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## **DISTRICT COURT, WATER DIVISION 1, COLORADO**

### **SEPTEMBER 2025 WATER RESUME PUBLICATION**

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

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

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**CASE NUMBER 2025CW3119 (Case Nos. 19CW3078, 12CW232, 03CW349, 85CW480) TOWN OF CASTLE ROCK** (“Applicant”) Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109; Telephone Number: (720) 733-6000; Please direct all correspondence concerning this application to: Madoline Wallace-Gross, Esq., and Gunnar J. Paulsen, Esq., Lyons Gaddis PC, P.O. Box 978, Longmont, CO 80502-0978; Telephone: (303) 776-9900; Email: [mwg@lyonsgaddis.com](mailto:mwg@lyonsgaddis.com); [gpaulsen@lyonsgaddis.com](mailto:gpaulsen@lyonsgaddis.com). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN DOUGLAS COUNTY.** 2. **Original Decree for All Conditional Water Rights in this Application.** Case No. 85CW480, District Court, Water Division No. 1, entered April 13, 1993. 3. **Subsequent Decrees.** 3.1. **Findings of Diligence for All Conditional Water Rights in this Application.** Case No. 03CW349, District Court, Water Division No. 1 entered October 24, 2006, Case No. 12CW232, District Court, Water Division No. 1 entered April 2, 2013 and Case No. 19CW3078 District Court, Water Division No. 1 entered September 25, 2019. 3.2. **Changes of Conditional Water Rights for Well Nos. AL-1 to AL-20:** Case No. 21CW3142, District Court, Water Division No. 1 entered December 14, 2023. 4. **Conditional Underground Water Rights As Originally Decreed in Case 85CW480.** 4.1. **Well No. AL-1 (aka Castle Rock Well No. 184):** located in SE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,150 feet from the north section line and 200 feet from the east section line. 4.1.1. Estimated Depth: 120 feet. 4.1.2. Pumping Rate: 250 g.p.m. 4.1.3. Amount Conditional: 112 g.p.m. 4.1.4. Amount Absolute: 138 g.p.m. 4.2. **Well No. AL-2 (aka Castle Rock Well No. 185):** located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,700 feet from the north section line and 20 feet from the west section line. 4.2.1. Estimated Depth: 200 feet. 4.2.2. Pumping Rate: 250 g.p.m. 4.2.3. Amount Conditional: 169 g.p.m. 4.2.4. Amount Absolute: 81 g.p.m. 4.3. **Well No. AL-3 (aka Castle Rock Well No. 186):** located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,325 feet from the north section line and 350 feet from the west section line. 4.3.1. Estimated Depth: 150 feet. 4.3.2. Pumping Rate: 250 g.p.m. 4.3.3. Amount Conditional: 250 g.p.m. 4.3.4. Amount Absolute: 0 g.p.m. 4.4. **Well No. AL-4 (aka Castle Rock Well No. 187):** located in NE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 750 feet from the north section line and 600 feet from the east section line. 4.4.1. Estimated Depth: 150 feet. 4.4.2. Pumping Rate: 250 g.p.m. 4.4.3. Amount Conditional: 250 g.p.m. 4.4.4. Amount Absolute: 0 g.p.m. 4.5. **Well No. AL-5 (aka Castle Rock Well No. 188):** located in NE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,200 feet from the north section line and 800 feet from the east section line. 4.5.1. Estimated Depth: 220 feet. 4.5.2. Pumping Rate: 250 g.p.m. 4.5.3. Amount Conditional: 250 g.p.m. 4.5.4. Amount Absolute: 0 g.p.m. 4.6. **Well No. AL-6 (aka Castle Rock Well No. 189):** located in SE 1/4 NE 1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,650 feet from the north section line and 1,050 feet from the east section line. 4.6.1. Estimated Depth: 180 feet. 4.6.2. Pumping Rate: 250 g.p.m. 4.6.3. Amount Conditional: 250 g.p.m. 4.6.4. Amount Absolute: 0 g.p.m. 4.7. **Well No. AL-7 (aka Castle**

**Rock Well No. 190):** located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,025 feet from the north section line and 1,075 feet from the west section line. 4.7.1. Estimated Depth: 180 feet. 4.7.2. Pumping Rate: 250 g.p.m. 4.7.3. Amount Conditional: 250 g.p.m. 4.7.4. Amount Absolute: 0 g.p.m. 4.8. **Well No. AL-8 (aka Castle Rock Well No. 191):** located in SW 1/4 NW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,400 feet from the north section line and 750 feet from the west section line. 4.8.1. Estimated Depth: 220 feet. 4.8.2. Pumping Rate: 250 g.p.m. 4.8.3. Amount Conditional: 178 g.p.m. 4.8.4. Amount Absolute: 72 g.p.m. 4.9. **Well No. AL-9 (aka Castle Rock Well No. 192):** located in NW 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,550 feet from the south section line and 375 feet from the west section line. 4.9.1. Estimated Depth: 140 feet. 4.9.2. Pumping Rate: 250 g.p.m. 4.9.3. Amount Conditional: 129 g.p.m. 4.9.4. Amount Absolute: 121 g.p.m. 4.10. **Well No. AL-10 (aka Castle Rock Well No. 193):** located in NW 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2,150 feet from the south section line and 1,300 feet from the west section line. 4.10.1. Estimated Depth: 160 feet. 4.10.2. Pumping Rate: 250 g.p.m. 4.10.3. Amount Conditional: 250 g.p.m. 4.10.4. Amount Absolute: 0 g.p.m. 4.11. **Well No. AL-11 (aka Castle Rock Well No. 194):** located in NW 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,875 feet from the south section line and 900 feet from the west section line. 4.11.1. Estimated Depth: 150 feet. 4.11.2. Pumping Rate: 250 g.p.m. 4.11.3. Amount Conditional: 250 g.p.m. 4.11.4. Amount Absolute: 0 g.p.m. 4.12. **Well No. AL-12 (aka Castle Rock Well No. 195):** located in NE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,700 feet from the south section line and 2,400 feet from the west section line. 4.12.1. Estimated Depth: 200 feet. 4.12.2. Pumping Rate: 250 g.p.m. 4.12.3. Amount Conditional: 250 g.p.m. 4.12.4. Amount Absolute: 0 g.p.m. 4.13. **Well No. AL-13 (aka Castle Rock Well No. 196):** located in NE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,400 feet from the south section line and 1,950 feet from the west section line. 4.13.1. Estimated Depth: 220 feet. 4.13.2. Pumping Rate: 250 g.p.m. 4.13.3. Amount Conditional: 250 g.p.m. 4.13.4. Amount Absolute: 0 g.p.m. 4.14. **Well No. AL-14 (aka Castle Rock Well No. 197):** located in SE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,150 feet from the south section line and 1,550 feet from the west section line. 4.14.1. Estimated Depth: 160 feet. 4.14.2. Pumping Rate: 250 g.p.m. 4.14.3. Amount Conditional: 250 g.p.m. 4.14.4. Amount Absolute: 0 g.p.m. 4.15. **Well No. AL-15 (aka Castle Rock Well No. 198):** located in SW 1/4 SE 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 750 feet from the south section line and 2,400 feet from the east section line. 4.15.1. Estimated Depth: 200 feet. 4.15.2. Pumping Rate: 250 g.p.m. 4.15.3. Amount Conditional: 250 g.p.m. 4.15.4. Amount Absolute: 0 g.p.m. 4.16. **Well No. AL-16 (aka Castle Rock Well No. 199):** located in SE 1/4 SW 1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 500 feet from the south section line and 2,425 feet from the west section line. 4.16.1. Estimated Depth: 180 feet. 4.16.2. Pumping Rate: 250 g.p.m. 4.16.3. Amount Conditional: 211 g.p.m. 4.16.4. Amount Absolute: 39 g.p.m. 4.17. **Well No. AL-17 (aka Castle Rock Well No. 200):** located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 25 feet from the north section line and 1,800 feet from the east section line. 4.17.1. Estimated Depth: 220 feet. 4.17.2. Pumping Rate: 250 g.p.m. 4.17.3. Amount Conditional: 250 g.p.m. 4.17.4. Amount Absolute: 0 g.p.m. 4.18. **Well No. AL-18 (aka Castle Rock Well No. 201):** located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 300 feet from the north section line and 2,250 feet from the east section line. 4.18.1. Estimated Depth: 200 feet. 4.18.2. Pumping Rate: 250 g.p.m. 4.18.3. Amount Conditional: 166 g.p.m. 4.18.4. Amount Absolute: 84 g.p.m. 4.19. **Well No. AL-19 (aka Castle Rock Well No. 202):** located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,050 feet from the north section line and 1,500 feet from the east section line. 4.19.1. Estimated Depth: 200 feet. 4.19.2. Pumping Rate: 250 g.p.m. 4.19.3. Amount Conditional: 250 g.p.m. 4.19.4. Amount Absolute: 0 g.p.m. 4.20. **Well No. AL-20 (aka Castle Rock Well No. 203):** located in NW 1/4 NE 1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1,250 feet from the north section line and 1,950 feet from the east section line. 4.20.1. Estimated Depth: 160 feet. 4.20.2. Pumping Rate: 250 g.p.m. 4.20.3. Amount Conditional: 209 g.p.m. 4.20.4. Amount Absolute: 41 g.p.m. 4.21. **Flow Rate for Underground Water Rights:** 5,000 g.p.m. conditional through any combination of the wells and for rate of exchanges described in ¶6. 4.22. **Sources of Water for Underground Water Rights:** Alluvium of East Plum Creek. 4.23. **Appropriation Dates for**

**Underground Water Rights:** November 14, 1985. 4.24. **Originally Decreed Uses and Place of Use for Underground Water Rights:** Municipal, domestic, industrial, agriculture, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses in connection with the Meadows Development, including storage, substitution and exchange, replacement of depletions, and for all other augmentation purposes. 5. **Alternate Point of Diversion and Places of Storage for Well Nos. AL-1 through AL-20 as Changed in Case No. 21CW3142:** The conditional amounts of Well Nos. AL-1 through AL-20 were changed to allow diversion from an alternate point of diversion, allow storage in alternate places of storage, and to change the place of use. 5.1. **Plum Creek Diversion (Alternate Point of Diversion):** SE 1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1,660 feet from the south section line and 725 feet from the east section line. The UTM coordinates are NAD83, Zone 13, Easting 501485, Northing 4365534. 5.2. **Castle Rock Reservoir No. 1 Dam (Alternate Point of Storage):** NE 1/4 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1,607 feet from the north section line and 2,340 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 500994, Northing 4366168. Castle Rock Reservoir No. 1 is an existing off-channel and lined reservoir. 5.3. **Castle Rock Reservoir No. 2 Dam (Alternate Point of Storage):** E 1/2 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1,830 feet from the north section line and 790 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501481, Northing 4366106. Castle Rock Reservoir No. 2 is a proposed off-channel and lined reservoir. 5.4. **Chatfield Reservoir (Alternate Point of Storage):** An existing on-channel reservoir formed by Chatfield Dam located on the mainstem of the South Platte River. The right abutment of the dam is located in Douglas County, in Sections 6 and 7 Township 6 South, Range 68 West of the 6th P.M. The left abutment of the dam is located in Jefferson County, in Section 1, Township 6 South, Range 69 West of the 6th P.M. 5.5. **Plum Creek Reservoir:** Located in the N 1/2 SW 1/4, SE 1/4 SW 1/4, and the W 1/2 W 1/2 SE 1/4, Section 20, Township 7 South, Range 67 West, 6th P.M., Douglas County, Colorado. 5.6. **Rueter-Hess Reservoir:** In Section 36, the SE1/4 of Section 25 and the SE1/4 SE1/4 of Section 35, Township 6 South, Range 67 West; in Section 31 and the SW 1/4 of Section 30, Township 6 South, Range 66 West; in the N1/2, the SW1/4 and the NE1/4 SE1/4 of Section 1 and the E1/2 of Section 2, Township 7 South, Range 67 West; in the NW1/4 and NW1/4 NE1/4 of Section 6, Township 7 South, Range 66 West, all of the 6th P.M., Douglas County, Colorado. The axis of the dam intersects the thread of Newlin Gulch at a point in the SE1/4 SW1/4 of Section 30, Township 6 South, Range 66 West of the 6th P.M., which point is approximately 98 feet north of the south section line and 2,348 feet east of the west section line of said Section 30. 5.7. **Contemplated Draft Amount:** 4,424 g.p.m. or 9.85 c.f.s, conditional, limited to 1,170 acre-feet per year over a 20-year average and 4,189 acre-feet maximum annually. 5.8. **Changed Place of Use:** Within the Applicant's service area boundaries, as such may change from time to time, and outside Applicant's service area boundaries by contracts existing as of August 26, 2021. 6. **Conditional Exchanges as Originally Decreed in Case 85CW480.** 6.1. **CR Meadows Exchange No. 1:** Along East Plum Creek within a reach between the western most Alluvial Well, which is designated as AL-4 and is located in the NE1/4 NE1/4 of Section 28, T. 7 S., R. 67 W., 6th P.M., and the eastern most boundary of the Meadows Development located in the NW1/4 of Section 11, T. 8 S., R. 67 W., 6th P.M. 6.1.1. **Amount Conditional:** 5,000 g.p.m. 6.1.2. **Amount Absolute:** 0.0 g.p.m. 6.2. **CR Meadows Exchange No. 2:** Along East Plum Creek within a reach between the eastern most Alluvial Well, which is designated as AL-20 and is located in the NW1/4 NE1/4 of Section 34, T. 7 S., R. 67 W., 6th P.M., and the outfall of the Plum Creek Wastewater Authority Wastewater Treatment Plant located in the SW1/4 SW1/4 of Section 21, T. 7 S., R. 67 W., 6th P.M. 6.2.1. **Amount Conditional:** 4,533 g.p.m. 6.2.2. **Amount Absolute:** 497 g.p.m. 6.3. **CR Meadows Exchange No. 3:** Along East Plum Creek and West Plum Creek within a reach between the Alluvial Well Field located in Sections 27, 28, and 34, T. 7 S., R. 67 W., 6th P.M., and a point on West Plum Creek located in the NW1/4 of Section 1, T. 8 S., R. 68 W., 6th P.M. Water so substituted and exchanged will be delivered to West Plum Creek and carried in West Plum Creek to the confluence with East Plum Creek, and substituting and exchanging the water delivered at the confluence of East Plum Creek and West Plum Creek located in the NE1/4 of Section 1, T. 8 S., R. 68. W., 6th P.M., for water diverted at the Alluvial Well Field at the point of confluence of East

and West Plum Creeks. 6.3.1. **Amount Conditional:** 5,000 g.p.m. 6.3.2. **Amount Absolute:** 0.0 g.p.m. 6.4. **Flow Rate for Exchanges:** 5,000 g.p.m. conditional through any combination of the wells described in ¶4 and the exchanges. 6.5. **Sources of Water for Exchanges:** East Plum Creek. 6.6. **Appropriation Dates for Exchanges:** November 14, 1985. 6.7. **Decreed Uses and Place of Use for Exchanges:** Municipal, domestic, industrial, agriculture, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses in connection with the Meadows Development, including storage, substitution and exchange, replacement of depletions, and for all other augmentation purposes. 7. **Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures.** During the most recent diligence period, Applicant has incurred more than \$87 million to conduct the following work specific to these conditional water rights and on its integrated system. 7.1. Changed the conditional amounts of Well Nos. AL-1 through AL-20 in Case No. 21CW3142 to allow an alternate point of diversion, alternate places of storage, and a change of place of use. 7.2. Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$4,951,280. 7.2.1. Associated legal and administrative costs totaled approximately \$10,000. 7.2.2. As of 2025, Applicant owns 848 acre-feet of capacity in Chatfield Reservoir, with plans to exercise the option to acquire additional capacity up to 2,000 acre-feet of conditional storage. 7.3. Completed the following work related to the Plum Creek Water Purification Facility: 7.3.1. Design of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$1,600,000. 7.3.2. Construction of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$28,600,000. 7.3.3. Conversion to Liquid Ammonium Sulfate at the Plum Creek Water Purification Facility at approximate cost of \$426,000. 7.3.4. Design and engineering for expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$3,240,000. 7.3.5. Began construction for expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$12,675,000. 7.4. Alluvial well rehabilitation and equipment replacement program at a cost of approximately \$1,000,000. 7.5. Alternatives analysis for Plum Creek Diversion upgrades at an approximate cost of \$470,000. 7.6. East Plum Creek stream stabilization and CR-1 Diversion upgrades at an approximate cost of \$310,000. 7.7. Design, construction, and expansion upgrades to Castle Rock Reservoir Nos. 1 and 2 at a cost of approximately \$2,961,000. 7.8. Conducted studies, designed and constructed the expansion to Plum Creek Water Reclamation Authority's Wastewater Treatment Plant at a cost to the Town of approximately \$31,000,000. 7.9. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 7.10. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW3206, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 20CW3215, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, 22CW3111, 23CW3121, 23CW3124, 23CW3129, 23CW3180, 24CW3088, 24CW3094, 25CW3001, 25CW3046 and 25CW3062. 7.11. Filed applications in Case Nos. 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150, 22CW3155, 23CW3002, 23CW3061, 24CW3037 and 24CW3052. 8. **Claim to Make Conditional Water Rights Absolute.** 8.1. **Water Rights Claimed Absolute, including Dates and Amounts:** 8.1.1. **Well No. AL-16:** 52 g.p.m. absolute based on diversions on June 29, 2023. 8.1.2. **Well Nos. AL-1 to AL-20 via Plum Creek Diversion (Alternate Point):** 2.91 c.f.s., absolute based on diversions on October 18, 2024. 8.2. **Remarks:** With the diversions described in ¶¶ 8.1.1. and 8.1.2., the total amount absolute is 4.22 c.f.s. and the total amount remaining conditional is 6.91 c.f.s. Evidence of the amounts claimed absolute are in **EXHIBIT A.** 9. **Map of Structures.** A map showing the location of the structures is attached hereto as **EXHIBIT B.** 10. **Integrated Water Supply System.** The conditional water rights are component parts of Applicant's integrated water supply system, which consists of tributary water rights, augmentation plans, appropriative rights of exchange, conditional water rights and non-tributary groundwater rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the system shall be considered in finding that reasonable diligence has been shown for all components of the system. 11.

**Owners of land upon which the structures are or will be located.** 11.1. **Well Nos. AL-1, AL-2, AL-4 to AL-6 and AL-8 to AL-20.** Castle Rock Land Co. LLC, c/o Castle Rock Development Co., 3033 E. First Avenue, Suite 305, Denver, CO 80206. 11.2. **Well Nos. AL-3 and AL-7.** Findlay Family Properties, LP, 310 N. Gibson Rd., Henderson, NV 89014. 11.3. **Plum Creek Diversion, Castle Rock Reservoir Nos. 1 and 2.** Applicant. 11.4. **Chatfield Reservoir.** U.S. Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128. 11.5. **Plum Creek Reservoir and Outfall of the Plum Creek Wastewater Authority Wastewater Treatment Plant.** Plum Creek Water Reclamation Authority, 4355 N. U.S. Highway 85, Castle Rock, CO 80108. 11.6. **Rueter-Hess Reservoir.** Parker Water & Sanitation District, 13939 Ancestry Drive, Parker, CO 80134. **WHEREFORE,** Applicant respectfully requests the Court enter a decree finding that: A) Applicant has made the portions of the water rights described in ¶8 herein partially absolute; and B) Applicant has been reasonably diligent in perfecting the remaining conditional water rights. (13 pages, excluding exhibits)

**CASE NUMBER 2025CW3120 1. Name, mailing address, e-mail address, and telephone number of co-applicants: TOWN OF MORRISON** (“Morrison”), Attn. Mallory Nassau, Town Manager, 321 Highway 8, Morrison, CO 80465, Telephone: (303) 697-8749, Email: [mnassau@morrisonco.us](mailto:mnassau@morrisonco.us); direct pleadings to counsel for Morrison, Alperstein & Covell, P.C., Gilbert Y. Marchand, Jr. and Andrea L. Benson, 2299 Pearl Street, Suite 400-C, Boulder, CO 80302. Amrize West Central, Inc. (“Amrize”), Attn. Walt Wright, Senior Manager – Environment & Land, 1687 Cole Blvd., Suite 300, Golden, CO 80401, Telephone: (303) 406-8593; direct pleadings to counsel for Amrize, Trout Raley, P.C., James S. Witwer and Trevor I. Klein, 1120 Lincoln Street, Suite 1600, Denver, CO 80203. **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37-92-305(3.5), C.R.S. IN JEFFERSON COUNTY.** **2. Decreed water right for which change is sought:** Morrison and Amrize seek to change the point of diversion for the full amounts, whether absolute or conditional, of those rights lawfully available for diversion at the current location of Morrison Municipal Intake No. 2 to the new point of diversion therefor described elsewhere herein. **2.A. Name of structure:** Morrison Municipal Intake No. 2. **2.B. Decree information:** Various water rights are divertible from the Morrison Municipal Intake No. 2, with various different appropriation dates and amounts, pursuant to various decrees of court. The decree that initially authorized water diversions at the Morrison Municipal Intake No. 2 was entered on November 18, 1996, by the District Court, Water Division No. 1, in Case No. 94CW207. **2.C. Legal description of structure:** Per the decree entered in Case No. 94CW207, the Morrison Municipal Intake No. 2 will be located on the south bank of Bear Creek in the NW1/4 NW1/4, Section 2, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado, at a point whence the NW corner of said section bears North 32 degrees West 140 feet. A map showing the location of the currently decreed point of diversion for the Morrison Municipal Intake No. 2 is attached to the application filed with the Court as Exhibit A. **2.D. Decreed source of water:** Bear Creek, tributary to South Platte River. **2.E. Appropriation date, decreed uses, and amounts: 2.E.(1) Hodgson Ditch:** Morrison’s interest in Priority No. 3 of the Hodgson Ditch was decreed in Case No. W-7382 for diversion through the Morrison Municipal Intake on Bear Creek and in Case No. 94CW207 through the Morrison Municipal Intake No. 2, in the amount of 0.7219 cfs for domestic, municipal, fire protection and recreation uses. Priority No. 3 of the Hodgson Ditch has an appropriation date of June 1, 1861, and historically diverted from Bear Creek. Morrison’s interest in Priority No. 9, also decreed to the Hodgson Ditch, has been abandoned. **2.E.(2) Warrior Ditch:** Morrison owns a total of five and one-eighth (5 1/8) shares of the Warrior Ditch Company (“Warrior Shares”), all of which have been decreed for diversion through the Morrison Municipal Intake and the Morrison Municipal Intake No. 2. The Warrior Ditch was originally decreed in the Arapahoe County District Court, Water District 9, on February 4, 1884, in Civil Action No. 6832, with priority numbers 4, 14, and 16, for diversion from Bear Creek. Priority No. 4 was decreed for 12.33 cfs with an appropriation date of 12/01/1861, Priority No. 14 was decreed for 25.47 cfs with an appropriation date of 10/31/1864, and Priority No. 16 was decreed for 11.49 cfs, with an appropriation date of 04/01/1865. Warrior Ditch Priority No. 8 was decreed for 2.86 cfs from Turkey Creek, with an appropriation date of 04/16/1862. In Case No. B-17672, the District Court, City and County of Denver, Colorado (June 30, 1958), approved the transfer of two

shares of the Warrior Ditch Company to the Morrison Municipal Intake and the decree of this Court in Case No. 94CW207 approved diversion of these two shares at the Morrison Municipal Intake No. 2. The following diversion rates are decreed for said two shares: Priority No. 4: 0.1233 cfs; Priority No. 14: 0.2547 cfs; Priority No. 16: 0.1149 cfs. No change in point of diversion was awarded for Priority No. 8, and that priority has been abandoned to Turkey Creek. In Case Nos. 82CW425 (July 19, 1985) and 87CW301 (November 7, 1988), this Court entered decrees allowing diversion of an additional three and one-eighth shares of the Warrior Ditch Company at the Morrison Municipal Intake, to be used directly or stored, as provided in those decrees. In Case No. 94CW207, this Court entered a decree allowing diversion of the same additional three and one-eighth shares of the Warrior Ditch Company at the Morrison Municipal Intake No. 2, to be used directly or stored, as provided in those decrees. The decrees provide for diversion rates as follows: Priority No. 4: 0.1927 cfs; Priority No. 8: 0.0; Priority No. 14: 0.3980 cfs; Priority No. 16: 0.1795 cfs. Said decrees also impose volumetric limitations on the amount of water that can be diverted under these shares. The volumetric limitations are set forth below, and are not to be changed by the proceedings herein: Warrior Ditch Diversions for Direct Application (units in acre-feet)

April	May	June	July	August	September	October
7.2	18.1	28.1	21.2	25.8	15.9	8.4

In addition to the above limitations, these Warrior shares are limited to a maximum annual diversion for direct municipal uses of 105 acre-feet, with a maximum total diversion of no more than 700 acre-feet in any period of ten consecutive years. Warrior Ditch Diversions to Storage (units in acre-feet)

April	May	June	July	August	September	October
5.0	12.5	15.0	15.0	15.0	8.8	6.2

In addition to the above limitations, these Warrior shares are limited to a maximum annual diversion to storage of 65 acre-feet, and a maximum total diversion to storage of no more than 461 acre-feet in any period of ten consecutive years. The three and one-eighth Warrior shares changed in in Case Nos. 82CW425, 87CW301, and 94CW207 may also be diverted at the Bear Creek Reservoir located on Bear Creek in portions of Sections 31 and 32, Township 4 South, Range 69 West of the 6th P.M.; portions of Sections 5 and 6, Township 5 South, Range 69 West of the 6th P.M.; and portions of Section 1, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado. Priority No. 8 of the three and one-eighth shares has been abandoned to Turkey Creek. Morrison's Warrior Shares are used as part of Morrison's comprehensive water supply plan for domestic, municipal, fire protection, storage, and augmentation purposes (including storage and release of winter return flow obligations), as further described in the decrees in Case Nos. B-17672, 82CW425, 87CW301, and 94CW207. No change of these uses is claimed herein. **2.E.(3) Pioneer Union Ditch:** Morrison's share of the Pioneer Union Ditch were decreed for diversion through the Morrison Municipal Intake in Case No. B-17672, described above, and were decreed for diversion through the Morrison Municipal Intake No. 2 in Case No. 94CW207. The Pioneer Union Ditch was originally decreed on February 4, 1884, in Civil Action No. 6832 with Priority No. 5 (with an appropriation date of December 10, 1861), Priority No. 11 (with an appropriation date of September 1, 1862) and Priority No. 15 (with a priority date of March 15, 1865). Morrison is entitled to divert these priorities for municipal purposes at the Morrison Municipal Intake and the Morrison Municipal Intake No. 2 as follows: Priority 5: 0.4964 cfs; Priority 11: 0.3252 cfs; Priority 15: 1.0052 cfs. **2.E.(4) Morrison Domestic Right:** The Morrison Domestic Right for 3.5 cfs was decreed for diversion through the Morrison Municipal Intake in Case No. 91471 in the District Court, City and County of Denver, Colorado on September 24, 1935, with an appropriation date of September 21, 1867. This right is decreed for municipal uses, including watering of lawns and gardens. This right was decreed for diversion through the Morrison Municipal Intake No. 2 in Case No. 94CW207. **2.E.(5) Lewis & Strouse Ditch:** The Lewis & Strouse Ditch was originally decreed with Priority No. 13 from Bear Creek, with an appropriation date of 03/01/1863. Morrison's interest in the Lewis & Strouse Ditch was changed to allow diversion to storage through the Morrison Municipal Intake in Case No. 82CW425, decreed on July 19, 1985, Water Division No. 1, State of Colorado, and further changed to allow diversion to storage through the Morrison Municipal Intake No. 2 in Case No. 94CW207. The decrees in Case Nos. 82CW425 and 94CW207 also provide that

Morrison's interest in the Lewis & Strouse Ditch may be diverted to storage in the Morrison Reservoir No. 1 (also known as the Morrison Operating Reservoir) and/or the Strain Gulch Reservoir through the Morrison Municipal Intake and/or the Morrison Municipal Intake No. 2, and at the Bear Creek Reservoir. Case No. 82CW425 provides that the Lewis & Strouse Right may be diverted to storage at a maximum rate of 2.083 cfs. Case No. 82CW425 also limits the amount of the Lewis & Strouse Right that can be stored as follows:

<u>Lewis &amp; Strouse Ditch Diversions to Storage (units in acre-feet)</u>					
May	June	July	August	September	October
86.0	100.0	100.0	89.0	56.0	45.0

In addition to the above limitations, Morrison's interest in the Lewis & Strouse Ditch is limited to a maximum annual diversion to storage of 315 acre-feet, and a maximum total diversion to storage of no more than 1,695 acre-feet in any period of ten consecutive years. Morrison's interest in the Lewis & Strouse Ditch is used as part of Morrison's comprehensive water supply plan for domestic, municipal, fire protection, storage, and augmentation purposes (including storage and release of winter return flow obligations), as further described in Case No. 82CW425. **2.E.(6) Morrison Reservoir No. 1** (also known as Morrison Operating Reservoir): The Morrison Reservoir No. 1 is decreed for 28.8 acre-feet, absolute, with an appropriation date of December 13, 1982, for domestic, municipal, fire protection, storage and release from storage for subsequent domestic, municipal and fire protection uses and for augmentation purposes. The rate of diversion to the Morrison Operating Reservoir will not exceed 10 cfs. The original decree was entered in Case No. 82CW425. Subsequent diligence decrees were entered in Case Nos. 89CW100 (March 30, 1990), 96CW68 (November 18, 1996), 2002CW282 (October 13, 2006), and 2012CW245 (April 14, 2013), in Water Court, Division No. 1. The water right was made fully absolute by the decree entered by this Court in Case No. 19CW3079 on December 17, 2019. Water is diverted to the Morrison Reservoir No. 1 through the Morrison Municipal Intake and may be diverted through the Morrison Municipal Intake No. 2 pursuant to the decree in Case No. 94CW207. **2.E.(7) Strain Gulch Reservoir** (also referred to as "Morrison Strain Gulch #1 Reservoir"): The Strain Gulch Reservoir was conditionally decreed in Case No. 83CW053, on April 29, 1987, for 200 acre-feet from Bear Creek, with an appropriation date of February 25, 1983, for municipal uses, including augmentation. Subsequent decrees awarding diligence were entered by the Water Court, Water Division No. 1, in the following cases: 93CW48, 99CW189, 2008CW189 and 2016CW3048. In Case No. 2008CW189, 14.327 acre-feet were made absolute. In Case No. 2016CW3048, an additional 176.092 acre-feet were made absolute. In Case No. 23CW3037, an additional 9.581 acre-feet were made absolute. The entire 200 acre-feet is now absolute. As confirmed by the decree in Case No. 23CW3037, the original decreed storage location for this storage right and the inlet to the original decreed storage location were relinquished, but not the water right. In Case No. 94CW209, decreed November 18, 1996, the Court entered a decree pursuant to which the water rights decreed to the Strain Gulch Reservoir in the 83CW053 Decree could also be stored in a reservoir then known as Morrison Reservoir No. 2, located in portions of the SE1/4NE1/4 and N1/2 SE1/4 of Section 10, and the W1/2W1/2NW1/4 of Section 11, T5S, R70W of the 6th P.M. in Jefferson County, Colorado. The decree in Case No. 94CW209 also limits the rate of diversion to storage from Bear Creek to a rate not to exceed 10 cfs. The reservoir called "Morrison Reservoir No. 2" in Case No. 94CW209 was renamed Morrison Quarry Reservoir No. 1 in Case No. 2009CW33, and that name is used in this application. In Case No. 2009CW33, decreed February 19, 2012, the Morrison Quarry Reservoir No. 2 was decreed as another alternate place of storage for the water rights decreed to the Strain Gulch Reservoir in Case No. 83CW053. The Morrison Quarry Reservoir No. 2 is an existing excavated reservoir located in the N 1/2 NE1/4 and SE 1/4 NE 1/4 of Section 10, and in the W 1/2 NW 1/4 of Section 11, both in Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado. Water is to be diverted to storage through either the Morrison Municipal Intake or the Morrison Municipal Intake No. 2, and transported by pipeline to the inlet structure. The rate of diversion to the Strain Gulch Reservoir will not exceed 10 cfs. **2.E.(8) Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2**: The Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2 were conditionally decreed in Case No. 95CW126, on February 4, 1997, for 650 acre-feet of storage in Morrison Quarry Reservoir No. 1 and 3,000 acre-feet of storage in Morrison Quarry Reservoir No. 2 with a point of

diversion (among other points of diversion) from Morrison Municipal Intake No. 2 at a rate not to exceed 5 cfs and appropriation date of October 31, 1994, to be used, directly or by exchange, for irrigation, agricultural, commercial, industrial, and municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreational, piscatorial, maintenance and preservation of wildlife and esthetics values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of municipal water systems, including further exchange with municipal or industrial water systems, and such other water uses. Subsequent decrees awarding diligence were entered by the District Court, Water Division No. 1, in the following cases (and on the following dates): 03CW106 (July 19, 2005), 12CW100 (December 15, 2013), and 19CW3256 (October 14, 2020). In Case No. 12CW100, 8.193 acre-feet were made absolute for Morrison Quarry Reservoir No. 1, and 115.297 acre-feet were made absolute for Morrison Quarry Reservoir No. 2. In Case No. 19CW3256, an additional 632.647 acre-feet were made absolute for Morrison Quarry Reservoir No. 2. **2.E.(9) Changed Joseph W. Bowles Reservoir Company Shares:** Morrison Municipal Intake No. 2 is one of the decreed alternate points of diversion for water rights represented by Amrize’s 68.13 shares (“Subject Shares”) of 424.26 outstanding shares in the Joseph W. Bowles Reservoir Company, a mutual ditch organization (the “Bowles Company”). The Subject Shares represent a pro rata interest of 16.06% in the water rights of the Bowles Company described below, the use of which interest is further defined by the Amended Findings of Fact, Conclusions of Law, Judgment and Decree of Water Court entered June 9, 2014 in Case No. 11CW294, District Court, Water Division 1 (the “11CW294 Decree”):

Name	Case Number/District Court	Adjudication Date	Appropriation Date	Decreed Amount	
				Rate (cfs)	Volume (af)
Bowles Reservoirs	CA6832/Arapahoe County	2/4/1884	5/10/1876	11.06	-
			5/15/1880	15.75	-
Bowles Reservoir No. 1	CA91471/City and County of Denver	9/24/1935	3/9/1883	33.19	-
			3/9/1883	-	363
			5/10/1876	-	2,110

**2.E.(9)(a) Use:** Per the 11CW294 Decree, water attributable to the Subject Shares may be used for the following uses: irrigation, commercial and industrial, including the uses of mining, quarrying, mechanical operations and dust suppression, augmentation, exchange and re-use. **2.E.(9)(b) Storage:** Per the 11CW294 Decree, water attributable to the Subject Shares may be diverted at Morrison Municipal Intake No. 2 for storage in Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2 (as such reservoirs are further described elsewhere herein) either as an alternate point of diversion of Bowles Company water rights or as an exchange of water released from Bowles Reservoir No. 1. **2.E.(10) Bowles Reservoir Exchange:** Morrison Municipal Intake No. 2 is also one of the decreed upstream Exchange “To” points for the following appropriative rights of exchange adjudicated in the 11CW294 Decree: **2.E.(10)(a) Date of original and any relevant subsequent decrees:** June 9, 2014, Case No. 11CW294; April 27, 2021, Case No. 20CW3092. **2.E.(10)(b) Exchange From Point:** The confluence of Bear Creek with the South Platte River, located the NE1/4 of NE1/4 of Section 4, Township 5 South, Range 68 West of the 6th P.M. **2.E.(10)(c) Source of Substitute Supply:** The consumptive use portion of the Subject Shares, and as limited by the historical consumptive use findings and terms and conditions described in the 11CW294 Decree. **2.E.(10)(d) Appropriation Date:** December 31, 2011. **2.E.(10)(e) Amount (Rate of Exchange):** 7.5 cfs, conditional. The Findings of Fact, Conclusions of Law, Ruling, Judgment and Decree entered in Case No. 20CW3092 found that Amrize had exercised reasonable diligence in the development of the Bowles Reservoir Exchange. **2.E.(10)(f) Use:** Irrigation, commercial and industrial, including the uses of mining, quarrying, mechanical operations and dust suppression, augmentation, exchange and re-use. **2.E.F. Amount:** Diversions through the point of diversion for the Morrison Municipal Intake No. 2 sought herein

will not exceed the rates previously decreed to the water rights allowed to be diverted at Morrison Municipal Intake No. 2. **3. Detailed description of proposed change in a surface point of diversion: 3.A. Complete statement of change, including a description of how the change meets the definition of a simple change in a surface point of diversion.** Morrison owns water rights that are currently decreed for diversion at the structure known as the Morrison Municipal Intake No. 2. Amrize (formerly known as Holcim – WCR, Inc., Aggregate Industries – WCR, Inc., and Cooley Gravel Company) also owns water rights currently decreed for diversion at the Morrison Municipal Intake No. 2. The structure has not been constructed yet. Applicants seek to change the location of this structure to a point approximately 2,000 feet downstream from its currently decreed point of diversion. The location meets the criteria for a simple change of water right as defined in C.R.S. § 37-92-305(3.5). Therefore, Morrison and Amrize seek such a simple change to allow water currently decreed for diversion at the Morrison Municipal Intake No. 2 to be diverted at the point of diversion for the Morrison Municipal Intake No. 2 sought herein. No change in the type or place of use, or any other change, is sought herein. There is no intervening surface diversion point or inflow between the new point of diversion and the diversion point from which the change is being made. The proposed change does not include a change of point of diversion from below or within a stream reach for which there is an intervening surface diversion point or inflow or decreed in-stream flow right to an upstream location within or above that reach. The proposed change and the application herein is not combined with and does not include any other type of change of water right. Based on the foregoing, the proposed change meets the definition of a simple change in a surface point of diversion. C.R.S. § 37-92-305(3.5)(a)(II). Water is physically and legally available at the diversion point from which the change is being made. C.R.S. § 37-92-305(3.5)(c)(I). The proposed change will not result in diversion of a greater flow rate or amount of water than has been decreed to the water rights that may be diverted at the Morrison Municipal Intake No. 2. C.R.S. § 37-92-305(3.5)(c)(I). The proposed change will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. C.R.S. § 37-92-305(3.5)(c)(II). Nothing in this application changes Applicants’ rights or obligations with respect to diversion of water at any point of diversion other than Morrison Municipal Intake No. 2. **3.B. Location of the new surface point of diversion:** at or within 200 feet of a point in the SE 1/4 of the SW 1/4 of Section 35, Township 4 South, Range 70 West, of the 6th Principal Meridian, 22 feet north of the south section line and 2058 feet east of the west section line of said section 35 (as measured from the electronic USGS Morrison (2016) topographic map (Google Earth .kmz file) overlaid in Google Earth). This location is illustrated on Exhibit A. **4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed:** Co-applicant, Town of Morrison, owns the land upon which the point of diversion for the Morrison Municipal Intake No. 2 sought herein will be constructed. Number of pages (including exhibit): 13 pages.

**CASE NUMBER 2025CW3121 THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT AND THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Lawrence Custer Grasmick Jones & Donovan, LLP, Attorneys for Applicant, The Central Colorado Water Conservancy District, the Groundwater Management Subdistrict of the Central Colorado Water Conservancy District and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District, Bradley C. Grasmick, #35055 and Jacklyn P. Gunn, #59386, APPLICATION FOR APPROPRIATION OF CONDITIONAL GROUNDWATER RIGHTS AND TO ADD WELLS TO DECREEED PLANS OF AUGMENTATION IN WELD COUNTY.** 2. Applicant desires to appropriate conditional groundwater rights for 3 augmentation wells. GMS desires to add these augmentation wells to its augmentation plan decreed in Case No. 02CW335 (the “GMS Plan”) and WAS desires to add these wells to its augmentation plan decreed in Case No. 03CW99 (the “WAS Plan”). 3. Pursuant to paragraph 16.1 of the GMS Plan, GMS may add additional augmentation wells to the GMS Plan “by filing a new application in the Water Court to add such additional sources.

Augmentation Wells may be added under such appropriation date and priority as the Court may determine, so long as the wells are operated and used, and depletions are replaced, on terms and conditions at least as restrictive as those decreed herein.” 4. Pursuant to paragraph 11.2.1 of the WAS Plan, WAS may add additional augmentation wells to the WAS Plan by filing a separate application with the Water Court to add the wells to the WAS Plan. “Such wells shall be operated and used, and depletions replaced, on terms and conditions at least as restrictive as those decreed herein.”

**CONDITIONAL GROUNDWATER RIGHTS**

5. Structures to be Added and Augmented (collectively, the “Wells”). 5.1. Name of Structure to be Added: Streer East Well; Well Permit No. 336676-. 5.1.1. Name and Address of Owner of Well: Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 80634. 5.1.2. Location of Well: SW 1/4 of the SE 1/4 of Section 29, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.1.3. Source: Alluvial groundwater tributary to the South Platte River. 5.1.4. Appropriation Date: November 27, 2024. 5.1.5. Amount: 2,000 g.p.m., conditional. 5.1.6. Glover Parameters: Harmonic Mean Transmissivity (gallons/day/foot)  $T = 80,300$ . Total distance of alluvial aquifer boundary from river  $W = 22,753$  feet. Distance of Well from river  $X = 11,540$  feet. 5.1.7. Location of Delivery to South Platte River: NE 1/4 of the SW 1/4 of Section 19, Township 4 North, Range 66 West of the 6th P.M. in Weld County. 5.1.8. Proposed Use: Augmentation. 5.1.9. Said well is owed by Central. 5.2. Name of Structure to be Added: Streer West Well; Well Permit No. 336677-. 5.2.1. Name and Address of Owner of Well: Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 80634. 5.2.2. Location of Well: SW 1/4 of the SE 1/4 of Section 29, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.2.3. Source: Alluvial groundwater tributary to the South Platte River. 5.2.4. Appropriation Date: November 27, 2024. 5.2.5. Amount: 4,000 g.p.m. 5.2.6. Glover Parameters: Harmonic Mean Transmissivity (gallons/day/foot)  $T = 78,900$ . Total distance of alluvial aquifer boundary from river  $W = 22,654$  feet. Distance of Well from river  $X = 10,905$  feet. 5.2.7. Location of Delivery to South Platte River: NE 1/4 of the SW 1/4 of Section 19, Township 4 North, Range 66 West of the 6th P.M. in Weld County. 5.2.8. Proposed Use: Augmentation. 5.2.9. Said well is owed by Central. 5.3. Name of Structure to be Added: Wiedeman East Well; Well Permit No. 336678-. 5.3.1. Name and Address of Owner of Well: Central Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 80634. 5.3.2. Location of Well: SE 1/4 of the SW 1/4 of Section 29, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado. 5.3.3. Source: Alluvial groundwater tributary to the South Platte River. 5.3.4. Appropriation Date: November 27, 2024. 5.3.5. Amount: 3,800 g.p.m. 5.3.6. Glover Parameters: Harmonic Mean Transmissivity (gallons/day/foot)  $T = 75,700$ . Total distance of alluvial aquifer boundary from river  $W = 21,696$  feet. Distance of Well from river  $X = 9,807$  feet. 5.3.7. Location of Delivery to South Platte River: NE 1/4 of the SW 1/4 of Section 19, Township 4 North, Range 66 West of the 6th P.M. in Weld County. 5.3.8. Proposed Use: Augmentation. 5.3.9. Said Well is owned by Central. 6. Terms and Conditions for Use. GMS and WAS propose to use the Wells consistent with the applicable terms and conditions of the GMS Plan and WAS Plan, respectively. Use of the Wells by GMS will be augmented within the GMS Plan and use of the Wells by WAS will be augmented within the WAS Plan. No other changes to the GMS Plan or the WAS Plan are requested in this application. 7. Names and Addresses of Owners of Land on Which Structure is Located. 7.1. SVW Farms LLP, 14460 CR 40, Platteville, CO 80651. 7.2. Janice L. Wiedeman and Terry Lee Wiedeman, 13434 CR 42, Platteville, CO 80651. This document consists of 4 pages.

**CASE NUMBER 2025CW3122 CONCERNING THE APPLICATION FOR WATER RIGHTS OF UNITED STATES OF AMERICA IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES, IN TELLER COUNTY, APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART.** 1. Name, address, telephone number of Applicant: United States of America C/O National Park Service, Water Resources Division, Attn.: Chief, Water Rights Branch, 1201 Oakridge Dr. Suite 250, Fort Collins, CO 80525. 2. Introduction: The United States seeks a Finding of Reasonable Diligence and To Make Absolute in Part, under C.R.S. § 37-92-301(4), for a conditional water storage right decreed in Case No. 94CW083 (“Conditional Storage Right”). The United States files this Application pursuant to a July 16, 2025 order in Case No. 2017CW3107. That order directed the United

States to file an application for a Finding of Reasonable Diligence and To Make Absolute in Part for the Conditional Storage Right during the month of September 2025. CONDITIONAL STORAGE RIGHT. 3. Name of structure: Sawmill Trail Well. 4. Original Decree: Case No. 94CW083, entered on February 28, 1996 in Water Div. No. 1. Decreed amount appropriated: 20 gallons per minute, not to exceed 3.5 acre-feet per year. Subsequent decrees awarding findings of diligence: Case No. 2017CW3107, dated September 6, 2019, Water Division No.1; Case No. 09CW161, dated August 17, 2011, Water Division No. 1; Case No. 02CW024, dated October 21, 2003, Water Division No. 1. 5. Legal description:

Structure Name	Qtr Qtr	Sec	Tshp	Rng	Distance from section line	County	Meridian
Sawmill Trail Well	NE 1/4 SW 1/4	23	13 S	R71 W	2,405 feet from the S and 1,973 feet from W	Teller	6th P. M.

6. Sources of water: a. Groundwater, tributary to Grape Creek, tributary to Twin Creek, tributary to South Platte River. 7. Appropriation date: February 1990. 8. Amount: 20 g.p.m., 3.5 acre-feet. 9. Uses: Domestic & Commercial (drinking water, restroom use, fire suppression, maintenance and irrigation). 10. Depth: 220 feet. 11. Outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period.: 2019 Decree: 0.75 acre/ft per year made absolute, 2.75 acre/ft per year to remain conditional until September 30, 2025. Amount to remain conditional past September 30, 2025: 1.83 acre/ft. per year. Use: The National Park Service (NPS) plans to construct an addition on the A Frame cabin, which is a residential housing unit that will ultimately have 3 bedrooms. In addition, the NPS plans to build 2 to 3 RV pads with water/sewer hookups for seasonal employee housing in the area adjacent to the A Frame cabin. The water for these facilities will be supplied by the existing water line and the Sawmill Trail Well. Based on recommendations for water supply planning from Colorado State Extension, the NPS anticipates beneficially using the remaining conditional amount of 1.83 acre/ft. per year of this water right within the next 20-25 years as these projects are completed and also in order to accommodate increases in yearly visitation and the commensurate necessary increases in visitor facilities and employee housing. 12. Date water applied to beneficial use: November 2019. 13. Amount to make absolute in 2025: 0.92 acre/ft per year. 14. Use: In addition to the 0.75 ac/ft decreed absolute in 2019, the 0.92 acre/ft. to be made absolute will continue to provide water for domestic and commercial uses, including water tank cleaning, drinking water, restroom use, fire suppression system maintenance and household use for a total of 1.67 ac/ft. The Sawmill Trail Well is the sole source of water for Florissant Fossil Beds National Monument and serves visitors as well as staff. Water has been used beneficially for domestic and commercial use by providing drinking water and water for restrooms at the visitor center and 2 administration and maintenance buildings. Once every 3 to 5 years, a larger amount of water has been used to clean the interior of a 35,000 gallon water tank as legally required (Colorado Primary Drinking Water Regulations (Regulation 11)). The next scheduled tank cleaning is in the fall of 2025. The water line also serves 5 hydrants for emergency fire suppression. 15. Evidence of diversion & beneficial use: Total annual withdrawal 2018-2024:

Water Year	Annual withdrawal Acre/Ft per year
2018-2019	0.19
2019-2020	1.663
2020-2021	0.241
2021-2022	0.47

2022-2023	0.46
2023-2024	0.36

16. Description of place of use: Within the exterior boundaries of Florissant Fossil Beds National Monument. Currently none of the water that is the subject of the Application is used for irrigation. 17. PLSS:

<b>Legal Description:</b> Teller County	NE1/4	SW1/4	Section 23	Township 13S	Range 71W	6th PM
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18. UTM Coordinates: Easting 0473993, Northing 4306333, Zone 13 NAD83. Street Address: 15807 Teller County Road 1, Florissant, CO 80816. Source of UTM: Apple iPad. Accuracy of location: 12 ft.

**CASE NUMBER 2025CW3123 (10CW293 and 18CW3180) TOWN OF ERIE** (“Town” or “Applicant”), c/o Public Works Director, 645 Holbrook, Erie, CO 80516; Email: tfessenden@erieco.gov; Telephone: (303) 926-2895. Please direct all correspondence and pleadings to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., Bradley N. Kershaw, Esq., Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978; Email: pjohnson@lyongaddis.com; akehrl@lyongaddis.com; and bkershaw@lyongaddis.com; Telephone: (303) 776-9900. **APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN FULL AND FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. Name of structure: NWRf Exchange. The water right decreed to the NWRf Exchange is referred to below as the “Subject Water Right.” 3. Description of Subject Water Right: a. Date of original decree: Case No. 10CW293, District Court, Water Division No. 1, State of Colorado, entered on October 23, 2012 (“10CW293 Decree”). b. Subsequent decrees awarding findings of reasonable diligence: Case No. 18CW3180, District Court, Water Division No. 1, State of Colorado, entered on September 6, 2019 (“18CW3180 Decree”). c. Legal description of the structure: The NWRf Exchange constitutes appropriative rights of substitution and exchange on Boulder Creek and Coal Creek, whereby water which is available for use by the Town is delivered to Boulder Creek at the downstream terminus of exchange (exchange-from point), the Town’s North Water Reclamation Facility (“NWRf”), which is located in the NE1/4 NW1/4 of Section 31, Township 2 North, Range 68 West, 6th P.M. at a point on the North section line and approximately 2,147 feet from the West section line. Said water is used to supply downstream appropriators, and an equivalent amount of water is exchanged to the upstream terminus (exchange-to point), at the Town’s South Water Reclamation Facility (“SWRF”), which is located in the NE1/4 NW1/4 of Section 18, Township 1 North, Range 68 West, 6th P.M. at a point approximately 825 feet from the North section line and 1,900 feet from the West section line. The reach of the NWRf Exchange is approximately 4.16 miles in length, not including the distance from the SWRF to the Vista Ridge Pump and Pipeline. A map showing the approximate locations of the above-described structures and the substitution and exchange reach is attached hereto as **Exhibit 1**. The NWRf Exchange is operated in conjunction with the exchange decreed in the 02CW306 Decree, under which the water is then further exchanged upstream to the Vista Ridge Pump and Pipeline in the NW1/4 SE1/4 of Section 30, Township 1 North, Range 68 West, 6th P.M. in Weld County at a point approximately 2,320 feet from the South section line and 2,560 feet from the East section line of said Section 30 for the uses described in the 02CW306 Decree and Paragraph 3(g) above. In Case No. 13CW20, the Vista Ridge Exchange originally decreed in the 02CW306 Decree was made absolute in full. d. Source of water: The water and water rights used for substitution and exchange are the fully consumable effluent associated with the Town’s use of Windy Gap Project water, as quantified below, and as delivered to Boulder Creek from the Town’s NWRf, either directly or from releases from the NWRf Reservoir. Windy Gap water currently available to the Town is

summarized below. i. Windy Gap Project Water: The Town currently owns 20 Units of Windy Gap Project water, which water is available to the Town and is used as one of the sources of substitute supply for the NWRf Exchange. The water rights for the Windy Gap Project consist of the Jasper Pump and Pipeline; Jasper Reservoir; Windy Gap Pump, Pipeline and Canal; Windy Gap Pump, Pipeline and Canal First Enlargement; Windy Gap Pump, Pipeline and Canal Second Enlargement; and Windy Gap Reservoir. These water rights were originally decreed in Case No. CA-1768, Grand County District Court on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division No. 5 on October 27, 1980. In addition, decrees awarding absolute water rights for municipal, industrial, irrigation, and recreational uses, including reuse, successive use and use to extinction for the Windy Gap Reservoir; Windy Gap Pump, Pipeline and Canal; and Windy Gap Pump, Pipeline and Canal, First and Second Enlargements were entered in Case No. 88CW169, Water Division No. 5 (February 6, 1989) and Case No. 89CW298, Water Division No. 5 (July 19, 1990). Windy Gap Project water is introduced, stored, carried, and delivered in and through the components of the Colorado-Big Thompson Project, operated by the Northern Colorado Water Conservancy District. Windy Gap Project water is imported foreign water that is available for use, reuse, and successive use until extinction. In Case No. 10CW293, the Town was granted the right to exchange water from 20 Units of Windy Gap water that has been used in the Town's municipal system and discharged from the NWRf or stored and released from the NWRf Reservoir, and the Town also reserved the right to claim reuse of return flows from lawn grass, irrigation, and all other uses in future Water Court applications. ii. In addition, the Town may file a future Water Court application claiming the use of additional sources of water within the NWRf Exchange. iii. Operation of the NWRf Exchange is limited to those times when effluent from the use of Windy Gap water is being delivered to Boulder Creek from the NWRf or the NWRf Reservoir. The amount of exchangeable Windy Gap return flow water discharged at the NWRf on any given day or stored in the NWRf Reservoir is determined by multiplying the total amount of effluent discharged from the NWRf by the percentage which Windy Gap water represents of the total water diverted into the Town's water treatment plant the previous day. The Town does not claim any Windy Gap effluent at the NWRf on days when Windy Gap effluent is being discharged to Coal Creek at the SWRF pursuant to the decree entered in Case No. 02CW306 ("02CW306 Decree"). e. Date of appropriation: December 14, 2010. f. Amount: 1.9 cfs total (1.85 cfs of which was previously made absolute in the 18CW3180 Decree, with 0.05 cfs remaining CONDITIONAL). g. Uses: Irrigation of the Vista Ridge Golf Course and associated open space located in Sections 30, 32, and 33, Township 1 North, Range 68 West, 6th P.M., lake level maintenance, construction, fire protection, recreation, piscatorial, storage, exchange, and replacement. The use of Windy Gap effluent includes the right to make a fully consumptive use of the water for the above-described purposes and to use, reuse, and successfully use the water to extinction. These uses describe only the uses of the water which is exchanged hereunder. 4. Claim to Make Absolute in Full: a. Amount: By this Application, the Town claims an additional 0.05 cfs as absolute, for a total absolute amount of 1.9 cfs (the entirety of the Subject Water Right). b. Date water diverted and applied to beneficial use: On July 2, 2020, the Town diverted and exchanged water under the Subject Water Right up to its full decreed flow rate. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: a. The Town is a home rule municipality that operates an integrated system for water delivery and related wastewater treatment and water reuse. The Subject Water Right and the NWRf Reservoir are parts of the integrated system operated by the Town for its municipal water service. During the subject diligence period running from November 1, 2018, through the date of filing this Application ("Diligence Period"), the Town engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 5, related to the development and use of the Subject Water Right, and operation of the Town's integrated municipal water system. The activities and costs identified herein are not exhaustive, and the Town reserves the right to provide evidence of other work done and costs incurred during the Diligence Period as this case proceeds. b. Operation of NWRf Exchange and Maintenance of NWRf Reservoir: i. The Town has operated the NWRf Exchange during the Diligence Period up to its full amount for its decreed beneficial uses, as described above in Paragraph 4. Such diversion and beneficial use of the Subject

Water Right in an amount greater than the amount previously decreed absolute is evidence of the Town's reasonable diligence in the development of and completion of the appropriation of Subject Water Right. In addition, the Town has filed reports and has provided daily accounting to the Office of the Division Engineer on a monthly basis during the Diligence Period related to its operation of the Subject Water Right and NWRf Reservoir. ii. During the Diligence Period, the Town has operated and maintained the NWRf Reservoir, which is the exchange-from point for the Subject Water Right, including for the purposes of providing an exchange source of substitute supply for the Subject Water Right in conjunction with the Town's NWRf. The Town has dedicated significant staff time and resources for this purpose during the Diligence Period and has spent in excess of \$800,000 for the operations and maintenance of the NWRf Reservoir and the related facilities, such as the Town's reuse water system. Examples of specific operations and maintenance activities and expenses include, but are not limited to, the following: treatment chemicals, water quality testing, utilities, a seepage analysis of the NWRf Reservoir, maintenance, repairs, improvements, and preparation and publication of a Request for Proposals for the design of a modified outfall and sampling location at the NWRf Reservoir. In addition, the Town has dedicated significant staff time and related resources to planning efforts related to the Subject Water Right and NWRf Reservoir. c. Additional Diligence Activities: During the Diligence Period, the Town also engaged in the following activities and incurred the described costs for work related to the Subject Water Right, NWRf Reservoir and/or other aspects of its integrated water system, including but not limited to the following: i. As described above, the exchange source of substitute supply for the Subject Water Right consists of fully consumable effluent associated with the Town's use of its Windy Gap Project water. Throughout the Diligence Period, the Town has paid annual assessments to the Northern Colorado Water Conservancy District for its Windy Gap Units as well as for its ongoing participation in the related Windy Gap Firming Project. ii. The Town has undertaken several efforts to improve the water quality in NWRf Reservoir, including continual water quality monitoring, testing and analysis via sampling plan by consultants, and amounting to a total expenditure of approximately \$68,000 during the Diligence Period. These efforts will facilitate a more efficient and effective beneficial use of the Subject Water Right. iii. The Town has also hired a consultant to complete a water rate and tap fee study, which is inherently related to its integrated water system, including future improvements. iv. The Town filed and/or adjudicated water court applications as the Applicant in the following Water Division 1 cases: 19CW3063, 19CW3064, 22CW3201, and 25CW3052. v. The Town participated in various water court cases as an opposer to monitor the impact of the rights claimed in those cases and to protect its water rights, including the Subject Water Right, from injury, such as the following Water Division 1 cases: 19CW3020, 19CW3201, 20CW3053, 20CW3131, 20CW3139, 21CW3138, 21CW3236, 22CW3176, 23CW3154, 24CW3062, 25CW3011, 25CW3034, and 25CW3060. vi. The Town expended approximately \$1,400,000 on legal fees during the Diligence Period to support the Town's water rights applications, planning, development, and to protect its existing water rights, including the Subject Water Right, from injury. vii. The Town expended over \$168,000 on water resources engineering consultant and staff time during the Diligence Period for purposes of ongoing water accounting, supporting the Town's own water rights applications as well as monitoring opposing cases, and for other integrated water system planning activities. 6. Continuing Need and Intent for the Subject Water Right: As described above in Paragraph 4, by this Application, the Town claims that it has made the Subject Water Right absolute up to its full decreed amount for all decreed beneficial uses. Additionally, and in the alternative, the Town claims that it has exercised reasonable diligence in the continued development of the Subject Water Right. The Town's water supply system is managed based on existing and future demands. The Town has a continuing need for all of the water decreed to the Subject Water Right and has a continuing plan and intent to put to beneficial use the Subject Water Right, up to its maximum decreed 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: Applicant. WHEREFORE, the Town requests entry of a decree confirming that Subject Water Right has been made absolute for all decreed purposes in its full and total amount of 1.9 cfs. Additionally, and in the alternative,

the Town requests entry of a decree confirming that it has exercised reasonable diligence in the continued development of the Subject Water Right. (9 pgs., 1 Exhibit)

**CASE NUMBER 2025CW3124 MEADOWLARK LANDS, I, LP, a Delaware limited partnership,** c/o Clear Frontier Ag Management, Attn: Ben Miller, Asset Manager, 1001 Farnam Street, Suite 200, Omaha, NE 68102, 308-530-4250. Please send all further pleadings to: Sara J.L Irby, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 2. Name of the structures: 2.1. Black Well No. 13762-F, having Well Permit No. 13762-F-R dated April 16, 1991, as amended May 3, 2001; and 2.2. Supplemental Well No. 055703-F; issued May 3, 2001. Such supplemental well is pumped pursuant to the water right decreed for Well No. 13762-F, in Case No. W-1182, and as changed in Case No. 89CW141, as further set forth below in Paragraph 3. 3. Description of conditional water right: 3.1. *Original Decree:* Case No. W-1182, District Court, Water Division No. 1 dated May 5, 1972. Subsequently, the decree entered in Case No. 89CW141, District Court, Water Division No. 1, dated June 26, 1991 changed the point of diversion for Well No. 13762-F to the location set forth in Paragraph 3.3 below. 3.2. *Subsequent Decrees:* 3.2.1. Case No. 97CW133, District Court, Water Division No. 1, entered July 9, 1999. 3.2.2. Case No. 05CW117, District Court, Water Division No. 1, entered January 4, 2006. 3.2.3. Case No. 11CW259, District Court, Water Division No. 1, entered September 17, 2012. 3.2.4. Case No. 18CW3160, District Court, Water Division No. 1, entered September 12, 2019. 3.3. *Location and Legal Description of Wells:* 3.3.1. Well No. 13762-F: SW1/4 of the NE1/4 of Section 25, Township 10 North, Range 69 West of the 6th P.M., Larimer County, at a point 2,240 feet from the north section line and 1,820 feet from the east section line. 3.3.2. Supplemental Well No. 055703: SW 1/4 of the NE 1/4 of Section 25, Township 10 North, Range 69 West of the 6th P.M., Larimer County, at a point 2,164.94 feet from the north section line and 1,784.73 feet from the east section line. 3.4. *Source:* Ground water. 3.5. *Appropriation Date:* April 5, 1969. 3.6. *Amount:* 0.501 cfs (225 gpm) made ABSOLUTE in Case No. 89CW141, 0.29 cfs (130 gpm), CONDITIONAL. The pumping rate of supplemental Well No. 055703-F shall not exceed 355 gpm. The simultaneous maximum pumping rate of Well No. 055703-F and Well No. 13762-F shall not exceed 355 gpm. 3.7. *Use:* Irrigation of approximately 130 acres in the S½ of the N ½ of Section 25, Township 10 North, Range 69 West of the 6th P.M., Larimer County. 4. Diligence/Conditional Claims. During this diligence period, Applicant and its predecessor in interest continued to improve the use of Well No. 13762-F, Well No. 055703-F, and any related structures and facilities that are part of Applicant's water distribution and irrigation system, including performing routine maintenance of the wells and related equipment, and repairing the irrigation center pivot system used to irrigate the property with water from the wells during this diligence period. Applicant and its predecessor also paid the annual assessments and transfer fees to include the wells in the Cache La Poudre Water Users Association's Plan for Augmentation, and assessments to North Poudre Irrigation Company for the surface water rights that are part of Applicant's water distribution and irrigation system. In total, Applicant and its predecessor in interest expended approximately \$27,000 on the operation, maintenance and repair of Well No. 13762-F, Well No. 055703-F and its water distribution and irrigation system during the diligence period. Applicant reserves the right to amend this Application in order to assert and demonstrate that during the diligence period other or additional activities have been undertaken or accomplished toward completion of the appropriation. 5. Name(s) and address(es) of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The land on which Black Well No. 13762-F and Supplemental Well No. 055703-F are located is owned by Meadowlark Lands OP I, LLC, 1001 Farnam Street, Suite 200, Omaha, NE 68102. WHEREFORE, Applicant respectfully requests that the Court find that Applicant has demonstrated continued intent and progress toward finalizing the conditional water rights, and, therefore, continues the remaining portion of the conditional water right, and for such other relief as the Court may deem proper. (Application consists of 5 pages).

**CASE NUMBER 2025CW3125** Applicant: **JARRED SATER**, 27556 WCR 46, Kersey, CO 80644, Telephone: (970) 396-3804. Please send all correspondence to Wesley S. Knoll, #48747, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, [wes@lcwaterlaw.com](mailto:wes@lcwaterlaw.com); **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**. 2. Name of Structure: Lang Well No. 12191 (“Well”) 3. Description of Conditional Water Right: 3.1. Date of Original Decree: September 12, 2019, Case No. 19CW3049, Water Division No. 1. 3.2. Previous Decrees: Case No. 19CW3050, date decreed September 12, 2019, Water Division No. 1; Case No. W-2312, date decreed November 5, 1975, Water Division No. 1. 3.3. Legal Description of Location of Well: The well is located in SE/4 of the SW/4 of Section 15, Township 4 North, Range 64 West of the 6th P.M., Weld County, Colorado, at a point 234 feet North and 2632 feet East of the SW Corner of said Section 15. 3.4. Source of Water: Groundwater tributary to the South Platte River 3.5. Depth: 63.5 feet 3.6. Appropriation Date and Amount: March 27th, 2019 in the amount of 1000 gallons per minute/2.22 cubic feet per second, conditional 3.7 Use: 3.7.1. Number of Acres Historically Irrigated: As approved by the Decree in Case no. W-2312, Applicant has historically irrigated 80 acres in the E/2SW/4 of Section 15, T4N-R64W. 3.7.2. Irrigation of an additional 65 acres in the W 1/2 SW 1/4 of Section 15, T 4 N, R 64 W of the 6th P.M., for a total of 145 irrigated acres in the SW/4 of Section 15, Township 4 North, Range 64 West, 6th P.M. 4. Detailed Outline of What has Been Done Toward Completion of the Appropriation and Application of Water to a Beneficial Use as Conditionally Decreed 4.1. Applicant pumped at 600 gal/minute to irrigate the 65 acres at acres in the W 1/2 SW 1/4 of Section 15, Township 4 North, Range 64 West of the 6th P.M. and seeks to make the right absolute for that amount. 4.2. Operation of Augmentation Plan: Applicant is a member of the Augmentation Plan operated by the Groundwater Management Subdistrict of the Central Colorado water Conservancy District (“GMS”), Case No. 02CW35. All out of priority depletions from the Well will continue to be replaced pursuant to the Plan. 5. Land Ownership. All structures are located on land owned by the Applicant. 6. Claim for Finding of Reasonable Diligence: Applicant seeks a finding that he has been reasonably diligent in the development of the conditional groundwater right and seeks a decree confirming the conditional groundwater right not previously made absolute will remain conditional in the amount of 400 gallons per minute. This application consists of three (3) pages.

**CASE NUMBER 2025CW3126 AMRIZE WEST CENTRAL INC. (“AMRIZE”)** Attn: Walt Wright Senior Manager, Environment & Land; 1687 Cole Blvd, Suite 300 Golden, CO 80401; 303-406-8593; Communications, including pleadings regarding this application, should be directed to counsel for Amrize, James S. Witwer and Trevor I. Klein, Trout Raley, P.C., 1120 Lincoln Street, Suite 1600, Denver, CO 80203; 303-861-1963. **APPLICATION FOR CHANGE OF WATER RIGHT IN JEFFERSON COUNTY**. II. **Summary of Application**. Applicant Amrize, as successor to Cooley Gravel Company, operates a hard rock aggregate quarry (“Morrison Quarry”) in the Town of Morrison in Jefferson County. In connection therewith, Amrize owns 9.325 inches (0.242 cfs) of the 652.8 inches (17.0 cfs) of water originally decreed to the Robert Lewis Ditch, more particularly described elsewhere herein. Amrize’s interest in the Robert Lewis Ditch water right is hereinafter referred to as the “Amrize Robert Lewis Right.” This Court previously approved a change of the Amrize Robert Lewis Right by decree entered November 16, 1989, in Case No. 86CW066 (“86CW066 Decree”). The 86CW066 Decree quantified the historical consumptive use associated with the Amrize Robert Lewis Right based on Amrize’s pro rata interest in historic depletions associated with the irrigation of three parcels of land on which Robert Lewis Ditch water rights were originally used. Consistent with the 86CW066 Decree, the Amrize Robert Lewis Right can presently divert water at two alternate points of diversion: (1) the Harriman Canal (previously referred to as the Arnett Ditch or sometimes the Arnett Harriman Ditch) on Bear Creek, a tributary to the South Platte River; and (2) the Cooley Morrison Quarry Pipeline on Strain Gulch, a tributary to Bear Creek. Also pursuant to such decree, Amrize may store such diversions in the Cooley Morrison Quarry Pond located at Morrison Quarry. In this application, Amrize seeks to add two additional points of diversion on Bear Creek as alternate points of diversion for the Amrize Robert Lewis Right as previously quantified in the 86CW066

Decree. Amrize also seeks to add two alternate places of storage. Finally, Amrize seeks to add several beneficial uses to those currently decreed. Amrize will continue to use the Amrize Robert Lewis Right at the Morrison Quarry; it does not seek a change in place of use. III. **Decreed Water Right for Which Change is Sought.** A. Name of Structure: Robert Lewis Ditch. B. Original and All Relevant Subsequent Decrees (Date of Decree): The Robert Lewis Ditch water right was the subject of three prior decrees: i. Priority No. 19 in former Water District No. 9 (entered February 14, 1886) (“Priority No. 19 Decree”). The Priority No. 19 Decree confirmed 17.0 c.f.s. of water for irrigation use to be diverted at the Robert Lewis Ditch, the original point of diversion, located on Bear Creek. ii. Civil Action No. 51248 in the City and County of Denver District Court (entered February 13, 1912) (“No. 51248 Decree”). The No. 51248 Decree changed the point of diversion from the Robert Lewis Ditch to the Harriman Canal, also located on Bear Creek. iii. 86CW066 Decree (entered November 16, 1989): Change of Amrize Robert Lewis Right. The 86CW066 Decree approved the change of 0.242 c.f.s. of the 17.0 c.f.s. originally decreed to the Robert Lewis Ditch by (1) changing the use from irrigation to irrigation and industrial (dust suppression); (2) changing the manner of use from direct flow to direct flow and storage in Cooley Morrison Quarry Pond; (3) changing the place of use from the irrigated lands originally associated with the Robert Lewis Ditch to the Cooley Gravel Company Morrison Quarry (n/k/a “Morrison Quarry”); and (4) adding an alternate point of diversion at the Cooley Morrison Quarry Pipeline, located on Strain Gulch. C. Decreed Sources of Water: Bear Creek, tributary to the South Platte River; Strain Gulch, tributary to Bear Creek. D. Legal Description: The decreed points of diversion for the Amrize Robert Lewis Right are shown on the attached map (“Exhibit A”) and have the following legal descriptions: i. Harriman Canal (a.k.a. “Arnett/Harriman Ditch”): On the south side of Bear Creek in the NE1/4 of Section 2, Township 5 South, Range 70 West, 6th P.M., in Jefferson County, Colorado. ii. Cooley Morrison Quarry Pipeline: In the SE1/4, NE1/4 Section 10, T. 5 S., R. 70 W., 6th P.M., 1400’ from east line, 1550’ from north line of said Section 10. E. Storage: Pursuant to the 86CW066 Decree, Amrize may store, between the months of April and October, an average of eight acre-feet per year of water diverted under the Amrize Robert Lewis Right in the Cooley Morrison Quarry Pond (later described as Cooley Morrison Quarry Reclamation Pond and Cooley Morrison Quarry Plant Pond in the decree entered on November 16, 1989 in Case No. 86CW065), shown on Exhibit A and is located in the NW1/4 NE1/4, Section 10, T. 5 S., R. 70 W. 6th P.M., 2450’ from east line, 1050’ from north line of said Section 10. F. Appropriation Date: October 1, 1865. G. Decreed Uses: Irrigation and industrial (dust suppression). H. Historical Consumptive Use: When the Court approved Amrize’s predecessor’s proposed change of the Amrize Robert Lewis Right in the 86CW066 Decree, the Court quantified the right’s historical consumptive use. In addition to limiting future diversions and storage under the Amrize Robert Lewis Right to the interest in the historic depletions described above, the Court imposed additional terms and conditions, including limits on the rate and volume of such diversions and storage. The Court’s previous quantification of the historical consumptive use associated with the Amrize Robert Lewis Right in the 86CW066 Decree, precludes reconsideration or requantification of historical consumptive use herein. C.R.S. § 37-92-305(e). IV. **Description of Proposed Change.** Amrize seeks approval of three changes to the Amrize Robert Lewis Right as previously changed in the 86CW066 Decree. First, Amrize seeks to add Morrison Municipal Intake, an existing diversion structure owned by the Town of Morrison (“Morrison”) on Bear Creek, and Morrison Municipal Intake No. 2, a planned diversion structure on Bear Creek, as alternate points of diversion. Second, Amrize seeks to add two alternate places of storage: Morrison Quarry Reservoir No. 1 and Morrison Quarry Reservoir No. 2. Finally, Amrize seeks to add several beneficial uses to those currently decreed. A. Alternate Points of Diversion: Amrize’s proposed alternate points of diversion are shown on Exhibit A, and their legal descriptions are provided below: i. Morrison Municipal Intake, a diversion structure located on the south bank of Bear Creek in the SW 1/4 of the SE 1/4 in Section 34, Township 4 South, Range 70 W, 6th P.M. in Jefferson County, Colorado, at a point whence the SE1/4 of said section bears south 79°, 28’ East, 2452.5 feet. ii. Morrison Municipal Intake No. 2, a diversion structure (1) currently decreed to be located on the south bank of Bear Creek in the NW1/4 NW1/4, Section 2, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado, at a point whence the NW corner of said section bears North 32 degrees West 140 feet; and (2) proposed to be relocated to or within 200 feet of a point in the SE1/4 of the SW1/4 of Section 35, Township 4 South, Range 70 West, of

the 6th Principal Meridian, 22 feet north of the south section line and 2058 feet east of the west section line of said section 35. B. Alternate Places of Storage: Amrize's proposed alternate places of storage are shown on Exhibit A, and their legal descriptions are provided below: i. Morrison Quarry Reservoir No. 1, located in the NE and SE Quarter Sections of Section 10, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. Morrison Quarry Reservoir No. 1 was conditionally decreed in Case No. 95CW126 (February 4, 1997) for 650 acre-feet of storage. Additional water rights are also decreed for storage in this reservoir. ii. Morrison Quarry Reservoir No. 2, located in the NE1/2 of the NE1/4 and SE1/4 of the NE1/4 of Section 10, and W1/2 of the NW1/4 of Section 11, all in Township 5 South, Range 70 West of the 6th P.M., Jefferson County, Colorado. Morrison Quarry Reservoir No. 2 was conditionally decreed in Case No. 95CW126 (February 4, 1997) for 3,000 acre-feet of storage. Additional water rights are also decreed for storage in this reservoir. C. Beneficial Uses: In addition to irrigation and industrial (dust suppression), Amrize seeks to add the following uses to the Amrize Robert Lewis Ditch Right: Commercial use, mining, quarrying, washing, mechanical operations, concrete and asphalt production, recreational, maintenance and preservation of aesthetic values, and augmentation and replacement of depletions that may result from Amrize's operations at Morrison Quarry, including pursuant to the application for approval of a plan for augmentation pending in Case No. 24CW3181. Amrize may use the water either directly or after storage in Morrison Quarry Reservoir No. 1 or Morrison Quarry Reservoir No. 2. D. Statement of Proposed Change: Under the proposed changes, Amrize will continue to divert the historical consumptive use associated with the Amrize Robert Lewis Right, as quantified in and subject to the terms and conditions of the 86CW066 Decree. E. Name and Address of Owner or Reputed Owner of the Land Upon Which Any New Diversion Structure, or Modification to Any Existing Diversion Structure Is or Will Be Constructed: Applicant owns the land upon which Morrison Quarry Reservoir No. 1 will be located. The Town of Morrison owns the land upon which the alternate point of diversion for Morrison Municipal Intake No. 2 sought herein will be constructed. It also owns the land upon which Morrison Municipal Intake, another alternate point of diversion sought herein, and Morrison Quarry Reservoir No. 2, an alternate point of storage sought herein, are located. The Town of Morrison's address is: Town of Morrison Attn: Mallory Nassau, Town Manager 321 Highway 8 Morrison, CO 80465 WHEREFORE, Amrize respectfully requests that this Court enter findings of fact, conclusions of law, and a judgment and decree approving the change of water right as requested herein and granting other relief this Court deems just and proper. (6 pages, 1 exhibit)

**CASE NUMBER 2025CW3127 Applicant: THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT AND THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (collectively hereinafter, "Applicants" or "Central"); 3209 W. 28th Street, Greeley, CO 80631, 970-330-4540 with all correspondence connected herewith being sent to Applicant's counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones and Donovan, LLP., 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN WELD COUNTY.** 2. Description of Conditional Water Right. 2.1. Name of Structure. Farmers Independent Recharge Project (FIRP). 2.2. Previous Decrees: Case Nos. 85CW370 entered March 29, 1989; 95CW377 entered July 25, 1996; 02CW146 entered October 14, 2003; 09CW173 entered April 30, 2012, and 18CW3075 entered September 5, 2019, all in Water Division No. 1. 2.3. Legal Description of Diversion Point. In the Southwest Quarter (SW1/4) of Section Nineteen (19), Township Three (3) North, Range Sixty-six (66) West of the 6th P.M., Weld County, Colorado at the diversion works of the Farmers Independent Ditch on the east bank of the South Platte River. 2.4. Source of Water. The South Platte River and its tributaries. 2.5. Appropriation Date. November 19, 1985. 2.6. Amount. 90 c.f.s, conditional. (Note 34 c.f.s. of the 90 c.f.s. decreed as conditional was made absolute in Case No. 95CW77, an additional 6.2 c.f.s. was made absolute in Case No. 02CW146 and an additional 8.5 c.f.s. was made absolute in Case No. 18CW3075 for a total of 48.7 c.f.s. absolute, with 41.3 c.f.s remaining conditional). 2.7. Use. Augmentation, recharge, replacement and exchange. 2.8. Description. As set forth in Paragraph 8 of the 85CW370 Decree, "Waters are diverted into the Farmers Independent Ditch at its existing headgate and are allowed to percolate into the underground aquifer and

flow toward the South Platte River for the purpose of developing accretions to offset out of priority depletions. The water so diverted may also be delivered through the ditch to facilities proximate to the ditch for beneficial use. Applicant has an agreement with the Farmers Independent Ditch Company which allows the operation of this project.” 2.9. Volumetric Limits. A finding of reasonable diligence for the FIRP water right was entered in Case No. 09CW173 on April 30, 2012. Pursuant to Paragraph 17 of said decree, diversions by the senior FIRP water right decreed in Case No. 85CW370 shall not exceed 13,500 acre feet in any single water year of October 1 through September 30 and shall count toward the annual 25,000 acre foot volume limit set forth in paragraph 11.4.2 of the decree entered in Case No. 05CW331, Water Division 1, October 7, 2011 established for the junior Farmers Independent Ditch Recharge Project and New Conditional Recharge Water Right adjudicated therein. Additionally, based on stipulations entered in Case No. 05CW331, diversions under the senior FIRP water right decreed in Case No. 85CW370 also count toward the cumulative annual and rolling average volume limits set forth in paragraphs 24.1 and 24.2 of the 05CW331 decree. Any and all amounts of water diverted under this recharge project count toward these volumetric limitations, irrespective of whether such diversions occur pursuant to a call under this recharge project or under free river conditions. Once 13,500 acre-feet has been diverted under the FIRP water right in any water year (from October 1 to September 30), Applicant shall no longer be entitled to call for water under the FIRP water right during the same water year. 2.10. Remarks. An Amendment to the Findings and Ruling of the Referee and Decree of the Water Court in Case No. 85CW370 was entered on November 8, 2012. The 85CW370 Decree was further amended in Case No. 13CW12 entered on December 9, 2013, and in Case No. 14CW3128 entered on March 19, 2018. As ordered by the Water Court in its March 3, 2018, Order entered in Case No. 14CW3128 and as decreed in Paragraph 5 of the 14CW3128 Decree, Paragraph 9.h of the 85CW370 Decree is void and Applicant is precluded from using Paragraph 9.h to identify and add additional recharge facilities in the future. 3. Actions Toward Completion of Appropriation During the Diligence Period. During the diligence period, Central operated the FIRP and made diversions of water and delivered the water to recharge ponds. The maximum rate of diversion was 56.86 c.f.s diverted on May 18, 2023. Central incurred operational assessments and running fees paid to the Farmers Independent Ditch Company for such deliveries. Additionally, Central constructed or made improvements to the Clement and 5 Rivers recharge ponds. In total, Central incurred direct project expenditures over \$ 900,000 during the diligence period. Additionally, the water right listed herein is part of Central’s integrated system of water rights. Central has operated and developed its integrated system during the diligence period, including its Plans for Augmentation decreed in Case Nos. 02CW335, 03CW99 and 18CW3209 and has retained legal counsel and engineering consultants to assist in such operation and development. Central has filed and prosecuted applications for the addition and removal of wells to and from its Plans. Central has acquired water rights represented by shares in various ditch companies and has prosecuted applications changing those water rights for use by Central in its Plans. Central has acquired various gravel pits and made capital improvements for storage of water. Central has appropriated new water rights and has leased water rights on a temporary basis for use in its Plans. Central has participated as an opposer in numerous water court applications to protect its water rights. Central has prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights. Central, including its subdistricts, have expended more than \$140,000,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 4. Claim for Diligence and to Make Water Right Absolute in Part. Central requests entry of a decree making the FIRP water right absolute for an additional 8.16 c.f.s., for a total of 56.86 c.f.s., absolute, a finding that it has been reasonably diligent in development of the conditional water right, and to maintain the balance of 33.14 c.f.s. as conditional for the statutory period, and such other relief as is just and proper. The original application consists of four pages.

**CASE NUMBER 2025CW3128** (91CW126; 08CW205; 18CW3120) 1. Applicant: **CITY OF THORNTON**, Colorado (“Thornton”), Infrastructure Department, Division of Water Resources, 12450 North Washington Street, Thornton, Colorado 80241, 720-977-6600, Please direct communications related to this application to: Megan Christensen, Esq., City of Thornton, 9500 Civic Center Drive, Thornton,

Colorado 80229, Tele: (303) 538-7210. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY OF THORNTON, IN ADAMS AND DENVER COUNTIES.** 2. Summary of Application. Thornton seeks findings of reasonable diligence for the conditional portions of the water rights originally decreed in Case No. 91CW126, Water Div. 1. Thornton further seeks to make additional portions of such water rights absolute as follows: Hammer Pit in the amount of 318.04 af (8.03 cfs); Rogers Pit at a rate of 44.00 cfs, and Cooley East Pit in the amount 2587.97 af (149.92 cfs). 3. Names of Structures. Gravel pit reservoirs generally located along the South Platte River between its confluence with Clear Creek and its confluence with the Cache la Poudre River. Specific gravel pit names are provided in paragraph 6 below. Collectively, the water rights described in paragraph 6 are referred to as the Subject Water Rights. The locations of the Subject Water Rights are shown on the maps attached as Exhibit A. 4. Original Decree. September 16, 2002, Case No. 91CW126, District Court, Water Division 1. 5. Subsequent decrees. Since the original decree entered on September 16, 2002, timely applications for findings of reasonable diligence have been filed in accordance with Colorado law. Final decrees have been entered granting each such application, finding that Thornton has exercised reasonable diligence in the development of the Subject Water Rights on July 2, 2012 in Case No. 08CW205, District Court, Water Division 1, and on September 12, 2019 in Case No. 18CW3120, District Court, Water Division 1. Additionally, the Court decreed 2,128.57 acre-feet of the Rogers Pit absolute in Case No. 18CW3120. Water rights decreed to the Cooley West Complex and North Dahlia Pit were changed by decree dated October 8, 2013 in Case No. 04CW326, water rights decreed to the Cooley East Pit and Hammer Pit were changed by decree dated February 1, 2021 in Case No. 18CW3158, and a point of diversion for Rogers Pit was changed in Case No. 20CW3206. Rights of substitution and exchange involving the Subject Water Rights were decreed in Case No. 96CW1116. 6. Description of Subject Water Rights. 6.1. West Sprat-Platte Pit (f.k.a. Thornton Pit). 6.1.1. Location: Located in the S1/4, Section 17; and N1/4 of the N1/4, Section 20, T2S, R67W, 6th P.M., Adams County. 6.1.2. Points of Diversion: 6.1.2.1. The combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch, on the north bank of Clear Creek in the SW1/4 of the SE1/4, Section 4, T3S, R68W, 6th P.M., Adams County, at a point approximately 1,200 feet north and 1,400 feet west of the southeast corner of said section. 6.1.2.2. South Platte River Diversion: On the northwest bank of the South Platte River in the SW1/4 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County, at a point approximately 3,780 feet north and 15 feet east of the southwest corner of said section. 6.1.3. Appropriation Date: December 31, 1991. 6.1.4. Rates of Diversion: 6.1.4.1. Combined Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch: 230 cfs. 6.1.4.2. South Platte River Diversion: 300 cfs. 6.1.5. Amount (capacity): 1,900 ac-ft., CONDITIONAL. 6.2. Cooley West Complex (f.k.a. Thornton Pit or Cooley Pit). 6.2.1. Location: NE1/4, N1/2 of the SE1/4, NE1/4 of the SW1/4, and E1/2 of the NW1/4, Section 17, T2S, R67W, 6th P.M., Adams County. This legal description is based on the change of water rights decreed in Case No. 04CW326. 6.2.2. Points of Diversion: 6.2.2.1. The combined headgate of the Lower Clear Creek Canal and Colorado Agricultural Ditch, on the north bank of Clear Creek in the SW1/4 of the SE1/4, Section 4, T3S, R68W, 6th P.M., Adams County, at a point approximately 1,200 feet north and 1,400 feet west of the southeast corner of said section. 6.2.2.2. South Platte River Diversion: On the northwest bank of the South Platte River in the SW1/4 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County, at a point approximately 3,780 feet north and 15 feet east of the southwest corner of said section. 6.2.3. Appropriation Date: December 31, 1991. 6.2.4. Rates of Diversion: 6.2.4.1. Combined Headgate of the Lower Clear Creek Canal and Colorado Agricultural Ditch: 230 cfs. 6.2.4.2. South Platte River Diversion: 300 cfs. 6.2.5. Amount (capacity): 4,411.37 ac-ft., CONDITIONAL. This amount is based on the change of water rights decreed in Case No. 04CW326. 6.3. North Dahlia Pit. 6.3.1. Location: Located in the S1/2 of the NE1/4, and the SE1/4, Section 19; and the W1/2 of the SW1/4, and S1/2 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County. 6.3.2. Points of Diversion: 6.3.2.1. Burlington Ditch. As decreed in Case No. 22CW3034, the point of diversion is located at a point on the east bank of the South Platte River in the NE1/4 of the SW1/4 of Section 14, Township 3 South, Range 68 West of the 6th P.M., City and County of Denver, Colorado. The headgate is located at approximately latitude 039° 47' 24.69" N, longitude 104° 58' 9.97" W. The UTM coordinates are approximately NAD 1983 UTM Zone 13S 502616.89 mE 4404471.42 mN. 6.3.2.2. South Platte River Diversion: On the southeast bank of the South

Platte River in the SW1/4 of the SE1/4, Section 19, T2S, R67W, 6th P.M., Adams County, at a point approximately 582 feet north and 2,073 feet west of the southeast corner of said section. 6.3.3. Appropriation Dates: 6.3.3.1. Burlington Ditch Diversion: August 19, 1996. 6.3.3.2. South Platte River Diversion: December 31, 1991. 6.3.4. Rates of Diversion: 6.3.4.1. Burlington Ditch Diversion: 200 cfs. 6.3.4.2. South Platte River Diversion: 300 cfs. 6.3.5. Amount (capacity): 2,888.63 ac-ft., CONDITIONAL. This amount is based on the change of water rights decreed in Case No. 04CW326. 6.4. East Sprat-Platte Pit (a.k.a. Sprat-Platte Ranch East Pit). 6.4.1. Location: Located in the S1/2 of the SW1/4, SW1/4 of the SE1/4, Section 17, and the NW1/4, and NW1/4 of the NE1/4, Section 20, T2S, R67W, 6th P.M., Adams County. 6.4.2. Points of Diversion: 6.4.2.1. The headgate of the Burlington Ditch, as described in paragraph 6.3.2.1 above. 6.4.2.2. South Platte River Diversion A (Sprat-Platte Ranch East Pit): On the southeast bank of the South Platte River in the SW1/4 of the NW1/4, Section 20, T2S, R67W, 6th P.M., Adams County, at a point approximately 3,703 feet north and 136 feet east of the southwest corner of said section. 6.4.2.3. South Platte River Diversion B (North Dahlia Pit and Sprat-Platte Ranch East Pit): On the southeast bank of the South Platte River in the SW1/4 of the SE1/4, Section 19, T2S, R67W, 6th P.M., Adams County, at a point approximately 582 feet north and 2,073 feet west of the southeast corner of said section. 6.4.3. Appropriation Dates: 6.4.3.1. Burlington Ditch Diversion: August 19, 1996. 6.4.3.2. South Platte River Diversion A: December 31, 1991. 6.4.3.3. South Platte River Diversion B: December 31, 1991. 6.4.4. Rates of Diversion: 6.4.4.1. Burlington Ditch Diversion: 200 cfs. 6.4.4.2. South Platte River Diversion A: 300 cfs. 6.4.4.3. South Platte River Diversion B: 300 cfs. 6.4.5. Amount (capacity): 1,500 ac-ft., CONDITIONAL. 6.5. Cooley East Pit. 6.5.1. Location: Located in the S1/2 of Section 9, and the NW1/4 of Section 16, T2S, R67W, 6th P.M., Adams County. 6.5.1.1. Surface Area: As decreed in Case No. 18CW3158, approximately 115.1 acres at high water line as currently constructed. The current stage-area-capacity table is attached as Exhibit B. Because water storage is below grade, there is no dam height or dam length for this structure. The south cell of the Cooley East Pit has not yet been constructed. Thornton will provide an updated stage-area-capacity table when the as-built configuration changes. 6.5.1.2. Cooley East Pit Outlet Location: As decreed in Case No. 18CW3158, located on the east bank of the South Platte River in the SW1/4 of the SW1/4 of Section 9, T2S, R67W, 6th P.M., Adams County, at a point approximately 540 feet north and 50 feet east of the southwest corner of said section. 6.5.2. Point of Diversion: The headgate of the Fulton Ditch, on the east bank of the South Platte River in the NE1/4 of the SE1/4, Section 17, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,815 feet south and 145 feet west of the northeast corner of said section. 6.5.3. Appropriation Date: December 31, 1991. 6.5.4. Rate of Diversion: 300 cfs. 6.5.5. Amount (capacity) as decreed in Case No. 18CW3158: 6.5.5.1. Active Capacity: 4,583.9 ac-ft., CONDITIONAL. 6.5.5.2. Dead Storage: 0 ac-ft. 6.6. Hammer Pit. 6.6.1. Location: As decreed in Case No. 18CW3158, located in the E1/2 of the SW1/4, and the W1/2 of the SE1/4 of Section 14; and the NW1/4, NW1/4 NE1/4 and the N1/2 SW1/4 of Section 23, T1S, R67W, 6th P.M., Adams County. This structure is an excavated and lined former gravel pit and therefore does not have a dam centerline. The Hammer Pit is generally located on the north or west side of the South Platte River, east of Riverdale Road and north of the E-470 toll road. 6.6.1.1. Surface Area: As decreed in Case No. 18CW3158, approximately 112.4 acres at high water line as currently constructed. The current stage-area-capacity table is attached as Exhibit B. Because water storage is below grade, there is no dam height or dam length for this structure. Thornton will provide an updated stage-area-capacity table if the as-built configuration changes. 6.6.1.2. Hammer Pit Outlet Location: As decreed in Case No. 18CW3158, located on the west bank of the South Platte River in the NE1/4 of the NW1/4 of Section 23, T1S, R67W, 6th P.M., Adams County, at a point approximately 1,100 feet south and 2,500 feet east of the northwest corner of said section. 6.6.2. Points of Diversion: 6.6.2.1. The headgate of the Brantner Ditch, on the north bank of the South Platte River in the NE1/4 of the SW1/4, Section 4, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,721 feet south and 2,140 feet east of the northwest corner of said section. 6.6.2.2. South Platte River Diversion A: On the west bank of the South Platte River in the NE1/4 of the NW1/4 of Section 23, T1S, R67W, 6th P.M., Adams County, at a point approximately 1,100 feet south and 2,500 feet east of the northwest corner of said section. 6.6.2.3. South Platte Diversion B: On the west bank of the South Platte River in the SE1/4 of the NE1/4 of Section 14, T1S, R67W, 6th P.M., Adams County, at a point

approximately 2,400 feet south and 580 feet west of the northeast corner of said section. 6.6.3. Appropriation Date: December 31, 1991 for all points of diversion. 6.6.4. Rates of Diversion: 6.6.4.1. Brantner Ditch: 110 cfs. 6.6.4.2. South Platte River Diversion A: 300 cfs. 6.6.4.3. South Platte River Diversion B: 300 cfs. 6.6.5. Amount (capacity) as decreed in Case No. 18CW3158: 6.6.5.1. Active Capacity: 2,116.1 ac-ft., CONDITIONAL. 6.6.5.2. Dead Storage: 0 ac-ft. 6.7. Rogers Pit. 6.7.1. Location: Located in the NE1/4 of Section 1, T1S, R67W; and the SW1/4 of the NW1/4 of Section 6, T1S, R66W, 6th P.M., Adams County. 6.7.2. Points of Diversion: 6.7.2.1. The headgate of the Brantner Ditch, on the north bank of the South Platte River in the NE1/4 of the SW1/4, Section 4, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,721 feet south and 2,140 feet east of the northwest corner of said section. 6.7.2.2. The headgate of the Brighton Ditch, on the west bank of the South Platte River in the SE1/4 of the SE1/4, Section 11, T1S, R67W, 6th P.M., Adams County, at a point approximately 780 feet north and 1,120 feet west of the southeast corner of said section. 6.7.2.3. South Platte River Diversion A: As decreed in Case No. 20CW3206: Public Land Survey System (PLSS): As confirmed by the decree in Case No. 18CW3120, the as-constructed point of diversion is located on the west bank of the South Platte River in the NE1/4 of the NE1/4, Section 1, T1S, R67W, 6th P.M., Adams County, at a point approximately 500 feet south and 150 feet west of the northeast corner of said section. Point of Diversion in UTM Format: Zone 13 S, Easting 514649.72, Northing 4427665.34 (NAD 83). 6.7.2.4. South Platte River Diversion B: On the northwest bank of the South Platte River in the NW1/4 of the SW1/4, Section 6, T1S, R66W, 6th P.M., Adams County, at a point approximately 2,480 feet south and 300 feet east of the northwest corner of said section. 6.7.3. Appropriation Date: December 31, 1991 for all points of diversion. 6.7.4. Rates of Diversion: 6.7.4.1. Brantner Ditch: 110 cfs. 6.7.4.2. Brighton Ditch: 45 cfs. 6.7.4.3. South Platte River Diversion A: 300 cfs. 6.7.4.4. South Platte River Diversion B: 300 cfs. 6.7.5. Amount (capacity): 2,128.57 ac-ft., ABSOLUTE; 371.43 ac-ft., CONDITIONAL. 6.8. Fort Lupton Pit. 6.8.1. Location: Located in the W1/2 of the SW1/4, Section 7, T1N, R66W, 6th P.M.; and in the E1/2 of the SE1/4, Section 12, T1N, R67W, 6th P.M., Weld County. 6.8.2. Points of Diversion: 6.8.2.1. The headgate of the Lupton Bottom Ditch, on the northwest bank of the South Platte River in the NW1/4 of the SW1/4, Section 19, T1N, R66W, 6th P.M., Weld County, at a point approximately 2,110 feet north and 56 feet east of the southwest corner of said section. 6.8.2.2. Big Dry Creek Diversion: On the north bank of Big Dry Creek in the SE1/4 of the SE1/4, Section 12, T1N, R67W, 6th P.M., Weld County, at a point approximately 4,691 feet south and 4,094 feet east of the northwest corner of said section. 6.8.2.3. South Platte River Diversion: On the west bank of the South Platte River in the NE1/4 of the NW1/4, Section 18, T1N, R66W, 6th P.M., Weld County, at a point approximately 1,547 feet South and 3,769 feet west of the northeast corner of said section. 6.8.3. Appropriation Dates: 6.8.3.1. Lupton Bottom Ditch: December 31, 1991. 6.8.3.2. Big Dry Creek Diversion: August 19, 1996. 6.8.3.3. South Platte River Diversion: December 31, 1991. 6.8.4. Rates of Diversion: 6.8.4.1. Lupton Bottom Ditch: 150 cfs. 6.8.4.2. Big Dry Creek Diversion: 80 cfs. 6.8.4.3. South Platte River Diversion: 300 cfs. 6.8.5. Amount (capacity): 2,700 ac-ft., CONDITIONAL. 6.9. Doeringsfeld Pit. 6.9.1. Location: Located in the SE1/4 of the SW1/4 and SW1/4 of the SE1/4, Section 3; the NE1/4 of the NE1/4, Section 9; and the NW1/4, W1/2 of the NE1/4, and NE1/4 of the NE1/4, Section 10, T5N, R65W, 6th P.M., Weld County. 6.9.2. Point of Diversion: At the headgate of the Patterson Ditch on the north bank of the South Platte River in the NE1/4 of the NE1/4, Section 21, T5N, R65W, 6th P.M., Weld County, at a point approximately 641 feet south and 5,133 feet east of the northwest corner of said section. 6.9.3. Appropriation Date: December 31, 1991. 6.9.4. Rate of Diversion: 370 cfs. 6.9.5. Amount (capacity): 4,474 ac-ft., CONDITIONAL. 6.10. Doeringsfeld Pit, First Enlargement. 6.10.1. Location: as described in paragraph 6.9.1 herein. 6.10.2. Point of Diversion: as described in paragraph 6.9.2 herein. 6.10.3. Appropriation Date: August 19, 1996. 6.10.4. Rate of Diversion: 370 cfs. 6.10.5. Amount (capacity): 1,526 ac-ft., CONDITIONAL. 7. Sources. The sources of water appropriated for the Subject Water Rights are as follows: 7.1. All Reservoirs: South Platte River, including waters of the streams tributary thereto. Thornton also stores or will store reusable municipal effluent or other water that Thornton owns and controls in the pits described in paragraph 6. 7.2. Additional Sources: Diversions from the additional sources listed below, at points above their respective confluences with the South Platte River, are, or may be, used to fill the gravel pit reservoirs as follows: 7.2.1. Clear Creek: West Sprat-Platte Pit, Cooley West Complex. 7.2.2. Big

Dry Creek: Fort Lupton Pit. 8. Uses: The water captured by exercise of the Subject Water Rights shall be used, directly or by exchange, for irrigation, agricultural, commercial, industrial and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of Thornton's water supply system, including further exchange within Thornton's system and with other water users. 9. Place of Use: The place of use of the Subject Water Rights will be the service area of the City of Thornton as it presently exists and as it may exist in the future, the lands lying under the Water Supply and Storage Company System, and other water users in the Cache la Poudre and South Platte river basins to whom Thornton may release such water in satisfaction of replacement obligations. 10. Right to Reuse: The water captured by exercise of the Subject Water Rights may be used, reused, further exchanged, successively used and reused to extinction and/or disposition. 11. Right to Fill and Refill: Thornton shall have the right to exercise the Subject Water Rights to fill and refill the Reservoirs as the availability of capacity in the Reservoirs and water for diversion permit, subject to an overall annual limit of 57,000 acre-feet and a refill restriction on the Doeringsfeld Pit contained in paragraph 26.3.1 of the original decree. 12. Detailed outline of what has been done toward completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: From July 31, 2018 (the date the last diligence application was filed) through September 30, 2025 (the "Diligence Period"), Thornton performed the following work and incurred the following costs, all or in part, concerning the remaining conditional portions of the Subject Water Rights, including work and expenditures on specific structures integral to the diversion and use of the Subject Water Rights and in the further development of Thornton's integrated water supply systems within which the Subject Water Rights have been and will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Thornton reserves the right to present evidence of additional activities and costs in support of this application. 12.1. Thornton Integrated System Activities: During the diligence period, Thornton has continued the development and improvement of its Clear Creek and South Platte River water supply system including many of the structures used in the exercise of the Subject Water Rights, and the eventual treatment and use of the water yielded by such rights. The reservoirs listed in Section 6 are just a few components of the integrated water supply system that Thornton operates to provide itself and its customers with water for municipal purposes. The gravel pits are operated in conjunction with, and are integrated with other structures owned by Thornton, including the West Gravel Lakes decreed in Case No. 81CW448, which are located along the west side of the South Platte River, and the East Gravel Lakes decreed in 79CW376 and 92CW164, which are located generally on the east side of the South Platte River. Water can be stored in the gravel pits and moved through the integrated system prior to treatment at the Wes Brown Water Treatment Plant. Thornton incurred approximately \$72.6 million in total costs, which include the following: 12.1.1. Gravel Lakes Planning and Facility Construction and Maintenance: Thornton spent over \$12.2 million on reservoir planning, upgrades to pump stations, design and construction of rip rap to protect eroded slopes on the city's raw water storage reservoirs, construction of outlet gates, and general engineering such as reservoir inspections, dam inspections, and design reviews. Specific maintenance projects included in the total cost are as follows: 12.1.1.1. North Dahlia Pit: Thornton spent approximately \$109,902 on the replacement of outlet gates at North Dahlia Pit to increase reservoir capacity. 12.1.1.2. Cooley West Complex: Thornton spent approximately \$21,250 on sediment removal projects at the Cooley West Complex. 12.1.1.3. Cooley East Pit: Thornton spent approximately \$8.7 million to design and construct a new pump station at Cooley East Pit. 12.1.2. Ditch Company Assessments: Thornton paid assessments according to its share ownership in various ditch companies associated with the Subject Water Rights including the Burlington Ditch Reservoir and Land Company of \$54,437, Lower Clear Creek Ditch Company of \$344,594, Colorado Agricultural Ditch Company of \$328,424, and Fulton Ditch Company of \$392. 12.1.3. Ditch Company Carriage Fees: Thornton paid carriage fees to several ditch companies associated with the Subject Water Rights including Fulton Ditch Company \$2,180; Lower Clear Creek/Colorado Agricultural Ditch companies \$144,611; Henrylyn Reservoir and Irrigation District \$40,000; and Delta Irrigation Company \$25,200. 12.1.4. Treatment Infrastructure Improvements: The

Subject Water Rights can be treated at Wes Brown Water Treatment Plant prior to being distributed to Thornton customers. During the diligence period, several projects occurred at the plants, including installation of new technologies, membrane replacement, tank repairs, clarifier rehabilitation, plant and equipment replacement, and process improvements. Thornton has also continually improved, maintained, and extended its treated water distribution system to provide water service to its customers. Examples of such projects include installation of distribution tank mixers, replacement of sludge lines, and repair/replacement of pressure reduction valves and air release valves. Thornton spent approximately \$49.9 million on all these projects.

12.1.5. Planning: Thornton spent \$99,750 on drought management planning and water supply modeling during the diligence period.

12.1.6. Water Quality Monitoring: During the relevant diligence period, Thornton spent approximately \$9.1 million on water quality monitoring and sampling of the gravel lakes and ditches associated with the Subject Water Rights.

12.1.7. Water Court: Thornton has actively participated in water court proceedings to protect its water rights, including the Subject Water Rights, and in furtherance thereof has filed a number of statements of opposition during the diligence period. Additionally, Thornton changed the decreed point of diversion for the Subject Water Rights at the Burlington Ditch from the original headgate to the New Burlington Ditch Headgate in Case No. 22CW3034 in furtherance of developing these water rights. Total legal and engineering costs incurred relating to the protection of Thornton's Clear Creek and South Platte River water rights portfolio, including the Subject Water Rights, during the diligence period were approximately \$287,794.

13. Claims to make absolute: Thornton claims the following amounts of the Subject Water Rights absolute:

13.1. Hammer Pit: A total of 318.04 acre-feet was stored in priority during January 9, 2019 – February 1, 2019, at a maximum rate of 8.03 cfs from the South Platte River Diversion A on January 14, 2019. The water was placed to beneficial use within the City of Thornton. Thornton seeks confirmation of the amount of 318.04 acre-feet made absolute, with the amount of 1,798.06 acre-feet remaining conditional. Thornton further seeks confirmation of the diversion rate of 8.03 cfs at South Platte River Diversion A made absolute, with a rate of 291.97 cfs remaining conditional. Diversion information for the Hammer Pit is attached as Exhibit C.

13.2. Rogers Pit: Water was stored in priority in Rogers Pit at a maximum rate of 44.00 cfs from the South Platte River Diversion A on May 13, 2021. The water was placed to beneficial use within the City of Thornton. Thornton seeks confirmation of the diversion rate of 44.00 cfs at South Platte River Diversion A made absolute, with a rate of 256.01 cfs remaining conditional. Diversion information for the Rogers Pit is attached as Exhibit C.

13.3. Cooley East Pit: The initial fill of the reservoir occurred during the May 2023 flood conditions on the South Platte River and the reservoir reached its current maximum physical capacity. A total of 2587.97 acre-feet was booked over in priority during May 13-22, 2023 at a maximum rate of 149.92 cfs on May 14, 2023. The water was placed to beneficial use within the City of Thornton. Thornton seeks confirmation of the amount of 2587.97 acre-feet made absolute, with the amount of 1995.93 acre-feet remaining conditional. Thornton further seeks confirmation of the diversion rate of 149.92 cfs at the headgate of the Fulton Ditch made absolute, with a rate of 150.08 cfs remaining conditional. Diversion information for the Cooley East Pit is attached as Exhibit C.

13.4. Thornton claims absolute amounts in reliance on C.R.S. § 37-92-301(4)(e).

14. Remarks.

14.1. The conditional water rights originally decreed in Case No. 91CW126 to the Mann Lakes South Pit, the Tower Pit, and the Platte Valley Pit were abandoned in Case No. 08CW205 and are not part of the Subject Water Rights.

14.2. The Subject Water Rights are part of Thornton's integrated municipal water system.

15. Names and addresses of owners or reputed owners of land on which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be located, or upon which water is or will be stored: See attached Exhibit D.

WHEREFORE, Thornton respectfully requests that this Court enter an order: 1) finding the facts as set forth above; 2) finding that Thornton has exercised reasonable diligence in the development of the Subject Water Rights and continuing those conditional water rights in full force and effect for a period of six years after entry of the Court's decree herein; 3) confirming the absolute amounts for the Subject Water Rights as listed above; and 4) for such other and further relief as this Court deems just and proper. (15 pages and exhibits A, B, C, D).

**CASE NUMBER 2025CW3129 TODD FREEMAN**, 150 Summit Drive, Bailey, CO 80421; Email: [freeman.todd1211@gmail.com](mailto:freeman.todd1211@gmail.com); Telephone Number: (360) 961-1211 and Mountain Mutual Reservoir Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; Email: [Norm@mmrcwater.com](mailto:Norm@mmrcwater.com); Telephone Number: (303) 989-6932. Please address all correspondence for Freeman and Mountain Mutual Reservoir Company to: Aaron S. Ladd, Esq. and Rachel L. Bolt, Esq., Dickinson Wright, PLLC, 1125 17<sup>th</sup> Street, Suite 550, Denver, CO 80202; Email: [aladd@dickinson-wright.com](mailto:aladd@dickinson-wright.com); [rbolt@dickinson-wright.com](mailto:rbolt@dickinson-wright.com); Telephone Number: (303) 723-8400. **APPLICATION FOR AMENDED PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN PARK AND JEFFERSON COUNTY, COLORADO**.

2. Summary of Application: Freeman is the owner of an approximately 23-acre parcel lying predominately in the W1/2 SE1/4 of Section 17, Township 7 South, Range 72 West of the 6th P.M., Park County, presently known as 150 Summit Drive, Bailey, CO 80421, as shown on **Exhibit A** ("Freeman Property"). An augmentation plan was previously adjudicated for the Freeman Property in Case 21CW3095 (the "Original Augmentation Plan") to replace depletions from an existing single-family dwelling on the Freeman Property along with one of the following alternative uses: (1) livestock watering; (2) horse watering; or (3) for the drilling of a new well, Freeman Well No. 2, to provide water for in-house use for a second single-family dwelling to be constructed on the Freeman Property. The development plans for the Freeman Property have evolved since entry of the decree in Case 21CW3095. Freeman still seeks to subdivide the Freeman Property in to two lots. One lot will be served by the existing Freeman Well No. 1 (Well Permit No. 308571), and the second will be served by the new well, Freeman Well No. 2. This amended augmentation plan will supplement the Original Augmentation Plan by adding two additional shares of MMRC stock (four shares total) to replace depletions from Freeman Well No. 1 and from the Freeman Well No. 2, for the uses set forth in this amended augmentation plan.

3. Names of Structures to be Augmented: This augmentation plan and the Original Augmentation Plan will replace depletions from the Freeman Well Nos. 1 and 2. Water use for each well on the Freeman Property will be for one single-family dwelling along with the following alternative uses: (1) livestock watering (cows or equivalent animal, up to 5 head) during the irrigation season only; (2) horse watering (horses or equivalent animals, up to 2 head) year-round; and/or (3) an auxiliary dwelling unit. The Freeman Property is located in the drainage of Delwood Drive Creek, tributary to Deer Creek. The specific location of the Freeman Well No. 2 on the Freeman Property will be determined when the well is drilled, and reflected on the well permit issued therefor.

4. Water Rights to be Used for Augmentation: Freeman owns four shares of MMRC stock that will be subject to this augmentation plan, including two shares of unallocated Mountain Mutual Reservoir Company ("MMRC") stock and the two shares previously dedicated to the Original Augmentation Plan. Freeman will use the four shares to satisfy his future augmentation needs for the planned use of the Freeman Well Nos. 1 and 2 described herein. The four shares represent the right to receive 0.1256 acre-feet firm yield annually from the MMRC water rights described below.

a. The water rights associated with MMRC shares described in paragraph 4 are described as follows:

i. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58°15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County.

ii. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork Drainage Priority No. 14 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner of Section 32, Township 6 South, Range 72 West of the 6th P.M., bears South 70° 6' East, 1,210 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate to the Nickerson No. 2 Ditch, as shown above.

iii. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount

of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Section 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract. iv. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4 of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch water right was changed to augmentation, replacement and storage purposes. In Case No. 81CW253, the point of diversion for 0.008 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 2003CW238 and 0.727 will be transferred in Case No. 2016CW3197. v. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 is awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado, whence the E1/4 Corner of said Section 21 bears North 43 degrees East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79 degrees 30 seconds East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. vi. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4, SE1/4, SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaght Ditch. vii. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The Reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The Reservoir has been constructed and is entitled to store water under the following Decrees:

Adjudication Date	Appropriation Date	Amount
Case No. W-7741-74	July 25, 1974	40 a.f.
Case No. 84CW250	Use of Res. as Recharge Facility	
Case No. 85CW465	Use of Res. as Recharge Facility	

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish, and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other ownerships in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which MMRC has no interest. b. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the “Nickerson Ditch Rights.” The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange, and storage purposes were also defined and approved in Case No. 00CW174, as follows: i. The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir are published in the Water Resume, or such storage is approved by the State Engineer pursuant to Sections 37-80-120 and 37-92-308, C.R.S. (2002). ii. The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. iv. Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. c. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as “Slaght Ditch Rights.” The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: i. The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. ii. The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. iii. Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC’s diversions are limited to its pro rata entitlement to the water when physically and legally available. iv. Maximum annual diversions of the portion of the Slaght Ditch Rights changed in 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. v. Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. d. Co-Applicant Freeman’s four shares entitle it to 0.126 acre-feet firm yield annually in the Nickerson Ditch Rights as reflected in the allocation of firm yield for the Nickerson Ditch Rights attached as **Exhibit B**, and 0.064 acre-feet of storage in Maddox Reservoir, as reflected in the allocation of storage in Maddox Reservoir attached as **Exhibit C**. MMRC also seeks the right to use the Slaght Ditch Rights and/or Lower Sacramento Creek Reservoir to make replacements pursuant to this augmentation plan as alternate or supplemental replacement supplies. 5. Statement of Plan for Augmentation: The water demands for each lot served by the Freeman Well Nos. 1 or 2 consist of in-house use for one single-family dwelling and the following three options: (1) livestock watering (cows or equivalent animal, up to 5 head) during the irrigation season only; (2) horse watering (horses or equivalent

animals, up to 2 head) year-round; or (3) an auxiliary dwelling unit to be located on the property. Total replacements will not to exceed the replacement supply of 0.1256 total and 0.0628 acre-feet per year per lot. a. The water requirements for the indoor uses are a single-family dwelling on each lot, with an average occupancy of 3.5 persons per single-family home. Each lot will have an option for an auxiliary dwelling unit, with an average occupancy of 2.0 persons per auxiliary dwelling unit. The indoor uses assume 80 gallons per capita per day (gcpd), and 10% consumption based on subsurface discharge from individual septic tank-soil absorption systems. The outdoor uses consist of the watering of large animals, assuming 10 gallons per animal per day with 100% consumption. Table 1 summarizes the water uses for each lot of the Freeman Property.

Table 1

					Replacement Requirement	Replacement Requirement	Replacement Requirement
Use	Water Requirements	Units	Quantity AF	CU Rate	Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	80 gl/cap/dy(3.5 cap)	2	0.628	10%	0.0628	0.0314	0.0314
Alt 1: Livestock watering 5 months*	10 gl/hd/dy	10	0.0467	100%	0.0467	0.0467	0.000
Tran. Chg	0.15%/Mi	14 miles (winter only)	0.0007	100%	0.0007	0.000	0.0007
Total			0.675		0.110	0.078	0.0321
Alt 2: Horses year-round*	10gl/hd/dy	4	0.0448	100%	0.0448	0.0224	0.0224
Auxiliary Unit *	80 gl/cap/dy(2.0 cap)	2	0.360	10%	0.036	0.018	0.018

\*The augmentation plans will replace the depletions from a combination of the alternative uses not to exceed 0.0314 of an acre-foot per lot. The monthly depletions for each lot are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.005	0.005	0.005	0.005	0.005	0.005	0.014	0.014	0.014	0.014	0.014	0.005

This equates to a maximum stream depletion of 0.1 of a gallon per minute. b. During the months of May through October, the primary augmentation supply will be to leave HCU credits associated with the Nickerson Ditch Rights in Deer Creek to offset out-of-priority depletions. During the non-irrigation season during the months of November through April, and at times when the Nickerson Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir. MMRC also seeks the right to use the Slaght Ditch Rights and/or Lower Sacramento Creek Reservoir to make replacements pursuant to this augmentation plan. c. Because the point of depletion on Deer Creek is immediately downstream from the historical headgate of the Nickerson Ditch, no transportation losses are necessary for replacements made using the Nickerson Ditch rights. The distance from Maddox Reservoir to the point of depletion is 14 miles,

resulting in a transportation loss of 0.007 during the non-irrigation season of November through April. Other transportation charges will be assessed at 0.15% per mile or as otherwise may be reasonably assessed by the Division Engineer. d. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 6. Water Exchange Reach: An exchange project right was previously decreed in Case No. 21CW3095 pursuant to Sections 37-92-103(9), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S. The reach of the exchange extends from the confluence of Deer Creek and the North Fork of the South Platte River in the NE1/4 NE1/4, Section 36, Township 7 South, Range 72 West, thence up Deer Creek to the confluence of an Delwood Drive Creek and Deer Creek in the W1/2 of the NW1/4, Section 15, Township 7 South, Range 72 West, thence up Delwood Drive Creek (previously identified as an unnamed tributary) to the point of depletion in the SE1/4, Section 17, Township 7 South, Range 72 West, all in the 6th P.M. In the event there is an intervening senior water right that precludes operation of the exchange, Applicants can have replacement water delivered by truck to the point of depletion or have an on-site container from which replacement water may be released. The exchange project right will operate to replace depletions to the flow of water in the stream system as the depletions occur. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: The Co-Applicant, Freeman. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) authorizing use of the augmentation supplies and exchange described in this Application and (2) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permit or replacement well permits for the Freeman Well Nos. 1 and 2 consistent with the decree entered in this case. (10 Pages, 3 Exhibits)

**2025CW3130 JULESBURG IRRIGATION DISTRICT**, 102 West 6th St., Suite 107, Julesburg, CO 80737, (970) 474-3737. Please send all further pleadings to: Daniel K. Brown, Esq. Whitney Phillips Coulter, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LOGAN AND SEDGWICK COUNTIES**. 3. Application: JID seeks finding of reasonable diligence for the underground water rights conditionally decreed in Water Division 1, Case No. 06CW287 (“Original Decree”). That decree confirmed underground water rights for a total of 10 wells (“JID Recharge Wells”) withdrawing ground water tributary to the South Platte River (collectively “JID Recharge Well Rights”). This Application seeks a finding of reasonable diligence for the seven (7) recharge wells, as described below, that remain conditional (“JID Conditional Well Rights”). 4. Previous Decrees: 4.1. Original Decree. October 15, 2012, Case No. 06CW287, District Court, Water Division 1. 4.2. Findings of Reasonable Diligence: 4.2.1. September 12, 2019, Case No. 18CW3178, District Court, Water Division No. 1. 5. Description of JID Conditional Well Rights: 5.1. Names and Legal Descriptions: 5.1.1. *Julesburg Well No. 6*. Julesburg Well No. 6 will be located in the SE 1/4, Section 13, Township 11 North, Range 47 West or the SW 1/4, Section 18, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, Colorado. Julesburg Well No. 6 is not presently constructed or registered with the State Engineer. 5.1.2. *Julesburg Well No. 7*. Julesburg Well No. 7 will be located in the SE 1/4, Section 13, Township 11 North, Range 47 West or the SW 1/4, Section 18, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, Colorado. Julesburg Well No. 7 is not presently constructed or registered with the State Engineer. 5.1.3. *Julesburg Well No. 8*. Julesburg Well No. 8 will be located in the SE 1/4, Section 13, Township 11 North, Range 47 West or the SW 1/4, Section 18, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, Colorado. Julesburg Well No. 8 is not presently constructed or registered with the State Engineer. 5.1.4. *Nein Well*. The Nein Well is located in the NW 1/4 of the SE 1/4, Section 17, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, Colorado; Easting/Northing: 709820/4533977 meters,

NAD 83, Zone 13. The Nein Well is presently constructed and registered to Purcell Conservation Group with the State Engineer under Permit No. 3327-F for irrigation purposes. Water from the Nein Well may be delivered to the Petersen Ditch for recharge and/or storage. 5.1.5. *South Reservation West Well*. South Reservation West Well is located in the NW 1/4 NE 1/4 of Section 15, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, Colorado at a point 564 feet from the North Section line and 2,549 feet from the East Section line, said Section 15. The South Reservation West Well is constructed and registered under Well Permit No. 21901-FR for augmentation purposes. 5.1.6. *South Reservation Middle Well*. South Reservation Middle Well is located in the NW 1/4 NE 1/4 of Section 15, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, Colorado at a point 286 feet from the North Section line and 2,007 feet from the East Section line, said Section 15. South Reservation Middle Well is presently constructed but is not registered with the State Engineer for augmentation purposes. JID must obtain a new well permit authorizing use of this well prior to use for augmentation purposes. 5.1.7 *South Reservation East Well*. South Reservation East Well is located in the NW 1/4 NE 1/4 of Section 15, Township 11 North, Range 46 West of the 6th P.M., Sedgwick County, Colorado at a point 25 feet from the North Section line and 1,535 feet from the East Section line, said Section 15. South Reservation East Well is presently constructed but is not registered with the State Engineer for augmentation purposes. JID must obtain a new well permit authorizing use of this well prior to use for augmentation purposes. 5.2. *Source*: The source of the JID Recharge Wells is ground water tributary to the South Platte River. 5.3. *Appropriation Dates and Amounts*: 5.3.1. Julesburg Well No. 6: December 28, 2006, for 2,700 gpm CONDITIONAL. 5.3.2. Julesburg Well No. 7: December 28, 2006, for 2,700 gpm CONDITIONAL. 5.3.3. Julesburg Well No. 8. December 28, 2006, for 2,700 gpm CONDITIONAL. 5.3.4. Nein Well: December 28, 2006, for 1,600 gpm CONDITIONAL. 5.3.5. South Reservation West Well: December 28, 2006, for 5,760 gpm CONDITIONAL. 5.3.6. South Reservation Middle Well: December 28, 2006, for 2,512 gpm CONDITIONAL. 5.3.7. South Reservation East Well: December 28, 2006, for 2,455 gpm CONDITIONAL. 5.4. *Uses*: Water diverted pursuant to the JID Recharge Well Rights will be used for augmentation of out-of-priority depletions from the JID Recharge Wells and the wells listed in Exhibit A to the Original Decree (which wells are referred to herein as the “JID Wells”) pursuant to existing decreed augmentation plans in Case Nos. 02CW320 and 03CW209, which wells are used to divert water for augmentation, irrigation, municipal, piscatorial, recreation, commercial, industrial, livestock, fire protection, recharge, replacement, wildlife and wildlife recovery. Additionally, the water may be used directly, or following recharge and/or storage, for wildlife and wildlife recovery purposes available for lease to the 3-State ESA program. The term “JID Wells” as used herein shall, in addition to those wells listed in Exhibit A to the Original Decree, also include reference to additional wells which are: (1) located within the boundaries of the Julesburg Irrigation District, and (2) included in the plans for augmentation decreed in Case Nos. 02CW320 and/or 03CW209 or supplemental plans for such wells which are developed in the future. 6. Claim to Continue Conditional Right. JID Seeks to continue the conditional water rights described in Paragraph 5 above. JID has been diligent in developing the JID Recharge Wells during the diligence period. This diligence is manifest in JID’s continued operation of Julesburg Wells 3, 4 and 5 pursuant to the Original Decree to generate recharge credits (each of these wells was pumped at or near its decreed flow rates during the diligence period). Water from these wells is part of JID’s integrated water supply system and is used in coordination with other water rights decreed by JID in Consolidated Case Nos. 95CW283 and 03CW450 (“JID Recharge Decree”) to generate recharge credits for use augmenting pumping from the JID Wells (described in the Original Decree). JID continues to communicate and coordinate with Sedgwick County Well Users and the Lower South Platte Conservancy District concerning the joint use of the recharge sites and recharge credits generated. JID has expended funds for legal fees and engineering fees stemming from involvement in court cases and other matters related to protection of JID’s water delivery structures and water rights, the exercise and administration of its integrated water supply system, including the Original Decree. JID has also incurred costs and undertaken a host of activities related to the operation of the Original Decree and the JID Recharge Decree, and the maintenance and operation of the related structures used to generate recharge. In Particular, JID completed construction on the replacement of the river headgate for the Petersen Ditch, which is a key structure in the augmentation plan decreed in the

Original Decree and in JID's integrated water supply system. 7. Right to Supplement and Present Additional Information. JID reserves the right to supplement this Application with additional information related to its claim for diligence and may present additional information related to their claim for diligence before and during trial in this matter. 8. Names and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: There are no new diversion or storage structures, or modification to any existing diversion or storage structures. WHEREFORE, JID requests that the Court continue the remaining portion of the conditional water rights. (Application consists of 6 pages).

**CASE NUMBER 2025CW3131 HILLTOP BROTHERS, LLC**, 8678 Concord Center Drive, Suite 200, Englewood, CO 80112. Philip E. Lopez, Eric K. Trout, Fairfield and Woods, P.C., 1801 California Street, Suite 2600. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY**. Subject Property: Five (5) parcels totaling approximately 51.392 acres generally located in Section 5, Township 7 South, Range 65 West of the 6th P.M., also known as Lots 1 through 5, Fields Filing 2, Douglas County, as shown on **Exhibit A** (the "Subject Property"). Consent to File: The Applicant has permission from the current landowner, Wallden-Hill Top LLC (the "Owner"), to file this application, and a copy of the vesting deed is attached as **Exhibit B**. Lien Holder Certification: There are no mortgage or lien holders therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There are no existing wells on the Subject Property. Well permits will be applied for and obtained prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Decreed Amounts: The groundwater underlying the Subject Property was decreed in Case No. 2011CW99, District Court, Water Division 1, on April 14, 2013. The Owner has conveyed certain volumes of groundwater to other parties, but still retains the following volumes for the Subject Property which are available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Estimated Annual Volume (acre-feet)	Estimated Total Volume (acre-feet)
Upper Dawson (NNT)	7.5	750
Lower Dawson (NT)	5	500
Denver (NT)	15	1,500
Arapahoe (NT)	10	1,000
Laramie-Fox Hills (NT)	7.5	750

Decreed Uses: The water withdrawn pursuant to this ruling and decree may be used, reused, and successively used and after use, leased, sold, or otherwise disposed of for domestic, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, and any other beneficial purpose, to be used on or off the land described herein. This water will be produced for immediate application to said uses, for storage and subsequent application to said uses, for exchange purposes, for replacement of stream depletions resulting from the use of the water, and for augmentation purposes. Municipal use is allowed if such ground water is conveyed to a municipal water supplier. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 5 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 100 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be used in five (5) wells. Each well will withdraw up to 1 acre-foot per

year and provide in-house use in up to two (2) single-family dwellings (0.6 acre-feet per year per lot, 3 acre-feet per year total), outdoor irrigation of up to 7,000 square-feet of home lawn garden, and trees (0.35 acre-feet per year per lot, 1.75 acre-feet per year total), watering of up to 4 large domestic animals (0.05 acre-feet per year per lot, 0.25 acre-feet per year total) 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 the above requested 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. 4 Pages.

**CASE NUMBER 2025CW3132 HILLTOP BROTHERS, LLC**, 8678 Concord Center Drive, Suite 200, Englewood, CO 80112. Philip E. Lopez, Eric K. Trout, Fairfield and Woods, P.C., 1801 California Street, Suite 2600. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** Subject Property: Seven (7) parcels totaling approximately 275.39 acres generally located in Section 5, Township 7 South, Range 65 West of the 6th P.M., also known as Lots 1 through 7, Fields Filing 3, Douglas County, as shown on **Exhibit A** (the “Subject Property”). Consent to File: The Applicant has permission from the current landowner, Wallden-Hill Top LLC (the “Owner”), to file this application, and a copy of the vesting deed is attached as **Exhibit B**. Lien Holder Certification: There are no mortgage or lien holders therefore no notice is required under C.R.S. § 37-92-302(2)(b). Well Permits: There is one existing well on the Subject Property under Permit No. 126985-A, which will be re-permitted under the plan for augmentation applied for in this application. Additional well permits will be applied for and obtained prior to construction of any wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Decreed Amounts: The groundwater underlying the Subject Property was decreed in Case No. 2011CW99, District Court, Water Division 1, on April 14, 2013. The Owner has conveyed certain volumes of groundwater to other parties, but still retains the following volumes for the Subject Property which are available for withdrawal, based on a 100-year withdrawal period:

Aquifer	Estimated Annual Volume (acre-feet)	Estimated Total Volume (acre-feet)
Upper Dawson (NNT)	21	2,100
Lower Dawson (NT)	14	1,400
Denver (NT)	42	4,200
Arapahoe (NT)	28	2,800
Laramie-Fox Hills (NT)	21	2,100

Decreed Uses: The water withdrawn pursuant to this ruling and decree may be used, reused, and successively used and after use, leased, sold, or otherwise disposed of for domestic, commercial, irrigation, stock watering, recreational, fish and wildlife, fire protection, and any other beneficial purpose, to be used on or off the land described herein. This water will be produced for immediate application to said uses, for

storage and subsequent application to said uses, for exchange purposes, for replacement of stream depletions resulting from the use of the water, and for augmentation purposes. Municipal use is allowed if such ground water is conveyed to a municipal water supplier. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 14 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 100 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be used in seven (7) wells, including through the existing well. Each well will withdraw up to 2 acre-feet per year and provide in-house use in up to three (3) single-family dwellings (0.9 acre-feet per year per lot, 6.3 acre-feet per year total), outdoor irrigation of up to 18,000 square-feet of home lawn garden, and trees (0.9 acre-feet per year per lot, 6.3 acre-feet per year total), watering of up to 16 large domestic animals (0.2 acre-feet per year per lot, 1.4 acre-feet per year total) 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 the above requested 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. 4 Pages.

**\*\*AMENDED\*\* CASE NUMBER 2022CW3176 ELDORADO ARTESIAN SPRINGS, INC., 1783 Dogwood Street, Louisville, Colorado 80027, Telephone: (303) 499-1316. Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec St., Suite 3400, Denver, CO 80207, Telephone: (303) 296-8100. AMENDED APPLICATION FOR CHANGE OF WATER RIGHTS, APPROPRIATION OF CONDITIONAL WATER RIGHTS, AND PLAN FOR AUGMENTATION IN BOULDER AND WELD COUNTIES.** **2. Overview of Application:** Eldorado Artesian Springs, Inc. (“EAS” or “Applicant”) owns and operates an artesian spring facility that provides water for, among other things, bottling for sale, a resort with a swimming pool, and domestic uses in Eldorado Springs, Colorado (the “EAS Artesian Spring Facility”). The EAS Artesian Spring Facility includes artesian springs wells, used for domestic, municipal, industrial, and commercial purposes, that are augmented under the plan for augmentation decreed in Case No. 02CW292 (Water Div. 1) (the “EAS Plan for Augmentation”). For the purposes of the EAS Plan for Augmentation, EAS owns 14.425 shares of stock in the Farmers Reservoir and Irrigation Company – Marshall Lake Division that were changed in Case No. 02CW292 (“EAS’ Marshall Lake Shares”). EAS also operates a water bottling facility in Louisville, Colorado (the “EAS Bottling Facility”). In 2021, EAS acquired 2.915 shares of preferred stock represented by Share Certificate No. P97 (“EAS’ Lower Boulder Shares”) in the New Consolidated Lower Boulder Ditch and Reservoir Company (the “Lower Boulder Ditch”). EAS filed the original Application in this matter to change the type and place of use of EAS’s Lower Boulder Shares, so that, in addition to their currently decreed irrigation use, these water rights may be used directly, after storage, and by exchange for domestic, municipal, commercial, and industrial uses at the EAS Artesian Spring Facility, the EAS Bottling Facility, the EAS Property (defined below) and in Eldorado Springs, Colorado, and as a source of augmentation and replacement water, including as an additional source of augmentation and replacement water under the EAS Plan for Augmentation and/or to replace historical return flows associated with EAS’ Marshall Lake Shares by direct delivery to the stream or via trucking. EAS filed the Amended Application in this matter to include claims to appropriate new conditional water rights in the amount of the historical return flows and a plan

for augmentation to add additional sources of water to replace return flow obligations. A general vicinity map is attached as **Exhibit A**. **3. Water Rights to be changed:** EAS' Lower Boulder Shares are a pro-rata portion of those water rights decreed to the Lower Boulder Ditch, as described in paragraphs 3.1 through 3.6 below. EAS' Lower Boulder Shares represent a pro-rata interest in the water rights, ditches, canals, and other facilities for the delivery and use of water and all other assets of the Lower Boulder Ditch.

**3.1. Name of Structure:** Lower Boulder Ditch (WDID 0600538). **3.2. Original Decree:** June 2, 1882, Civil Action No. 1282 in the District Court for Boulder County ("CA 1282"). **3.3. Legal Description:** The decreed point of diversion is in the SW1/4 of Section 16, T1N, R69W of the 8<sup>th</sup> P.M. The Lower Boulder Ditch diverts water from Boulder Creek in the SW1/4, SW1/4 of Section 16, T1N, R69W of the 6<sup>th</sup> P.M. (UTM: 488995.0 East, 4432965.0 North). **3.4. Source:** Boulder Creek, tributary to the South Platte River.

**3.5. Amounts and Appropriation Dates:** **3.5.1.** 25 cubic feet per second ("cfs") absolute with an appropriation date of October 1, 1859 ("1859 Priority"). **3.5.2.** 97 cfs absolute with an appropriation date of June 1, 1870 ("1870 Priority"). **3.6 Use:** Irrigation. **3.7. Amount to be Changed:** **3.7.1.** EAS' Lower Boulder Shares amount to 1.46% of the 199.9767 shares outstanding of the preferred stock of the Lower Boulder Ditch. None of the 197.7793 shares outstanding of the common stock of the Lower Boulder Ditch are the subject of this Application. **3.7.2.** Under the Lower Boulder Ditch Bylaws, all of the 1859 Priority and the first 23 cfs of the 1870 Priority are delivered to the preferred shares; the next 48 cfs of the 1870 Priority is delivered to the common shares; and the remaining 26 cfs of the 1870 Priority is split equally between the preferred shares and common shares. EAS therefore seeks to change the following pro-rata share of the Lower Boulder Ditch water rights: **3.7.2.1.** 1859 Priority: 0.364 cfs of 25 cfs. **3.7.2.2.** 1870 Priority: 0.336 cfs of the first 23 cfs; 0.0 of the next 48 cfs; and 0.190 cfs of the last 26 cfs.

**4. Detailed Description of Proposed Change:** EAS will quantify the historical consumptive use of EAS' Lower Boulder Shares and will determine the amount, timing, and location of return flows resulting from the historical use of those water rights. **4.1. Change in Type, Place, and Manner of Use:** EAS seeks to change EAS' Lower Boulder Shares such that, in addition to their currently decreed irrigation use, they may be used directly, after storage, and by exchange for domestic, nonconsumptive recreational, municipal, commercial uses at EAS Artesian Spring Facility, the EAS Bottling Facility, and in Eldorado Springs, Colorado, and as a source of augmentation and replacement water, including as an additional source of augmentation and replacement water under the EAS Plan for Augmentation and/or to replace historical return flows associated with EAS' Marshall Lake Shares. **4.2. Places of Storage:** Water attributable to EAS' Lower Boulder Shares will be stored in the structures described in this paragraph 4.2, and in any reservoir in which EAS acquires storage capacity in the future and to which EAS may deliver water off the Lower Boulder Ditch. **4.2.1.** Goose Haven Pond No. 2, located in the NW/4, SW/4 and the SW/4, SW/4, Section 15, T1N, R69W of the 6<sup>th</sup> P.M., in Boulder County, Colorado. **4.2.2.** Milavec Reservoir (a/k/a Lower Boulder Extension Reservoir) (WDID 0604182), located in the E1/2, Section 24, Township 2 North, Range 68 West of the 6<sup>th</sup> P.M. in Weld County. (UTM: 504573.0 E, 4441308.0 N.). **4.2.3.** In accordance with § 37-87-101(3)(a), C.R.S., any pond or reservoir located on the Lower Boulder Ditch system and available for EAS' use. **4.3. Use, Reuse, and Successive Use to Extinction:** Provided that EAS replaces the historical return flows in accordance with the decree to be entered in this case, EAS will use, reuse, and successively use to extinction the fully consumable portion of the changed water rights, and may dispose of such water by sale or otherwise. No reuse plan, quantification or reusable return flows, augmentation plan, or appropriative right of exchange is sought in this Application; instead, EAS will use the water attributable to EAS' Lower Boulder Shares in accordance with existing decrees and/or administrative approvals and/or seek separate water court or administrative approval(s) in the future for any claimed reuse or successive use, augmentation plan, and/or exchange. **4.4. No Change in Point of Diversion:** EAS does not seek any change in the point of diversion for EAS' Lower Boulder Shares. **5. Historical Use:** EAS' Lower Boulder Shares were used historically for irrigation on property legally described as Lot One, Block One, Skyline Ridge Subdivision Amendment, Weld County, Colorado, and located at 5111 Bella Rosa Parkway, Frederick, Colorado 80504 ("EAS Property"). In accordance with § 37-92-302(2)(a), C.R.S., **Exhibit B** shows the approximate location of the EAS Property, and **Exhibit C** summarizes records of actual diversions of each water right described in paragraphs 3.1 through 3.6 above, to the extent such

records exist. **5.1. Prior Ditchwide Analysis:** Based on the City of Lafayette’s ditchwide analysis, the Court in Case No. 90CW108 found that the Lower Boulder Ditch system is water-short, with historical consumptive use limited by the available water supply and controlled by an overall efficiency of 57.5%. EAS will rely on the 90CW108 ditchwide analysis in quantifying the transferable yield of EAS’ Lower Boulder Shares. **5.2. No Changed Circumstances:** There have been no changed circumstance on the Lower Boulder Ditch System that would warrant reconsideration of the Court’s findings in the 90CW108 decree with respect to Lafayette’s ditchwide analysis. **5.3. Transferable Yield:** A summary of diversions, historical consumptive use, and historical return flows attributable to EAS’ Lower Boulder Shares is shown in **Exhibit D. 5.3.1.** The average annual diversion attributable to the Subject Preferred Shares were 136.4 acre-feet, with an average annual historical consumptive use of 78.4 acre-feet. **5.3.2.** Consistent with the Court’s findings in Case No. 90CW108, EAS’ technical consultant estimated that the distribution of return flows from historical use of the LBDC Shares was 35% surface runoff, which returned to the stream within the month of irrigation application; and 65% deep percolation, the timing of which EAS’ technical consultants will determine using a Glover analysis. **5.3.3.** Return flows from the historical use of the Subject Preferred Shares averaged 47.0 acre-feet. **6. Replacement of Historical Return Flows:** EAS will replace to the Godding Hollow, Mayfield Hollow and Saint Vrain River systems, in the amounts and at the times and locations necessary to prevent injury to other water rights, the historical return flows associated with EAS’ Lower Boulder Shares. EAS will replace the historical return flows with water available to the EAS Lower Boulder Shares or with other fully consumable water legally and physically available to EAS for that purpose. **7. Terms and Conditions:** **7.1. Point of Diversion:** Water available to the EAS’ Lower Boulder Shares will continue to be diverted at the headgate of the Lower Boulder Ditch as described in Paragraph 3.3 above. **7.2. Places of Delivery:** **7.2.1 Layton (a.k.a. Leyton) Lateral:** The Layton Lateral diverts from the Lower Boulder Ditch at a point in the NW1/4 of Section 25, T2N, R68W of the 6th P.M., in Weld County, Colorado. The farm headgate to the EAS Property diverts from the Layton Lateral in the S/2 of Section 26, T2N, R68W of the 6th P.M., in Weld County, Colorado. **7.2.2. Goose Haven Pond No. 2:** Goose Haven Pond No. 2 diverts from a turnout on the north bank of the Lower Boulder Ditch located approximately 1535 feet from the south section line and approximately 1100 feet from the west section line of Section 15, T1N, R69W of the 6th P.M., in Boulder County, Colorado. **7.2.3. Godding Hollow Turnout:** Located at a point where the Lower Boulder Ditch intersects Godding Hollow in the NE1/4 NE1/4, Section 2, T1N, R68W of the 6th P.M., in Weld County, Colorado. (UTM: 503039.4 East, 4437230.8 North). **7.2.4. Mayfield Hollow Augmentation Station:** This structure will divert from the Layton Lateral at a point in the SE1/4 NW1/4 of Section 24, SW1/4 SW1/4 of Section 13, or NW1/4 SW1/4 of Section 13, all in T2N, R68W of the 6th P.M., in Weld County, Colorado. **7.2.5. Future Lateral Headgates:** Subject to Lower Boulder Ditch approval, EAS may develop additional lateral headgates on the Lower Boulder Ditch in the future. **7.3. TCA Assessment:** Water available to the EAS’ Lower Boulder Shares will be subject to an assessment of transit loss in the Lower Boulder Ditch as determined by the ditch rider, who will apply the same loss percentage to all shares. The EAS’ Lower Boulder Shares may also be subject to a reservation of water by the Lower Boulder Ditch to fulfill the demands of holders of the “Leyner” and “Briggs” contracts. The transit loss assessment and contract reservation are referred to collectively as a “TCA Assessment.” **7.4. Diversion Season:** The diversion season for EAS’ Lower Boulder Shares will be the same as the diversion season for all Lower Boulder Ditch shareholders. **7.5. Lower Boulder Approval:** As required by the Lower Boulder Ditch Bylaws, EAS applied to the Lower Boulder Ditch Board of Directors for approval of EAS’ proposed changes of use of EAS’ Lower Boulder Shares. The Lower Boulder Ditch Board of Directors approved the proposed change and authorized the filing of this Application on September 8, 2022, subject to the terms and conditions the approval. The Lower Boulder Ditch Board of Directors authorized the filing of the Application, as amended, on September 12, 2025, subject to the terms and conditions of the approval. **7.5. Augmentation Stations:** EAS will measure water delivered to EAS’ Lower Boulder Shares for return to the stream system at the Godding Hollow turnout and/or via a pipeline constructed from the Tiefel Pond to Boulder Creek at a point where the West Line of the NW/4 of Section 15, T1N, R69W of the 6th P.M. intersects the south bank of Boulder Creek. EAS may develop other augmentation stations for that purpose and seeks the court’s approval to add such new

augmentation stations under the decree to be entered in this case. **8. Claim to Appropriate New Conditional Water Rights in the Amount of the Historical Return Flows.** **8.1. Name of Structure.** Goose Haven Pond No. 2 and Milavec Reservoir. The decreed point of diversion for Goose Haven Pond No. 2 is described in paragraph 4.2.1, above. The decreed point of diversion for Milavec Reservoir is described in paragraph 4.2.2, above. **8.2. Conditional Appropriation.** EAS claims conditional water rights to retain and use for the changed uses described in paragraph 4, above, an amount of water equal to the historical return flow portion of EAS's Lower Boulder Shares at any time of the year whenever there is no call for water rights below the historical return flow location, or that call is junior to the filing date of this Amended Application. **8.3. Date of Appropriation.** September 26, 2025. **8.4. How Appropriation was Initiated.** The appropriation date is based on the filing date of this Amended Application. **8.5. Date Water First Applied to Beneficial Use.** N/A. **8.6. Source.** The historical return flow portion of EAS' Lower Boulder Shares is diverted at the headgate of the Lower Boulder Ditch and made available as waters of the state in Tiefel Pond or Milavec Reservoir. The source for the Lower Boulder Ditch is South Boulder Creek, tributary to the South Platte River. **8.7. Amount Claimed.** 0.11 c.f.s., conditional, not to exceed 47.04 AF in the Tiefel Pond and Milavec Reservoir combined. **8.8. Claimed Uses.** For the same uses as described in paragraph 4, above. **9. Claim for Plan for Augmentation.** Through this plan for augmentation, EAS will provide sources of replacement water to replace historical return flow obligations associated with EAS's Lower Boulder Shares. **9.1. Location of the Return Flows.** Irrigation return flows from EAS' Lower Boulder Shares accrued historically to Godding Hollow and Mayfield Hollow as described in paragraph 6, above. **9.2. Replacement Sources.** EAS will use water derived from EAS' Lower Boulder Shares to replace historical return flow obligations associated with EAS' Lower Boulder Shares in time, location, and amount in order to prevent injury to any owner of, or persons entitled to use water under a vested water right or decreed conditional water right. **9.3. Future Acquired Sources.** EAS intends to acquire and/or lease additional water supplies in the future for use as a source of replacement water in the plan for augmentation described in the Amended Application. Those supplies may be acquired and/or leased to replace or supplement water from EAS' Lower Boulder Shares. **10. Names and addresses of owners or reputed owners of 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:** **10.1.** There will be no new diversion or storage structure constructed and no existing diversion or storage structure modified under this Application. **10.2.** The Tiefel Family, LLC, P.O. Box 17130, Boulder, Colorado 80308, owns Goose Haven Pond No. 2. **10.3** The Town of Frederick, 401 Locust Street, P.O. Box 435, Frederick, CO 80530, owns Milavec Reservoir.

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