreement. ECCV has been in lengthy negotiations with United concerning updates to the parties' May 2007 Amended and Restated Water Supply Agreement. The following agreements have been reached:

7.7.1. Consolidated Infrastructure Agreement, dated November 28, 2018, between United, Weld Adams Water Development Authority, ECCV, and ACWWA.

7.7.2. Intergovernmental Agreement, dated November 2, 2023, between ECCV, ACWWA, and

United. 7.7.3. Beebe Draw Operating Agreement, dated November 14, 2023, between ECCV, ACWWA, United, Farmers Reservoir and Irrigation Company, and the Burlington Ditch, Reservoir, and Land Company. 7.7.4. First Amended Beebe Draw Operating Agreement, dated April 2, 2025, between ECCV, ACWWA, United, Farmers Reservoir and Irrigation Company, and the Burlington Ditch, Reservoir, and Land Company. 7.8. Opposition of Detrimental Legislation. ECCV has been actively involved in opposing Colorado State legislation that would negatively impact the operation of its augmentation plans and exchanges. 7.9. ECCV continues to rely upon and develop the conditional water rights described herein and has no intent to abandon them. 8. **Claim to Make Absolute**. During this diligence period, ECCV made a maximum of 170.9 acre-feet absolute. Specifically, since the decree was entered in Case No. 17CW3068, ECCV has made absolute portions of the following exchanges: 8.1. Exchange on May 31, 2020 from the Farmers Independent Ditch Augmentation Station to United Diversion Facility No. 3, at a rate of 1.50 cfs. 8.2. Exchange on June 30, 2020 from the 70 Ranch Exchange Quantification Point to United Diversion Facility No. 3, at a rate of 2.00 cfs. 8.3. Exchange on November 10, 2020 from the Milliken Reservoir Outlet to United Diversion Facility No. 3, at a rate of 4.73 cfs. 8.4. Exchange on July 10, 2021 from the Weldon Valley Canal Augmentation Station to United Diversion Facility No. 3, at a rate of 1.80 cfs. 8.5. Exchange on June 25, 2025 from the Confluence of the South Platte River and Cache la Poudre River to United Diversion Facility No. 3, at a rate of 0.82 cfs. *See* ECCV's Water Rights Accounting Summary, attached as **Exhibit 1**. 9. **Names and addresses of owners of the land on which the structures are or will be located, upon which water is or will be stored, and upon which water is or will be placed to beneficial use**. 9.1. Fort Morgan Canal. Fort Morgan Reservoir & Irrigation Company, P.O. Box 38, Fort Morgan, Colorado 80701. 9.2. Weldon Valley Ditch Augmentation Station. Weldon Valley Ditch Company, P.O. Box 66, Weldona, Colorado 80653. 9.3. United Diversion Facility No.1. 70 Ranch, LLC, c/o Robert Lembke, 8301 E. Prentice Avenue, Greenwood Village, CO 80111. The land on which the Diversion Facility will be located is owned by Riverside, 221 E. Kiowa, Fort Morgan, Colorado, 80201 and the Colorado Division of Wildlife, 6060 Broadway, Denver, Colorado, 80216. 9.4. Western Mutual Ditch. Western Mutual Ditch Company, P.O. Box 282, LaSalle, Colorado, 80645. 9.5. Farmers Independent Ditch. Farmers Independent Ditch Company, 2158 27th Avenue, Greeley, Colorado 80634. 9.6. Milliken Reservoir. United Milliken Reservoir Enterprise, LLC, 8301 East Prentice Ave, Suite 100, Greenwood Village, Colorado 80111; and Scout Investments, LLC, whose address is the same. The Jay Thomas Diversion Dam and the land at the point of diversion for Milliken Reservoir are owned by Public Service Company, d/b/a Xcel Energy, Inc., 1800 Larimer Street, Denver, Colorado, 80202-1414. 9.7. United Diversion Facility No. 3. United Water and Sanitation District, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado, 80111. 9.8. The Burlington Ditch. Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, Colorado 80601. WHEREFORE, Applicant East Cherry Creek Valley Water and Sanitation respectfully requests that this Court find that (1) ECCV has exercised reasonable diligence in the development of the conditional water rights described above and those portions not made absolute herein; (2) ECCV has made absolute a portion of the South Platte Exchanges described herein; and (3) for such other relief, which it deems proper.(13 pages, 2 exhibits).

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

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