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DISTRICT COURT, WATER DIVISION 1, COLORADO

NOVEMBER 2025 WATER RESUME PUBLICATION

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

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

CASE NUMBER 2025CW3154 (01CW281, 19CW3111) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN ADAMS AND WELD COUNTIES. 1. Name and address of Applicant: ASPHALT PAVING COMPANY, a CRH Company, c/o Jeffrey W. Keller, President, M.L. Richardson, 14802 West 44th Avenue, Golden, CO 80403, (303) 996-7222, mlrichardson@apc.us.com, copies of pleadings to: David S. Hayes, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980, dhayes@hpkwaterlaw.com. 2. Name of structure: Wattenberg West Reservoir ("Reservoir"). 3. Description of conditional water right: A. Prior decrees: A decree adjudicating the Wattenberg West Reservoir was entered on June 10, 2013, in Case No. 01CW281, District Court, Water Division No. 1, Colorado. The decree entered on November 8, 2019, in Case No. 19CW3111 continued the conditional water right. B. Legal description: A map of the proposed Reservoir site is attached to the application as Exhibit A, and is available for inspection at the office of the Division 1 Water Clerk or via CCE. 1. Location of Reservoir: S1/2 of NW1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M., Weld County, Colorado. 2. Location of Points of Diversion: i. Brighton Ditch Headgate: The Brighton Ditch headgate is located on the west bank of the South Platte River in the SE1/4 of the SE1/4 of the SE1/4, Section 11, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. ii. Wattenburg Pipeline: On the west bank of the South Platte River in the NE1/4, Section 1, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. Applicant shall only utilize the Wattenburg Pipeline to deliver water to the Reservoir if the pipeline is constructed to divert surface water only and no groundwater can be diverted into the pipeline by means of wells, streambed galleries or other groundwater collection or diversion methods. C. Source: South Platte River. D. Appropriation date: October 14, 2000. E. Amount: 1,850 acre-feet, conditional, at the following rates: 1. From the Brighton Ditch: 60 c.f.s. 2. Wattenburg Pipeline: 300 c.f.s. F. Uses: 1. Augmentation, including replacement of evaporation from gravel pits owned or operated by Applicant; irrigation, as described below; industrial use in gravel mining operations owned or operated by Applicant; on-site recreation, fish propagation, and wildlife habitat; dust suppression; and replacement and exchange for the above-referenced uses. Lands to be irrigated are described as follows: 55 acres located in the N1/2 NW1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado; and 45 acres located in the S1/2 of the NW1/4 of Section 25, Township 1 North, Range 67 West of the 6th P.M., County of Weld, State of Colorado. 2. The decree entered in Case No. 01CW281 did not include terms and conditions for the use of the storage water right for augmentation, replacement, or exchange purposes. Applicant's use of this storage water right for augmentation, replacement, and exchange purposes shall occur only pursuant to Applicant's separate augmentation and/or exchange plan decreed by the Water Court, or substitute water supply plans approved by the State Engineer pursuant to C.R.S. §37-92-308, or successor statutes. 4. Detailed outline of work done to complete project and apply water to beneficial use: The Wattenburg West Reservoir will be developed as part of the reclamation plan for Applicant's Wattenburg West Sand & Gravel

Mine project ("Mine"). Market conditions during the applicable Diligence Period (November 2019 to the present) have delayed temporarily Applicant's development of the Mine. Nevertheless, Applicant has taken steps to implement the Mine project and to diligently develop the conditional water right for the Reservoir, including, without limitation, the activities listed in the application (available for inspection at the office of the Division 1 Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: A. Wattenburg West Reservoir will be located on land owned by Applicant. B. The Brighton Ditch is owned by the Brighton Ditch Company, P.O. Box 185, Fort Lupton, CO 80621. C. The point of diversion of the Wattenburg Pipeline is located on land owned by the City of Thornton, 9500 Civic Drive, Thornton, CO 80229. WHEREFORE, Applicant respectfully requests that the Court enter a decree finding reasonable diligence for and continuing in full force and effect the subject conditional water right for the Wattenburg West Reservoir, described in Paragraph 3 above.

CASE NUMBER 2025CW3155 TOWN OF FIRESTONE, 9950 Park Ave., Colorado 80504, (303) 833-3291. Bradley C. Grasmick, #35055, Wesley S. Knoll, #48747, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181; brad@lcwaterlaw.com; wes@lcwaterlaw.com. **APPLICATION FOR CHANGE OF WATER RIGHT IN WELD COUNTY**; CHANGE OF WATER RIGHTS 2. Decreed water right for which change is sought: 2.1. Name of Structure: The Highland South Side Ditch (aka the Godding Ditch). 2.2. Date of original and subsequent decrees: CA 1336, June 2, 1882, Boulder County District Court. 2.3. Legal description of location: On Idaho Creek in the NE 1/4 of the NW 1/4 of the SW 1/4 of Section 21, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado. 2.4. Source: Boulder Creek and Idaho Creek. 2.5. Appropriation Dates: June 1, 1865 and June 1, 1868. 2.6. Total amount decreed to structure: 99.7 cfs (1865) and 52.5 cfs (1868). 2.7. Decreed use: Irrigation. 2.8. Shares to be changed: 79 of the 183 total outstanding shares in the Godding Ditch Company (the "Subject Shares"). 3. Historical Use: The lands historically irrigated by the Subject Shares are located on the Befus Farm, Cottonwood Hollow Farm, Camenisch Farm, Azalea Farm, Lehr Farm, Hill Farm, Johnson Farm, and Gregersen Farm are shown on the attached Figure 1. 3.1. Four of the Subject Shares are from the Befus Farm and were historically used to irrigate within Section 14, Township 2 North, Range 68 West, of the 6th P.M. in Weld County, Colorado, but have not been used for irrigation since being acquired in 2018. Prior to 1987, the shares were used to irrigate approximately 80 acres in the W 1/2 of the NW 1/4 of said Section 14. 3.2. Ten of the Subject Shares are from the Cottonwood Hollow Farm and were historically used to irrigate approximately 80 acres of land in the E 1/2 of the SW 1/4 of Section 11, Township 2 North, Range 68 West, of the 6th P.M., Weld County, Colorado. 3.3. Seven of the Subject Shares are from the Camenisch Farm and were historically used to irrigate the Camenisch Farms, which is located in Weld County, Colorado in W 1/2 of the NE 1/4 of Section 15, Township 2 North, Range 68 West, of the 6th P.M. 3.4. Two of the Subject Shares are from the Azalea Farm and were historically used to irrigate approximately 161 acres located at SW 1/4 of Section 11, Township 2 North, Range 68 West, of the 6th P.M. in Weld County, Colorado. In 1961 the Azalea Farm was split, and the W 1/2 SW 1/4 of Section 11, approximately 69 acres, continued to be irrigated with 4 Godding Ditch Company shares and 8 Boulder White Rock Company shares. From 1976 to 1978, the same 69 acres were irrigated with 4 Godding Ditch Company shares and 4 Boulder White Rock Company shares. Irrigation ceased in 1978. 3.5. Six of the Subject Shares are from the Lehr Farm and were historically used to irrigate approximately 105 acres on the lands located within the SW 1/4 of Section 15, Township 2 North, Range 68 West, of the 6th P.M. in Weld County, Colorado until at least 1999. 3.6. Thirteen of the Subject Shares are from the Hill Farm and were historically used to irrigate lands located within the SE 1/4 of Section 11, in Township 2 North, Range 68 West, of the 6th P.M. in Weld County, Colorado. 3.7. Eighteen of the Subject Shares are from the Johnson Farm and were historically used to irrigate lands located within the NW 1/4 of Section 12, in Township 2 North, Range 68 West, of the 6th P.M., in Weld County, Colorado. 3.8. Nineteen of the Subject Shares are from the Gregersen Farm and were historically used to irrigate the

lands located within the W 1/2 NE 1/4 and the NW 1/4 SE 1/4 of Section 12, in Township 2 North, Range 68 West, of the 6th P.M., Weld County, Colorado. 4. Proposed change: 4.1. Use. Applicant seeks to change the use of the water rights represented by the Subject Shares to include uses for direct flow, recharge and storage with the right to totally consume the consumable portion of the water, either by first use, successive use, or disposition for all beneficial uses of the municipal water system of Firestone as it currently exists or exists in the future, including, but not limited to, municipal, domestic, irrigation, commercial, industrial, recreation, fish and wildlife, augmentation, replacement, exchange and storage for these purposes. All diversions attributable to the Subject Shares shall be made through the river headgate of the Godding Ditch. The Subject Shares may be leased to others for such uses. 4.2. Additional Future Place of Storage. The Shares may be stored in additional places of storage on any ditch or diversion structure described in this Application. Applicant specifically claims the right to take delivery of and store the Subject Shares for subsequent release for the uses described herein at the following reservoirs: 4.2.1. Firestone Reservoir No. 1: A lined water storage reservoir located in the NW 1/4 of Section 6, Township 2 North, Range 67 West of the 6th P.M. as further described in the proposed decree for Case No. 19CW3236 and 05CW335. 4.2.2. Firestone Reservoir No. 2: Will be a lined storage reservoir located in the NW 1/4 of Section 6, Township 2 North, Range 67 West of the 6th P.M. as further described in the proposed decree for Case No. 19CW3236. 4.2.3. Firestone Central Park Reservoir: Applicant intends to develop additional water storage at Firestone's Central Park located in Section 18, Township 2 North, Range 67 West of the 6th P.M. 4.2.4. Firestone Reservoir No. 3: L.G. Everist, Inc. is in the process of mining and constructing a lined storage reservoir located in Section 32, Township 3 North, Range 67 West of the 6th P.M., as further described in the proposed decree in Case No. 23CW3009. 4.3. Diversion Period. April 1 through October 31. 4.4. Farm Headgate Delivery. These amounts below are preliminary and subject to modification upwards or downwards as additional information becomes available to Applicant. 4.4.1. The farm headgate delivery of the Befus Farm shares is an average of 83.9 acre-feet per year, with a 14.8 acre-foot per year ditch loss (15%). 4.4.2. The farm headgate delivery of the Cottonwood Hollow shares is an average of 204.4 acre-feet per year, with a 36.1 acre-feet per year ditch loss (15%). 4.4.3. The farm headgate delivery of the Camenisch shares is an average of 151.3 acre-feet per year, with a 26.9 acre-feet per year ditch loss (15%). 4.4.4. The farm headgate delivery of the Lehr shares is an average of 134.7 acre-feet per year, with a 24.0 acre-feet per year ditch loss (15%). 4.4.5. The farm headgate delivery of the Azalea shares is an average of 39.7 acre-feet per year, with a 7.0 acre-feet per year ditch loss (15%). 4.4.6. The farm headgate delivery of the Hill shares is an average of 262.5 acre-feet per year, with a 46.6 acre-feet per year ditch loss (15%). 4.4.7. The farm headgate delivery of the Johnson shares is an average of 363.4 acre-feet per year, with a 64.6 acre-feet per year ditch loss (15%). 4.4.8. The farm headgate delivery of the Gregersen shares is an average of 383.4 acre-feet per year, with a 68.1 acre-feet per year ditch loss (15%). 4.5. Historical Consumptive Use. The historical consumptive use of the Subject Shares was determined using the following study periods: Befus Farm: 1950 through 1987; Cottonwood Hollow: 1950 through 2021; Camenisch: 1950 through 2006; Azalea: 1950 through 1978; Lehr: 1950 through 2000; Hill: 1950 through 2020; Johnson: 1950 through 2020; and Gregersen: 1950 through 2020. The consumptive use of the Befus Farm shares was determined to be an average of 54.5 acre-feet per year. The consumptive use of the Cottonwood Hollow shares was determined to be an average of 129.6 acre-feet per year. The consumptive use of the Camenisch shares was determined to be an average of 83.1 acre-feet per year. The consumptive use of the Azalea shares was determined to be an average of 25.8 acre-feet per year. The consumptive use of the Lehr shares was determined to be an average of 87.7 acre-feet per year. The consumptive use of the Hill shares was determined to be an average of 115.7 acre-feet per year. The consumptive use of the Johnson shares was determined to be an average of 215.3 acre-feet per year. The consumptive use of the Gregersen shares was determined to be an average of 147.8 acre-feet per year. These amounts are preliminary and subject to modification upwards or downwards as additional information becomes available to Applicant. 5. Diversion Records: Applicant's engineering consultants have reviewed records of diversions by the Godding Ditch Company and Applicant will rely on the records in the quantification of the historical use of the water rights. 6. Replacement of Return Flows: Applicant will replace the historical return flow portion of the Subject Shares in response to a downstream call. The sources of return flow replacement include any

sources available to Applicant including but not limited to a portion of the Subject Shares. 7. Proposed terms and conditions for delivery of the Subject Shares through the Godding Ditch: 7.1. The Subject Shares will continue to be diverted at the headgate of the Godding Ditch on Boulder Creek, to be used by Firestone for all uses within the Town's municipal system for all municipal uses as described in this application. 7.2. Applicant may take delivery of the Subject Shares at any of the points of delivery described as: 7.2.1. A turnout on Godding Ditch near the Godding Ditch headgate on Idaho Creek at a point in the SW 1/4 of Section 21, Township 2 North, Range 68 West of the 6th P.M. 7.2.2. A turnout on Godding Ditch where it crosses the Godding Hollow in the NW 1/4 of Section 14, Township 2 North, Range 68 West of the 6th P.M. 7.2.3. A turnout on Godding Ditch tails into Mayfield Hollow in the SE 1/4 of Section 12, Township 2 North, Range 68 West of the 6th P.M. 7.3. The Subject Shares shall be subject to transit loss in the Godding Ditch as determined by the ditch rider, applying the same percentage to all shareholders. 7.4. Return flows historically accrued to Godding Hollow, Mayfield Hollow, or to the St. Vrain Creek above the diversion structure for the Goosequill Ditch. In order to maintain historical return flows associated with the Subject Shares, Firestone will provide replacement water to St. Vrain Creek above the calling water right. 7.5. The terms and conditions provided herein, including any obligation to make replacements of return flows shall become effective only after Firestone has utilized the Subject Shares for the changed uses described in Paragraph 4. 8. Names and addresses of owners, if other than Applicant, of land on which structures are located: Godding Ditch Company, P.O. Box 119, Longmont, Colorado 80502. This Application consists of six (6) pages and one Figure.

CASE NUMBER 2025CW3156 CITY OF LOVELAND, COLORADO ("Loveland"), c/o Noah Cecil, Assistant City Attorney, 500 East Third Street, #330, Loveland, Colorado, 80537, Telephone: (970) 962-2434. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN LARIMER COUNTY.** Please send all pleadings and correspondence to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111 Telephone: (720) 647-5661. **2. Name of Structure.** Barnes Park Well Enlargement, a 2007 conditional enlargement of the Barnes Park Well. **3. Description of Conditional Water Right.** Barnes Park Well is a pond filled by intercepted groundwater and deliveries of surface water from the Farmer's Ditch. Water is pumped from the Barnes Park Well pond by a submerged pump. The original Barnes Park Well was decreed in Case No. 86CW357, Water Division 1, for 500 gpm, conditional, for municipal park irrigation of 25 acres, recreation, piscatorial, and wildlife uses. Barnes Park Well was decreed absolute in Case No. 93CW175 for 1.11 cfs (500 gpm). Barnes Park Well Enlargement was decreed conditional in Case No. 07CW317, Water Division 1, as an enlargement of 16.5 acres to the area irrigated by the Barnes Park Well and an increased withdrawal of 700 gpm, for a total area of 1200 gpm and 41.5 acres irrigated with the structure. **3.1. Original Decree.** The original decree was entered by the Water Court, Water Division 1, on May 24, 2013, in Case No. 07CW317. **3.2. Subsequent Decree.** A subsequent decree was entered by the Water Court, Water Division 1, on November 13, 2019, in Case No. 19CW3100. **3.3. Legal Description.** **3.3.1. PLSS:** The Barnes Park Well pond is located in the SW1/4 of the NW1/4 of Section 24, Township 5 North, Range 69 West of the 6th P.M. in Larimer County, Colorado, at a point 2487 feet from the North section line and 1236 feet from the West section line. The pond has a surface area of no more than 0.62 acres. **3.3.2. UTM Coordinates.** Easting 40.386121, Northing 105073948, Zone 13.¹ A map depicting the location of the structure and related park features is attached as **Exhibit A**. **3.4. Source of Water.** Underground water tributary to the Big Thompson River. **3.5. Appropriation Date.** December 31, 2007. **3.6. Amount.** 700 gpm (1.6 cfs). **3.7. Uses.** Evaporation, parks and recreation, wildlife, piscatorial, aesthetic, and other uses, including municipal use. Water may be fully consumed. **3.8. Depth (if well).** Barnes Park Well Enlargement is a pond filled by intercepted groundwater. **3.9. Well Permit Information.** Permit No. 32850-F was issued by the State Engineer to Loveland on December 22, 1987, pursuant to the decree entered in Case No. 86CW357 for the existing Barnes Park Well. Loveland obtained a new Well Permit

¹ Source: Google Maps (2019).

No. 67737-F, WDID #0405628, on December 2, 2008, for the Barnes Park Well Enlargement. **4. Detailed Outline of Work Done for the Completion of the Appropriation and Application of Water to Beneficial Use.** Loveland's Parks and Recreation Department operates and maintains the entire Fairgrounds (Barnes) Park for the benefit of area and Loveland residents. During every year of the diligence period, Loveland irrigated the park with the pump station connected to the Barnes Park Well pond structure. The areas irrigated included the 16.5 acre expansion of the park described in Case No. 07CW317. Water pumped included senior irrigation ditch entitlements from the Farmer's Ditch delivered to the pond and pumped for irrigation, the original Barnes Park Well water right decreed in Case No. 86CW357, and out-of-priority pumping authorized by the augmentation plan decreed in Case No. 07CW317. Loveland staff performed daily accounting of all pumping, out-of-priority depletions, and replacements in accordance with the decrees entered in Case Nos. 07CW317 and 19CW3100 and the accounting requirements of the Division Engineer for Water Division 1. The well, the pumping equipment, lateral from the Farmer's Ditch, and irrigation system constructed for the irrigation of the park is part of an integrated system of features, and Loveland's operation and maintenance of different parts of the system and areas of the park should be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire park, including Barnes Park Well Enlargement. *See* C.R.S. § 37-92-301(4)(b). General costs for operating and maintaining the park and its fields during the diligence period included: \$23,363 for electric utility charges for operating the pumping equipment and irrigation system; \$1,130 for pump station maintenance and repairs, including meter and bearings replacements; \$11,885 for ditch fees for share assessments; \$15,458 for augmentation water rental from Colorado-Big Thompson; \$4,176 for staff time for raw water and augmentation accounting per state requirements; \$131,250 for pump station depreciation funding for replacement of pumps and controls every sixteen years; and a total of \$3,411,768 for the costs of maintaining the turf and park facilities (including mowing, irrigation operation and repair, bathroom operation and maintenance, fertilizer, debris management, field preparation and striping, and cleanup). Additionally, the City generates revenue to defray the costs of operating and maintaining the park through reservations of the ball fields and picnic areas. From 2020-2025, the City collected revenue totaling \$1,332,441 from reservation fees for the use of park facilities. Pumping records demonstrate that Loveland diverted and augmented over 1,200 gpm, i.e., the 500 gpm original Barnes Park Well right and the 700 gpm Barnes Park Well Enlargement right, on multiple days in 2020, 2021, 2022, and 2024. **5. Claim to Make Absolute.** Loveland has diverted and beneficially used water from the Barnes Park Well Enlargement in the following amount which it hereby claims as ABSOLUTE: 700 gpm (1.6 cfs). **6. Name(s) and Address(es) of Owners of the Land Upon which the Structures Are or Will Be Located, Upon Which Water Is or Will Be Stored, and Upon Which Water Is or Will Be Placed to Beneficial Use.** Loveland owns the land underlying the Barnes Park Well and all lands to be irrigated with the Barnes Park Well Enlargement. **7. Remarks.** When in priority, Loveland uses a water right known as the "Hershman Right," decreed to the Farmer's Ditch, to irrigate the Barnes/Fairgrounds Park facilities. The Hershman Right is typically available from May-September and is diverted from the Farmer's Ditch to temporary storage (72-hours or less) in the Barnes Park pond, from where it is pumped by a pumping station to irrigate the park. Augmentation of out-of-priority depletions, pursuant to the augmentation plan decreed in Case No. 07CW317, is necessary when the Hershman Right is not sufficient to support the irrigation of the park. All deliveries of the Hershman Right (or any other surface water deliveries) to the Barnes Park pond are measured and recorded on a daily basis and supplied to the Water Commissioner on a monthly basis, pursuant to the decrees entered in Case Nos. 07CW317 and 19CW3100. WHEREFORE, Loveland requests a ruling and decree concluding that Barnes Park Well Enlargement water right has been made fully ABSOLUTE. (5 pages, 1 exhibit)

CASE NUMBER 2025CW3157 BRANDON LUDKOWSKI AND NANCY LUDKOWSKI, c/o Christopher Gill, 101 Saddletree Rd., San Antonio, TX 78231, Telephone: (210) 584-1117, E-mail: christopher@gilld.co. APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN DOUGLAS COUNTY. Please send all pleadings and correspondence to:

Sheela S. Stack, Esq., Stacy L. Brownhill, Esq., Nazareus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. 2. Overview. Applicants seek to adjudicate the Denver Basin Aquifers underlying approximately 4.094 acres owned by Applicants in Douglas County, Colorado (“Property”), depicted on **Exhibit A**. This includes not-nontributary water in the Upper Dawson Aquifer and nontributary water in the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills Aquifers. In addition, Applicants are developing this Property which has been included within the service area of the Town of Castle Rock (“Castle Rock”) and will be served by Castle Rock. Applicants’ predecessor in interest and Castle Rock entered into an Annexation and Development Contract whereby the water rights adjudicated herein will be dedicated and deeded to Castle Rock to support the proposed uses described in this application. 3. Jurisdiction. The Water Court has jurisdiction over the subject matter of this Application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). 4. Well Permits. Applicants are the owner of well permit no. 321450. This well permit allows the withdrawal of water from the alluvium of East Plum Creek on the Property. Water currently permitted to be withdrawn is excluded from this application. There are no wells currently permitted to withdraw water from the Denver Basin aquifers for which adjudication is sought. Appropriate well permits will be applied for when Applicants are prepared to withdraw the water adjudicated herein. Applicants request the right to construct such wells anywhere on the Property in order to recover the entire amount of groundwater found to be available in the subject aquifers underlying the Property. Applicants request the right to withdraw all of the available groundwater in the subject aquifers underlying the Property through any well(s) initially permitted in such aquifers and any additional well(s) that may in the future become part of a well field for the Property. As additional wells are needed, well permit applications will be filed in accordance with C.R.S. §37-90-137(10). The exact location of the well or wells to be constructed has not yet been determined, but such well(s) will be located on Applicants’ Property, subject to C.R.S. § 37-90-137(4). 5. Legal Description of Wells and Property. Applicants own the Property located in the NW1/4 of the SE1/4 of Section 7, Township 8 South, Range 66 West of the 6th P.M., Douglas County, Colorado. The street address for the Property is 468 S. Ridge Road, Castle Rock, Colorado 80104. The total area of Applicants’ Property is 4.094 acres, more or less. A topographic map showing the general location of the Property is attached as **Exhibit A**. The wells are described in paragraph 4, above. 6. Source of Water Rights. 6.1. Nontributary Groundwater. The sources of the nontributary groundwater to be withdrawn are the Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills aquifers beneath the Property as described in C.R.S. § 37-90-103(10.5). Applicants will comply with the requirement to relinquish two percent (2%) of all such nontributary groundwater withdrawn to the stream system. Otherwise, such water may be fully consumed to extinction for all beneficial uses. 6.2. Not-Nontributary Groundwater. The source of the not-nontributary groundwater to be withdrawn is the Upper Dawson aquifer beneath the Property as described in C.R.S. §§ 37-90-103(10.7). 7. Amount Claimed Absolute. 7.1. Estimated Amounts and Rates of Withdrawal. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicants, based on the Colorado Division of Water Resources online aquifer determination tool, estimate the following annual amounts of nontributary and not-nontributary underlie the Property:

Water Supply Availability (af/yr)						
	Upper Dawson	Lower Dawson	Denver	Upper Arapahoe	Laramie-Fox Hills	Totals
Not-Nontributary (NNT)	0.21					0.21
Nontributary (NT)		0.81	2.43	2.27	1.07	6.58
Total Combined NNT and NT						6.79

7.2. Right to Groundwater Claimed. The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicants claim the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7. Applicants request the right to revise the above estimate of the average annual amount available for withdrawal upward or downward, based on better or revised data, without the necessity of amending or republishing this application. 8. Plan for Augmentation. No approval of a plan for augmentation is sought in this Application. As stated in paragraph 6.2, above, use of not-nontributary ground water from the Denver aquifer may require subsequent proceedings to obtain approval of a plan for augmentation. 9. Proposed Uses. All water withdrawn will be reused, successively used, leased, sold or otherwise disposed of for the irrigation of lawns, landscaping and gardens, and for domestic, commercial, fire protection, stock watering, municipal, and other beneficial uses. The water will be produced for direct application to said uses, both on and off the Property, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions from the use of water from the sources claimed in this Application and from other sources, and for all other augmentation purposes. WHEREFORE, Applicants respectfully request that the Court enter a ruling that grants the determination of groundwater rights requested herein for the nontributary Lower Dawson, Denver, Upper Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Upper Dawson Aquifer and any such other and further relief as the Court deems appropriate. (5 pages, 1 exhibit).

CASE NUMBER 2025CW3158 1. Name, Address and Telephone Number of Applicant: **CITY OF AURORA**, Colorado, a home rule municipal corporation of the counties of Adams, Arapahoe, and Douglas acting by and through its Utility Enterprise (“Aurora Water”) 15151 East Alameda Parkway, Suite 3600 Aurora, Colorado 80012-1555 Telephone: 303-739-7370; Please direct all pleadings and correspondence to Applicant’s counsel at: BROWNSTEIN HYATT FARBER SCHRECK, LLP to Dulcinea Z. Hanuschak, #44342, Katherine J. Duncan, #47890, and Steven O. Sims, #9961, at 675 15th Street, Suite 2900 Denver, CO 80202 Phone Number: (303) 223-1100 Fax Number: (303) 223-1111 Email: dhanuschak@bhfs.com, kduncan@bhfs.com, ssims@bhfs.com and CITY OF AURORA Stephen C. Cann, #24498 and Ian J. Best, #46020 at 15151 E. Alameda Pkwy., Suite 3600 Aurora, CO 80012-1555 Phone Number: (303) 517-6252 Email: scann@auroragov.org; ibest@auroragov.org **APPLICATION FOR CHANGE OF WATER RIGHTS, RIGHT OF SUBSTITUTION, PLAN OF RECHARGE, PLAN FOR AUGMENTATION, INCLUDING CONDITIONAL WATER EXCHANGE PROJECT AND CONDITIONAL APPROPRIATIVE RIGHTS OF EXCHANGE IN ADAMS, ARAPAHOE, DOUGLAS, AND WELD COUNTIES.** 2. Aurora Water seeks approval of a change of water rights, approval of a plan of substitution, approval of a Plan for Augmentation, including Water Exchange Project, approval of a recharge plan and a conditional appropriative right of exchange. 3. Changed Water Rights. The water subject of this application consists of 24 shares of the Western Mutual Ditch Company (“WMDC”) and 7 cfs of the Hewes and Cook Ditch (“HCD”) (collectively the “Subject Water Rights”). 4. Name of Structure. Western Mutual Ditch. 5. Previous Decrees. 5.1 Original Adjudication. In Case Number CA 6900, the original adjudication for Water District 2, the court decreed two water rights under the names “Hewes and Cook Ditch, original construction” and “Hewes and Cook Ditch, first enlargement.” The Hewes and Cook Ditch, original construction was awarded a decree on April 28, 1883 for Priority No. 13 with appropriation date of May 5, 1866 for 27.45 cfs. The Hewes and Cook Ditch, first enlargement was awarded a decree on April 28, 1883 for Priority No. 23, with appropriation date of August 10, 1871 for 71.12 cfs. 5.1.1 Ownership of Original Priorities. The Western Mutual Ditch Company owns 87.57 cfs of Priorities 13 and 23. Aurora Water owns 7 cfs of Priorities 13 and 23 in addition to the 24 shares it owns in the Western Mutual Ditch Company. 5.2 Supplemental Decrees. 5.2.1 In Case No. CA54658, an adjudication of priorities in Water District No.2, on August 2, 1918, the court decreed a water right to the “Western Ditch” (now owned by the WMDC) for Priority No. 72 with an appropriation date of January 26, 1894 for 86.43 cfs from the South Platte River for irrigation purposes. 5.2.2 WMDC also adjudicated a water right in Case No. 2010CW141 in which it appropriated water from a warm water slough that enters the Western Mutual Ditch. **This water right is not being changed in this application.** 5.3 Relevant Change Decrees. 5.3.1 Case No. 16CW3200 –

Arapahoe County Water and Wastewater Authority, East Cherry Creek Water and Sanitation District, and United Water and Sanitation District changed the use of 99.5 shares of WMDC. 6. Point of Diversion. The decreed point of diversion determined in the latest change of water rights case for the Western Mutual Ditch is on the east side of the South Platte River, approximately one mile northwest of Platteville. The headgate is located in the SE1/4, SE1/4, SW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 7. Source. South Platte River. 7.1 No Designated Groundwater. The land and water rights involved herein are not included within the boundaries of any designated groundwater basin. 8. Decreed Uses. Irrigation. 9. Amount of Water Rights to be Changed. Aurora Water seeks to change the Subject Water Rights used to irrigate the Scottsdale Ranch and Spano Farm (collectively “Scottsdale Ranch”). The 24 WMDC shares are part of 800 outstanding shares or 3% of the WMDC outstanding shares. The 7 cfs of HCD priorities 13 and 23 make up 7.1% of the total amount decreed to HCD in priorities 13 and 23. (“Changed Portion of the Subject Water Rights”). 10. Historical Use. The Changed Portion of the Subject Water Rights historically were used to irrigate the Scottsdale Ranch. Aurora Water only seeks to change the amount of water diverted and used for historical irrigation uses associated with the Scottsdale Ranch. Any amount diverted and used by other water users in the ditch system is not before the Court in this case. The historically irrigated lands are located in all or portions of Section 2, T3N, R67W and Sections 25, 26, 34 and 35 in T4N, R67W as shown on the map in **Exhibit A**. 11. Diversion Records, Map Of Historically Irrigated Lands, Method of Analysis. Applicant will rely on all or part of the summaries of records of actual diversions of the WMDC and HCD water rights attached as **Exhibit B** to this application. Applicant will use a parcel analysis based on a study period of 1953 through 2002 to determine the historical consumptive use of the Changed Portion of the Subject Water Rights. 12. Proposed Change. Aurora Water proposes to change the Changed Portion of the Subject Water Rights to add new types of uses, new places of use and to change some or all of the direct flow rights to storage rights. WMDC has historically diverted the full amount of the Subject Water Rights and distributed the pro-rata amount of the Subject Water Rights associated with the 24 WMDC shares and 7 cfs of the HCD to other WMDC shareholders at times when the Subject Water Rights were not needed for irrigation use on the Scottsdale Ranch (“Historical Water Allocation Practices”). Aurora Water does not seek to change the Historical Water Allocation Practices of WMDC. Aurora Water will divert the Subject Water Rights through the same river headgate through which the Subject Water Rights have historically been diverted. 12.1 Change to Add Alternate Types of Use for Changed Portion of the Subject Water Rights. In addition to continued use for agricultural irrigation on the historically irrigated Scottsdale Ranch lands and lands under the WMDC that have historically leased the Subject Water Rights, Aurora Water seeks to add the following uses: Municipal, domestic, agricultural, energy production, manufacturing, mechanical and industrial purposes including, but not limited to: fire protection, irrigation, commercial, recreation, fish and wildlife propagation, reservoir evaporation replacement, creation and maintenance of wetlands, maintenance of storage reserves, stock watering, reclamation, revegetation, dust suppression, water treatment and supply, wastewater treatment, storage for such uses, and use as a supply or substitute supply for augmentation, recharge, replacement, exchanges decreed or to be decreed, and substitute supply plans. All uses include reuse and successive reuse to extinction for the above purposes, or disposition of effluent for the above purposes. 12.2 Change Add Alternate Places of Use. In addition to continued use on the historically irrigated Scottsdale Ranch lands and lands under the WMDC that have historically leased the Subject Water Rights, which may continue for a time after the entry of the decree sought in this case, Aurora Water seeks to add the following places of use for the Changed Portion of the Subject Water Rights: Aurora Water’s current and future service areas served by its municipal water supply and water reuse systems, including areas served by its connections with other systems, and by any current or future water supply contracts or obligations of Aurora Water. Aurora Water may also use the water to meet its exchange and augmentation obligations, return flow replacement obligations or contractual delivery obligations in Water Division 1. Aurora Water’s service area has changed from time to time and will continue to do so. 12.3 Change from Direct Flow to Direct Flow or Storage. After diversion and prior to initial use by Aurora Water, water diverted pursuant to the Changed Portion of the Subject Water Rights may be stored directly or by exchange at any of the locations set forth below in 12.3.1. Such water may be delivered to storage by means of the use of natural stream

channels, component facilities of Aurora Water's South Platte diversion and conveyance system in which Aurora is the owner or in privity with the owner, component facilities of Aurora Water's Prairie Waters System, and/or any points of diversion authorized in the respective decrees for those storage structures including, but not limited to, the points of diversion listed in 12.3.1.1 through 12.3.1.14 below. Reusable effluent or return flows resulting from the initial use for the changed uses of the historical consumptive use component of the water diverted pursuant to the Changed Portion of the Subject Water Rights may be stored in any reservoir Aurora Water is authorized to use. 12.3.1 The following proposed Aurora Water storage locations are existing or planned reservoirs that are both decreed and undecreed. Aurora Water shall not use any reservoir for storage until it has a legal right to use the land or structure associated with the reservoir.

12.3.1.1 Aurora-Gilcrest Reservoir. An off-channel reservoir decreed in 16CW3058 to be constructed within part of Section 2, T3N, R67W and parts of Sections 23, 26, 34, and 35, T4N, R67W, 6th P.M., Weld County, Colorado. 12.3.1.2 Gravel Pit Reservoir A and Aquifer Recharge and Recovery Facility A ("ARR-A"), decreed in 06CW104 and located on all or portions of the S1/2 of Section 13, and the N1/2, NW1/4 of Section 24, T1N, R67 W, 6th P.M., Weld County Colorado. 12.3.1.3 Aurora-Everist (Fort Lupton) Reservoir Complex No. 1. This reservoir complex is a group of interconnected gravel pits decreed in 02CW330 and located on a portion of the NE1/4 of Section 25, T2N, R67W, 6th P.M., and portions of the NW1/4 and portions of the SW1/4, NE1/4, of Section 30, T2N, R66W, 6th P.M., Weld County, Colorado. 12.3.1.4 Aurora-Everist (Fort Lupton) Reservoir Complex No. 2. This reservoir complex is a group of interconnected gravel pits decreed in 13CW3080 and located on portions of the NE1/4, SE1/4 and SE1/4, SW1/4 of Section 25, T2N, R67W, 6th P.M., and portions of the SW1/4 of Section 30, T2N, R66W, 6th P.M., Weld County, Colorado. 12.3.1.5 Stillwater Ranch Reservoir ("Walker North"). Walker North was decree in 97CW392 and is located in the S1/2, NE1/4 of Section 36, T1N, R67W, 6th P.M., Weld County, Colorado. 12.3.1.6 Robert W. Walker Reservoir ("Walker South"). Walker South was decree in 97CW272 and is located on portions of the SE1/4 of Section 36, T1N, R67W, 6th P.M. in Weld County, Colorado. 12.3.1.7 Kirby-Dersham Gravel Pit Reservoir. The Kirby-Dersham Gravel Pit Reservoir is located on portions of the NW1/4, SE1/4, the SW1/4, SE1/4, and the NE1/4, SE1/4 of Section 36, T1N, R67W, 6th P.M., Weld County, Colorado. 12.3.1.8 Challenger Gravel Pit Reservoir. The Challenger Gravel Pit Reservoir is located on a portion of the E/2, NW/4 of Section 1, T1S, R67W, 6th P.M., Adams County Colorado. 12.3.1.9 Aurora Tucson South Storage Facility ("Tucson South") and Aquifer Recharge and Recovery Facility B ("ARR-B"). These facilities were decree in 03CW414 and will be located in all or portions of the N1/2, SE1/4, the SW1/4, SE1/4, and the SW1/4, all in Section 1, T1S, R67W, 6th P.M., Adams County, Colorado. 12.3.1.10 East Reservoir Complex. The East Reservoirs are the reservoirs decreed in 03CW0415 or any location decreed in a change of that water decree, including but not limited to: 12.3.1.10.1 Site 1A: This site is located in Section 14 & 23 and the N1/2 of Section 26, T4S, R65W, 6th P.M., Arapahoe County, Colorado; and 12.3.1.10.2 Site 2B: This site is located in Section 26 & 27 and the N1/2 of Sections 34, 35, 36, T4S, R65W, 6th P.M., Arapahoe County, Colorado. 12.3.1.11 Aurora Reservoir. The Aurora Reservoir is an off-channel reservoir located upon Senac Creek, an intermittent stream, in Sections 15, 16, 20, 21 and 22, T5S, R65W, 6th P.M., Arapahoe County, Colorado. 12.3.1.12 Werning Reservoir. An off-channel reservoir expected to be located within portions of N1/2, NE1/4 and the SW1/4, NE1/4 of Section 3 and portions of the NW1/4, NW1/4 of Section 2, T4N, R66W, 6th P.M., Weld County, Colorado. 12.3.1.13 Sorin Reservoir. Off-channel storage cells expected to be located in portions of the S1/4 of Section 34 and the S1/2 of Section 35, T5N, R66W, 6th P.M. and portions of the S1/4 of Section 4 and the NW1/4, SW1/4 of Section 3, T4N, R66W, 6th P.M., Weld County, Colorado. 12.3.1.14 Huenink Reservoir. An off-channel reservoir expected to be located within Section 33, T5N, R63W, 6th P.M., Weld County, Colorado. 13. Return Flow Replacement. In connection with the change of the Subject Water Rights, Aurora Water will have return flow replacement obligations resulting from the historical use of the Subject Water Rights. Aurora Water shall replace all historical surface and groundwater return flows from the Subject Water Rights in the amount and timing required by the decree when there is a valid unsatisfied water right, including exchanges, originating on the South Platte River downstream of the quantification point with an appropriation date senior to November 12, 2025. To the extent fully consumable water derived from water rights other than the Subject Water Rights is released to

meet Aurora Water's return flow replacement obligations, an equivalent amount of water diverted pursuant to the Subject Water Rights and attributable to the historical return flow obligation will become fully consumable by Aurora Water. 14. Augmentation Stations. Return flows, replacements and/or water representing the historical consumptive use of the Subject Water Rights shall be measured and returned to the river through any or all of the augmentation stations indicated on **Exhibit D** and described in paragraphs 14.1 through 14.29 below ("Augmentation Stations"). Aurora Water shall not use any Augmentation Station or structure until it has a legal interest to use the land or structure associated with the Augmentation Station.

14.1 Aurora Augmentation Station. This augmentation station is located in the SW1/4, SE1/4, Section 2, T3N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 40 feet from the South section line and 1,800 feet from the East section line of said Section 2. 14.2 CCWCD Decker Recharge Pond Headgate. This headgate is located in the SE1/4, NW1/4, of Section 1, T3N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 2,585 feet from the North section line and 1,394 feet from the West Section line of said Section 1. 14.3 Aurora-Gilcrest Reservoir Augmentation Station. This augmentation station will be located in the SE1/4, SE1/4, of Section 35, T4N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 140 feet from the South section line and 60 feet from the East section line of said Section 35. 14.4 CCWCD Brownwood Augmentation Station. This augmentation station is located in the NE1/4, SE1/4, of Section 26, T4N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 1,935 feet from the South section line and 100 feet from the East section line of said Section 26. 14.5 CCWCD A Frank Recharge Pond Headgate. This headgate is located in the SE1/4, NE1/4, of Section 25, T4N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 1,423 feet from the North section line and 1,374 feet from the East section line of said Section 25. 14.6 Gutfelder Augmentation Station. This augmentation station is located in the NW1/4, NW1/4, of Section 30, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 1,331 feet from the North section line and 1,225 feet from the West section line of said Section 30. 14.7 CCWCD Sweet Valley Reservoir Headgate. This headgate is located in the NW1/4, NE1/4, of Section 30, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 1,231 feet from the North section line and 1,350 feet from the East section line of said Section 30. 14.8 CCWCD Knutson Recharge Pond Headgate. This headgate is located in the SW1/4, SE1/4, of Section 20, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 1,320 feet from the South section line and 2,633 feet from the East section line of said Section 20. 14.9 CCWCD Kissler Recharge Pond Headgate. This headgate is located in the NW1/4, NW1/4, of Section 21, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 83 feet from the North section line and 1,830 feet from the West section line of said Section 21. 14.10 Haren Recharge Site Augmentation Station. These two adjacent headgates are located in the SE1/4, SW1/4, of Section 16, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 115 feet from the South section line and 2,275 feet from the West section line of said Section 16. 14.11 CCWCD Schafer Pond Headgate. This headgate is located in the SW1/4, SE1/4, of Section 16, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 110 feet from the South section line and 1,683 feet from the East section line of said Section 16. 14.12 CCWCD Five Rivers Recharge Pond Headgate. This headgate is located in the SE1/4, SE1/4, of Section 16, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 300 feet from the South section line and 25 feet from the East section line of said Section 16. 14.13 CCWCD Buderus Recharge Pond Headgate. This headgate is located in the SW1/4, SW1/4, of Section 15, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 255 feet from the South section line and 38 feet from the West section line of said Section 15. 14.14 Aurora Recharge No. 1 Pond Headgate. This headgate is located in the SW1/4, SW1/4, of Section 15, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 254 feet from the South section line and 40 feet from the West section line of said Section 15. 14.15 Shafer's Corner Augmentation Station. This augmentation station is located in the SW1/4, SW1/4, of Section 15, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 200 feet from the South section line and 100 feet from the West section line of said Section 15. 14.16 CCWCD Clement Recharge Pond Headgate. This headgate is located in the SW1/4, SW1/4, of Section 15, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 195 feet from the South section line and 107 feet from the West section line of said Section 15. 14.17 CCWCD Hungenberg Recharge Pond Headgate. This headgate is

locate in the SW1/4, NW1/4, of Section 13, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 2,100 feet from the North section line and 1,325 feet from the West section line of said Section 13. 14.18 CCWCD Ray Pond No. 2 Headgate. This headgate is located in the NE1/4, NW1/4, of Section 13, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 1,150 feet from the North section line and 11,790 feet from the West section line of said Section 13. 14.19 CCWCD Ray Pond Headgate. This headgate is located in the NE1/4, NW1/4, of Section 13, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 946 feet from the North section line and 1,970 feet from the West section line of said Section 13. 14.20 CCWCD Wertz Pond Headgate. This headgate is located in the NE1/4, NW1/4, of Section 13, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 904 feet from the North section line and 1,987 feet from the West section line of said Section 13. 14.21 CCWCD Printz Recharge Pond Headgate. This headgate is located in the NW1/4, SE1/4, of Section 12, T4N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 1,311 feet from the South section line and 1,679 feet from the East section line of said Section 13. 14.22 Aurora Recharge No. 2 Pond Headgate. This headgate is located in the SW1/4, NW1/4, of Section 7, T4N, R65W, 6th P.M., Weld County, Colorado, at a point approximately 2,565 feet from the North section line and 30 feet from the West section line of said Section 7. 14.23 CCWCD Craven Recharge Pond Headgate. This headgate is located in the SW1/4, NW1/4, of Section 7, T4N, R65W, 6th P.M., Weld County, Colorado, at a point approximately 2,538 feet from the North section line and 17 feet from the West section line of said Section 7. 14.24 Aurora Recharge No. 3 Pond Headgate. This headgate is located in the SE1/4, NW1/4, of Section 7, T4N, R65W, 6th P.M., Weld County, Colorado, at a point approximately 2,611 feet from the North section line and 2,625 feet from the West section line of said Section 7. 14.25 CCWCD Jerke Recharge Pond Headgate. This headgate is located in the SE1/4, NW1/4, of Section 7, T4N, R65W, 6th P.M., Weld County, Colorado, at a point approximately 2,613 feet from the North section line and 2,627 feet from the West section line of said Section 7. 14.26 CCWCD Schmidt Recharge Pond Headgate. This headgate is located in the NW1/4, NW1/4, of Section 8, T4N, R65W, 6th P.M., Weld County, Colorado at a point approximately 1,300 feet from the North section line and 58 feet from the West section line of said Section 8. 14.27 CCWCD Lehan Recharge Pond Headgate. This headgate is located in the NW1/4, SE1/4, of Section 7, T4N, R65W, 6th P.M., Weld County, Colorado, at a point approximately 2,366 feet from the South section line and 2,382 feet from the East section line of said Section 7. 14.28 Strohauser Recharge Site Augmentation Station. This station is located in the SW1/4 of the SW1/4, of Section 5, T4N, R65W, 6th P.M., Weld County, Colorado, at a point approximately 50 feet from the South section line and 1,185 feet from the West section line of said Section 5. 14.29 End-of-Ditch Augmentation Station. This station is located in the SW1/4, NE1/4, of Section 5, T4N, R65W, 6th P.M., Weld County, Colorado, at a point approximately 2,120 feet from the North section line and 2,625 feet from the East section line of said Section 5. 15. Return Flow Replacement through Plan of Substitution. In addition to water diverted pursuant to the Subject Water Rights, Aurora Water may use fully consumable water set forth in **Exhibit C** to meet its return flow obligations. (“Plan for Substitution”). Aurora Water may also use water derived from water rights in addition to those set forth in **Exhibit C** provided the water so released is fully consumable and provided Aurora Water has given notice of its intent to use such water as required in the Decree entered in this case. (collectively “Replacement Sources”). 15.1 Release Location of Replacement Sources. 15.1.1 Gilcrest Reservoir Outlet No. 1 will be located on the east bank of the South Platte River in the SE1/4, NW1/4, of Section 2, T3N, R67W, 6th P.M., Weld County, Colorado. 15.1.2 Gilcrest Reservoir Outlet No. 2 will be located on the south bank of the South Platte River in the NE1/4, SW1/4, of Section 26, T4N, R67W, 6th P.M., Weld County, Colorado. 15.1.3 The outlet for Aurora-Everist Reservoir Complexes No. 1 and 2, is located in the SW/4 NE/4 of Section 30, T2N, R66W, 6th P.M., Weld County, Colorado. 15.1.4 The outlet for the Walker North, Walker South, Kirby-Dersham, Challenger and Tucson South storage facilities is, located near the point at which South Platte River crosses from SW1/4 to the NW1/4 of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado. 15.1.5 The Outfall of the Robert W. Hite Wastewater Treatment Plant, is located in the SE1/4, SW1/4, of Section 1, T3S, R68W, 6th P.M., Adams County, Colorado. 15.1.6 The Outfall of the North Wastewater Treatment Plant, is located in the SE/4, SW/4, of Section 31, T1N, R66W, 6th P.M., Weld County, Colorado. 15.1.7 The Outfall of the Aurora Sand Creek

Wastewater Treatment Plant, also known as the Sand Creek Water Reuse Facility, is located on Sand Creek in the NW1/4 SE1/4 of Section 26, T3S, R67W, 6th P.M., Adams County, Colorado. 15.1.8 The ARR-A facility or other approved structure discharging directly to Big Dry Creek described in 06CW104. The discharge from ARR-A facility Big Dry Creek is located in the SE1/4, SW1/4, of Section 13, T1N, R67W, 6th P.M. Weld County, Colorado, at a point approximately 927 feet from the South section line and 1,659 feet from the West section line. 15.1.9 Brantner Ditch augmentation stations described in paragraph 13.2.1.1 of the decree entered in 21CW3092, including: 15.1.9.1 Aurora Pump Station 1 Property. A lateral headgate located in the NW1/4, SW1/4 of Section 1, T1S, R67W, 6th P.M. 15.1.9.2 Lockett. A lateral headgate adjacent to the point at which 168th Avenue (County Road 2) crosses the Brantner Ditch. 15.1.9.3 Paige 1 (South). A lateral headgate located near the N1/4 corner of Section 26, T1N, R67W, 6th P.M. 15.1.9.4 Zehnder. A lateral headgate located in the SE1/4, SW1/4 of Section 22, T1N, R67W, 6th P.M. 15.1.9.5 Brantner – Dry Creek. An augmentation station located at an existing wasteway near the point at which the Brantner Ditch crosses Big Dry Creek in the NE1/4 of Section 28, T1N, R67W, 6th P.M. 15.1.9.6 Paige 2 (North). A lateral headgate located in the reach of the Brantner Ditch lying in the SW1/4, SW1/4 of Section 14, T1N, R67W, 6th P.M. 15.1.9.7 Rosenbrock. A lateral headgate located in the reach of the Brantner Ditch lying in the SE1/4, NE1/4, of Section 14, T1N, R67W, 6th P.M. 15.1.9.8 Dechant 1 (South): A lateral headgate located in the NE1/4, NE1/4, of Section 14, T1N, R67W, 6th P.M. 15.1.9.9 Dechant 2 (North): Dechant 1 (South): A lateral headgate located in the NW1/4, SE1/4, of Section 11, T1N, R67W, 6th P.M. 15.1.9.10 Brantner – Little Dry. Near the point at which the Brantner Ditch crosses Little Dry Creek near the west section line of Section 3, T1N, R67W, 6th P.M. 15.1.10 Brighton Ditch augmentation stations described in paragraph 14 of the decree entered in 21CW3103, including: 15.1.10.1 Walker Reservoir Diversion off Brighton Ditch. SW1/4, NW1/4 of Section 36, T1N, R67W, 6th P.M., Weld County, Colorado, approximately 2,630 feet from the North section line and 1,124 feet from the West section line. 15.1.10.2 Leon South. SW1/4, SE1/4 of Section 14, T1N, R67W, 6th P.M., Weld County, Colorado, approximately 228 feet from the South section line and 1,486 feet from the East section line. 15.1.10.3 Leon North. SE1/4, SE1/4 of Section 14, T1N, R67W, 6th P.M., Weld County, Colorado. Approximately 1,261 feet from the South section line and 143 feet from the East section line. 15.1.10.4 Rosenbrock. NW1/4, SW1/4 of Section 13, T1N, R67W, 6th P.M., Weld County, Colorado, approximately 2,590 feet from the South section line and 402 feet from the West section line. 15.1.10.5 End-of-Ditch. NW1/4, SW1/4 of Section 12, T1N, R67W, 6th P.M., Weld County, Colorado, approximately 2,445 feet from the South section line and 899 feet from the West section line. 15.1.11 Lupton Bottom augmentation stations described in Exhibit G. 15.1.12 Augmentation Stations described in paragraphs 14.1 through 14.29 above. 15.1.13 The Recharge Facilities described in paragraph 16 below. 15.2 All releases of Replacement Sources to meet Aurora Water’s return flow replacement obligations will be made by delivering water to the South Platte River, its alluvium or its tributaries at or above the point of diversion of any calling right located downstream of the historical location of such return flows. Aurora Water may replace its return flow replacement obligations downstream of the point of diversion of any calling right located downstream of the historical location of such return flows if done pursuant to the terms of the plan for augmentation including water exchange project described in paragraph 17. To the extent fully consumable water derived from water rights other than the Subject Water Rights is released to meet Aurora Water’s return flow replacement obligations, an equivalent amount of water diverted pursuant to the Subject Water Rights and attributable to the historical return flow obligation will become fully consumable by Aurora Water. 16. Recharge Plan. Aurora Water seeks Water Court approval for a recharge plan that accounts for, quantifies, times, reports, and administers the use of stream accretions created by discharging the Subject Water Rights or the Replacement Sources into a recharge facility described in this paragraph (“Recharge Facility or Facilities”). Aurora Water will seek terms in its recharge plan that allow other parties including but not limited to WMDC to use the Recharge Facilities to recharge non-Aurora Water owned water sources it owns that are decreed for recharge use. All Recharge Facilities are filled from the WMDC and are depicted in **Exhibit D**. Aurora Water shall not use any Recharge Facility or structure until they have a legal interest to use the facility and or structure associated with the facility. 16.1 Name of Recharge Plan. Aurora-Western Mutual Recharge Plan. 16.2 Source of Recharge. South Platte River. 16.3 Name and Location of Existing

Recharge Facilities. 16.3.1 Haren Pond. SW1/4 of Section 16, T4N, R66W, 6th P.M., Weld County, Colorado; 16.3.2 Clement Pond. W1/2, SW1/4 of Section 11, T4N, R66W, 6th P.M., Weld County, Colorado; 16.4 Name and Location of Future Recharge Facilities. 16.4.1 Aurora Recharge No. 1 Pond. SW1/4, SW1/4, of Section 15, T4N, R66W, 6th P.M., Weld County, Colorado. 16.5 Use of Stream Accretions. Aurora Water will use the recharge plan to create stream accretions for all the proposed changes of use claimed in paragraphs 12 through 12.3.1.14, 16.5, 17.10, and 18.10. 16.6 Recharge Plan Terms and Conditions. Aurora Water will propose terms and conditions in the final decree that prevent injury to any other vested water user or conditional water right. 17. Description of Plan for Augmentation, Including Water Exchange Project (“WEP”). In connection with the change of the Subject Water Rights, Aurora Water will have return flow obligations. When Aurora Water seeks to use recharge accretions and/or other downstream fully consumable water to satisfy its return flow obligations, it will do so pursuant to this WEP. 17.1 WEP Exchange Reaches. The WEP exchange reaches are identified on the map included in **Exhibit E** and are located between the Western Mutual Return Flow Administration Point at the upstream termini and the Huenink Site as the most downstream termini. 17.2 WEP Exchange Sources. South Platte River and its tributaries. 17.3 WEP Exchange Replacement Sources. The Replacement Sources described in paragraph 15. 17.4 WEP Appropriation Date. November 12, 2025. 17.5 WEP Exchange Rate. The WEP rate ranges from an instantaneous diversion rate at the administrative points ranging from 2.28 cfs to 4.41 cfs as set forth in the WEP matrix that is part of **Exhibit E**. 17.6 WEP Volume. The maximum annual volume of the WEP is 694 AF. 17.7 WEP Exchange To Point. The Western Mutual Return Flow Administration Point located on the South Platte River located in the SE1/4, SW1/4, of Section 35, T4N, R67W, 6th P.M., Weld County, Colorado, approximately 1,190 feet from the South Section Line and 1,360 feet from the West Section Line. 17.8 WEP Exchange From Points. The WEP exchange from points and their legal descriptions are set forth in **Exhibit E**. 17.8.1 Huenink Site; 17.8.2 Confluence of the South Platte River and the Cache la Poudre River; 17.8.3 Western End-of-Ditch Augmentation Station; 17.8.4 Godfrey End-of-Ditch Augmentation Station; 17.8.5 Godfrey/Lower Latham Drain; 17.8.6 Wyatt Ditch; 17.8.7 Sorin Release No. 3; 17.8.8 Sorin Release No. 2; 17.8.9 Sorin Release No. 1; 17.8.10 Godfrey Company Return; 17.8.11 Clement Recharge Accretion Point; 17.8.12 Godfrey Headgate Return; 17.8.13 Union/Sorin augmentation/ditch return; 17.8.14 Aurora Recharge 1 Accretion Point; 17.8.15 Haren Oxbow Accretion Point; 17.8.16 Haren South Platte Accretion Point; 17.8.17 Gutfelder Augmentation Station; 17.8.18 Western/Central-Brownwood augmentation station; 17.8.19 Aurora- Gilcrest Outlet No. 2; 17.8.20 Confluence of the South Platte River and Saint Vrain Creek. 17.9 WEP Exchange Date Water First Applied to Beneficial Use. NA (conditional) 17.10 WEP Proposed Uses. Replacement of Aurora Water’s return flow obligations arising from the change of the Subject Water Rights. 18. Conditional Appropriative Rights of Exchange (“CARE”). When Aurora Water seeks to exchange water upstream to the CARE exchange to locations it may use this CARE. 18.1 Exchange reaches. The CARE exchange reaches are identified on the map included in Exhibit F and are located between the Brantner Ditch Headgate at the upstream termini and the Western End-of-Ditch Augmentation Station as the most downstream termini. 18.2 CARE Exchange Sources. Source. South Platte River and its tributaries, including St. Vrain Creek, Little Dry Creek. 18.3 CARE Exchange Replacement Sources. The Subject Water Rights. 18.4 CARE Exchange Appropriation Date. November 12, 2025 18.5 Exchange Rate. The CARE exchange rate ranges from an instantaneous diversion rate at the administrative points ranging from 5.21 cfs to 12.21 cfs as set forth in the CARE matrix in **Exhibit F**. 18.6 CARE Exchange Volume. 2,462 acre-feet. 18.7 CARE Exchange To Points. The CARE exchange to points are located as follows: 18.7.1 Brantner Ditch headgate is located on the north bank of the South Platte River in the NE1/4, SW1/4, Section 4, T2S, R67W, 6th P.M., Adams County, Colorado, at a point approximately 2,721 feet south and 2,140 feet east of the NW corner of Section 4. 18.7.2 Brighton Ditch headgate is located on the west bank of the South Platte River in the SE1/4SE1/4, Section 11, T1S, R67W, 6th P.M., Adams County, Colorado, at a point approximately 780 feet north and 1,120 feet west of the SE corner of said Section 11. 18.7.3 Aurora Everist Diversion No. 1, which has not been constructed, is planned to divert surface water from the South Platte River on the west bank of the South Platte River in the NW1/4, NE1/4 of Section 31, in T2N, R66W, 6th P.M., Weld County, Colorado, at a point approximately 691 feet from the North Section Line, 2,455 feet from the East

Section Line. 18.7.4 Aurora Everist Diversion No. 2, which has not been constructed, is planned to divert surface water from the South Platte River on the west bank of the South Platte River in the NE1/4, SW1/4 of Section 30, in T2N, R66W, 6th P.M., Weld County, Colorado at a point approximately 2,948 feet from the South Section Line, 2,715 feet from the West Section Line. 18.7.5 Aurora-Little Dry Creek Diversion No. 1, which has not been constructed, is planned to divert surface water from Little Dry Creek at a point located in the SE1/4, SE1/4 of Section 25, T2N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 60 feet from the South Section Line and 12 feet from the East Section Line of said Section 25. 18.7.6 Aurora-Little Dry Creek Diversion No. 2, which has not been constructed, is planned to divert surface water from Little Dry Creek at a point located in the NW1/4, SE1/4 of Section 25, T2N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 2,563 feet from the South Section Line and 1,332 feet from the East Section Line of said Section 25. 18.7.7 Aurora-Little Dry Creek Diversion No. 3 which has not been constructed, is planned to divert surface water from Little Dry Creek at a point located in the NW1/4, NE1/4 of Section 25, T2N, R67W, 6th P.M., Weld County, Colorado, at a point approximately 1,304 feet from the North Section Line and 1,503 feet from the East Section Line of said Section 25. 18.8. CARE Exchange From Points. 18.8.1 Aurora Augmentation Station. This station which has not been constructed, is planned to be located in the SW1/4, SE1/4, of Section 2, T3N, R67W, 6th P.M., at a point approximately 40 feet from the South section line and 1,800 feet from the East section line of said Section 2. 18.8.2 Aurora-Gilcrest Outlet No. 1. This station which has not been constructed, is planned to be located on the east bank of the South Platte River in the SE1/5, NW1/4 of Section 2, T3N, R67W, 6th P.M. 18.8.3 Aurora-Gilcrest Outlet No. 2. This station which has been constructed, is planned to be located on the south bank of the South Platte River in the NE1/4, SW1/4 of Section 26, T4N, R67W, 6th P.M. 18.8.4 CCWCD Brownwood Augmentation Station. This station is located in the NE1/4, SE1/4, of Section 26, T4N, R67W, 6th P.M., at a point approximately 1,935 feet from the South section line and 100 feet from the East section line of said Section 26. 18.8.5 Gutfelder Augmentation Station. This station which has not been constructed, is planned to be located in the NW1/4, NW1/4, of Section 30, T4N, R66W, 6th P.M. at a point approximately 1,331 feet from the North section line and 1,225 feet from the West section line of said Section 30. 18.8.6 Godfrey/Lower Latham Drain. This station is located in the NE1/4, NW1/4, of Section 31, T5N, R65W, 6th P.M., at a point approximately 1,139 feet from the North section line and 2,346 feet from the West section line of said Section 31. 18.8.7 Western End-of-Ditch Augmentation Station. This station is located in the SW1/4, NE1/4 of Section 5, T4N, R65W, 6th P.M., at a point approximately 2,120 feet from the North section line and 2,625 feet from the East section line of said Section 5. 18.9 CARE Exchange Date Water First Applied to Beneficial Use. NA (conditional). 18.10 CARE Exchange Proposed Uses. All uses claimed in paragraphs 12 through 12.3.1.14, 16.5, and 17.10. 19. Appropriative Acts. Aurora appropriated the conditional exchange water rights claimed in paragraphs 17 and 18 of this application by forming the intention to appropriate coupled with performing overt, physical acts constituting a first step toward diversion and application of the claimed water rights to a beneficial use. Dawn M. Jewell, South Platte Basin Water Resources Manager for Aurora Water was authorized to declare Aurora Water's intent to appropriate by signing and verifying this Application. Aurora Water performed overt acts constituting a first step including but not limited to purchasing the Subject Water Rights and filing this application with the water court on or before November 12, 2025. 20. Lack of Injury. Aurora Water will propose terms and conditions in the final decree so that the change of water right, plan for substitution, recharge plan, plan for augmentation including water exchange project, and conditional appropriative right of exchange will not injuriously affect the owner of or persons entitled to use of water under a vested water right or a decreed conditional water right. 21. Climate Change. Aurora Water will propose terms that reserves the right to amend any decree entered in this case in the event that climate change alters the historical stream regime and the timing of the irrigation season for agricultural users on the South Platte River in Water District 2. In such circumstance, Aurora Water may amend any decree entered in this case to modify the season of use limitation determination herein to conform to the new irrigation season for agricultural users on the South Platte River in Water District 2 and make other necessary conforming changes to the Decree to address climatic change and a change to the historical stream regime. 22. Names(s) and Address(es) of Owner(s) of Structures. 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 are set forth below. Aurora Water shall not use any structure or land to which they do not have legal interest.

22.1 The Western Mutual Ditch Company PO Box 282 La Salle, Colorado 80645

22.2 Farmers Independent Ditch Donna L. Coble PO Box 1371 Greeley, CO 80632

22.3 Central Colorado Water Conservancy District 3209 W 28th St Greeley, CO 80634

22.4 Union Ditch Company P.O. Box 445 Greeley, CO 80632

22.5 Godfrey Ditch Company P.O. Box 129 LaSalle, CO 80645

22.6 Lower Latham Ditch Company 8209 W. 20th St., Suite A Greeley, CO 80634

22.7 City of Aurora 15151 East Alameda Parkway, Suite 3600 Aurora, CO 80012 (Aurora-Western Augmentation Station, Aurora-Gilcrest Outlet No. 1, Huenink Reservoir, ARR A, Aurora Reservoir, Everist Reservoir No. 2, Sorin Reservoir, Challenger Reservoir)

22.8 Decker Property Investment I LLC 11470 County Road 38 Platteville, CO 80651 (CCWCD Decker Recharge)

22.9 United Milliken Reservoir Enterprise LLC 8301 E. Prentice Ave, Suite 100 Greenwood Village, CO 80111 (CCWCD Brownwood Augmentation Station, Milliken Reservoir Outlet No. 2)

22.10 James and Lauri Frank 11957 County Road 40.5 Platteville, CO 80651 (CCWCD A Frank Recharge)

22.11 H.S. Land and Cattle LLC P.O. Box 366 Gilcrest, CO 80623 (Gutfielder Augmentation Station)

22.12 CAW Equities LLC 8301 E. Prentice Ave, Suite 100 Greenwood Village, CO 80111 (CCWCD Knutson Augmentation Station)

22.13 James and Marilee Kissler 14368 County Road 44 Platteville, CO 80651 (CCWCD Kissler Recharge)

22.14 3 CD Farms LLC 2097 County Road 31 La Salle, CO 80645 (CCWCD Shafer Pond)

22.15 GBU Enterprises LLC 281 Ceder Cove Rd. Loveland, CO 80537 (CCWCD Shafer Pond)

22.16 David and Cindy Hungenberg 21642 County Road 35 La Salle, CO 80645 (CCWCD Hungenberg Recharge)

22.17 Dinner/Brown Farm LLC 5790 E Ithaca Pl. Denver, CO 80237 (CCWCD Ray Pond 2)

22.18 Timothy and Deborah Wojahn 21775 County Road 35.5 La Salle, CO 80645 (CCWCD Ray Pond, Hungenberg Recharge Pond)

22.19 Sandberg George L Irrevocable Trust P.O. Box 663 La Salle, CO 80645 (CCWCD Wertz Recharge Pond)

22.20 Douglas and Dathryn Printz 22357 County Road 37 La Salle, CO 80645 (CCWCD Printz Pond)

22.21 Mary Schafer 14913 County Road 44 La Salle, CO 80645 (CCWCD Five Rivers, CCWCD Schafer Recharge Pond)

22.22 Eckhardt Farms Inc. 21454 County Road 33 La Salle, CO 80645 (Aurora Recharge No. 1)

22.23 Robert and Alice Buderus 15473 County Road 44 La Salle, CO 80645 (CCWCD Clement Recharge, Shafer's Corner Augmentation Station)

22.24 Groundwater Management Subdistrict of CCWCD 3209 W. 28th St. Greeley, CO 80634 (Clement Recharge Pond)

22.25 Annan Florence 17068 County Road 26 Brush, CO 80723 (CCWCD Craven Pond, Aurora Recharge No. 2 Augmentation Station, Aurora Recharge No. 3 Augmentation Station)

22.26 Jerke Brothers Trust 10408 Cascade Dr. Denton, TX 76207 (CCWCD Jerke Recharge)

22.27 Schmidt Tylene L Trust C/O Valerie Hiller 22405 County Road 39 La Salle, CO 80645 (CCWD Schmidt Recharge)

22.28 SB Farms Inc 19953 County Road 50 La Salle, CO 80645 (CCWCD Lehan Recharge, End-of-Ditch Augmentation Station)

22.29 Weld Adams Water Development Authority 7995 E Prentice Ave. Apt 103E Greenwood Village, CO 80111 (Strohauer Recharge Site Augmentation Station)

22.30 Rex Craven 22854 County Road 37 La Salle, CO 80645 (CCWCD Craven Recharge Pond)

22.31 Owners of real property underlying the East Reservoir Complex described in paragraph 15.11 above are:

22.31.1 Site 1A

22.31.1.1 Bravada / Neher 160 LLC 7400 E. Crestline Cir, Suite 250 Greenwood Village, CO 80111

22.31.1.2 Cottonwood Creek Investors, LLC 9750 W. Cambridge Place, Littleton, CO 80127

22.31.1.3 Prosper Farms Investments, LLC 5651 N. Broadway Denver, CO 80216

22.31.1.4 Richard Grimm and Lana Gallus-Grimm 1010 W. Magnolia St Fort Collins, CO 80521-2430

22.31.1.5 US Department of Transportation 1601 Lind Ave Renton, WA 98057

22.31.2 Site 2B

22.31.2.1 Cottonwood Creek Investors, LLC 9750 W. Cambridge Place Littleton, CO 80127

22.31.2.2 State of Colorado Board of Land Commissioners 1127 N. Sherman St, Suite 300 Denver, CO 80203

22.31.2.3 Michel Living Trust 40200 E. Alameda Ave Bennett, CO 80102

22.31.2.4 John W. Segelke, Grant C. Segelke and Karen J. Segelke 1720 S. Bellaire St, Suite 300 Denver, CO 80222

22.31.2.5 Watkins Road Associates LTD 7400 E. Crestline Cir, Suite 150 Greenwood Village, CO 80111

22.31.2.6 Robert C. Roeder 59 N. Watkins Rd Watkins, CO 80137-8702

22.31.2.7 Milton L. Hunholz & Milton W. Hunholz 30505 E. Yale Ave Watkins, CO 80137

22.31.2.8 Christopher Sherman and Cynthia Sherman 29801 E. Yale Ave Watkins, CO 80137

22.31.2.9 BOAC Cottonwood Property LLC 4100 E Mississippi Ave, Suite 500 Glendale, CO 80246

22.32

Hibe LLC, 301 Centennial Dr. Milliken, CO 80543 (Part of Walker/Kirby-Dersham) 22.33 Carl Eiberger, 303 S Broadway Unit B-200 Denver, CO 80209 (Part of Walker) 22.34 Aggregate Industries WCR INC, 1687 Cole Blvd. Ste. 300, Golden, CO 80401 (Tucson South) 22.35 Dixie Water LLC 500 Canal St. Metairie, LA 70005 (Werning) 22.36 Public Service Company 1800 Larimer St, Suite 1300 Denver, CO 80202 (Western Augmentation Station, Confluence of Saint Vrain Creek and South Platte River) 22.37 Varra Companies Inc. 8120 Gage St Frederick, CO 80516 (Godfrey Company Return, Western End of Ditch Aug Station) 22.38 City of Evans 1100 37 St Evans, CO 80620 (Sorin Release 3) 22.39 Ensign United States Drilling, INC 1900 Dalrock Rd. Rowlett, TX 75088 (Godfrey Lower Latham Drain) 22.40 Gary Baker PO Box 487 La Salle, CO 80645 (Godfrey End of Ditch Return) 22.41 70 Ranch LLC 9301 E. Prentice Ave, Suite 100 Greenwood Village, CO 80111 (Huenink Reservoir)

CASE NUMBER 2025CW3159 Applicants seek an order of the Water Court approving the removal of their Member Wells and augmentation supplies from the Logan Well Users, Inc. plan for augmentation decreed in Case No. 03CW195 as allowed in paragraph 49.5 of the 03CW195 decree. Applicants will file separate water court applications requesting addition of the Member Wells, including their future and past pumping depletions and augmentation supplies, to the augmentation plans decreed by Pawnee Well Users Inc. in Case No. 04CW46 and South Platte Ditch Well Users Inc. in Case No. 04CW110. **1. Name, Address, and Telephone Number of Applicants.** 1.1 **DON FRITZLER AND AUSTIN FRITZLER** 15848 CR 16.5 Atwood, CO 80722, c/o Steven O. Sims, Esq. BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900, Denver, CO 80202, Telephone Number: (303) 223-1100. 1.2 **TRAVIS MCKAY AND CHRIS MCKAY** 18385 CR 22, Sterling, CO 80751, c/o Steven O. Sims, Esq. BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900, Denver, CO 80202, Telephone Number: (303) 223-1100. 1.3 **LEWIS V. PROPST CORP.** by Mike Hittinger its authorized agent, 13341 CR 8, Merino, CO 80741 c/o Steven O. Sims, Esq. BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900, Denver, CO 80202, Telephone Number: (303) 223-1100. 1.4 **MERINO PLATTE RIVER RANCH LLC AND MERINO HOLDINGS LLC**, 401 W. Mountain Ave., Fort Collins, CO 80521; c/o William H. Caile, Esq. HOLLAND & HART LLP 555 17th Street, Suite 3200 Denver, CO 80202, Telephone number (303) 295-8000. Please send all correspondence and pleadings to Applicants' counsel at: BROWNSTEIN HYATT FARBER SCHRECK, LLP Steven O. Sims, #9961 675 15th Street, Suite 2900 Denver, CO 80202 Phone Number: (303) 223-1100 Fax Number: (303) 223-1111 Email: ssims@bhfs.com and HOLLAND & HART LLP William H. Caile, #32223 Mark E. Hamilton, #24585555 17th Street, Suite 3200 Denver, CO 80202-3921 Phone No.: 303.295.8000 E-Mail: WHCaile@hollandhart.com; MEHamilton@hollandhart.com. **APPLICATION TO DELETE WELLS AND ASSOCIATED AUGMENTATION SOURCES FROM THE LOGAN WELL USERS, INC. PLAN DECREED IN 03CW195 IN LOGAN, MORGAN AND WASHINGTON COUNTIES.** **2. Removal of Member Wells from 03CW195** . The following Member Wells, including all future and past pumping depletions, will be removed from the Logan Well Users, Inc. augmentation plan decreed in 03CW195.

LWU Well Number	Current Owner (Owner Listed in 03CW195)	Permit No.	WDID	Original Decree No.	Legal Description	Receiving Aug. Plan
LWU Well 2	Fritzler (Baney)	5852-RF	6405793	W1936 83CW362	SWSW Sec 12 T7N, R53W	04CW46
LWU Well 25	McKay (Dick)	Not registered	6405400	W3564	NWNE Sec 8 T8N, R 53W	04CW46

LWU Well Number	Current Owner (Owner Listed in 03CW195)	Permit No.	WDID	Original Decree No.	Legal Description	Receiving Aug. Plan
LWU Well 202	McKay (Nixon)	R 00909	6405919	W790	NESW Sec 7 T7N, R52W	04CW46
LWU Well 212	McKay (Amen)	18050	6405010	W391	SWSW Sec 7, T7N, R52W	04CW46
LWU Well 213	McKay (Schaffer)	7076	6406198	W944	SWNE Sec 7, T7N, R52W	04CW46
LWU Well 214	McKay (Schaffer)	7075-R	6406195	W944	SWNE Sec 7, T7N, R52W	04CW46
LWU Well 500		7075-R-R				
LWU Well 165	Propst (Propst)	596	6406088	W1750	SESW Sec 19 T6N, R53W	04CW110
LWU Well 166	Propst (Propst)	1803	6406086	W1750	SWNE Sec 19 T6N, R 53W	04CW110
LWU Well 167	Propst (Propst)	6692-F	6406087	W1750	SESW Sec 19 T6N, R53W	04CW110
LWU Well 168	Propst (Propst)	10825	6406085	W5704	NESW Sec 19, T6N, R53W	04CW110
LWU Well 169	Propst (Propst)	21830	6406083	W5704	NESW Sec 19, T6N, R53W	04CW110
LWU Well 145	Merino (Amen)	1094-R	6405616	W632	SESW Sec 34, T6N, R54W	04CW110
LWU Well 146	Merino (Amen)	47254-F	6405612	W632	SESW Sec 34, T6N, R54W	04CW110
LWU Well 159	Merino (Fiscus)	60606-F	6405857	W1762	NWSE Sec 35, T6N, R54W	04CW110

3. Removal of Augmentation Sources from 03CW195 . Applicants seek an order approving the removal of the following augmentation sources from the Logan Well Users, Inc. augmentation plan decreed in 03CW195. By separate Water Court applications, the Applicants will seek to add the augmentation sources to either the plans for augmentation decreed in Case No. 04CW46 (Pawnee Well Users) or 04CW110 (South Platte Ditch Well Users), as identified below. **Ditch Shares Changed in 03CW195 and Pro-Rata Recharge Associated with Share Ownership**

Owner (Owner Listed in 03CW195) [Previous Owner]	Ditch	Changed Adjudication	Amount	Receiving Aug. Plan
Fritzler (Baney)	Farmers Pawnee	03CW195	3.08 shares	04CW46
Fritzler (Baney)	Springdale	03CW195	31.00 shares	04CW46
McKay (N/A) [Edinger]	Farmers Pawnee	None	0.125 shares	04CW46
McKay (N/A) [Samber]	Farmers Pawnee	None	1.80 shares	04CW46
McKay (Dick) [Dick]	Farmers Pawnee	03CW195	2.60 shares	04CW46
McKay (N/A) [Parker]	Farmers Pawnee	None	1.00 shares	04CW46
McKay (N/A) [Coakley]	Farmers Pawnee	None	0.50 shares	04CW46
McKay (N/A) [Anderson]	Farmers Pawnee	None	0.50 shares	04CW46
McKay (Nixon) [Nixon]	Springdale	03CW195	12.00 shares	04CW46
McKay (N/A) [Amen]	Springdale	03CW195	16.00 shares	04CW46
McKay (Schaffer) [Schaffer]	Springdale	03CW195	33.00 shares	04CW46
McKay (Gergory)	Springdale	03CW195	15.00 shares	04CW46
McKay (N/A) [Edelman]	Springdale	None	4.00 shares	04CW46
Propst (Propst)	South Platte Ditch	03CW195	12.86 shares	04CW110
Merino (Amen)	South Platte Ditch	03CW195	10.00 shares	04CW110
Merino (Fiscus)	South Platte Ditch	03CW195	12.00 shares	04CW110

Logan Prewitt Acre-Rights

Owner (Owner Listed 03CW195)	Acre-Rights	Acre Rights Changed in 03CW195	03CW195 Ditch System	Receiving Aug. Plan
Fritzler (Baney)	159.8	159.8	Farmers Pawnee	04CW46
McKay (Dick)	73.7	73.7	Farmers Pawnee	04CW46
McKay (Gregory)	75.0	75.0	Springdale	04CW46
McKay (Nixon)	58.1	58.1	Springdale	04CW46
McKay (Amen)	81.1	81.1	Springdale	04CW46
McKay (Schaffer)	156.8	156.8	Springdale	04CW46
Propst (Propst)	45.7	45.7	South Platte Ditch	04CW110
Propst (Propst)	20.2	20.2	Davis Brothers Ditch	04CW110
Propst (Propst)	100.3	100.3	South Platte Ditch	04CW110
Merino (Amen)	76.8	76.8	South Platte Ditch	04CW110
Merino (Vandemoer)	32.7	None	N/A	04CW110
Merino (Vandemoer)	111.5	None	N/A	04CW110
Merino (Chris Smith)	60.7	None	N/A	04CW110
Merino (Cecil Farms)	100.3	100.3	Schneider	04CW110
Merino (Henry Schaffer Trust)	50.0	50.0	Springdale	04CW110

Recharge Ponds

Owner (Owner Listed 03CW195)	LWU ID	WDID	2003 Site Name	Receiving Aug. Plan
Fritzler 35% of 50%*	S-32	6402205	S-32 Springdale Recharge 1 (Baney)	04CW46
Propst (Hettinger) 25% of 50%*	S-19	6402236	S-19 SPD Recharge 11 (Hettinger)	04CW110
Merino (Amen) 50%*	S-10	6402231	S-10 SPD Recharge 2 (Amen)	04CW110
Merino (Amen) 50% *	S-12	6402233	S-12 SPD Recharge 4 (Fiscus)	04CW110

*Subject to pond agreements between the ditch companies and landowners. The remaining percentages of the Fritzler, Propst and Merino owned recharge ponds are allocated to the ditch company shareholders (including Applicants) and/or the ditch companies. The remaining non-Fritzler, Propst and Merino owned recharge ponds are owned by other members in the Logan Well User Inc. and will remain in the augmentation plan decreed in Case No. 03CW195. **4. Notes.** 4.1 All parties to 03CW195 are notified of this application and removal of member wells and augmentation credits by publication of the application in the Division 1 Resume. 4.2 Applicants shall replace all lagged depletions, if any, due from past pumping

of the Member Wells as of November 1, 2025 under the Pawnee Well Users, Inc. 04CW46 and South Platte Ditch Well Users 04CW110 plans for augmentation under substitute water supply plans to be filed with the Colorado Division of Water Resources or decrees of the Water Court. . Until substitute water supply plans are approved, Logan Well Users, Inc. will continue to replace past pumping depletions as required by the 03CW195 decree, and until substitute water supply plans are approved Applicants shall continue to be bound by the terms of the 03CW195 decree and all bylaws and policies of Logan Well Users, Inc. 4.3 All water diverted for recharge derived from the sources described in paragraph 3 above that has not accrued to the South Platte River as of the date of the approval of substitute water supply plan applications by the respective receiving augmentation plans will be credited to the Pawnee Well Users, Inc. 04CW46 and South Platte Ditch Well Users 04CW110 plans for augmentation. 4.4 Applicants will propose terms and conditions to prevent injury, to prevent double counting of any augmentation source and to replace any unreplaced out of priority depletion not replaced prior to November 1, 2025.

CASE NUMBER 2025CW3160 Applicants seek an order of the Water Court amending the plan for augmentation in 04CW46 to add wells and additional augmentation water rights to the plan for augmentation as allowed in paragraphs 18.5 and 20.4 of the 04CW46 decree. **1. Name, Address, and Telephone Number of Applicants:** 1.1 **DON FRITZLER AND AUSTIN FRITZLER** 15848 CR 16.5 Atwood, CO 80722, c/o Steven O. Sims, Esq. BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900, Denver, CO 80202, Telephone Number: (303) 223-1100. 1.2 **TRAVIS MCKAY AND CHRIS MCKAY** 18385 CR 22, Sterling, CO 80751, c/o Steven O. Sims, Esq. BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900, Denver, CO 80202, Telephone Number: (303) 223-1100. 1.3 **PAWNEE WELLS USERS, INC.** P. O. Box 1150, Sterling, Colorado 80751, c/o P. Fritz Holleman, Esq., BUSHONG & HOLLEMAN PC, 1966 13th Street, Suite 270, Boulder, Colorado 80302, Telephone Number: (303) 431-9141. Please send all correspondence and pleadings to Applicants' counsel at: BROWNSTEIN HYATT FARBER SCHRECK, LLP Steven O. Sims, #9961 675 15th Street, Suite 2900 Denver, CO 80202 Phone Number: (303) 223-1100 Fax Number: (303) 223-1111 Email: ssims@bhfs.com BUSHONG & HOLLEMAN PC P. Fritz Holleman, #21888 1966 13th Street, Suite 270 Boulder, Colorado 80302 Phone Number: (303) 431-9141 Email: fholleman@bh-lawyers.com **APPLICATION TO ADD WELLS AND ASSOCIATED AUGMENTATION SOURCES TO THE PAWNEE WELLS USERS INC.'S 04CW46 PLAN IN LOGAN, MORGAN AND WASHINGTON COUNTIES.** **2. Removal of wells from 03CW195 for inclusion into 04CW46.** The following wells will be moved from the Logan Well Users, Inc. augmentation plan decreed in 03CW195 to the Pawnee Wells Users Inc.'s augmentation plan decreed in 04CW46 Plan ("Pawnee Wells"):

LWU Well Number	Current Owner (2003 Owner)	Permit No.	WDID	Decree No.	Legal Description of Well
LWU Well 2	Fritzler (Baney)	5852-RF	6405793	W1936 83CW362	SWSW Sec 12 T7N, R53W
LWU Well 25	McKay (Dick)	Not registered	6405400	W3564	NWNE Sec 8 T8N, R 53W
LWU Well 202	McKay (Nixon)	R 00909	6405919	W790	NESW Sec 7 T7N, R52W
LWU Well 212	McKay (Amen)	18050	6405010	W391	SWSW Sec 7, T7N, R52W

LWU Well 213	McKay (Schaffer)	7076	6406198	W944	SWNE Sec 7, T7N, R52W
LWU Well 214 LWU Well 500	McKay (Schaffer)	7075-R 7075-R-R	6406195	W944 18CW3227	SWNE Sec 7, T7N, R52W

3. Removal of Augmentation Sources from 03CW195 for inclusion into 04CW46. The following augmentation sources historically associated with the Pawnee Wells will be moved from the Logan Well Users, Inc. augmentation plan decreed in 03CW195 (“LWU Plan”) to the Pawnee Wells Users augmentation plan decreed in 04CW46 (“Pawnee Plan”): **New Pawnee Plan Ditch Shares**

Owner (2003 Owner) [Previous Owner]	Type of Right	Changed Adjudication	Amount
Fritzler (Baney)	Farmers Pawnee	03CW195	3.08 shares
Fritzler (Baney)	Springdale	03CW195	31 shares
McKay (N/A) [Edinger]	Farmers Pawnee	03CW195	0.125 shares
McKay (N/A) [Samber]	Farmers Pawnee	03CW195	1.80 shares
McKay (Dick) [Dick]	Farmers Pawnee	03CW195	2.60 shares
McKay (N/A) [Parker]	Farmers Pawnee	03CW195	1.00 shares
McKay (N/A) [Coakley]	Farmers Pawnee	03CW195	0.50 shares
McKay (N/A) [Anderson]	Farmers Pawnee	03CW195	0.50 shares
McKay (Nixon) [Nixon]	Springdale	03CW195	12.00 shares
McKay (N/A) [Amen]	Springdale	03CW195	16.00 shares
McKay (Schaffer) [Schaffer]	Springdale	03CW195	33.00 shares
McKay (Gergory)	Springdale	03CW195	15.00 shares
McKay (N/A) [Edelman]	Springdale	03CW195	4.00 shares

New Pawnee Plan Logan Prewitt Acre-Rights

Owner (2003 Owner)	Acre-Rights	Acre Rights Changed	2003 Ditch System
Fritzler (Baney)	159.8	159.8	Farmers Pawnee
McKay (Dick)	73.7	73.7	Farmers Pawnee
McKay (Nixon)	58.1	58.1	Springdale
McKay (Amen)	81.1	81.1	Springdale
McKay (Schaffer)	158.0	158.0	Springdale

New Pawnee Plan Recharge**Recharge Ponds**

Owner (Owner Listed 03CW195)	LWU ID	WDID	2003 Site Name	Receiving Aug. Plan
Fritzler Recharge 35% of 50%*	S-32	6402205	S-32 Springdale Recharge 1 (Baney)	04CW46

*Subject to pond agreements between the ditch companies and landowners. The remaining percentages (65%) of the Fritzler owned recharge pond credits are allocated to the ditch company shareholders (including Applicants) and/or the ditch companies. The remaining non-Fritzler owned recharge credits are owned by other members in the Logan Well User Inc. and will remain in the augmentation plan decreed in Case No. 03CW195. **4. Notes.** 4.1 All parties to 04CW46 are notified of this application and the addition of member wells and augmentation credits by publication of the application in the Division 1 Resume. 4.2 All lagged depletions, if any, due from past pumping of the Wells as of November 1, 2025 will be replaced by the Pawnee Plan. 4.3 All water diverted into recharge that has not accrued to the river as of November 1, 2025 will be credited to the Pawnee Plan. 4.4 Applicants will propose terms and conditions to prevent injury, to prevent double counting of any augmentation source and to replace any unreplaced out of priority depletion not replaced prior to November 1, 2025.

CASE NUMBER 2025CW3161 Applicants seek an order of the Water Court amending the plan for augmentation in 04CW110 to add wells and additional augmentation water rights to the plan for augmentation as allowed in paragraphs 8.6 and 10.6 of the 04CW110 decree. **1. Name, Address, and Telephone Number of Applicants:** 1.1 **LEWIS V. PROPST CORP.** by Mike Hittinger its authorized agent, 13341 CR 8, Merino, CO 80741 c/o Steven O. Sims, Esq. BROWNSTEIN HYATT FARBER SCHRECK, LLP 675 15th Street, Suite 2900, Denver, CO 80202, Telephone Number: (303) 223-1100. 1.2 **MERINO PLATTE RIVER RANCH LLC AND MERINO HOLDINGS LLC**, 401 W. Mountain Ave., Fort Collins, CO 80521; c/o William H. Caile, Esq. HOLLAND & HART LLP 555 17th Street, Suite 3200 Denver, CO 80202, Telephone number (303) 295-8000. 1.3 **SOUTH PLATTE DITCH WELL USERS, INC.** 825 CR 25 Merino, Colorado 80741, Telephone Number: 970-20-7252 c/o Ray Ann Brammer, Esq., Brammer Law Office PO Box 1827 Sterling, CO 80751, Telephone number (970) 521-0700. Please send all correspondence and pleadings to Applicants' counsel at: BROWNSTEIN HYATT FARBER SCHRECK, LLP Steven O. Sims, #9961 675 15th Street, Suite 2900 Denver, CO 80202 Phone Number: (303) 223-1100 Fax Number: (303) 223-1111 Email: ssims@bhfs.com and HOLLAND & HART LLP William H. Caile, #32223 Mark E. Hamilton, #24585 555 17th Street, Suite 3200 Denver, CO 80202-3921 Phone No.: 303.295.8000 E-Mail: WHCaile@hollandhart.com;

MEHamilton@hollandhart.com and BRAMMER LAW OFFICE Ray Ann Brammer, #17187 PO Box 1827 Sterling, CO 80751 Phone No. : 970.521.0700 Brammer@brammerlaw.com **APPLICATION TO ADD WELLS AND ASSOCIATED AUGMENTATION SOURCES TO THE SOUTH PLATTE DITCH WELL USERS, INC.'S 04CW110 PLAN. IN LOGAN, MORGAN AND WASHINGTON COUNTIES.** **2. Removal of wells from 03CW195 for inclusion into 04CW110.** The following wells will be moved from the Logan Well Users, Inc. augmentation plan decreed in 03CW195 to the South Platte Ditch Well Users, Inc augmentation plan decreed in 04CW110 Plan (“Wells”):

LWU Well Number	Current Owner (2003 Owner)	Permit No.	WDID	Decree No.	Legal Description
LWU Well 165	Propst (Propst)	596	6406088	W1750	SESW Sec 19 T6N, R53W
LWU Well 166	Propst (Propst)	1803	6406086	W1750	SWNE Sec 19 T6N, R 53W
LWU Well 167	Propst (Propst)	6692-F	6406087	W1750	SESW Sec 19 T6N, R53W
LWU Well 168	Propst (Propst)	10825	640685	W5704	NESW Sec 19, T6N, R53W
LWU Well 169	Propst (Propst)	21830	6406083	W5704	NESW Sec 19, T6N, R53W
LWU Well 145	Merino (Amen)	1094-R	6405616	W632	SESW Sec 34, T6N, R54W
LWU Well 146	Merino (Amen)	47254-F	6405612	W632	SENW Sec 34, T6N, R54W
LWU Well 159	Merino (Fiscus)	60606-F	6405857	W1762	NWSE Sec 35, T6N, R54W

3. Removal of Augmentation Sources from 03CW195 for inclusion into 04CW110. The following augmentation sources historically associated with the Wells will be moved from the Logan Well Users, Inc. augmentation plan decreed in 03CW195 (“LWU Plan”) to the South Platte Ditch Well Users, Inc augmentation plan decreed in 04CW110 (“South Platte Ditch Plan”): **Ditch Shares**

Owner (2003 Owner)	Type of Right	Changed Adjudication	Amount
Propst (Propst)	South Platte Ditch	03CW195	12.86 shares
Merino (Amen)	South Platte Ditch	03CW195	10 shares
Merino (Fiscus)	South Platte Ditch	03CW195	12 shares

Logan Prewitt Acre-Rights

Owner (2003 or previous Owner)	Acre-Rights	Acre Rights Changed	2003 Ditch System
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Propst (Propst)	45.7	45.7	South Platte Ditch
Propst (Propst)	20.2	20.2	Davis Brothers Ditch
Propst (Propst)	100.3	100.3	South Platte Ditch
Merino (Amen)	76.8	76.8	South Platte Ditch
Merino (Vandemoer)	32.7	N/A	N/A
Merino (Vandemoer)	111.5	N/A	N/A
Merino (Chris Smith)	60.7	N/A	N/A
Merino (Cecil Farms)	100.3	100.3	Schneider
Merino (Henry Schaffer Trust)	50	50	Springdale

Recharge

Owner (2003 Owner)	LWU ID	WDID	2003 Site Name
Propst (Hettinger)	S-19	6402236	S-19 SPD Recharge 11 (Hettinger)
Merino (Amen)	S-10	6402231	S-10 SPD Recharge 2 (Amen)
Merino (Amen)	S-12	6402233	S-12 SPD Recharge 4 (Fiscus)

4. Notes. 4.1 All parties to 04CW110 are notified of this application and addition of member wells and augmentation credits by publication of the application in the Division 1 Resume. 4.2 All lagged depletions, if any, due from past pumping of the Wells as of November 1, 2025 will be replaced by the South Platte Ditch Plan. 4.3 All water diverted into recharge that has not accrued to the river as of November 1, 2025 will be credited to the South Platte Ditch Plan. 4.4 Applicants will propose terms and conditions to prevent injury, to prevent double counting of any augmentation source and to replace any unreplaced out of priority depletion not replaced prior to November 1, 2025.

CASE NUMBER 2025CW3162 (18CW3229) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY 1. **Name and address of Applicant:** TOWN OF ESTES PARK (“Estes Park” or “Town”) P.O. Box 1200 Estes Park, CO 80517 970.577.3630 townclerk@estes.org Copies of all pleadings to: David S. Hayes, Matthew S. Poznanovic, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, Colorado 80202, (303) 825-1980. 2. **Description of conditional water rights (collectively, the “Subject Water Rights”):** A. **Big Thompson Intake:** i. **Original Decree:** The Big Thompson Intake was adjudicated by the decree entered by the District Court, Water Division No 1, Colorado, on November 27, 2019, in Case No. 18CW3229. ii. **Location:** The Big Thompson Intake will be located in the NE1/4, Section 4, Township 4 North, Range 73 West of the 6th P.M., Larimer County, generally within a reach approximately 200 feet downstream of the confluence with Glacier Creek, as depicted on Exhibit A (attached to the application and available for inspection at the office of the Division 1 Water Clerk or via CCE). iii. **Source:** Big Thompson River. iv. **Amount:** 10 c.f.s., conditional. v. **Appropriation Date:** December 28, 2018. vi. **Uses:** All municipal uses within and without the Town of Estes Park, with the right to fully consume the water by initial use, reuse, successive use or disposition following first use or any subsequent use. B. **Appropriative Rights of Exchange:** i. **Original Decree:** The subject Appropriative Rights of Exchange were adjudicated by the decree entered by the District Court, Water Division No 1, Colorado, on November 27, 2019, in Case No. 18CW3229. ii. **Sources of substitute supply:** a. **Reclamation Contract Water:** Estes Park has Contract No. 4-07-60-W1075 with the Bureau of Reclamation to be supplied 500 acre-feet of water annually during the 12-month period from November 1 through October 31. b. **C-BT Water:** Estes Park currently owns 1217 units of Colorado Big Thompson Project water. c. **Windy Gap Water:** Estes Park currently owns 3 units of Windy Gap project water. d. **Return flows of Windy Gap Water:** After prior use by Estes Park Windy Gap water return flows accrue as

wastewater treated and discharged by the Estes Park Sanitation District and the Upper Thompson Sanitation District. iii. Upstream Termini (Exchange-To Points): a. Big Thompson Intake: Located in the NE 1/4, Section 4, Township 4 North, Range 73 West of the 6th P.M., Larimer County, Colorado, generally within a reach approximately 200 feet downstream of the confluence with Glacier Creek, as depicted on Exhibit A. b. Glacier Creek Pipeline (“GC Pipeline”): Located on the south bank of Glacier Creek, a tributary of the Big Thompson River, located in the NE 1/4 SE 1/4 NW 1/4, Section 5, Township 4 North, Range 73 West of the 6th P.M., Larimer County, Colorado, as depicted on Exhibit A. The exchange at issue herein involves exchange of Reclamation Contract Water and C-BT Water to the GC Pipeline. An exchange to the GC Pipeline of Windy Gap water and Windy Gap return flow was separately decreed in Case No. 97CW126 and made partially absolute in Case No. 19CW3065. iv. Downstream Termini (Exchange-From Points): a. Lake Estes: Located in the NW 1/4, Section 30, Township 5 North, Range 72 West of the 6th P.M., Larimer County, Colorado, as depicted on Exhibit A, for direct releases of Reclamation Contract Water, CBT Water, Windy Gap Water, and for reusable Windy Gap effluent discharged by the Estes Park Sanitation District. b. Estes Park Sanitation District Wastewater Plant: The Plant discharges to the Big Thompson River upstream of Lake Estes at a point in the in the NW 1/4, Section 30, Township 5 North, Range 72 West of the 6th P.M., Larimer County, as depicted on Exhibit A, for reusable Windy Gap effluent. c. Upper Thompson Sanitation District Wastewater Plant: The Plant discharges to the Big Thompson River immediately downstream of Lake Estes in the NE 1/4, Section 29, Township 5 North, Range 72 West of the 6th P.M., Larimer County, Colorado, as depicted on Exhibit A, for reusable Windy Gap effluent. v. Date of Appropriation: December 28, 2018. vi. Amounts: The rates of exchange identified in the following table are all conditional:

Exchange-To Points

Exchange-From Points	Exchange-To Points	
	Big Thompson Intake	Glacier Creek Pipeline
	Lake Estes	10 cfs
	Estes Park Sanitation District Wastewater Plant	4 cfs
Exchange-From Points	Upper Thompson Sanitation District Wastewater Plant	6 cfs
		4 cfs

vii. Uses: All municipal uses within and without the Town of Estes Park, with the right to fully consume the water by initial use, reuse, successive use or disposition following first use or any subsequent use. **3. Detailed outline of work done to complete project and apply water to beneficial use**: The Subject Water Rights are components of the Town of Estes Park’s integrated municipal water supply and distribution system. During the applicable Diligence Period (November 2019 to the present), Estes Park has taken steps to diligently develop the Subject Water Rights, including, without limitation, the activities listed in the application, available for inspection at the office of the Division 1 Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. The work and expenditures listed in the application and in Exhibit B (attached to the application and available for inspection at the office of the Division 1 Water Clerk or via CCE) are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. **4. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool**: A. Applicant. B. YMCA of The Rockies 116 KALLENBERG DR, PO BOX 800, ESTES PARK CO 80511. **WHEREFORE**, the Town of Estes Park respectfully requests that the Court enter an order finding reasonable diligence for and continuing in full force and effect the conditional Subject Water Rights described in Paragraph 2 above.

CASE NOW 2025CW3163 OUT OF THE WAY FARMS, LLC, 1042 Broken Arrow Circle, Elizabeth, CO 80207. Please send all pleadings and correspondence to counsel for Applicant, Donald E. Frick, dfrick@crossingwaters.net; 1828 Morningstar Way, Fort Collins, CO 80524. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN DOUGLAS COUNTY.** Overview of Application. This application seeks approval of a plan for augmentation to replace depletions from existing Well No. 164632, as decreed in Case No. 98CW340, Water Division No. 1 (the “Subject Well”). The Subject Well diverts not-nontributary water from the Upper Dawson Aquifer. The current permitted uses of the well are exempt from administration. By virtue of this application, Applicant seeks approval of a plan for augmentation to replace depletions from the use of the well to permit use for livestock and related uses for an existing horse boarding facility. Structures to be Augmented. Well Permit No. 164632, WDID No. 0811065, located in the NE 1/4 of the NW 1/4 of Section 19, Township 9 South, Range 65 West, 6th P.M., approximately 20 feet from the north section line and 1,420 feet from the west section line, in Douglas County. The Subject Well is currently permitted for ordinary household purposes inside one single family dwelling, fire protection, the watering of poultry, domestic animals, and livestock on farms and ranches, and the irrigation of not over one acre of home gardens and lawns. The Subject Well diverts not-nontributary groundwater from the Upper Dawson Aquifer. Applicant seeks to add uses associated with an existing horse boarding facility located in the South 1/2 of the South 1/2 of Section 18, and the North 1/2 of the North 1/2 of Section 19, Township 9 South, Range 65 West, 6th P.M. (the “Subject Property”). It is estimated that the total use from the Subject Well will be less than 2.0 acre-feet. Statement of Plan for Augmentation. Applicant seeks approval of a plan for augmentation to permit the use of up to 2.0 acre-feet of not-nontributary water from the Subject Well for uses associated with a horse boarding facility on the Subject Property. Return flows from use of the not-nontributary groundwater at the horse boarding facility will replace depletions while pumping is occurring. If necessary, Applicant will construct a small recharge pond on the Subject Property and pump additional water from the Subject Well in amounts necessary to replace depletions from the consumptive use portion of the water from the Subject Well. Applicant owns and reserves for use in this augmentation plan sufficient nontributary groundwater as decreed in Case No. 98CW340 for purposes of replacing post-pumping depletions from the Subject Well. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool other than Applicant: None.

CASE NUMBER 2025CW3164 (2010CW176 and 2019CW3090) FORT MORGAN RESERVOIR AND IRRIGATION COMPANY, P.O. Box 38, Fort Morgan, Colorado 80701, Telephone: (970) 867-7561. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN MORGAN COUNTY.** Communications, including pleadings regarding this application should be directed to counsel for the Applicant, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, Telephone: (303) 894-8191, E-mail: alb@alpersteincovell.com; gym@alpersteincovell.com. 2. Name of Structure. Groves Augmentation Well. 3. Describe conditional water right: a. Information from previous decrees: i. Case No. 2010CW176, District Court, Water Division 1, decreed on May 29, 2013 (“Original Decree”); and ii. Case No. 2019CW3090, District Court, Water Division 1, decreed on November 25, 2019. b. Location: SE 1/4 SE 1/4 of Section 18, Township 4 North, Range 59 West, 6th P.M., in Morgan County, Colorado, approximately 105 feet from the East Section line and 1120 feet from the South Section line of said Section 18. A map depicting the location of the well is attached as Exhibit A. c. Depth: Approximately 200 feet. d. Capacity: 2,500 gpm, CONDITIONAL for augmentation use. e. Date of Appropriation: December 29, 2006. f. Use: Augmentation of wells included in the plans for augmentation decreed in Case Nos. W-2692 and 94CW186. g. Owners: Fort Morgan Reservoir and Irrigation Company, Groves Farms, LLC, and Riverview Farms, LLC. 4. 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 previous diligence period: a. The Groves Augmentation Well is part of an integrated water system owned by the Fort Morgan Company, so that work done on one feature of the system shall be considered in evaluating reasonable diligence in the

development of all features of the system, including the Groves Augmentation Well. C.R.S. § 37-92-301(4)(b). b. The Groves Augmentation Well is a back-up augmentation supply to two decreed augmentation plans and is permitted only to be used when the existing supplies identified in those Plans are insufficient to fully augment the wells under those Plans. During the previous diligence period, the Groves Augmentation Well was not needed and therefore it did not pump. Nevertheless, during the last diligence period Applicant spent \$2,104 on the Groves Augmentation Well utilities costs. Applicant has also spent \$626,876 on loan repayments for the cost of construction for the Groves Augmentation Well pipeline and pipeline diversion structure. An additional \$49,820 was spent on pipeline maintenance costs. c. Applicant expended \$357,252 for the routine operation and maintenance of the Fort Morgan Company ditch and overall recharge facilities necessary to operate and develop its water rights and integrated water supply system. d. Applicant reviewed the water court resume to determine if applications had been filed which might adversely affect the subject conditional water right and has continued participation as an opposer in numerous water court cases within Water Division 1 in the interest of protecting the subject conditional water rights. Applicant Fort Morgan Company has expended approximately \$46,302 in costs for legal and engineering fees for defense and protection of the subject conditional water rights over the last diligence period. 5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: No new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored pursuant to this Application. However, all related structures are located on lands owned or controlled by Applicant or on which Fort Morgan Company owns an easement. WHEREFORE, Applicant, Fort Morgan Reservoir and Irrigation Company, having demonstrated that it has steadily applied effort to complete the appropriation of this water right in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully request that this Court find that it has exercised reasonable diligence in putting to beneficial use the conditional water right decreed to the Grove Augmentation Well, and to continue the conditional decree for the subject water right another six years, or such period as may otherwise be permitted by law. Total number of pages including exhibit: 5.

CASE NUMBER 2025CW3165 (2010CW177 and 2019CW3125) FORT MORGAN RESERVOIR AND IRRIGATION COMPANY, P.O. Box 38, Fort Morgan, Colorado 80701, Telephone: (970) 867-7561. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE PORTION OF WATER RIGHT ABSOLUTE IN MORGAN COUNTY. Communications, including pleadings regarding this application should be directed to counsel for the Applicant, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, Telephone: (303) 894-8191; E-mail: alb@alpersteincovell.com; gym@alpersteincovell.com. 2) Name of Water Right. Appropriative Right of Substitution and Exchange (FMRIC Exchange to Groves Pipeline.) 3) Describe conditional water right: a. Information from previous decrees: i) Original Case: Case No. 2010CW177, District Court, Water Division 1, decreed on June 5, 2013 (“Original Decree”); ii) First Diligence Proceeding: Case No. 2019CW3125, District Court, Water Division 1, decreed on November 25, 2019. 4) General Description of the Substitution and Exchange. At such times as augmentation water from recharge sites decreed in Case Nos. W-2692, 92CW81, 94CW185, 00CW261, 03CW399, or 02CW345, accrete to the South Platte River in excess of the replacement requirements pursuant to the plans for augmentation decreed in (1) the W-2692 Augmentation Plan; (2) 92CW81; (3) W-9383-78; (4) Case No. 94CW186; (5) Case No. 04CW72; (6) Case No. 10CW176 or (7) credits leased or sold to other parties, those augmentation supplies (hereinafter referred to as “Excess Credits”) are available to Fort Morgan Company for diversion. Excess Credits will be substituted and exchanged for water diverted at the Groves Pipeline, and delivered to groundwater recharge ponds, all located in Sections 6, 8, 17, 18, or 19, Township 4N, Range 59 W, 6th P.M., Morgan County, Colorado. 5) Legal Description of Exchange From Points and Exchange to Points: a) Exchange to Point: The Excess Credits will be delivered to the Groves Pipeline located at a point 23 chains north and 5 chains west of the Southeast Corner of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado. b) Exchange from Points: The Excess

Credits delivered to the South Platte River will be delivered within a reach of the South Platte River having an upstream point at the Fort Morgan Canal headgate and downstream point at the confluence of the South Platte River and Beaver Creek in Section 4, Township 4 North, Range 55 West of the 6th P.M. in Morgan County. 6) Date of initiation of appropriation: December 29, 2006. 7) Amount claimed: 23.5 c.f.s. (13.4 c.f.s. ABSOLUTE and 10.1 c.f.s. CONDITIONAL), not to exceed 3,000 acre-feet per year. 8) Use: The Excess Credits diverted and exchanged pursuant to the substitution and exchange shall be used for recharge to augment the structures included in (1) the W-2692 Augmentation Plan, (2) 92CW81, (3) W-9383-78, (4) Case No. 94CW186, (5) Case No. 04CW72, and (6) Case No. 10CW176. 9) 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 previous diligence period: a) The Appropriative Right of Substitution and Exchange is part of an integrated water system owned by the Fort Morgan Company, so that work done on one feature of the system shall be considered in evaluating reasonable diligence in the development of all features of the system, including the subject Appropriative Right of Substitution and Exchange. C.R.S. § 37-92-301(4)(b). b) During the previous diligence period, the Applicant spent \$666,675 on loan repayments for the cost of construction for the pipeline and related pipeline diversion structures. An additional \$49,820 was spent on pipeline maintenance costs. c) Applicant expended \$357,252 for the routine operation and maintenance of the Fort Morgan Company ditch and overall recharge facilities necessary to operate and develop its water rights and integrated water supply system. d) Applicant reviewed the water court resume to determine if applications had been filed which might adversely affect the subject conditional water right and has continued participation as an opposer in numerous water court cases within Water Division No. 1 in the interest of protecting the subject conditional water right. Applicant FMRIC expended approximately \$46,302 in costs for legal and engineering fees for defense and protection of the subject conditional water rights over the last diligence period. 10) Claim to make absolute in part: Applicant FMRIC claim 14.63 c.f.s. of the Substitution and Exchange right has been made absolute, with 8.87 c.f.s. of the exchange to remain conditional, and as the basis therefor states as follows: a) Date water applied to beneficial use: January 31, 2024. b) Amount: 14.63 c.f.s. c) Supporting Evidence: The DWR's online diversion records show 14.63 c.f.s. was pumped at the Groves Pipeline on January 31, 2024, which is attached as Exhibit A. An excerpt of Applicant's FMRIC's accounting spreadsheet also shows that 14.63 c.f.s. was exchanged to the Groves Pipeline on that date, which is attached to this Application as Exhibit B. d) Description of place of beneficial use: The water pumped at the Groves Pipeline was delivered to the recharge sites described in paragraph 7 of the Original Decree and for the purposes described in the Original Decree. 11) Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: No new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored pursuant to this Application. However, all related structures are located on lands owned or controlled by Applicant or on which Fort Morgan Company owns an easement. WHEREFORE, Applicant, Fort Morgan Reservoir and Irrigation Company, having demonstrated that it has diverted and placed 14.63 cfs of the subject Appropriative Right of Substitution and Exchange to beneficial use, that such amount shall be made absolute and that Applicant has exercised reasonable diligence in putting to beneficial use the remaining 8.87 c.f.s. portion of the conditional water right decreed to the Appropriative Right of Substitution and Exchange, and to continue the conditional decree for that amount for another six years, or such period as may otherwise be permitted by law. Total number of pages including exhibits: 9.

CASE NUMBER 2025CW3166 (01CW290, 12CW240, and 19CW3095) **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLEAR CREEK**, ("Applicant" or the "County"), c/o Water Resources Department, P.O. Box 2000, Georgetown, CO 80444; Email: lleben@clearcreekcounty.us; Telephone: (303) 679-2434. Please direct all correspondence concerning this Application 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: pjohanson@lyonsgaddis.com;

akehrl@lyonsgaddis.com; and bkershaw@lyonsgaddis.com; Telephone: (303) 776-9900. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY.** In prior decrees involving the subject water rights described in this Application, Applicant was identified as a Co-Applicant with the Clear Creek Economic Development Corporation, Inc (“CCEDC”). On June 6, 2023, the CCEDC conveyed the subject water rights to the County by Quitclaim Deed. In accordance with paragraph 27 of the prior diligence decree entered by the District Court, Water Division 1, in Case No. 19CW3095, the County filed a notice of transfer of conditional water right on June 21, 2023. 2. Name of structures: Leavenworth Reservoir No. 1, Leavenworth Reservoir No. 2, Bakerville Reservoir No. 1, and Bakerville Reservoir No. 2. The water rights decreed to the aforementioned structures are referred to below collectively as the “Subject Water Rights.” 3. Description of Subject Water Rights: a. Date of original decree: Case No. 01CW290, District Court, Water Division No. 1, entered on October 11, 2006. b. Subsequent decrees awarding findings of reasonable diligence and portion made absolute: Case No. 12CW240, District Court, Water Division No. 1, entered on May 7, 2013; and 19CW3095, entered on November 19, 2019, District Court, Water Division No. 1. c. Legal description of the structures: i. Leavenworth Reservoir No. 1: The dam will be located in T4S, R75W, 6th P.M., at a point on Leavenworth Creek whence the SW corner of Section 36, T4S, R75W, 6th P.M., bears N 37° 40' E a distance of 6,350 feet. ii. Leavenworth Reservoir No. 2: The dam will be located in the SW1/4 SW1/4, Section 36, T4S, R75W, 6th P.M., at a point approximately 4,900 feet from the East Section line and 290 feet from the South Section line of said Section 36. iii. Bakerville Reservoir No. 1: The dam will be located in the NW1/4 NE1/4, Section 21, T4S, R75W, 6th P.M., at a point approximately 1,800 feet from the East Section line and 650 feet from the North Section line of said Section 21. iv. Bakerville Reservoir No. 2: The dam will be located in T4S, R75W, 6th P.M., at a point on Clear Creek whence the NW corner of Section 22, T4S, R75W, 6th P.M., bears N 86° 00' E a distance of 11,000 feet. v. The locations of the structures are depicted on the map attached hereto as **Exhibit 1**. d. Sources of water: i. Leavenworth Reservoir No. 1: Natural inflows from Leavenworth Creek, a tributary to Clear Creek. ii. Leavenworth Reservoir No. 2: Natural inflows from Leavenworth Creek, tributary to Clear Creek. iii. Bakerville Reservoir No. 1: Natural inflows from the mainstem of Clear Creek through Clear Creek. iv. Bakerville Reservoir No. 2: Natural inflows from the mainstem of Clear Creek through Clear Creek. e. Date of appropriation and amount: i. Leavenworth Reservoir No. 1: December 27, 2001; 155 acre-feet, CONDITIONAL. ii. Leavenworth Reservoir No. 2: December 27, 2001; 160 acre-feet, CONDITIONAL. iii. Bakerville Reservoir No. 1: December 27, 2001; 70 acre-feet, CONDITIONAL. iv. Bakerville Reservoir No. 2: December 27, 2001; 80 acre-feet, CONDITIONAL. f. Uses: All municipal purposes, including fire protection, irrigation of lawns, gardens and parks, domestic, commercial, industrial, recreational, fish and wildlife propagation, reservoir evaporation replacement, augmentation, and the right of reuse. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: During the subject diligence period running from May 29, 2019, through the date of filing this Application (“Diligence Period”), Applicant engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 4, related to the development and use of the Subject Water Rights, and operation of the Applicant’s integrated water systems.. The activities and costs identified herein are not exhaustive, and Applicant reserves the right to provide evidence of other work done and costs incurred during the Diligence Period as this case proceeds. a. In 2024, the County participated in the “Bakerville Sediment and Flood Risk Reduction Feasibility Analysis” with the Clear Creek Watershed & Forest Health Partnership.” The \$81,059 grant-funded project and analysis included the site of Bakerville Reservoir No. 1 in the approximately 3,000 feet of Clear Creek that was analyzed by the project. b. In June 2025, the County commissioned an updated evaluation of its conditional water storage rights, specifically including, but not limited to, the Subject Water Rights. The resulting report analyzed priority, water availability, and firm yield of the Subject Water Rights, and other of the County’s conditional water storage rights, at a cost of approximately \$29,000 in engineering, attorney fees, and staff time. c. The County has dedicated significant resources, expenditures, and staff time and has incurred legal and engineering fees associated with internal planning efforts related to the development, financing, and beneficial use of the Subject Water Rights. Such planning efforts are ongoing. In addition,

the County has held meetings or had discussions with regional and statewide entities and agencies related to the development and beneficial use of the Subject Water Rights. The County anticipates that such meetings and discussions will continue during the pendency of this case and after entry of a diligence decree in this matter. d. The Subject Water Rights are part of an integrated system operated by the County for use of water within Clear Creek County, which system includes other reservoirs, exchanges, the Basin-Wide Augmentation Plan, and senior water rights. Pursuant to C.R.S. § 37-92-301(4)(b), work performed, effort, and cost expended on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. e. During the Diligence Period, the County has continued to install, maintain, and upgrade its integrated water system. These activities and expenses include, but are not limited to, those described in this Paragraph 4.e. i. In fiscal year 2019, the County expended approximately \$60,000 on its water system, including preliminary design for a new headgate for the Leavenworth Pipeline, in addition to related expenses and staff time of approximately \$45,000. ii. In fiscal year 2020, the County expended approximately \$55,000 on its water system, including \$20,000 for its portion of the Leavenworth Pipeline headgate construction project, in addition to related expenses and staff time of approximately \$35,000. iii. In fiscal year 2021, the County expended approximately \$50,000 on its water system, in addition to related expenses and staff time of approximately \$40,000. iv. From 2022 to the present, the County has expended in excess of approximately \$185,500 on its water system, including continued operation and maintenance costs and staff time for activities associated with its integrated water system, the Subject Water Rights, and internal water planning efforts. f. During the Diligence Period, the County has maintained its water rights portfolio associated with its integrated water system and has prosecuted several water court applications related to its water rights, including: Green Lake (Case No. 18CW3184, entered June 25, 2019, and Case No. 25CW3083, pending); Leavenworth Reservoirs Nos. 1 and 2 and Bakerville Reservoirs Nos. 1 and 2 (Case No. 19CW3095, entered November 19, 2019); Clear Creek Mainstem Exchange and Leavenworth Creek Exchange (Case No. 20CW3082, entered April 6, 2021); amendment to King Murphy School Pond augmentation plan (Case No. 20CW3165, entered April 14, 2022); Clear Creek Reservoirs Nos. 2 – 4 and Clear Creek Diversion Structures A, B, and D (Case No. 22CW3179, entered June 6, 2023); Upper Johnson Gulch Reservoir (Case No. 23CW3113, entered March 6, 2024); Clear Creek Reservoir Nos. 3 and 4 Exchange, Ball Placer Reservoir Exchange, Clear Creek Exchange, Idaho Springs Reservoir Exchange, Upper Beaver Brook Reservoir Exchange, Johnson Gulch Exchange (Case No. 23CW3088, entered June 6, 2024); and Grizzly Gulch Reservoir (Case No. 24CW3027, entered November 27, 2024). The continued maintenance and operation of the water rights, structures, and components of the County's integrated water system is additional evidence of the County's reasonable diligence in the development of the Subject Water Rights. g. The Subject Water Rights are identified as a source of augmentation water in the County's Basin-Wide Augmentation Plan, whether as an exchange-to point or by direct releases. Further, the Subject Water Rights are identified as an exchange-to point in the exchange matrix in Case No. 05CW302. Throughout the Diligence Period, the County has operated, managed, administered, and maintained accounting for the Basin-Wide Augmentation Plan, which involves substantial staff time, water planning efforts, and costs associated with legal and engineering support and review. Further, during the Diligence Period, the County followed the decreed procedure to include several new plan participants in the Basin-Wide Augmentation Plan. The County is currently undertaking the process of adding new plan participants, which process involves staff time and costs associated with legal and engineering support and review. h. The County has participated in numerous regional and statewide water planning meetings and efforts during the Diligence Period and has continued to actively attend and exercise its voting membership duties on the South Platte River Basin Roundtable. The County has also engaged in several internal water planning meetings and efforts related to regional and statewide water planning actions and updates. i. In addition to the activities and expenses described above, the County has expended in excess of \$250,000 on legal fees during the Diligence Period to support the County's water rights applications, planning, development, Basin-Wide Augmentation Plan, and to protect its existing water rights, including the Subject Water Rights, from injury. j. In addition to the activities and expenses described above, the County has expended in excess of \$122,000 on water resources engineering consultant and staff time during the Diligence Period for purposes of

ongoing water accounting, supporting the County's own water rights applications and the Basin-Wide Augmentation Plan, monitoring opposition cases, and other integrated water system planning activities. k. During the Diligence Period, the County monitored the Water Court applications filed in Division No. 1 and opposed seven Water Court applications to protect its water rights, including the Subject Water Rights, from injury. l. The County has a continuing plan and intent to fully develop and utilize the Subject Water Rights up to their full decreed volumes and amounts, and has no intent to abandon any portion of the Subject Water Rights. 5. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: a. U.S. Forest Service, P.O. Box 3307, Idaho Springs, Colorado 80452. b. Colorado Department of Transportation ("CDOT"), 2829 W. Howard Place, Denver, Colorado 80204. i. Comment: Structures may be located on lands owned by CDOT only after all necessary approvals from that state agency. In the event that Applicant needs access to CDOT right-of-way for any purpose, Applicant shall obtain a utility permit (or any other required instrument) from CDOT. WHEREFORE, Applicant requests the Court to enter a decree granting the Application herein and determining that Applicant has exercised reasonable diligence with respect to the Subject Water Rights, in their entirety, and continuing the Subject Water Rights in their decreed amounts set forth in paragraph 3(e) above in full force and effect for another six years or until made absolute by reason of the completion of the appropriations. (9 pgs., 1 Exhibit)

CASE NUMBER 2025CW3167 SEDALIA WATER AND SANITATION DISTRICT, Folkestad Fazekas Barrick & Patoile, c/o Kathryn T James, 18 S Wilcox St, Suite 200, Castle Rock, CO 80104. John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE, IN DOUGLAS COUNTY.**

Description of Water Rights from Previous Decree: Name. Sedalia Water and Sanitation District Substitution and Exchange ("Exchange"). Original and Subsequent Decrees. By the District Court in and for Water Division No. 1, Case No. 93CW182, entered on November 16, 2001 ("93CW182 Decree"). Subsequent decrees finding diligence and making a portion of the Exchange absolute were entered on April 16, 2013, in Case No. 07CW294 ("07CW294 Decree") and on November 18, 2019, in Case No. 19CW3076. Location. The withdrawal of water from Sedalia Well No. 1 and Sedalia Well No. 2 ("Sedalia Wells") owned by the District and located in the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section 13, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, as described in the 93CW182 Decree, may result in depletions to East Plum Creek and Plum Creek. The uppermost point of stream depletion is in East Plum Creek in the NW1/4 of the NE1/4 (more particularly described as 700 feet from the north section line and 2,640 feet from the east section line) of Section 24, Township 7 South, Range 68 West of the 6th P.M. The furthest downstream point of delivery of fully consumable water in Plum Creek is in the NW1/4 of Section 23, Township 7 South, Range 68 West of the 6th P.M. The location of the exchange is shown on the map attached as Exhibit 1. Source. The following water has been substituted and exchanged for the water depleted from East Plum Creek and Plum Creek by operation of the Sedalia Wells pursuant to the plan for augmentation described in the 93CW182 Decree: The fully consumable portion of return flows provided to East Plum Creek or Plum Creek pursuant to the Decree entered in Case No. 93CW182 on November 16, 2001; The fully consumable portion of water provided directly to East Plum Creek or Plum Creek pursuant to the water rights decreed in Case No. 93CW181 on October 12, 1995 ("93CW181 Decree"), which permit the withdrawal and use of Denver Basin ground water underlying lands within the boundaries of the District; The fully consumable portion of water provided directly to East Plum Creek or Plum Creek from those water rights associated with any agreements as may be entered into between the District and such entity as may sell or lease fully consumable water to the District as provided in the 93CW182 Decree; and Any reusable return flows of water provided from the Denver Basin Aquifer Wells or Sedalia Wells pursuant to the plan for augmentation in excess of out-of-priority depletions to East Plum Creek as described in the 93CW182 Decree. Appropriation Date. December 7, 1993. Amount. 0.61 cfs total, of which 0.233 cfs was made absolute in the 07CW294 Decree and 0.377 cfs remains conditional. Use. The District supplies water to water users within the District's

boundaries. Water diverted pursuant to the Exchange is used for municipal, domestic, industrial, commercial, irrigation, and livestock purposes within the District and used for immediate application to beneficial uses; for storage and subsequent application to beneficial uses; for substitution and exchange; for replacement of depletions; and for augmentation. Detailed outline of work performed to complete application of water to beneficial use. Applicant's efforts toward development of the Exchange during the subject diligence period include, but are not limited to, the following: Applicant continues to operate its alluvial and Denver Basin wells, together with the associated augmentation plan, to provide municipal water service within its established service area. The Applicant has submitted the required monthly and annual accounting of water use to the Division Engineer and continues to monitor stream conditions. The Applicant has used its exchange rights when water has been physically and legally available and necessary for Applicant's beneficial use of its water rights. Applicant replaced the pump and motor assembly in its Arapahoe aquifer well on two occasions, including a full well rehab on one occasion, and continues to monitor static water levels to assess well performance and aquifer conditions. Applicant has maintained its water supply infrastructure in good working condition, performing necessary repairs to ensure compliance with drinking water standards and to maintain the operational integrity of the system, including installation of a new transducer and new chlorine analyzer, and has continued to repair leaks in the water distribution system as they are identified. Applicant completes tank cleaning and inspections on a regular basis, with the latest done in 2023. In response to new Colorado Department of Public Health and Environment (CDPHE) regulations, Applicant upgraded the water filtration system associated with the Exchange and other water rights owned by Applicant to ensure compliance with Ground Water Under the Direct Influence of Surface Water (GWUDI) requirements. Applicant has undertaken a Long-Range Master Plan study that included: evaluating existing water rights and supplies; conducting a longevity analysis of the Denver Basin aquifers underlying the District; preparing a firm-yield analysis of the District water rights; developing cost estimates for wells and related infrastructure; and assessing water conservation strategies to enhance long-term water supply reliability. The Long Range Master Plan study also evaluated numerous water supply alternatives and associated costs. Applicant has completed booster pump rebuilds and installations, including tear down, rebuilding and installing new chamber stack kits, shaft seals, & gaskets on two occasions. Applicant is currently undergoing an \$8.3 million District-wide infrastructure improvement project, which includes replacing all water distribution lines within the District. The project design is nearing completion, with construction beginning in 2026. Applicant continues to monitor the Division 1 water court resume to identify any new applications that may cause injury to its existing water rights, including the Exchange, and has participated in several water court cases to protect said water rights. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Not applicable. WHEREFORE, Applicant requests that the court issue a decree (i) finding that Applicant has been reasonably diligent with respect to the conditional portion of the Exchange (ii) continuing the conditional portion of the Exchange, and (iii) granting such other and further relief as may be appropriate. 5 pages.

CASE NUMBER 2025CW3168 CWH PROPERTIES LLC ("Applicant") Attn: Sheri Welch, 7785 Highlands Meadows Parkway, Suite 100 Fort Collins, CO 80528. Serve all pleadings on: Scott Holwick, Alison Gorsevski, Lyons Gaddis, PC, PO Box 978, Longmont, CO 80502-0978 (303) 776-9900; sholwick@lyonsgaddis.com; agorsevski@lyonsgaddis.com **APPLICATION FOR CHANGE OF WATER RIGHTS, CLAIMS FOR WATER RIGHTS, AND PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT IN LARIMER COUNTY** 2. Project Background: Applicant is developing an approximately 245 acre property, generally located in the East 1/2 of Section 3, Twp. 6 N, Range 68 W, of the 6th P.M. in Larimer County ("Property"), as shown on **Exhibit A**. Applicant will construct a mixed use commercial and residential development on the Property, including a non-potable irrigation system, and water storage and recharge facilities. 3. Summary of the Application: In this Application, Applicant makes the following claims: (1) to change the types and manner of use of 5.5 shares of the Box Elder Ditch Company; (2) to adjudicate storage water rights for the North Reservoir (75.8 acre-

feet, plus refill) and South Reservoir (485 acre-feet, plus refill) (collectively, “Reservoirs”); (3) to adjudicate a conditional recharge water right and a conditional groundwater right for the Ladera Recharge Facility; and (4) approval of a plan for augmentation, including a water exchange project, to replace out-of-priority depletions and storage at the Reservoirs, out of priority depletions at the Ladera Recharge Facility, and replace historical return flow obligations. Applicant will establish the methodology to quantify the irrigation return flows credits generated by irrigation use of Applicant’s water rights and to quantify recharge credits from the Ladera Recharge Facility. **Change of Water Rights** 4. **Change of Water Rights:** Applicant seeks to change its pro rata share of the water rights decreed to the Box Elder Ditch attributable to Applicant’s 5.5 shares of the 64 outstanding shares in the Box Elder Ditch Company (“Water Rights”). 4.1. **Water Rights:** The water rights for the Box Elder Ditch were originally decreed in Civil Action No. 320, Water District No. 3, Larimer County District Court, on April 11, 1882, as follows:

Priority No.	Appropriation Date	Amount Decreed
15	March 1, 1866	32.5 cfs
23	May 25, 1867	8.33 cfs
30	July 1, 1868	11.93 cfs

4.2. **Point of Diversion:** The decreed point of diversion of the Box Elder Ditch as described in Civil Action No. 320, Water District No. 3, Larimer County District Court, on April 11, 1882, is the south bank of the Cache la Poudre River in the SE 1/4 of Section 20, Township 7 North, Range 68 West, 6th P.M., Larimer County. The actual point of diversion identified in the decree entered in Case No. 16CW3170, dated July 15, 2019, is located on the south bank of the Cache la Poudre River within the SW 1/4 of the SE 1/4 of the NE 1/4 of Section 20, Township 7 North, Range 68 West, 6th P.M., in Larimer County. 4.3. **Source:** Cache la Poudre River, a tributary of the South Platte River. 4.4. **Decreed Use:** Irrigation 4.5. **Description of Change:** Applicant seeks to change the Water Rights as detailed below: 4.5.1. **Change in Types of Use:** In addition to continued irrigation use on the Property, the Water Rights will be used for the additional uses of augmentation, replacement, use as supply or substitute supply for exchange and water exchange projects, recharge, mining reclamation and revegetation, drought protection, firefighting, recreation, fish and wildlife propagation, reservoir evaporation replacement, and dust suppression. Applicant will use, reuse, and successively reuse to extinction the Water Rights, including as quantified below, for all uses described in this paragraph. 4.5.2. **Change to Authorize Storage:** In addition to making direct diversion and use of the Water Rights, the Water Rights may be diverted into storage at the Reservoirs prior to initial use or for successive uses. 4.5.3. **Change in Place of Use:** In addition to continued use of the Water Rights under the ditch, including on the Property, the Water Rights will be used for augmentation and replacement at any location where Applicant is required to satisfy any augmentation or replacement requirements. 4.6. **Historical Use of the Shares:** The subject 5.5 shares were historically used for irrigation at the Swets Farm and Weitzel Farm, generally located in Section 3, Township 6 North, Range 68 West of the 6th P.M., in Larimer County, as shown on **Exhibit A**. Of the 5.5 shares, 1.5 shares (of 3 total shares) were used to irrigate approximately 90 acres on the Swets Farm; and 4 shares were used to irrigate approximately 165 acres on the Weitzel Farm. To determine the historical consumptive use of the Water Rights, Applicant will rely on records of actual diversions of the Water Rights, including but not limited to the records summarized on **Exhibit B**. 4.7. **Replacement of Historical Return Flows:** The historical irrigation use of the Water Rights resulted in return flows that accrued to Mallard Creek and the Cache la Poudre River. Applicant will quantify the return flows and will replace such return flows at times when there is a downstream call being administered at the points where the return flows historically accrued to Mallard Creek or the Cache la Poudre River. Applicant will not be required to replace return flows under “free river” conditions. Replacements will be made pursuant to the plan for augmentation claimed herein, including by operation of the water exchange project as necessary. Applicant will replace return flows using the Water Rights, quantified return flows, and recharge credits as claimed herein, the conditional water rights claimed herein, and any other water rights or sources of water which are legally and physically available to Applicant for the replacement of return flows. Applicant may deliver replacement water supplies at locations upstream, at, or downstream of the points where return flows historically accrued, so long as those supplies are delivered to a location at or above the downstream calling water right. **Water Storage Rights** 5. **Name of**

Structure: North Reservoir 5.1. **Legal Description:** The North Reservoir is an existing lined reclaimed gravel pit, located in the SE 1/2 of the NE 1/4, Section 3, Township 6 North, Range 68 West of the 6th PM, in Larimer County. 5.2. **Source:** Water tributary to the Cache la Poudre River, including precipitation, natural runoff, seepage, other unmeasured gains, and stormwater flowing into, accumulating in, and accruing within the North Reservoir. 5.3. **Surface Area at High Water Line (spillway):** 7.3 acres 5.4. **Points of Diversion:** 5.4.1. **Box Elder Ditch:** As described in ¶ 4.2, above. 5.4.2. **Precipitation, Seepage, and Stormwater Inflows:** Precipitation, natural runoff, seepage, and all other unmeasured gains that accrue to the North Reservoir at its location described in ¶ 5.1, above. Stormwater will also discharge into the North Reservoir. 5.5. **Date of Appropriation:** November 21, 2025. 5.6. **How Appropriation was Initiated:** By the filing of this Application. 5.7. **Date Water Applied to Beneficial Use:** Applicant stored water in North Reservoir on January 6 – 9 and 15 – 31, February 8 – 26, and June 7 and 8, 2025, as to the portion of the water right claimed as ABSOLUTE, as described below. Not applicable, as to remaining CONDITIONAL portion. 5.8. **Amount Claimed:** 5.8.1. **Amount:** 75.8 acre feet, with the right to one refill. Of the total amount claimed, 15.6 acre feet is claimed as ABSOLUTE based on Applicant's diversion and cumulative storage of 15.6 acre feet between January and June 2025. The remaining amount, including the refill, is claimed as CONDITIONAL. 5.8.2. **Filling Rate:** 5.8.2.1. Box Elder Ditch: 16 cfs, of which 1.67 cfs is claimed as ABSOLUTE, and the remaining rate is CONDITIONAL. 5.8.2.2. Precipitation, seepage, and stormwater inflow: 50 cfs, of which 0.54 cfs is claimed as ABSOLUTE, and the remaining rate is CONDITIONAL. 5.8.3. **Note:** Applicant reserves the right to claim additional amounts and rates of the North Reservoir storage water right absolute based on exercise of the water right that occurs during the pendency of this application. 5.9. **Use:** All uses described in ¶ 4.5, above, including the right to fully consume and use, reuse, and successively use to extinction. 6. **Name of Structure:** South Reservoir. 6.1. **Legal Descriptions:** The South Reservoir will be a lined reclaimed gravel pit located in the SE 1/4 of the SE 1/4 of Section 3, Township 6 North, Range 68 West of the 6th PM, in Larimer County. 6.2. **Source:** Water tributary to the Cache la Poudre River, including precipitation, natural runoff, seepage, other unmeasured gains, and stormwater flowing into, accumulating in and accruing within the South Reservoir. 6.3. **Surface Area at High Water Line (spillway):** 31.5 acres. 6.4. **Points of Diversion:** 6.4.1. **Box Elder Ditch:** As described in ¶ 4.2, above. 6.4.2. **Precipitation, Seepage, and Stormwater Inflows:** Precipitation, natural runoff, seepage, and all other unmeasured gains that accrue to the South Reservoir at its location described in ¶ 6.1, above. Stormwater will also discharge into the South Reservoir. 6.5. **Date of Appropriation:** November 21, 2025. 6.6. **How Appropriation was Initiated:** By the filing of this Application. 6.7. **Date Water Applied to Beneficial Use:** Not applicable. 6.8. **Amount Claimed:** 6.8.1. **Amount:** 409.1 acre feet, CONDITIONAL, with the right to one refill. 6.8.2. **Filling Rate:** 6.8.2.1. Box Elder Ditch: 15 cfs, CONDITIONAL. 6.8.2.2. Precipitation, Seepage, Stormwater inflow: 50 cfs, CONDITIONAL. 6.9. **Use:** All uses described in ¶ 4.5, above, including the right to fully consume and use, reuse, and successively use to extinction. **CONDITIONAL RECHARGE WATER RIGHT** 7. **Name of Structure:** Ladera Recharge Facility. 7.1. **Legal Description of Structures:** 7.1.1. **Ladera Recharge Facility.** The Ladera Recharge Facility is located in the SE 1/4 Section 3, Township 6 North, Range 68 West of the 6th P.M., Larimer County, as shown on **Exhibit A**. 7.1.2. **Box Elder Ditch:** As described in ¶ 4.2, above. 7.2. **Source:** Water tributary to the Cache la Poudre River, including precipitation, natural runoff, seepage, other unmeasured gains, and stormwater flowing into, accumulating in and accruing within the Ladera Recharge Facility. 7.3. **Surface Areas of Recharge Ponds:** 10.8 acres. 7.4. **Date of Appropriation:** November 21, 2025. 7.5. **How Appropriation was Initiated:** By filing the Application. 7.6. **Date Applied to Beneficial Use:** Not applicable. 7.7. **Amount Claimed:** 7.7.1. **Diversion Rate:** 5 cfs, CONDITIONAL, via the Box Elder Ditch. 7.8. **Use:** All uses described in ¶ 4.5, above, including the right to fully consume and use, reuse, and successively use to extinction. 7.9. **Operation:** Applicant will deliver water into the Ladera Recharge Facility using the Ladera Recharge Facility recharge right and/or the Water Rights for the purpose of generating accretions to the alluvial aquifer of the Cache la Poudre River ("Recharge Credits"). Applicant will establish the methodology to quantify the Recharge Credits. Recharge Credits will be used for the replacement of historical return flows associated with the Water Rights and for augmentation under the plan for augmentation described below. When not needed for immediate replacement or augmentation use,

Recharge Credits may be exchanged under the water exchange project described below and delivered to storage at the North and South Reservoir or to the Ladera Recharge Facility. If Recharge Credits are exchanged and delivered to storage they may be used for all uses described in ¶ 4.5, above.

CONDITIONAL GROUNDWATER RIGHT 8. Name of Structure: Ladera Recharge Facility. 8.1. Legal Description of Structures: 8.1.1. Ladera Recharge Facility. As described in ¶ 7.1.1, above. 8.2. Source: Groundwater tributary to the Cache la Poudre River accruing within the Ladera Recharge Facility ponds. 8.3. Surface Areas of Recharge Ponds: 10.8 acres. 8.4. Date of Appropriation: November 21, 2025. 8.5. How Appropriation was Initiated: By filing the Application. 8.6. Date Applied to Beneficial Use: Not applicable. 8.7. Amount Claimed: 8.7.1. Diversion Rate: 0.15 cfs, CONDITIONAL 8.8. Use: Evaporation, augmentation, and replacement 8.9. Operation: Applicant will quantify the lagged evaporative losses to the Cache la Poudre River associated with exposed groundwater occurring within the Ladera Recharge Facility. When the Ladera Recharge Facility groundwater right is in priority, Applicant will not be required to replace lagged evaporative losses under the plan for augmentation claimed herein. **Quantification of irrigation return flows** 9. Irrigation Return Flows. Applicant will utilize the Water Rights, the water storage rights claimed herein, exchanged Recharge Credits, and exchanged irrigation return flow credits for the irrigation of lawns, parks, and landscaping. Applicant will establish the methodology to quantify irrigation return flows resulting from the application of its reusable and fully consumable water supplies (“IRF Credits”). Quantified IRF Credits will be used for the replacement of historical return flows and for augmentation, under the plan for augmentation described below. When not needed for immediate replacement or augmentation use, IRF Credits may be exchanged under the water exchange project described below and delivered to storage at the North and South Reservoir or to the Ladera Recharge Facility. **Plan for Augmentation** 10. Name of Structures to be Augmented: 10.1. North Reservoir, as described in ¶ 5. 10.2. South Reservoir, as described in ¶ 6. 10.3. Ladera Recharge Facility, as described in ¶ 7. 11. Complete Statement of Plan for Augmentation: Applicant will operate the plan for augmentation for the purposes of: augmenting out-of-priority depletions associated with evaporative losses of exposed groundwater at the Ladera Recharge Facility; augmenting out-of-priority storage at the Reservoirs; and replacing historical return flows, as described in ¶ 4.7, above. Lagged depletions from evaporative losses will be lagged to the Cache la Poudre River. Using the sources described in ¶ 12, below, Applicant will augment all out-of-priority storage and lagged depletions and historical return flows in time, place, and amount as necessary to prevent injury to vested water rights when there is a call within or below the depletion reach. 12. Sources of Augmentation Supply: 12.1. Water Rights, as described in ¶ 4. 12.2. North Reservoir storage water right, as described in ¶ 5. 12.3. South Reservoir storage water right, as described in ¶ 6. 12.4. Recharge Credits, as described in ¶ 7. 12.5. IRF Credits, as described in ¶ 9. 12.6. Additional sources authorized pursuant to C.R.S. §37-92-305(8). 13. Water Exchange Project: When operating the plan for augmentation, Applicant may operate a water exchange project to augment out-of-priority storage or depletions associated with the augmented structures identified in ¶ 10 and to replace historical return flows, using the augmentation supplies identified in ¶ 12, including the Recharge Credits and IRF Credits. Alternatively, if the Recharge Credits and IRF Credits are not immediately needed for augmentation or replacement, Applicant will exchange any excess credits from the point of accretion to the Box Elder Ditch headgate for re-diversion and subsequent use. 13.1. Exchange Project Reach: The Water Exchange Project will operate on the Cache la Poudre River, between the downstream terminus at the confluence of Mallard Creek and the Cache la Poudre River located in the NE ¼ of Section 14, Township 6 North, Range 68 West, 6th P.M.; and the upstream terminus at the Box Elder Ditch, as described in ¶ 4.2. The exchange-to and exchange-from points are located within the Water Exchange Project reach. A map depicting the location of the Water Exchange Project is attached hereto as **Exhibit A**. 13.2. Rate: 5 cfs, CONDITIONAL. 13.3. Date of Initiation of Appropriation: November 21, 2025. 13.4. How Appropriation was Initiated: By filing this Application. 13.5. Date Applied to Beneficial Use: Not applicable. 13.6. Use: Augmentation, replacement, and exchange. Excess credits exchanged to the Box Elder Ditch will be used as described in ¶ 4.5, including the right to fully consume and use, reuse, and successively use to extinction. 14. Integrated Water Supply Plan: The water rights, structures, and operations described herein are components of Applicant’s integrated water supply system for purposes of C.R.S. § 37- 92-301(4)(B). 15. Owners of

Structures: 15.1 Box Elder Ditch: The Box Elder Ditch Company, 207 Windflower Way, Severance, CO 80550. 15.2 North and South Reservoirs; Ladera Recharge Facility: Owned by Applicant. 15.3 North Reservoir Outlet: William D. Swets, 4801 E. Harmony Rd., Fort Collins, CO 80528. 15.4 South Reservoir Outlet: Colorado Youth Outdoors Charitable Trust, 4927 E. County Road 36, Fort Collins, CO 80528 WHEREFORE, Applicant respectfully requests the Court enter a decree approving the change of water rights; confirming Applicant's appropriation of the water rights described herein, approving the claimed plan for augmentation, including water exchange project; and entering any other relief as may be necessary to fully grant the claims in the Application (Number of pages in application: 11 excluding exhibits)

CASE NUMBER 2025CW3169 MARVIN E. ORNES AND TERRI J. WAHLBERG TRUST – Order granting motion for no publication in WD1. WD2 will publish the application filed in WD2 Case number 2025CW3060.

CASE NUMBER 2025CW3170 MARVIN E. ORNES AND TERRI J. WAHLBERG TRUST – Order granting motion for no publication in WD1. WD2 will publish the application filed in WD2 Case number 2025CW3061.

CASE NUMBER 2025CW3171 (19CW3109) (11CW243) (89CW125) APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHTS ABSOLUTE IN JEFFERSON COUNTY 1. Name and address of applicants: FLORENCE MARIE RAMSTETTER AND KAROL LUE RAMSTETTER 929 Main St. Grand Junction, CO 81501 All pleadings should be directed to: Thomas W. Korver, John D. Buchanan, Hayes Poznanovic Korver LLC 700 17TH Street, Suite 1800, Denver, CO 80202. 2. Name of structures: A. Hank's Tank. Type: Reservoir. B. Ranch Tank. Type: Reservoir. C. Log Road Tank. Type: Reservoir. D. Guy's Tank. Type: Reservoir. 3. Description of conditional water rights: A. Original decree: November 17, 1995, Case No. 89CW125. Subsequent decrees confirming the exercise of reasonable diligence were entered by the Water Court in Case No. 01CW151 on November 1, 2005, in Case No. 11CW243 on June 3, 2013, and on November 25, 2019 in Case No. 19CW3109. B. Location: All structures are located in Section 16, Township 3 South, Range 71 West, 6th P.M., Jefferson County, as follows: i. Hank's Tank: located in the NW1/4 NE1/4 of Section 16, whence the N 1/4 corner Section 16 bears N 10°21'38" E, 315.48 feet. ii. Ranch Tank: located in the SW1/4 NE1/4 of Section 16, whence the N 1/4 corner section 16 bears N 04°28'30" E, 1901.54 feet. iii. Log Road Tank: located in the NE1/4 NW1/4 of Section 16, whence the N 1/4 corner Section 16 bears N 48°50'15" E, 1214.08 feet. iv. Guy's Tank: located in the SW1/4 SE1/4 of Section 16, whence the S 1/4 corner Section 16 bears S 41°47'50" W, 494.67 feet. C. Source: The source for all water rights described herein is surface runoff and unnamed tributary to Guy Gulch tributary to Clear Creek. D. Appropriation date: i. Hank's Tank: May 1, 1948. ii. Ranch Tank: May 29, 1967. iii. Log Road Tank: May 1, 1923. iv. Guy's Tank: May 1, 1923. E. Amount and Uses: i. Hank's Tank: 0.91 acre feet. Said 0.91 acre feet is decreed absolute for irrigation of 12 acres, domestic, fire protection and livestock, and decreed conditional for augmentation. ii. Ranch Tank: 1.05 acre feet. Said 1.05 acre feet is decreed absolute for livestock and decreed conditional for augmentation. iii. Log Road Tank: 0.9 acre feet. 0.3 acre feet decreed absolute for livestock and fire protection and conditional for irrigation; remaining 0.6 acre feet decreed conditional for livestock, fire protection and irrigation. iv. Guy's Tank: 1.0 acre feet. Said 1.0 acre feet is decreed absolute for livestock and fire protection, and decreed conditional for domestic and irrigation of 1 acre. 4. Detailed outline of work done to apply water to beneficial use. The application contains a list of activities taken during the diligence period that demonstrate diligence toward the application of water to the decreed beneficial use. The list is available for inspection at the office of the Division 1 Water Court or via CCE. The work and expenditures are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. 5. Claim to Make Conditional Water Rights Absolute. As indicated in paragraph 3.E above, Hank's Tank, Ranch Tank, and Guy's Tank have been made absolute in their full decreed amounts for various uses, and Log Road Tank has been made absolute in the amount of 0.3 acre feet livestock and fire protection uses. Accordingly, and pursuant to C.R.S. § 37-92-301(4)(e),

Applicants request that: Hank's Tank be made absolute in the amount of 0.91 acre feet for augmentation use; Ranch Tank be made absolute in the amount of 1.05 acre feet for augmentation use; Guy's Tank be made absolute in the amount of 1.0 acre feet for domestic use and irrigation of 1 acre; and Log Road Tank be made absolute in the amount of 0.3 acre feet for livestock, fire protection and irrigation uses. 6. Names, and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicants. WHEREFORE, the Applicants respectfully request that this Court enter findings of fact, conclusions of law, and a judgment and decree: (1) making the conditional water rights described in paragraph 3 above absolute in the amounts and for the uses described in paragraph 5 above, (2) continuing in full force and effect the remaining conditional water rights adjudicated in Case No. 89CW125 for any amounts and uses not made absolute in this matter; and (3) for such other and further relief as this Court deems just and proper.

CASE NUMBER 2025CW3172 JOGAN INC, LLC, 2360 Corporate Cir., Suite 300, Henderson NV 89074, Phone: 760-525-4610. Email: matt.cristiano@joganinc.com. Attorneys: Austin Hamre and Teri L. Pettitt, Hamre, Rodriguez, Ostrander & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, Phone: (303) 799-0200, Fax: (303) 779-3662, Email: mail@hroplaw.com; ahamre@hroplaw.com; tpettitt@hroplaw.com. **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN CLEAR CREEK COUNTY.** The water rights that are the subject of this case, and the lands on which they are beneficially used ("Echo Mountain Resort"), were originally owned by EMJ Squaw Pass, LLC. On August 27, 2012, the water rights and lands were purchased by Pykkonen Capital, LLC. Subsequently, on October 6, 2016, the water rights and lands were purchased by SkiEcho, LLC. On September 18, 2023, the water rights and lands were purchased by the Applicant, Jogan Inc, LLC. **2. NAMES AND LEGAL DESCRIPTIONS OF STRUCTURES, EXCHANGE TO AND EXCHANGE FROM LOCATIONS (see Exhibits A & B):** **2.1. West Clear Creek Exchange:** The exchange reach includes West Clear Creek from its confluence with Clear Creek located in the SE1/4 of Section 27, Township 3 South, Range 74 West of the 6th P.M. upstream to the points of diversion of the Golden Reservoir Nos. 1 through 3 described below: **2.1.1. Golden Reservoir No. 1:** Located in the NW1/4 SW1/4 of Section 29, Township 3 South, Range 74 West of the 6th P.M., in Clear Creek County. The right (south) abutment of the dam is located at a point whence the SE corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears S. 66°25' E. a distance of 4842 feet. **2.1.2. Golden Reservoir No. 2:** Located in the N1/2 SW1/4 and the NW1/4 SE1/4 of Section 29, Township 3 South, Range 74 West of the 6th P.M., in Clear Creek County. The right (south) abutment of the dam is located at a point whence the SE corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears S. 56°48' E. a distance of 2792 feet. **2.1.3. Golden Reservoir No. 3:** Located in the N1/2 SE1/4 of Section 29, Township 3 South, Range 74 West of the 6th P.M., in Clear Creek County. The right (south) abutment of the dam is located at a point whence the SE corner of Section 29, Township 3 South, Range 74 West of the 6th P.M. bears S. 21°44' E. a distance of 2031 feet. **2.2 Little Bear Creek/Warren Gulch Exchange:** The exchange reach includes Little Bear Creek and Warren Gulch beginning at a downstream location at the confluence of Clear Creek and Little Bear Creek located in the SW1/4 of Section 36, Township 3 South, Range 73 West of the 6th P.M. and extending upstream to the points of storage located at the Echo Mountain Resort ("on-site storage") described below: **2.2.1. Upper Reservoir No. 1:** The reservoir is located off-stream in the SE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, with the centerline of the dam located 290 feet from the East Section line and 1090 feet from the South Section line in Clear Creek County, Colorado. **2.2.2. Upper Reservoir No. 2:** The reservoir will be generally located off-stream in the SE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, with the centerline of the dam located 230 feet from the East section line and 1260 feet from the South section line in Clear Creek County, Colorado. **2.2.3. Warren Gulch Reservoir No. 1:** The reservoir will be generally located on-stream in the SW 1/4 SW 1/4 of Section 13, Township 4 South, Range 73 West of the 6th PM, with the centerline of the dam located 700 feet from the West section line and 640 feet from the South section line in Clear Creek County, Colorado. **2.3 Warren Gulch Exchange:** The

exchange reach extends from a downstream point located on Warren Gulch in the SW1/4 of Section 13, Township 4 South, Range 73 West of the 6th P.M. upstream to the various points of on-site storage described in paragraphs 2.2.1 to 2.2.3, above. **2.4. Clear Creek Exchange:** The exchange reach extends from a downstream location at the confluence of Clear Creek and Little Bear Creek, located in the SW1/4 of Section 36, Township 3 South, Range 73 West of the 6th P.M., and extending upstream to the points of storage of Golden Reservoir Nos. 1 through 3 located on West Clear Creek described in paragraphs 2.1.1. to 2.1.3, above. **3. DESCRIPTION OF CONDITIONAL WATER RIGHTS:** **3.1. Original Decree:** Water Division 1, Case No. 2004CW323, decreed July 31, 2012. **3.2. Subsequent Diligence Decree:** Water Division 1, Case No. 2018CW3117, decreed November 13, 2019. **3.3 Legal Descriptions:** See Paragraph 2, above. **3.4. Sources of Water Supply:** **3.4.1. West Clear Creek Exchange:** The Applicant will store water in the Golden Reservoir Nos. 1 through 3 described above in paragraphs 2.1.1. to 2.1.3. in exchange for water introduced into upper Clear Creek from the following sources: **3.4.1.1. The Applicant's predecessor in interest, EMJ Squaw Pass,** entered into an agreement with the Board of County Commissioners of Clear Creek County ("Clear Creek") on April 1, 2005, whereby EMJ Squaw Pass agreed to lease up to 35 acre feet per year of the consumptive use water attributed to Clear Creek's Vidler Tunnel and Henderson Mine water rights. Applicant's predecessors in interest, EMJ Squaw Pass and Pykonnen Capital, LLC, and Clear Creek amended the agreement on April 1, 2012 and June 26, 2013. Pykonnen Capital, LLC assigned all of its rights and obligations under this agreement to SkiEcho, LLC on October 6, 2015, which subsequently assigned all of its rights and obligations under the agreement to the Applicant. Applicant and Clear Creek County renewed the lease on March 28, 2025, whereby Clear Creek agreed to continue to lease the direct flow water rights and storage space to Applicant until March 31, 2035, subject to negotiation of a new agreement or renewal of the agreement with Clear Creek County. **3.4.1.1.1. Vidler Tunnel Rights:** **3.4.1.1.1.1. Rice Ranch Rights:** Previously decreed by the District Court for Water Division 5 in Case Nos. W-0217 and W-2110. **3.4.1.1.1.2. Arduser Ditch Rights:** Previously decreed by the Summit County District Court in Civil Action Nos. 1709 and 2350. **3.4.1.1.1.3. The Vidler Tunnel collects water** attributable to the Rice Ranch Rights and the Arduser Ditch Rights from unnamed tributaries of Peru Creek, a tributary of the Snake River, in Sections 9, 16, 17 and 20, Township 5 South, Range 75 West of the 6th P.M. in Summit County, Colorado. The precise legal descriptions, amounts, and appropriation dates of these collection points are contained in the decrees for Case Nos. W-217 and W-2110, Water Division 5 and Civil Action Nos. 1709 and 2350, Summit County District Court. The water is collected from tributaries of the Snake River, as described above, and delivered to the west portal of the Vidler Tunnel for transport to the Eastern Slope and delivery in the Upper Clear Creek watershed in the South Platte River Basin. The west portal of the Vidler Tunnel is located in Section 9, Township 5 South, Range 75 West of the 6th P.M. in Summit County, Colorado, at a point from which the SW corner of said Section 9 bears S. 85°14'08" W., 3,361 feet. The eastern portal of the Vidler Tunnel is located in Section 10, Township 5 South, Range 75 West of the 6th P.M. in Clear Creek County, Colorado, at a point from which the NW corner of Section 10, Township 5 South, Range 75 West of the 6th P.M., bears N. 39°04'43" E. 9,185.0 feet. The total amount decreed to the Vidler Tunnel is 361 acre feet annually. **3.4.1.1.1.4. The Vidler Tunnel was decreed in 1974** as a transmountain diversion of water rights, which had been used historically for irrigation and agricultural purposes. Because the diversions have been limited to historical consumptive use, and are fully reusable in the receiving basin, additional data on historical use is not provided. **3.4.1.1.2. Henderson Mine Water:** Water from the fractures in the rock above and surrounding the Henderson Mine, located in Clear Creek and Grand Counties, Colorado, decreed as nontributary, developed water by the District Court for Water Division 1 in Case Nos. W-7158, W-7158-77, 81CW275 and 85CW235 and the District Court for Water Division 5 in Case Nos. W-1700 and W-1700A-77. The Applicant's interest in the Henderson Mine water rights is by agreement with Clear Creek County, as noted above, and is subject to the contractual rights and interests of other parties, including the City of Golden and the Coors Brewing Company, in the same water rights. **3.4.1.1.2.1. Legal Description:** Beginning at a point at the center of Shaft No. 1 whence USLM Mineral Monument Rue bears N. 73 Degrees 42' E. a distance of 3208.4 feet. This is an unsurveyed area but appears to be in Section 25, Township 3 South, Range 76 West of the 6th P.M., in Clear Creek County. An alternate point of diversion (Henderson Shaft No. 2) is located beginning at a point at the center of Shaft

No. 2 whence USLM Mineral Monument Rue bears N. 77 degrees 16' 46" E. a distance of 4931.33 feet. This is an unsurveyed area but appears to be in Section 25, Township 3 South, Range 76 West of the 6th P.M. in Clear Creek County. The Rue Monument is located at North Latitude 39 Degrees 46' 17" and West Longitude 105 Degrees 49' 58". 3.4.1.1.2.2. Source: Nontributary ground water from the Henderson Mine. 3.4.1.1.2.3. Appropriation Date: April 1, 1967. 3.4.1.1.2.4. Amount: 5.0 cfs absolute from Water Division 1; 0.349 cfs absolute from Water Division 5. 3.4.1.1.2.5. Use: Industrial, domestic, irrigation, municipal, piscatorial, recreational, and all other lawful uses. 3.4.1.1.2.6. The Henderson Mine water rights were decreed for industrial, domestic, irrigation, municipal, piscatorial, recreational, and all other lawful purposes. Because the Henderson Mine water rights are nontributary and fully reusable, data on historical use is not provided. 3.4.2. Little Bear Creek/Warren Gulch Exchange: The Applicant will store water in one or more of its on-site reservoirs in exchange for the non-native water introduced into upper Clear Creek and not otherwise used for direct augmentation purposes. The source of non-native water is identified in paragraph 3.4.1.1. above and the location of on-site storage is described in paragraphs 2.2.1. to 2.2.3, above. 3.4.3. Warren Gulch Exchange: The Applicant will store water in one or more of its on-site reservoirs, described in paragraphs 2.2.1. to 2.2.3, in exchange for the delivery of water into lower Warren Gulch and Clear Creek in the form of snowmaking return flows. 3.4.4. Clear Creek Exchange: The Applicant will store water in one or more of the Golden Reservoir Nos. 1 through 3 described in paragraphs 2.1.1. to 2.1.3. above in exchange for the delivery of water into Clear Creek in the form of snowmaking return flows. 3.5. **Amounts**: 3.5.1. West Clear Creek Exchange: The rate of the exchange equals the actual rate of delivery of non-native water in upper Clear Creek, limited to a maximum exchange rate of 2.0 cfs, less any transit losses reasonably assessed by the water commissioner. 3.5.2. Little Bear Creek/Warren Gulch Exchange: The rate of exchange equals the actual rate of delivery of non-native water into upper Clear Creek, limited to a maximum exchange rate of 2.0 cfs, less any transit losses reasonably assessed by the water commissioner. 3.5.3. Warren Gulch Exchange: The timing and rate of exchange equals the actual snowmelt runoff as measured on-site, limited to a maximum exchange rate of 2.0 cfs. 3.5.4. Clear Creek Exchange: The timing and rate of exchange equals the actual snowmelt runoff as measured on-site, limited to a maximum exchange of 2.0 cfs. 3.6. **Appropriation Date**: July 5, 2004. 3.7. **Uses**: The Applicant will make use of the water made available by the subject water rights at Echo Mountain Resort and on the adjacent U.S. Forest Service lands for the following purposes: Commercial use for drinking and sanitary purposes associated with the operation of the skier services facilities, snowmaking, fire protection, storage and subsequent application to beneficial uses; exchange purposes, and for the replacement, exchange, or augmentation of diversions. In addition to the initial storage of such water, Applicant has the rights to sell, lease or otherwise exercise the power of disposition over such water stored in the reservoirs by exchange, as well as the right to store for use, re-use, successively use and disposal of all such water rights to extinction. Reuse and successive uses will be limited to the boundaries of the Echo Mountain Resort and the adjacent U.S. Forest Service lands. The Applicant also has the right to fill and refill storage sites, and to carryover stored water on the same terms, with the same appropriation date and for the same purposes as are described above. The Applicant also has the right to use, reuse and consecutively use to extinction all of the water so exchanged for the uses set forth above provided the source of replacement was also fully reusable. **4. DETAILED OUTLINE OF WHAT WAS DONE TOWARD COMPLETION OF THE APPROPRIATION AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES.** Considerable efforts have been made during the diligence period by the Applicant and its predecessor in interest toward the continuing development of the conditional water rights decreed in Water Division 1, Case No. 04CW323, which are an integral part of the water supply system developed for the Echo Mountain Resort. These efforts include the following (expenditure numbers are rounded to the nearest \$500): 4.1. Applicant and/or its predecessor in interest performed the following work associated with the development and maintenance of the water rights at issue herein and the water supply system at the Echo Mountain Resort: 4.1.1. On March 28, 2025, Applicant and the Board of County Commissioners of Clear Creek County renewed the April 1, 2005, Water Leasing Agreement. Pursuant to the renewed Water Leasing Agreement, Clear Creek agreed to lease to the Applicant a maximum of 15 acre-feet of the consumptive use water attributed to Clear Creek's Vidler

Tunnel and Henderson Mine water rights and agreed to sub-lease a maximum of 15 acre-feet of storage space in the Golden Reservoirs Nos. 1, 2, and 3. The Applicant's agreement with Clear Creek to lease direct flow water and to sub-lease storage space expires on March 31, 2035, subject to renewal of the agreement or negotiation of a new agreement with Clear Creek. 4.1.2. During the diligence period, the Applicant made repairs to Upper Reservoir No. 1 and conducted standard maintenance including the removal of silt and the inspection of the lines, at a cost of approximately \$10,000. 4.1.3. In 2025, the Applicant removed and replaced a transformer to the bubbler located in Upper Reservoir No. 1, at a cost of approximately \$3,000. 4.1.4. In 2025, the Applicant replaced the well meter and water line to Well No. 2 (Crackin' Well), at a cost of approximately \$45,000. 4.1.5. On August 4, 2025, Applicant obtained permits to replace Well No. 2 (Crackin' Well) and Well No. 3 (Eurotas Well). In October 2025, Well No. 2 (Crackin' Well) was redrilled, at a cost of at least \$75,000. 4.2. In addition to work to maintain and upgrade the reservoirs and water collection and distribution system at the Echo Mountain Resort, the Applicant and its predecessor in interest added infrastructure to house equipment used at the resort and performed work to prevent soil erosion, maintain the buildings, and maintain the ski runs and chairlifts. During the diligence period, the Applicant and its predecessor in interest spent at least \$67,000 on these activities. 4.3. These water rights are part of a unified system for providing water to the Echo Mountain Resort. Applicant and its predecessors in interest have engaged Water Resource Engineering to assist with the development of these water rights, which include those rights decreed in WD-1, Case Nos. 04CW322 and 04CW324, and to manage and accurately account for Applicant's diversions and depletions under this decree, to report these diversions and depletions to the Division Engineer and to report annual diversions and depletions to Clear Creek County since before the application was filed in Water Division 1 in 2004. From November 2019 through November 2025, Applicant and Applicant's predecessor in interest paid approximately \$67,000 to its engineering consultant LRE Water for these services. 4.4. Applicant and its predecessors in interest have engaged legal counsel in the development of these water rights leading to the original decree herein, legal defense and protection of its water rights, including continued engagement of legal counsel to review monthly resumes of applications filed in Water Division 1 and filing statements of opposition to applications which are deemed to have potentially adverse effects on the Applicant's water rights or its water development and delivery systems. Applicant and its predecessor in interest's legal expenses with regard to these water rights and those decreed in 04CW322 and 04CW324 total at least \$57,000 during the diligence period. **5. NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED.** 5.1. Applicant. 5.2 the City of Golden, 911 10th Street, Golden, Colorado 80401. 5.3. U.S. Forest Service, Dillon Ranger District, 680 Blue River Parkway, Silverthorne, Colorado 80498. 5.4. Glenda M. Guanella, P.O. Box 128, Empire, Colorado 80438-0128. 5.5. Sally A. Buckland, P.O. Box 56, Empire, Colorado 80438-0056. 5.6. U.S. Forest Service, Clear Creek Ranger District, P.O. Box 3307, Idaho Springs, Colorado 80452. 5.7. Bruce and Catherine Russell, 12719 William Dowdell Road, Cypress, Texas 77429. 5.8. Climax Molybdenum Company, P.O. Box 68, Empire, Colorado 80438. WHEREFORE, the Applicant respectfully requests that this Court enter a decree: (1) finding that the Applicant has executed reasonable diligence in the development of the above-referenced conditional water rights; (2) confirming that the above-described conditional water rights are part of an integrated water system and that due diligence as to any one component constitutes due diligence on all parts of such system; (3) continuing the remaining conditional water rights in full force as decree; and for such other and further relief as this Court deems just and proper. (Application and attachments are 13 pages)

CASE NUMBER 2025CW3173 FOX ACRES COMMUNITY SERVICES, INC., c/o James Cates, General Manager, P.O. Box 38, Red Feather Lakes, CO 80545, (970) 881-2668 and **HIDDENLAKES GOLF AND TROUT CLUB, LLC,** c/o Stanley Gingerich, Manager, P.O. Box 130, Red Feather Lakes, CO 80545, (303) 434-1782. Please send all further pleadings to: Daniel K. Brown, Sara J.L. Irby and Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort

Collins, CO 80525. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** 3. Name and Legal Description of Structures: Water for the exchange will be delivered to the confluence of the North Fork of the Cache la Poudre River with the main stem of the Cache la Poudre River, and, in exchange, water will be diverted by exchange at the following “Exchange To Points”.

All of the structures described below are in Larimer County. A map depicting the general location of the exchange and the related structures is attached hereto as Exhibit A. 3.1 Exchange To Points (Points of diversion by exchange): 3.1.1. Mitchell Ditch, also known as the North Pine Supply Ditch. The headgate of said ditch is at a point on the East bank of the North branch of Lone Pine Creek from whence the Northeast corner of Section 26, Township 10 North, Range 74 West of the 6th P.M. bears North 86°45' East 2,077 feet. 3.1.2. South Fork Pipeline. The point of diversion is located on the North bank of the South Lone Pine at the point in the SW 1/4 of the NE 1/4 of Section 33, Township 10 North, Range 73 West of the 6th P.M., 2,235 feet South of the North line of said Section 33, and 1,382 feet West of the East line of said Section 33. 3.1.3. Also, waters may be captured by exchange in Applicants' following reservoirs, all of which are located in Larimer County, Colorado. A map depicting the location of these reservoirs is attached as Exhibit A. Applicants' reservoirs are hereinafter collectively referred to as the “Fox Acres Reservoirs”. 3.1.3.1. Mirror Lake, also known as Lake Osage. Location: SW 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 68°13'00" West 2,089.65 feet from the Southeast corner, Section 22. 3.1.3.2. Fox Acres Reservoir No. 3, also known as Lake Nootka. SE 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 50°48'30" West 1,187.60 feet from the Southeast corner, Section 22. 3.1.3.3. Lower Fox Acres Reservoir No. 3, also known as Lake Cayuse. SE 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 12°03'33" West 1,248.00 feet from the Southeast corner, Section 22. 3.1.3.4. Upper Fox Acres Reservoir No. 3, also known as Lake Nisqually. Location: SW 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 79°47'02" West 1,778.63 feet from the Southeast corner, Section 22. 3.1.3.5. Robinson Draw Lake, also known as Lake Cree. Location: SW 1/4 SW 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 76° 41'13" East 1,057.93 feet from the Southwest corner, Section 22. 3.1.3.6. Lake 15, also known as Lake Yakima. Location: SE 1/4 SW 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 87°04'58" East 2,232.39 feet from the Southwest corner, Section 22. 3.1.3.7. Fox Acres West, also known as Lake Pawnee. Location: SW 1/4 NE 1/4, Section 28, Township 10 North, Range 73 West of the 6th P.M., at a point South 48°41'47" West 2,236.92 feet from the Northeast corner, Section 28. 3.1.3.8. Middle Letitia Lake, also known as Lake Chippewa. Location: NE 1/4 NW 1/4, Section 27, Township 10 North, Range 73 West of the 6th P.M., at a point South 70°58'52" East 2,130.82 feet from the Northwest corner, Section 27. 3.1.3.9. Deer Lake No. 2, also known as Lake Black Feet. Location: SW 1/4 SE 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 81°42'50" West 2,223.65 feet from the Southeast corner, Section 22. 3.1.3.10. Upper Letitia Lake, also known as Lake Menominee. Location: NE 1/4 NW 1/4, Section 27, Township 10 North, Range 73 West of the 6th P.M., at a point South 64°46'05" East 2,243.56 feet from the Northwest corner of said Section 27. 3.1.3.11. Lower Letitia Lake, also known a Lake Shoshone. Location: NE 1/4 NW 1/4, Section 27, Township 10 North, Range 73 West of the 6th P.M., at a point South 80°31'23" East 2,498.60 feet from the Northwest corner of said Section 27. 3.1.3.12. Lake Kickapoo. Location: The approximate top center of the dam is located in the SW 1/4 SW 1/4, Section 22, Township 10 North, Range 73 West of the 6th P.M., at a point North 58°12'34" East 820 feet from the Southwest corner of said Section 22. 3.1.3.13. Fox Acres Reservoir No. 1, also known as Lake Lakota. Location: SE 1/4 NE 1/4, Section 28, Township 10 North, Range 73 West of the 6th P.M. 3.1.3.14. Fox Acres Reservoir No. 2, also known as Lake Arapahoe. Location: W 1/2 of the NW 1/4 of Section 27, Township 10 North, Range 73 West of the 6th P.M. 3.1.3.15. South Fox Acres Lake, also known as Lake Shawnee. Location: SE 1/4 NE 1/4, Section 28, Township 10 North, Range 73 West of the 6th P.M. 3.1.3.16. West Reservoir of “South 60” Reservoirs, Middle Reservoir of the “South 60” Reservoirs, and East Reservoir of the “South 60” Reservoirs, all being located in Section 32, Township 10 North, Range 73 West, 6th P.M., Larimer County, Colorado. 3.2. Exchange-From Points (Points of water release in substitution and/or by exchange): The release of the

substitute supply will be made from the following points, which constitute the “exchange from” points for use by Applicants by exchange, all of which are located in Larimer County: 3.2.1. Seaman Reservoir. Location: SE 1/4 SW 1/4, Section 28, NE 1/4, Section 33, Township 9 North, Range 70 West of the 6th P.M. 3.2.2. Terry Lake Reservoir. Location: Sections 23, 24, 25, 26, 35 and 36, Township 8 North, Range 69 West of the 6th P.M. 3.2.3. Barnes Meadow Reservoir. Location: NW 1/4 NE 1/4 SW 1/4, Section 5, Township 7 North, Range 75 West of the 6th P.M. 3.2.4. Comanche Reservoir. Location: SW 1/4 NE 1/4 SW 1/4, Section 12, Township 7 North, Range 74 West of the 6th P.M. 3.2.5. Peterson Reservoir. Location: NW 1/4 NW 1/4 SE 1/4, Section 22, Township 7 North, Range 75 West of the 6th P.M. 4. Description of Conditional Water Rights. 4.1 Decrees: 4.1.1. Original Decree: July 27, 1993, Case No. 1990CW139, District Court, Water Division No. 1, State of Colorado. 4.1.2. Finding of Reasonable Diligence: May 22, 2001, Case No. 1999CW106, District Court, Water Division No. 1, State of Colorado. 4.1.3. Finding of Reasonable Diligence: August 28, 2011, Case No. 2007CW061, District Court, Water Division No. 1, State of Colorado. 4.1.4. Finding of Reasonable Diligence: November 19, 2019, Case No. 2017CW3131, District Court, Water Division No. 1, State of Colorado. 4.2 Source. The Cache la Poudre River and its tributaries. 4.3 Appropriation Dates. 4.3.1 Seaman Reservoir: May 18, 1989 4.3.2 Terry Lake Reservoir: July 26, 1989 4.3.3 Barnes Meadow Reservoir: May 18, 1989 4.3.4 Comanche Reservoir: May 18, 1989 4.3.5 Peterson Reservoir: May 18, 1989 4.4 Decreed Exchange Amount. Collectively the amount of water exchanged in any year shall not exceed 150 acre feet, as further set forth below in Table 1:

	Exchange-To Points	
<u>Exchange-From Points</u>	South Fork Pipeline (into Fox Acres Reservoirs)	Mitchell Ditch (into Fox Acres Reservoirs)
Seaman Reservoir	116.73 a.f. ABSOLUTE (100 a.f. decreed in 90CW139; 16.73 a.f. decreed in 99CW106) 33.27 a.f. CONDITIONAL	150 a.f. CONDITIONAL
Terry Lake Reservoir	50 a.f. ABSOLUTE (decreed in 90CW139)	
Barnes Meadow Reservoir	150 a.f. CONDITIONAL	150 a.f. CONDITIONAL
Comanche Reservoir	99.81 a.f. ABSOLUTE (decreed in 99CW106) 50.19 a.f. CONDITIONAL	150 a.f. CONDITIONAL
Peterson Reservoir	150 a.f. ABSOLUTE (decreed in 07CW61)	150 a.f. CONDITIONAL

4.5 Decreed Rate of Exchange. The decreed rate of exchange shall not exceed 6.0 c.f.s. The flow rates of exchange in cubic feet per second are set forth below in Table 2:

	Exchange-To Points	
<u>Exchange-From Points</u>	South Fork Pipeline into Fox Acres Reservoirs	Mitchell Ditch into Fox Acres Reservoirs
Seaman Reservoir	4.17 c.f.s. ABSOLUTE (2.15 c.f.s. decreed in 90CW139; 2.02 c.f.s. decreed in 99CW106) 1.83 c.f.s. CONDITIONAL	6.0 c.f.s. CONDITIONAL
Terry Lake Reservoir	2.0 c.f.s. ABSOLUTE (decreed in 90CW139)	

Barnes Meadow Reservoir	6.0 c.f.s. CONDITIONAL	6.0 c.f.s. CONDITIONAL
Comanche Reservoir	6.0 c.f.s. CONDITIONAL	6.0 c.f.s. CONDITIONAL
Peterson Reservoir	2.64 c.f.s. ABSOLUTE (decreed in 07CW61) 3.36 .f.s. CONDITIONAL	6.0 c.f.s. CONDITIONAL

4.6 Uses. The waters obtained by exchange are used for the following purposes: Irrigation, domestic, agricultural, fish propagation, recreational, municipal, commercial, and fire protection, both by direct use and following storage. Such uses shall occur within the reservoirs described in Paragraph 3.1.3 above, and/or on lands and for uses on the property developed and/or subject to development for the benefit of the Fox Acres Community Services and/or HiddenLakes Golf and Trout Club, LLC, which is generally located within Sections 22, 27 and 28, Township 10 North, Range 73 West of the 6th P.M., Larimer County, Colorado. 5. Applicants have been reasonably diligent in developing the remaining portion of the conditional water rights, and, therefore, request that the Court continue the water rights described in Paragraph 4 above. The following sets forth what has been done toward completion of the conditional appropriation: Applicants have a continuing need for the water rights as development continues to take place at Fox Acres, including seven new homes that have been built and five in process. Thirty of the remaining sixty-six lots have been purchased by developers. The water stored in the reservoirs via exchange is part of an integrated domestic water supply system, and the work done on the total system is applicable in showing diligence in regard to the conditionally decreed exchange rights. During this diligence period, Applicants continued to develop their integrated water system, by making improvements designed to increase maximum efficiency and conserve water throughout its system. In particular, Applicants have made significant improvements including over \$1,000,000 in a new irrigation system, new irrigation pumps and related wiring and infrastructures. Applicants have also spent over \$20,000 on storage tank improvements, water softener system improvements and repairs, capital reserve study and legal fees. 6. Right to Supplement and Present Additional Information. Applicants reserve the right to supplement this Application with additional information related to its claim for diligence and may present additional information related to its claim for diligence before and during trial in this matter. 7. 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, Applicants respectfully request that the Court find that Applicants have 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 9 pages, 1 exhibit).

CASE NUMBER 2025CW3174 CITY OF BRIGHTON, 500 South 4th Avenue, Brighton, Colorado 80601, Attn: Austin Creswell, Water Resource Manager. Please send all further pleadings to: Brent A. Bartlett, Esq., Sara J.L Irby, Esq. and Whitney Phillips Coulter, Esq., Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND CLAIM TO MAKE ABSOLUTE IN ADAMS, DENVER AND WELD COUNTIES.** 2. Application: With this Application, the City of Brighton (hereinafter “Brighton” or “Applicant”) seeks findings of reasonable diligence of the conditional appropriative rights of exchange decreed in Case No. 04CW174, District Court, Water Division 1 (“Original Decree”). 3. Conditional Appropriative Rights of Exchange. 3.1. Date of Original Decree: February 27, 2013, District Court, Case No. 04CW174, District Court, Water Division 1, State of Colorado. 3.2. Findings of Reasonable Diligence: November 26, 2019, District Court, Case No. 19CW3036, District Court, Water Division 1, State of Colorado. 3.3. “Exchange From” Locations. The exchange from points are the points listed below: 3.3.1. Point A: The confluence of Brighton’s North Storm Drain Outfall and the South Platte River, located in the SE 1/4 of the SW 1/4 of the SW 1/4 of Section 31, Township 1 North, Range 66 West, 6th P.M. This is the

most downstream point of the exchange reach. 3.3.2. Point B: The confluence of Brighton's South Storm Drain Outfall and the South Platte River located in the SE 1/4 of the NW 1/4 of the NE 1/4 of Section 12, Township 1 South, Range 67 West, 6th P.M. 3.3.3. Point C: The outfall of Ken Mitchell Lake, which is located near the point where the South Platte River crosses the west line of Section 12, Township 1 South, Range 67 West, 6th P.M. 3.3.4. Point H-1: The outfall of Brighton's South Platte WWTP, which is presently located in the NW 1/4 of the NW 1/4 of the SW 1/4 of Section 6, Township 1 South, Range 66 West, 6th P.M. 3.3.5. Point H-2: Decreed as an alternative "exchange from" point to Point H-1 in Case No. 15CW3170, the outfall of the Northern Treatment Plant is located in the SE 1/4 of the SW 1/4 of Section 31, Township 1 North, Range 66 West of the 6th P.M. 3.3.6. Point J: 124th Avenue Reservoir Outfall, located in the NW1/4 of the SE1/4 of Section 35, Township 1 South, Range 67 West, 6th P.M. 3.4. Exchange To" Locations. The exchange to points are the points listed below: 3.4.1. Point D-1: Ken Mitchell Reservoir Pump Station Inlet Pipe, located on the east bank of the South Platte River, in the SE 1/4 of Section 11, Township 1 South, Range 67 West, at a point whence the Southwest Corner of said Section 11 bears approximately South 86° West, approximately 4,160 feet. 3.4.2. Point D-2: Ken Mitchell Reservoir Pump Station Inlet Pipe, located on the east bank of the South Platte River, in the NW 1/4 of the SE 1/4 of Section 14, Township 1 South, Range 67 West, at a point whence the Southwest Corner of said Section 14 bears approximately South 69° West, approximately 4,000 feet. 3.4.3. Point E: Ken Mitchell Reservoir Inlet, located on the east bank of the South Platte River, in the SE 1/4 of Section 14, Township 1 South, Range 67 West, 6th P.M. at a point whence the Southwest Corner of said Section 14 bears approximately South 88° 30' West, approximately 3,190 feet. 3.4.4. Point F: The point where the South Platte River crosses the South line of Section 23, Township 1 South, Range 67 West, Adams County. This is an approximation of the upstream limit of the reach of the South Platte River that is depleted by pumping of the City of Brighton's South Platte Alluvial Wells. 3.4.5. Point G: The headgate of the Fulton Ditch, located in the NE 1/4 of the NE 1/4 of the SE 1/4 of Section 17, Township 2 South, Range 67 West, 6th P.M. 3.4.6. Point I: United Water and Sanitation District's United Diversion Facility No. 3, which is located on the East Bank of the South Platte River, in the SW 1/4 of Section 26, Township 1 South, Range 67 West, of the 6th P.M. 3.4.7. Point M: The Burlington Canal Headgate, located at a point on the east bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 14, Township 3 South, Range 68 West, 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. This is the most upstream point of the exchange reach. 3.5. Exchange Rate. The exchanges described herein will operate at a maximum rate as follows: 3.5.1. For the exchanges shown in Table 1 of Exhibit A: 4.5 cfs (CONDITIONAL). This rate is in addition to the rate of the exchanges decreed in Case No. 2000CW202. 3.5.2. For the exchanges shown in Table 2 of Exhibit A: 38.0 cfs (CONDITIONAL). This rate is in addition to the rate of the exchanges decreed in Case No. 2000CW202. 3.6. Appropriation Dates. The appropriation dates for the exchanges are as follows: 3.6.1. For the exchanges shown in Table 1 of Exhibit A: July 16, 2004. 3.6.2. For the exchanges shown in Table 2 of Exhibit A: October 19, 2009. 3.7. Source. The appropriative rights of exchange operate by utilizing exchange potential created by the native flow of the South Platte River and its tributaries. The source of substitute supply will be water made available by operation of Applicant's plan for augmentation decreed in Case No. 00CW202, water available pursuant to the change of water rights decreed in Case No. 09CW144 to the extent lawfully available for such use, and water made available pursuant to the change of water rights decreed in Case No. 04CW174. 3.8. Use. The decreed place of use and use for water diverted pursuant to the above exchanges is set forth in Paragraphs 7.4.1. and 7.4.2. respectively of the Original Decree. 4. Claim for Findings of Reasonable Diligence. The conditional appropriative rights of exchange that are the subject of this case are part of Applicant's raw water supply system, an integrated system as defined by §37-92-301(4). During the diligence period, Applicant secured additional decrees for water rights, some of those decrees also include changed water rights that incorporate the exchanges that are the subject of this case. Applicant expended consideration sums on engineering design and construction of its integrated water system on the South Platte River related to the structures necessary to implement the operation of the conditional appropriative rights of exchange. Applicant also participated in numerous water court proceedings in an effort to protect

its conditional appropriative rights of exchange. Additionally, Applicant developed and utilized accounting forms in order to implement the conditional appropriative rights of exchange. 5. Claim for Absolute Amounts. 5.1. Date and Amount: August 3, 2020 - 3.4 cfs (absolute), 1.1 cfs (conditional) from the North Outfall Point A to Point F; all other exchanges 4.5 cfs (conditional). 5.2. Date and Amount: October 27, 2020 - .47 cfs (absolute), 4.03 cfs (conditional) from Ken Mitchell Lakes Point C to Point F; all other exchanges 4.5 cfs (conditional). 5.3. Date and Amount: December 19, 2024 - 3.79 cfs (absolute), 3.31 cfs (conditional) from the Northern Treatment Plant Point H-2 to Point F; all other exchanges 7.1 cfs (conditional). 6. Right to Supplement. Applicant reserves the right to supplement this Application with additional information on Applicant's work and expenses related to its continued diligence toward making absolute the conditional rights described herein. 7. Notice Requirement, Section 37-92-302(2)(b). Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Burlington Ditch and Reservoir and Land Company, 80 South 27th Avenue, Brighton, Colorado 80601, Fulton Irrigating Ditch Company, 13698 East 136th Avenue, Brighton, Colorado 80601, United Water and Sanitation District, 8301 E. Prentice Avenue, Suite 120, Greenwood Village, Colorado 80111. WHEREFORE, Applicant respectfully requests a ruling and decree for the following: A. Applicant has made the conditional water rights set forth in Paragraph 3 ABSOLUTE, in accordance with Paragraph 5 above; B. In the event that for whatever reason the Court concludes that any portion of the foregoing conditional water right has not been made absolute, Applicant has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 19CW3036 towards completion or for completion of the appropriation and application of water therein decreed, and for such other relief as the Court may determine proper; C. Applicant further prays that this Court continue in full force and effect any remaining portion of the water right as CONDITIONAL for an additional six-year period, and for such other relief as the Court may deem proper; and D. Applicant has demonstrated continued intent and progress towards finalizing the remaining portion of the conditional water right and further demonstrated that it has satisfied the requirements of "can and will". (Application consists of 7 pages, 1 exhibit).

CASE NUMBER 2025CW3175 (18CW3134; 09CW268) **TOWN OF LOCHBUIE**, ("Lochbuie") c/o Town Administrator, 703 Weld County Road 37, Lochbuie, CO 80603, (303) 655-9308. Please direct all correspondence to Steven P. Jeffers, Matthew Machado, Lyons Gaddis, PC, 950 Spruce Street, Suite 1B, Louisville, CO 80027, Telephone: (720) 726-3671, sjeffers@lyonsgaddis.com, mmachado@lyonsgaddis.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN ADAMS COUNTY, COLORADO** 2. Describe conditional water right giving the following from the previous decree: 2.1. **Name of conditional water right**: Lochbuie United Reservoir Storage Right. ("Subject Right") 2.2. **Date of original decree, case no. and court**: The original decree was entered by the District Court for Water Division 1 on August 14, 2012, in Case No. 09CW268 ("09CW268 Decree"). 2.3. **Subsequent decrees**: The Court entered a decree on November 19, 2019 awarding findings of reasonable diligence and confirming that Lochbuie made portions of the water right absolute in Case No. 18CW3134 ("18CW3134 Decree"). 2.4. **Decreed location of United Reservoir**: The United Reservoir is a gravel pit lined by a slurry wall and includes two storage cells located on the East side of the South Platte River in the S½ of Section 26 and N 1/2 of Section 35, T1S, R67W, 6th P.M. in Adams County. 2.5. **Decreed location of point of diversion**. United Reservoir is filled through the United Diversion Facility No. 3, located on the East bank of the South Platte River in the SW 1/4 of Section 26, T1S, R67W of the 6th P.M., in Adams County, approximately 1,531 feet from the South line and 1,636 feet from the West line of said Section 26. A map showing the location of the reservoir and diversion structure is attached as **EXHIBIT A**. 2.6. **Decreed Source**. South Platte River. 2.7. **Decreed Appropriation Date**: December 14, 2009. 2.8. **Decreed Amounts**: The first fill of the Subject Right is ABSOLUTE in the amount of 432.49 acre-feet. The remaining portion of the first fill of the Subject Right is CONDITIONAL in the amount of 17.51 acre-feet, and all 450 acre-feet of the refill amount is CONDITIONAL. 2.9. **Decreed Filling Rate**: 50 cfs,

CONDITIONAL. 2.10. **Decreed Uses.** Municipal purposes, including domestic, irrigation, industrial, commercial, stock watering, recreation, fire protection, fish and wildlife propagation, augmentation, replacement, substitution and exchange, and all other municipal uses. Such water is intended for use as part of a unified municipal water system within the Town of Lochbuie and other locations served by the Town by contract. After storage in United Reservoir, water may be delivered for such uses to the Beebe Draw via the Beebe Pipeline, which delivers water stored in the United Reservoir to the O'Brian Canal immediately above Barr Lake, or water may be delivered back to the South Platte River for such uses. 3. **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:** Lochbuie diverted water under the subject priority each year and used that water for replacement of well depletions in its plan for augmentation decreed in Case No. 10CW214. See **EXHIBIT B**. Lochbuie paid its share of operations, maintenance, repair and improvement costs for United Reservoir and the diversion and delivery structures. Over the last two years, those costs totaled approximately \$121,000. Lochbuie obtained decrees for diligence for its water rights for its wells in Case No. 22CW3148. The depletions from those wells are augmented using this water storage right, as described in the decree in Case No. 10CW214. Lochbuie's consultants prepared an extensive update on its Master Plan Report on Water Resources and Water Rights, which analyzed the need for and use of the subject right. Lochbuie participated in numerous water rights cases as an objector to protect the Lochbuie United Reservoir Storage Right, including Case Nos. 10CW306 (post decree proceedings), 19CW3062, 19CW3073, 20CW3079, 20CW3096, 20CW3160, 20CW3161, 20CW3079, 20CW3199, 22CW3130, 22CW3063, 25CW3091, and other cases. Several of those cases involved water storage rights in United Reservoir claimed by others. Lochbuie paid BBA Water Consultants, Inc., water consultants for the Town, over \$100,000 during the diligence period for the work described above related to the Lochbuie United Reservoir Storage Right and also for work on the reservoir accounting and reservoir operations. The Town's Board of Trustees also passed Resolution 2025-52 authorizing the filing of this Application and confirming the need for the Lochbuie United Reservoir Storage Right. 4. **Claim to make absolute in whole or in part:** 4.1. Date water applied to beneficial use: December 1, 2019 for the flow rate and November 1, 2023 for the storage volume to be made absolute. 4.2. Amount of storage volume made absolute: the remaining 17.51 acre feet of the first fill and 53.17 acre feet of the refill have been made absolute. Diversion and storage records are attached as **EXHIBIT C**. 4.3. Amount of flow rate made absolute: 25.01 cfs has been made absolute. Diversion records are attached as **EXHIBIT D**. 4.4. Description of place of use where water is applied to beneficial use: Within the Town of Lochbuie present service area located primarily in portions of Sections 20, 29, 30, 31, and 32 T1N, R65W, and Sections 25, 35, and 36, T1N, R66W, 6th P.M. in Weld County, and Section 1, T1S, R66W and Section 6, T1S, R65W, 6th P.M. in Adams County. 5. **Name and address of owner of land upon which any new diversion structure or storage structure, or modification to an 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.** 5.1. The United Diversion Facility No. 3 is on land owned by Henderson Aggregate Ltd., 2722 Erie Ave, Ste 219, PMB 210462, Cincinnati OH 45208-2149. 5.2. The United Reservoir is on land owned by 70 Ranch Holdings, LLC, 8301 E. Prentice Ave., Suite 100, Greenwood Village, CO 80111 6. **Remarks or any other pertinent information:** Applicant reserves the right to base its absolute claim on any diversions and use of the Lochbuie United Reservoir Storage Right occurring after the filing of this Application and prior to the entry of a decree in this case. WHEREFORE, Lochbuie requests the Court enter a decree finding and determining that Lochbuie exercised reasonable diligence in the development of the Lochbuie United Reservoir Storage Right, and perfected and made said right absolute in the amounts set forth above, and that the remaining conditional portion of this water right be continued in full force and effect for an additional diligence period. (Number of pages in application: 5, excluding exhibits)

CASE NUMBER 2025CW3176 GRUN BERG ZIEL TRUST, c/o Eric Leffler, Trustee, 9220 Arroya Lane, Colorado Springs, CO 80908; Please direct all correspondence concerning this application to: Chris D. Cummins, and W. James Tilton, Monson, Cummins, Shohet & Farr, 13511 Northgate Estates Dr., Suite

250, Colorado Springs, CO 80921; Telephone Number: (719) 471-1212; E-mail: cdc@cowaterlaw.com; wjt@cowaterlaw.com. **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN EL PASO COUNTY.** Grun Berg Ziel Trust (“Applicant”) seeks to construct up to fourteen (14) wells to the not-nontributary Dawson aquifer to provide water service to an equivalent number of lots, based on an anticipated subdivision of Applicant’s approximately 35.15 acre parcel of land. Applicant therefore seeks to quantify the Denver Basin groundwater underlying the Applicant’s Property, and approval of a plan for augmentation for the use thereof. Application for Use of Underground Water Rights. Legal Description of Wells. Property Description. All wells are and will be located on Applicant’s approximately 35.15 acre property (“Applicant’s Property”) anticipated to be subdivided into up to fourteen (14) lots, with current schedule number 6100000283. Applicant’s Property is depicted on the attached **Exhibit A** map, located in the W1/2 NE1/4 of Section 25, Township 11 South, Range 66 West of the 6th P.M., and more particularly described as 0 Farrar Drive, Colorado Springs, CO 80908, also known as Tract 7 of Eagle Crest Estates in El Paso County, Colorado. **Exhibit B. Proposed Wells.** Applicant proposes that up to fourteen (14) wells will be located on the Applicant’s Property at specific locations not yet determined (“Ziel Well Nos. 1 through 14”), each to be constructed to the Dawson aquifer (one well per lot). Land Ownership. The land upon which the existing and proposed wells will be constructed is owned by Applicant, Grun Berg Ziel Trust. **Exhibit B. Water Source. Not-Nontributary.** The ground water to be withdrawn from the Dawson aquifer underlying the Applicant’s Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer will require the replacement of actual stream depletions. Nontributary. The groundwater that will be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Applicant’s Property is nontributary. Estimated Rates of Withdrawal and Ground Water Available. Estimated Rates of Withdrawal. Pumping from the wells will not exceed 100 g.p.m. The actual pumping rates for each well will vary according to aquifer conditions and well production capabilities. The Applicant requests the right to withdraw ground water at rates of flow necessary to withdraw the entire decreed amounts. The actual depth of each well to be constructed within the respective aquifers will be determined by topography and actual aquifer conditions. Estimated Average Annual Amounts of Ground Water Available. Applicant requests a vested right for the withdrawal of all legally available ground water in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over the 300-year life of the aquifers as required by El Paso County, Colorado Land Development Code § 8.4.7(C)(1) which is more stringent than the State of Colorado’s 100-year life requirement pursuant to C.R.S. § 37-90-137(4). Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying Applicant’s Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre Feet)	Annual Avg. Withdrawal 100 Years (Acre Feet)	Annual Avg. Withdrawal 300 Years (Acre Feet)
Dawson (NNT)	484.1	3,403.22	34.03	11.344
Denver (NT)	530.8	3,171.8	31.72	10.573
Arapahoe (NT)	228.2	1,363.61	13.64	4.545
Laramie Fox Hills (NT)	195.4	1,030.25	10.3	3.434

Decreed amounts may vary from the above to conform with the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. The Applicant requests the right to use the groundwater for beneficial uses upon the Applicant’s

Property consisting of domestic, irrigation, domestic animal and stock watering, equestrian facilities, agricultural, commercial, filling of a swimming pool and/or hot tub, fire protection, recreation, and also for storage and augmentation purposes associated with such uses. The Applicant also request that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant's Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to construct wells or use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of the not-nontributary Dawson aquifer in accordance with C.R.S. § 37-90-137(9)(c.5). Well Fields. Applicant requests permission to produce the full legal entitlement from the Denver Basin aquifers underlying Applicant's Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests the entitlement to withdraw an amount of ground water in excess of the average annual amount decreed to the aquifers beneath the Applicant's Property, so long as the sum of the total withdrawals from all the wells in the aquifers does not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying the Applicant's Property. Owner of Land Upon Which Wells are to Be Located. The land upon which the wells are and will be located as well as the underlying groundwater is owned by the Applicant. Application for Approval of Plan for Augmentation. Statement of Plan for Augmentation. Applicant seeks approval of a plan for augmentation to allow it to utilize the not-nontributary Dawson aquifer underlying the property described herein, including following potential subdivision thereof. All wells to the not-nontributary Dawson aquifer will, during the pumping life of such wells, be augmented by septic return flows resulting from domestic uses, with post pumping depletions provided by pumping of the nontributary Denver and Arapahoe aquifers. Structures to be Augmented. The structures to be augmented are the Ziel Well Nos. 1 through 14, along with any replacement or additional wells associated therewith, as likewise may be constructed to the Dawson aquifer of the Denver Basin underlying the Applicant's Property as requested and described herein. Water Rights to be Used for Augmentation. The water rights to be used for augmentation during pumping are the return flows resulting from the pumping of the not-nontributary Dawson aquifer from the Ziel Well Nos. 1 through 14, together with water rights from the nontributary Denver and Arapahoe aquifers for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer by Ziel Well Nos. 1 through 14, together with water rights from the nontributary Denver and Arapahoe aquifer for any injurious post pumping depletions. Potential water use criteria and their consumptive use component for replacement of actual depletions for the lots are estimated as follows: Uses. Household Use Only: 0.26 acre-feet annually within single-family dwellings on up to all thirteen (13) potential lots, with a maximum of ten percent consumptive use based on non-evaporative septic leach field disposal systems. Landscape Irrigation: 0.0566 acre-feet annually per 1,000 square feet (2.18 acre feet per acre) per year, with an 85% assumed consumptive use rate. The annual consumptive use for each 1,000 square feet of lawn and garden irrigated is therefore 0.048 acre-feet. Horses (or equivalent livestock): 0.011 acre-feet annually (10 gallons per day) per head with a one hundred percent consumptive use component. Amounts. Ziel Well Nos. 1 through 14 will each pump a maximum of 0.8 acre-feet per year per lot, or a maximum total of 11.2 acre-feet shall be withdrawn from the Dawson aquifer per year. Such use shall be a combination of household use, irrigation of lawn, garden, and greenhouse, and the watering of horses or equivalent livestock, and other permitted uses described in paragraph III.D., above. An example breakdown of this combination of uses, utilizing the factors described above, is 0.26 acre feet for a residence on each of the fourteen lots (total of 3.64 annual acre feet), outside irrigation of lawn, garden, and greenhouses at each lot (total of 5.712 annual acre feet), and up to twelve horses or equivalent livestock between the fourteen lots (1.848 annual acre feet). See **Exhibit C**. Depletions. Applicant's consultant has determined that maximum stream depletions over the 300-year pumping period for the Dawson aquifer amounts to approximately 22.19% of

pumping. **Exhibit D.** Maximum annual depletions for total pumping from all wells are therefore 2.485 acre-feet in year 300 (i.e. 22.19% of pumping). *Id.* Should Applicant's pumping be less than the annual 11.2 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced, so long as depletions resulting from pumping are adequately replaced. Augmentation of Depletions During Pumping. Pursuant to C.R.S. § 37-90-137(9)(c.5), Applicant is required to replace actual stream depletions attributable to pumping of the up to fourteen (14) residential wells subject to this augmentation plan. Applicant's consultant has determined that depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. Using a conservative in-house use rate of 0.2 acre-feet per lot per year, total of 2.6 acre-feet from fourteen wells, 2.52 acre-feet will be replaced to the stream system per year, utilizing non-evaporative septic systems. Thus, during pumping, stream depletions will be adequately augmented. Augmentation for Post Pumping Depletions. For the replacement of any injurious post-pumping depletions which may be associated with the use of the Ziel Well Nos. 1 through 14 Applicant will reserve the entirety of the nontributary Denver aquifer, and a portion of the Arapahoe aquifer (252 acre feet, being 0.84 annual acre feet over 300 years), accounting for actual stream depletions replaced during the planned pumping period, as necessary to replace any injurious post pumping depletions. Applicant also reserves the right to substitute other legally available augmentation sources for such post pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post pumping depletions will be noninjurious. The reserved nontributary Denver and Arapahoe aquifer groundwater will be used to replace any injurious post-pumping depletions. Upon entry of a decree in this case, the Applicant will be entitled to apply for and receive a new well permits for the Ziel Well Nos. 1 through 14 for the uses in accordance with this Application and otherwise in compliance with C.R.S. § 37-90-137. Application is eight pages.

CASE NUMBER 2025CW3177 TDK HOLDINGS, LLC, c/o: ANTONIO L. CONVERSE, 600 17th Street, Suite 2800 South, Denver, CO 80202. Please direct all future pleadings and correspondence to Austin Hamre, Esq., Hamre, Rodriguez, Ostrander & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, CO 80112-5204; telephone 303.779.0200. Email: mail@hroplaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY.** **2.** Name of Structure: Deer Creek Canon Pumping Plant **3.** Description of Conditional Water Right: **a.** Date of Original Decree: 01CW064, decreed on September 13, 2002, Water Division 1. **b.** Subsequent Decrees Finding Reasonable Diligence: 08CW211 decreed on June 3, 2013. **c.** Legal Description: The Pumping Plant Water Right is located at a point on the west bank of Deer Creek in the Northwest Quarter of Section 7, Township 6 South, Range 69 West of the 6th P.M., Jefferson County, Colorado, at a point 1,603 feet distant from the point where Deer Creek crosses the west line of said Section 7. **d.** Source: Deer Creek, a tributary to the South Platte River. **e.** Date of Appropriation: April 12, 2001. Amount: Rate of Diversion: 2.1 c.f.s., (940 g.p.m.) **CONDITIONAL**, up to a maximum of 140 a.f./yr. **f.** Decreed Uses: Water diverted pursuant to the Pumping Plant Water Right will be stored in Mann Reservoir and then used for domestic, irrigation, commercial, augmentation and other beneficial uses associated with the operation and irrigation of the Deer Creek Golf Course and related wetlands. Water stored in Mann Reservoir under the Pumping Plant Water Right will be pumped from Mann Reservoir into Massey Draw and re-diverted into one or more of five ponds located on the golf course, as described in the decree entered in Case No. 98CW409. The water will be used to irrigate approximately 102 acres of the golf course, as well as approximately 8 acres of open space, landscaping and parks associated with the golf course, and approximately 10 acres of maintained wetlands mitigation sites described in the decree entered in Case No. 95CW60. **4.** Outline of Work Done Toward Completion: A description of diligence activities is set forth in the application. **5.** Amount Claimed Absolute: None. **6.** Names and addresses of owners or reputed owners of the land upon which diversion and storage structures are located or are to be constructed: County of Jefferson, 1700 Arapahoe St., Golden CO 80419. WHEREFORE, Applicant respectfully requests the Court make a finding that Applicant has been reasonably diligent in its effort to complete the Deer Creek Canon Pumping Plant Water

Right, and enter an order continuing that right for another diligence period and such other relief as the Court deems proper. (7 pages including exhibits)

CASE NUMBER 2025CW3178 THE CONSOLIDATED HOME SUPPLY DITCH AND RESERVOIR COMPANY, c/o Minerva Lee, President, P.O. Box 1548, Berthoud, Colorado 80513, 970-667-5567. Please send all further pleadings to: Brent A. Bartlett, 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.** 3. Description of Conditional Water Right: 3.1. Name of Structure: Lon Hagler Reservoir. 3.2. Legal description of structure. Commencing at a point which is S 78°37'45" W, 3,529.04 feet from the SE corner of Section 29, Township 5 North, Range 69 West, 6th P.M., thence N 87°20' W, 973.00 feet; thence S 73°55' W, 920.00 feet; thence N 73°55' W, 1,052.77 feet; thence N 16°05' W, 400.00 feet; thence N 16°30' E, 1,315.55 feet; thence N 45°00' E, 690.00 feet; thence S 86°00' E, 620.00 feet; thence N 70°04'00" E, 1,432.72 feet; thence S 87°04' E, 1,075.10 feet; thence S 43°34' E, 420.00 feet, thence S 00°11' W, 1,678.00 feet; thence S 62°40' W, 1,358.00 feet to the point of beginning. 3.3. Source: Big Thompson River. 3.4. Date of Appropriation: August 21, 1979. 3.5. Amount: 1,778 acre feet, ABSOLUTE 3,529.81 acre feet, CONDITIONAL 3.6. Uses: Irrigation of lands supplied by The Consolidated Home Supply Ditch and Reservoir. 4. Previous Decrees: 4.1. Original Decree. October 2, 1980, Case No. 80CW091, District Court, Water Division 1. 4.2. Findings of Reasonable Diligence: 4.2.1. April 25, 1985, Case No. 84CW187, District Court, Water Division No. 1. 4.2.2. July 25, 1991, Case No. 88CW121, District Court, Water Division No. 1. 4.2.3. July 13, 1999, Case No. 97CW159, District Court, Water Division No. 1. 4.2.4. July 27, 2006, Case No. 05CW190, District Court, Water Division No. 1. 4.2.5. March 11, 2013, Case No. 12CW182, District Court, Water Division No. 1. 4.2.6. November 25, 2019, Case No. 19CW3044, District Court, Water Division No. 1. 5. Claim to Continue Conditional Right. Applicant requests that the Court continue the water rights as described above as conditional and further provides the following outline of what has been done toward completion of the conditional appropriations: 5.1. Applicant consistently maintained and improved Lon Hagler Reservoir in a manner that will allow for full storage and diversion of water that is legally and physically available. Applicant also regularly maintained its ditches and diversion structures and continued to supply water to its stockholders. The Lon Hagler Reservoir is part of an integrated mutual irrigation system involving a number of reservoirs and canals supplying water to area agricultural interests and municipal users. Applicant has initiated discussions with municipal stockholders to interconnect Lon Hagler to improve system efficiencies. Applicant has demonstrated continued intent and progress toward diverting the conditional water rights for the refill, but said water has not been available for diversion in an amount over 1,778 acre feet during this diligence period. 6. Right to Supplement and Present Additional Information. Applicant reserves the right to supplement this Application with additional information related to its claim for diligence and may present additional information related to its claim for diligence before and during trial in this matter. 7. 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: Applicant is the owner of land upon which the structure is located. WHEREFORE, Applicant respectfully requests a ruling and decree for the following: A. That the Court has considered Applicant's work on the Lon Hagler Reservoir refill right and has concluded that Applicant has proceeded with the requisite reasonable diligence in the development of its water rights for Lon Hagler; and B. That the Court award Applicant an additional six-year diligence period to make the remaining 3,529.81 acre feet of the conditionally decreed water right absolute. (Application consists of 4 pages).

CASE NUMBER 2025CW3179 (Former Cases No. 19CW3097, 10CW298) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE OF THE UPPER PLATTE AND BEAVER CANAL COMPANY, IN MORGAN COUNTY, COLORADO.** 1. Name, address, telephone number, and email address of Applicant: UPPER PLATTE AND BEAVER CANAL COMPANY (the "Company"), c/o Steve Griffith, President, P.O. Box 205, Brush, CO 80723; Phone: (970) 842-2552. Please send all correspondence and pleadings to counsel for Applicant: Carlson,

Hammond & Paddock, LLC, Mason H. Brown, Reg. No. 44831, Sarah B. Wiedemann, Reg. No. 46383, 1900 N. Grant Street, Suite 1200, Denver, Colorado 80203; Phone Number: (303) 861-9000; E-Mail: mbrown@chp-law.com, swiedemann@chp-law.com. **2. Name of Structures:** 2.1. Upper Platte and Beaver Canal (“Canal”). 2.2. Canal Recharge Ponds as further described below. **3. Describe conditional water right (as to each structure) including the following information from previous decree:** 3.1. Date of Original Decree: May 7, 2013, Case No. 10CW298, Water Court in and for Water Division No. 1, Colorado. 3.2. Subsequent decrees awarding findings of diligence: November 25, 2019, Case No. 19CW3097, Water Court in and for Water Division No. 1, Colorado. 3.3. Change in Point of Diversion: On September 4, 2020, the Water Court in and for Water Division No. 1, Colorado, entered a decree in Case No. 20CW3035 approving a simple change in point of diversion pursuant to C.R.S. § 37-92-305(3.5), changing the decreed point of diversion for the Company’s water rights to the location identified in section 3.4.1 below. 3.4. Legal Description of Points of Diversion: 3.4.1. Water is diverted from the South Platte River through the Canal: The headgate of the Canal is located on the South Platte River in Morgan County, Colorado, at a point in the SW1/4 of the SE1/4 of Section 26, T4N, R58W, 6th P.M. The location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4459030; Easting: 598933. 3.4.2. Water diverted at the Canal headgate is conveyed for recharge through the bed and banks of the Canal and its laterals and at the following recharge ponds. 3.4.2.1. Clark Pond: comprising a non-jurisdictional dam and pond located in the SW 1/4 of the NE1/4 of the SE 1/4 of Section 35, T 4 N, R 57 W, 6th P.M. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458066; Easting: 608850. The maximum depth of the pond is 14 feet, the maximum surface area is 23 acres, and, the total capacity is 195 acre-feet. 3.4.2.2. Degenhart Pond: comprising a gravel pit located in the E 1/2 SW1/4 of Section 34, T 4 N, R 57 W, 6th P.M. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4457994; Easting: 606864.5. The maximum depth of the pond is 5 feet, the maximum surface area is 5 acres, and the total capacity is 13.83 acre-feet. 3.4.2.3. Kroskob (JW) Ponds: located in Section 36, T 4 N, R 57 W, 6th P.M. 804 feet from the South section line and 1699 feet from the East section line. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4457788; Easting: 610270.1. The maximum depth of the ponds is 9 feet, the maximum surface area is 28.7 acres, and the total capacity is 147.4 acre-feet. 3.4.2.4. Mortensen Pond: located in the SE 1/4 NW 1/4 of Section 32, T 4 N, R 56 W. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458555; Easting: 613119. 3.4.2.5. Larsen Pond: located in the NW1/4 SW1/4 of Section 33, T 4 N, R 56 W. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458260; Easting: 614118. 3.4.2.6. Hospital Road Pond: located in the W1/2 of the SW1/4 of Section 34, T 4 N, R 56 W. The maximum depth of the ponds is 12 feet, the maximum surface area is 6.5 acres, and the total capacity is 54 acre-feet. 3.4.2.7. Additional Recharge Ponds: The Company also may deliver water to any additional recharge ponds that may be added to the Company Augmentation Plan as decreed in Case No. 02CW401, District Court, Water Division No. 1 (“Company Augmentation Plan”). 3.5. Source: South Platte River. 3.6. Appropriation Date: December 14, 2010. 3.7. Amount: 3.7.1. Rate of Flow: 73.87 c.f.s., absolute; 160.3 c.f.s., conditional. 3.7.2. Volumetric Limitation: Average annual diversions shall not exceed 10,000 acre-feet over any consecutive period of ten water years. Diversions during free river conditions, or pursuant to a call, shall be accounted toward this volumetric limitation. 3.8. Use: Recharge and augmentation purposes as an additional source of replacement to replace depletions by wells that are located within the Company’s service area and that are covered by the Company Augmentation Plan. 3.9. The water right that is the subject of this application, as described in section 3, is hereafter referred to as the “Subject Water Right.” 3.10. A map depicting the decreed location of the Canal point of diversion as well as the locations of the recharge ponds is attached as **Exhibit No. 1**. 3.11. Integrated System: The Subject Water Right is part of the Company’s water supply system, an integrated system under § 37-92-301(4)(b), C.R.S. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. **4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and the application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** 4.1. During the diligence period, the Company has continued the development of its water supply system. Activities have included, among other things,

participation in numerous Water Court cases for purposes of protecting, maintaining, and developing the Company's water supply system. The Company incurred expenses associated with these activities during the diligence period. 4.2. During the diligence period, the Company demolished its diversion dam and headgate originally constructed after the 1965 flood and constructed a new diversion dam and headgate. Construction of the new dam and headgate began in July 2020 and was completed in April 2021. The Company incurred significant expenses associated with the demolition and reconstruction of its diversion dam and headgate. Because the Subject Water Right is diverted by the diversion dam and headgate, the demolition and reconstruction of the same constitute diligence in the development of the Subject Water Right. 4.3. During the diligence period, the Company obtained a loan from the CWCB to assist with funding of the demolition and reconstruction of its diversion dam and headgate. Since issuance of the loan, the Company continues to make payments to the CWCB in service of the loan. The Company's acquisition of the CWCB loan and payments to the same constitute diligence in the development of the Subject Water Right. 4.4. During the diligence period, the Company adjudicated Case No. 20CW3035 in which the Court approved the Company's request for a simple change in point of diversion pursuant to C.R.S. § 37-92-305(3.5), changing the decreed point of diversion for the Company's water rights, including the Subject Water Right, to the location of the reconstructed headgate identified in Section 3 above. Since the diversion of the Subject Water Right at the location of the new headgate is necessary for the operation of the Subject Water Right, the Company's efforts to change the point of diversion of the Subject Water Right constitutes diligence in the development of the Subject Water Right. The Company incurred expenses associated with these activities during the diligence period. 4.5. The Company is the owner of shares in the Jackson Lake Reservoir and Irrigation Company, the Riverside Reservoir and Land Company, and the Morgan-Prewitt Reservoir Company. During the diligence period, the Company paid substantial amounts in annual assessments to the Jackson Lake Reservoir and Irrigation Company, the Riverside Reservoir and Land Company, and the Morgan-Prewitt Reservoir Company. Said assessments have been used in part to fund annual operations and maintenance activities associated with the reservoir companies. Water diverted under these reservoir systems is subsequently delivered to the Company for use by its shareholders, either directly, or by recharge. Because the Subject Water Right is a component of the Company's integrated water supply system, the above activities constitute diligence in the development of the Subject Water Right. 4.6. During the diligence period, Applicant diverted water at the Canal's point of diversion into the Canal and Recharge Ponds. These diversions were made in priority under the Subject Water Right and applied to beneficial use in the Company's Augmentation Plan. **5. If claim to make absolute in whole or in part:** Throughout the diligence period, Applicant diverted water at the Canal's point of diversion into the Canal and Recharge Ponds and subsequently applied the water to beneficial use in accordance with the Company's Augmentation Plan. These diversions were made in priority, and at times, allocated to the Subject Water Right pursuant to the terms and conditions decreed in Case No. 10CW298. Specifically, on May 13, 2023, Applicant diverted 174.00 c.f.s. at the Canal's point of diversion, of which 82.75 c.f.s. can be attributed to the Subject Water Right. As a result, Applicant seeks to make a total of 82.75 c.f.s. absolute as to the Subject Water Right, representing an increase of 8.88 c.f.s. above the current absolute amount of 73.87 c.f.s. Applicant reserves the right to make additional amounts absolute in subsequent filings. A summary of the relevant diversions in May of 2023 is attached as **Exhibit No. 2.** **6. Names and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Although this application does not involve construction of any new diversion or storage structures, modification of any existing diversion or storage structures, or "storage" of water, the Company will provide notice of the Application to the following owners or reputed owners of the land upon which the diversion structure and recharge ponds involved herein are situated: 6.1. Upper Platte and Beaver Canal Headgate, Upper Platte and Beaver Canal Company, Steve Griffith, President, P.O. Box 205, Brush, CO 80723; 6.2. Clark Pond, Nicolas A Clark & Ryan H Clark Trust Dated March 18 2010, 22789 I 76 Frontage Rd., Fort Morgan, CO 80701-7221; 6.3. Degenhart Pond, Joel M. Degenhart, 21255 US Highway 34, Fort Morgan, CO 80701-7240; 6.4. Kroskob Pond, Wendy D Kroskob Living Trust Dated August 9 2023, 18181 County Road 24, Brush, CO 80723-

9770; 6.5. Mortensen Pond, Bradley & Cristi Mortensen, 26487 CO RD T, Brush, CO 80723; 6.6. Larsen Pond, Anna M Larsen Trust Dated May 14 2014, 18712 County Road 26, Brush, CO 80723-9773; 6.7. Hospital Road Pond, Upper Platte and Beaver Canal Company, Steve Griffith, President, P.O. Box 205, Brush, CO 80723. **WHEREFORE**, Applicant requests the Court to enter its decree and ruling as follows: A. To issue a finding that up to 82.75 c.f.s. of the Subject Water Right has been made absolute by reason of diversion in priority and application of the resulting water to decreed beneficial use in accordance with Case No. 10CW298 and the Company Augmentation Plan and a finding of reasonable diligence with respect to the remaining conditional amounts of the Subject Water Right; B. In the alternative, to make a finding of reasonable diligence with respect to the remaining conditional portion of the Subject Water Right decreed in Case No. 10CW298, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence; C. Any other ruling the Court deems appropriate in the above-captioned matter.

CASE NUMBER 2025CW3180 (92CW164; 02CW51; 11CW291; 19CW3068) **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 FINDINGS OF REASONABLE DILIGENCE, 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. 92CW164, Water Div. 1. **3. Names of Structures.** Dahlia Pit Reservoir a/k/a South Dahlia Pit Reservoir. Collectively, the water rights described in paragraph 4 are referred to as the Subject Water Rights. The locations of the Subject Water Rights are shown on the maps attached as Exhibit A and B. **4. Description of Subject Water Rights:** 4.1. Original Decree. March 11, 1996. Case No. 92CW164, District Court, Water Division 1. 4.2. Subsequent Decrees Awarding Findings of Diligence and Making Absolute in Part. Since the original decree entered on March 11, 1996, 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 December 1, 2005 in Case No. 02CW51, District Court, Water Division 1 (making absolute 1,230 acre-feet of the Dahlia Pit Reservoir Storage Right at a rate of 80 cfs from the Burlington Ditch); on April 2, 2013 in Case No. 11CW91, District Court, Water Division 1; and on November 19, 2019 in Case No. 19CW3068, District Court, Water Division 1. 4.3. Reservoir Storage Right: 4.3.1. Name of water right: Dahlia Pit Reservoir Storage Right a/k/a South Dahlia Pit Reservoir Storage Right. 4.3.2. Originally decreed location: The South Dahlia Pit Reservoir is a gravel pit reservoir located in the NE 1/4, the NW 1/4 of the SE 1/4, and the E 1/2 of the NE 1/4 of the SW 1/4 of Section 30, T. 2 S., R. 67 W., 6th P.M., Adams County. See Exhibit A. 4.3.2.1. Location of reservoir per Water Court form requirements: The center point of the South Dahlia Pit Reservoir is located in the SW 1/4 NE 1/4 of Section 30, T. 2 S., R. 67 W., 6th P.M., Adams County, approximately 1,864 feet from the North Section line and 1,399 feet from the East Section line. 4.3.3. Points of diversion: 4.3.3.1. 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. 4.3.3.2. South Dahlia Pit Reservoir Diversion Structure. Thornton will construct a new diversion facility at one of the following locations: 4.3.3.2.1. Thornton’s Proposed 88th Avenue South Platte Pump Station, Alternative 1: Near the point at which the South Platte River crosses the West section line of Section 30, T. 2 S., R. 67 W., 6th P.M., Adams County. 4.3.3.2.2. Thornton’s Proposed 88th Avenue South Platte Pump Station, Alternative 2: Near the point at which the South Platte River crosses the North section line of Section 30, T. 2 S., R. 67 W., 6th P.M., Adams County. 4.3.3.2.3. Thornton’s Proposed 88th Avenue South Platte Pump Station, Alternative 3: Near the point at which the South Platte River crosses from the SW 1/4 into the SE 1/4 of Section 19, T. 2 S., R. 67 W., 6th P.M.,

Adams County. 4.3.4. Source: The source of the water appropriated is the South Platte River and all streams tributary thereto above the points of diversion for the reservoir. 4.3.5. Appropriation Date: October 10, 1988. 4.3.6. Amount: 4,500 AF with the right to fill and refill. 4.3.6.1. 1,230 AF, absolute. 4.3.6.2. 3,270 AF, conditional. 4.3.7. Rate of Fill: 4.3.7.1. Diversion at the Burlington Ditch: 115 cfs. 4.3.7.1.1. 80 cfs, absolute. 4.3.7.1.2. 35 cfs, conditional. 4.3.7.2. Diversion at the South Dahlia Pit Reservoir Diversion Structure: 100 cfs, conditional. 4.3.8. Use: This water right is decreed for use, directly and 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. Thornton is allowed to fully consume such water used through its municipal system by direct use, storage and subsequent release, reuse, successive use, further exchange and disposition. Specifically, but not by way of limitation, Thornton is allowed to use the water stored in the South Dahlia Pit Reservoir pursuant to the conditional storage appropriation confirmed in Case No. 92CW164, or effluent generated from the use of such water, as substitute supply and to meet replacement and other obligations pursuant to the decree entered in Consolidated Case Nos. 86CW401, 86CW402, 86CW403 and 87CW332, Water Division 1 (the "Northern Project Decree"). Thornton is not allowed to use the water stored in the South Dahlia Pit Reservoir pursuant to the conditional storage appropriation in the decree in Case No. 92CW164, or effluent generated from the use of such water, as substitute supply in decreed exchanges or plans for augmentation which do not specifically identify the South Dahlia Pit Reservoir appropriation as a source of substitute supply. 4.4. Rights of Exchange: 4.4.1. Name of water right: South Dahlia Pit Exchanges, which include the South Dahlia Pit-River Exchange and the South Dahlia Pit-Burlington Ditch Exchange. See Exhibit B. 4.4.1.1. South Dahlia Pit-River Exchange. 4.4.1.1.1. Exchange-from Point. Substitute supplies will be released at rates up to 100 cfs from the South Dahlia Pit Reservoir Outlet to the South Platte River. The South Dahlia Pit Reservoir Outlet will be located near the point at which the South Platte River crosses from the SW 1/4 into the SE 1/4 of Section 19, T. 2 S., R. 67 W., 6th P.M., Adams County. 4.4.1.1.2. Exchange-to Points. Water will be diverted by exchange at any one or combination of the following points: 4.4.1.1.2.1. Croke Canal. The headgate of the Croke Canal is located on the north bank of Clear Creek in the NW 1/4, NE 1/4 of Section 26, T. 3 S., R. 70 W., 6th P.M., Jefferson County, Colorado, at a point which is approximately 2700 feet East and 250 feet South of the Northwest corner of said section. 4.4.1.1.2.1.1. Rate of diversion: 100 cfs. 4.4.1.1.2.1.2. Source: Clear Creek and its tributaries above this point of diversion. 4.4.1.1.2.2. Farmers' High Line Canal. The headgate of the Farmers' High Line Canal is located on the north bank of Clear Creek in the NW 1/4, SW 1/4 of Section 27, T. 3 S., R. 70 W., 6th P.M., Jefferson County, Colorado, at a point approximately 950 feet East and 1500 feet North of the Southwest corner of said section. 4.4.1.1.2.2.1. Rate of diversion: 100 cfs. 4.4.1.1.2.2.2. Source: Clear Creek and its tributaries. 4.4.1.1.2.3. Common Headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch. The common headgate of the Lower Clear Creek and Colorado Agricultural ditches is located on the north bank of Clear Creek in the SE 1/4 of Section 4, T. 3 S., R. 68 W., 6th P.M., Adams County, Colorado, at a point which is approximately 1400 feet West and 1200 feet North of the Southeast corner of said section. 4.4.1.1.2.3.1. Rate of diversion: 100 cfs. 4.4.1.1.2.3.2. Source: Clear Creek and its tributaries. 4.4.1.1.2.4. Burlington Ditch. See paragraph 4.3.3.1 above. 4.4.1.1.2.4.1. Rate of diversion: 100 cfs. 4.4.1.1.2.4.2. Source: South Platte River and its tributaries above this point of diversion. 4.4.1.2. South Dahlia Pit – Burlington Ditch Exchange. 4.4.1.2.1. Exchange-from Point. Substitute supplies will be released at rates up to 100 cfs from the South Dahlia Pit Reservoir to the Burlington Ditch at the Burlington Ditch Return Point. The Burlington Ditch Return Point will be located down-ditch from Thornton's municipal headgate(s) on the Burlington Ditch, at a point on the Burlington Ditch to be determined after consultation with the Burlington Ditch, Land and Reservoir Company. 4.4.1.2.2. Exchange-to Point(s). Water will be diverted by exchange at any one or combination of Thornton's municipal headgate(s) along the Burlington Ditch, all of which shall be located up-ditch from the Burlington Ditch Return Point; including Thornton's proposed diversion facility on the Burlington

Ditch, which will be located above (up-ditch of) the existing outfall to the Burlington Ditch from the Denver Water Board's Metro Pump Station (near the point where Burlington Ditch crosses Sand Creek), and Thornton's existing municipal headgate on the Burlington Ditch located in Section 31, T. 2 S., R. 67 W., 6th P.M., Adams County, Colorado. 4.4.1.2.2.1. Rate of diversion: 100 cfs. 4.4.1.2.2.2. Source: South Platte River water previously diverted into the Burlington Ditch. 4.4.2. Appropriation Date: October 10, 1988. 4.4.3. Exchange Rate: 4.4.3.1. South Dahlia Pit-River Exchange: 100 cfs, conditional. 4.4.3.2. South Dahlia Pit-Burlington Ditch Exchange: 100 cfs, conditional. 4.4.4. Use. The water diverted pursuant to the South Dahlia Pit Exchanges will be put to the same uses as described in Paragraph 4.3.8 above. Thornton is allowed to fully consume such water used through its municipal system to the same extent as allowed for the waters released as substitute supply. 4.4.5. Places of storage of exchanged water. The names and locations of the reservoirs in which Thornton may store the water exchanged are listed below. 4.4.5.1. Standley Lake: located in Sections 16, 17, 20, 21, 22, 27, 28, and 29, T. 2 S., R. 69 W., 6th P.M., Jefferson County. 4.4.5.2. Croke Reservoir No. 12: located in the South 1/2 of Section 15, T. 2 S., R. 68 W., 6th P.M., Adams County. 4.4.5.3. Eastlake Reservoirs 1, 2 and 3: located in Sections 25, 35 and 36, T. 1 S., R. 68 W., 6th P.M., Adams County. 4.4.5.4. Brannan Lake: located in the Southwest 1/4 of Section 35, T. 2 S., R. 68 W., 6th P.M., Adams County. 4.4.5.5. West Gravel Lakes: located just West of the South Platte River in Sections 25 and 36, T. 2 S., R. 68 W., and Section 30, T. 2 S., R. 67 W., 6th P.M., Adams County. 4.4.5.6. East Gravel Lakes: (a/k/a Tani Lakes) located adjacent to the east bank of the South Platte River, in Sections 25 and 36, T. 2 S., R. 68 W., and Sections 30 and 31, T. 2 S., R. 67 W., 6th P.M., Adams County. 4.4.6. Substitute supply. The water stored in the South Dahlia Pit Reservoir for release in this exchange will be derived from the following sources: 1) Water appropriated by Thornton for storage in the South Dahlia Pit Reservoir, as described in Paragraph 4.3, above; 2) Other previously decreed water rights owned by Thornton, and; 3) Effluent generated by the exercise of any of Thornton's water rights which it owned as of October 10, 1988, and which have been decreed to be fully consumable. 5. 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 April 18, 2019 (the date the last diligence application was filed) through November 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. 5.1. 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. Thornton incurred over \$111,923,860.00 in total costs, which include the following: 5.1.1. Ditch Company Assessments: Thornton paid assessments of approximately \$1,479,583 for its share ownership in the Burlington Ditch and Reservoir Company (Burlington), Farmers Reservoir and Irrigation Company (FRICO) Standley Lake Division, Lower Clear Creek Ditch Company (LCC), Colorado Agricultural Ditch Company (COAg), and Farmers High Line Canal (FHL). 5.1.2. LCC and COAg Carriage and Maintenance Agreement: Under a carriage and maintenance agreement with the LCC and COAg, Thornton paid approximately \$126,580 for its share of operating expenses. 5.1.3. FHL Carriage Agreement: Under a carriage agreement with FHL, Thornton paid approximately \$1,340 for the right to use excess capacity in the ditch. 5.1.4. Henrylyn Maintenance Payment: Payments were made annually to the Henrylyn Reservoir and Irrigation District totaling \$35,000 to meet Thornton's commitments under its agreements with the District. 5.1.5. Standley Lake Operating Committee: As a member of the Standley Lake Operating Committee, Thornton is responsible for a third of operating and maintenance costs involving Standley Lake. During the relevant diligence period Thornton paid approximately \$702,475. 5.1.6. Burlington Canal Diversion: Thornton spent over \$2.2 million to repair and replace components from the diversion facility from the Burlington Ditch into South Tani Reservoir. This included items such as the physical diversion

structure, measurement devices, mag meters, and traveling screens. 5.1.7. Lower Clear Creek Ditch Structures: In order to upgrade flow measurement devices, Thornton spent approximately \$985,600 on the design and construction of diversion structures off the LCC into Brannan Lakes and West Gravel Lakes. 5.1.8. Standley Lake Spillway and Pipeline Rehabilitation and Replacement: Thornton spent over \$3.1 million on projects including rebuilding the “T” in the pipeline bifurcation, repairing a meter vault and valve, installing four new manways, completing cathodic protection, spillway repairs and security assessments. 5.1.9. Treatment Infrastructure Improvements: The Subject Water Rights can be treated at Wes Brown Water Treatment Plant and Thornton Water Treatment Plant prior to being distributed to Thornton customers. During the diligence period, Thornton completed construction of the new Thornton Water Treatment Plant and implemented several other projects at the plants, including installation of new technologies, membrane replacement, tank repairs, clarifier rehabilitation, 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 over \$97,811,000 on all these projects. 5.1.10. Planning: Thornton spent \$80,600 on drought management planning and water supply modeling during the diligence period. 5.1.11. Water Quality Monitoring: During the relevant diligence period, Thornton spent approximately \$2,432,630 on water quality monitoring and sampling of the gravel lakes and ditches associated with the Subject Water Rights, as well as PFAS studies and treatment. 5.1.12. Gravel Lakes: Thornton spent approximately \$1.9 million on reservoir planning, 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. 5.1.13. 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. 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 totaled approximately \$1 million. 6. 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: 6.1. South Dahlia Pit Reservoir and South Dahlia Pit Reservoir Outlet: Applicant. 6.2. Burlington Ditch: Burlington Ditch Reservoir and Land Company, 80 South 27th Street, Brighton, Colorado 80601. 6.3. Thornton’s Proposed 88th Avenue South Platte Pump Station, Alternative 1: Applicant. 6.4. Thornton’s Proposed 88th Avenue South Platte Pump Station, Alternative 2: Applicant. 6.5. Thornton’s Proposed 88th Avenue South Platte Pump Station, Alternative 3: Adams County, 4430 South Adams County Parkway, Brighton, Colorado 80601. 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; and 3) for such other and further relief as this Court deems just and proper. (10 pages and exhibit A&B)

CASE NUMBER 2025CW3181 RAYTHEON COMPANY (“Applicant”). 1. Name, Address, Telephone Number and Email Address of Applicant. Raytheon Company Attn: Kristen Sherman, 4 Farm Springs Road, MS 1-1-AB18, Farmington, CT 06032, Telephone: (860) 654-5813, email: kristen.sherman@rtx.com. Please forward all pleadings and correspondence to Applicant’s counsel: William H. Caile, Holland & Hart LLP, 555 17th Street, Suite 3200, Denver CO 80202; telephone: (303) 295-8000; email: whcaile@hollandhart.com. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION INCLUDING WATER EXCHANGE PROJECT IN BOULDER COUNTY.** 2. **Overview.** Applicant is conducting a groundwater remediation project on the site of a former industrial facility located near Highway 36 north of Boulder. In connection with this project, groundwater will be pumped from unconsolidated deposits overlying the Niobrara Shale for the purpose of drying up two seeps (“Seep 1” and “Seep 2” aka Outfall 002A and Outfall 003A, respectively) located a short distance

downgradient from Applicant's property. See generally the area map attached hereto as Exhibit 1. Five existing monitoring wells will be re-permitted as recovery wells, and additional wells may be added as needed to eliminate groundwater flow from the seeps. The subject wells are being installed and operated in accordance with a Corrective Action Plan approved by the Colorado Department of Public Health and Environment ("CDPHE") Solid and Hazardous Waste Division and a Seep Management Plan approved by CDPHE's Water Quality Control Division, COD007068646 and IC-251007-1, respectively. The extracted groundwater will be delivered to a water treatment facility onsite. Following treatment, the treated groundwater will be delivered to an outfall (Outfall 001A) located upgradient from the existing wells and Seeps 1 and 2. Outfall 001A will deliver the treated groundwater to an unnamed drainage ("Unnamed Drainage" or "UND"). The UND travels from west to east, through a culvert under Highway 36, past the existing wells and the seeps, and is tributary to Lefthand Reservoir. With the Application herein, Applicant is seeking approval of an augmentation plan, including if needed a water exchange project, in order to replace any out of priority depletions to the stream system caused by the very small amounts of water consumed in the treatment process.

3. Structures to be Augmented. A. Existing Monitoring Wells (to be converted to Recovery Wells). These structures are not decreed: i. TMW-120 (1) Current Permit No. 340098 (2) Location: NW 1/4 NW1/4 of Section 31, Township 2 North, Range 70 West of the 6th P.M., at a distance of 995 feet from the North Section Line and 113 feet from the West Section Line of said Section 31, Boulder County. Also described as UTM East 475988, North 4438752. See location map on file with the Court as Exhibit 2. (3) Amount: Total combined diversions from all wells are not expected to exceed 25 gallons per minute (gpm). Rates of Pumping from individual wells may vary. The estimated total amount of water to be produced from all wells is an estimated maximum annual volume of 2,650,000 gallons (8.13 acre-feet), with an estimated annual average volume of 795,000 gallons (2.44 acre-feet). (4) Approximate Depth of Well: 24 feet. (5) Source: Groundwater tributary to Dry Creek, tributary to St. Vrain Creek, tributary to the South Platte River. (6) Use: Groundwater remediation and augmentation purposes. ii. TMW-124. (1) Current Permit No. 340102 (2) Location: NW 1/4 NW1/4 of Section 31, Township 2 North, Range 70 West of the 6th P.M., at a distance of 982 feet from the North Section Line and 121 feet from the West Section Line of said Section 31, Boulder County. Also described as UTM East 475991, North 4438757. See Exhibit 2. (3) Amount. See paragraph 3.A.i(3), above. (4) Approximate Depth: 24 feet. (5) Source: Groundwater tributary to Dry Creek, tributary to St. Vrain Creek, tributary to the South Platte River. (6) Use: Groundwater remediation and augmentation purposes. iii. TMW-125 (1) Current Permit No. 340103. (2) Location: NW 1/4 NW1/4 of Section 31, Township 2 North, Range 70 West of the 6th P.M., at a distance of 975 feet from the North Section Line and 123 feet from the West Section Line of said Section 31, Boulder County. Also described as UTM East 476004, North 4438770. See Exhibit 2. (3) Amount. See paragraph 3.A.i(3), above. (4) Approximate Depth: 22 feet. (5) Source: Groundwater tributary to Dry Creek, tributary to St. Vrain Creek, tributary to the South Platte River. (6) Use: Groundwater remediation and augmentation purposes. iv. TMW-128 (1) Current Permit No. 340106. (2) Location: NW 1/4 NW1/4 of Section 31, Township 2 North, Range 70 West of the 6th P.M., at a distance of 915 feet from the North Section Line and 176 feet from the West Section Line of said Section 31, Boulder County. Also described as UTM East 476008, North 4438775. See Exhibit 2. (3) Amount. See paragraph 3.A.i(3), above. (4) Approximate Depth: 23 feet. (5) Source: Groundwater tributary to Dry Creek, tributary to St. Vrain Creek, tributary to the South Platte River. (6) Use: Groundwater remediation and augmentation purposes. v. HCA-17. (1) Current Permit No. 192749. (2) Location: NW 1/4 NW1/4 of Section 31, Township 2 North, Range 70 West of the 6th P.M., at a distance of 1,095 feet from the North Section Line and 150 feet from the West Section Line of said Section 31, Boulder County. Also described as UTM East 475999.1, North 4438720. See Exhibit 2. (3) Amount. See paragraph 3.A.i(3), above. (4) Approximate Depth: 16.8 feet. (5) Source: Groundwater tributary to Dry Creek, tributary to St. Vrain Creek, tributary to the South Platte River. (6) Use: Groundwater remediation and augmentation purposes. B. Additional Recovery Wells. Applicant may add additional recovery wells to this plan as needed to achieve project purposes, and upon such procedures, terms, and conditions as may be approved by the Court in the proceeding herein. Any such additional recovery wells will be located within the Project Area in the NW 1/4 NW 1/4 of Section 31, Township 2 North, Range 70 West of the 6th P.M. and the NE 1/4 NE 1/4 of Section 36, Township 2 North, Range 71

West of the 6th P.M., Boulder County, as depicted on Exhibit 3 on file with the Water Court. 4. Location of Seeps and Outfall. A. Seep 1 is located by the following coordinates: UTM East 476014.1, North 4438650. See Exhibit 2. B. Seep 2 is located by the following coordinates: UTM East 476048.6, North 4438783. See Exhibit 2. C. Outfall 001A is located by the following coordinates: UTM East 475911.2, North 4438773. See Exhibit 2. 5. Augmentation Water Supply. Applicant may use the following sources of augmentation water for replacement of any out-of-priority depletions in this plan: A. Potable water supplied from an onsite domestic water tap served by the Lefthand Water District. B. Trucked Water. If the potable water described in paragraph 5.A above is not legally or physically available, Applicant may truck water to the site as needed to replace out of priority depletions in the time, location, and amount necessary to prevent injury. C. Additional or Alternative Sources of Augmentation Water. Applicant may seek to add additional or alternative sources of augmentation water to the plan for augmentation claimed herein, including as allowed under C.R.S. § 37-92-305(8), upon such procedures, terms, and conditions as may be approved by the Court. 6. Complete Statement of Plan for Augmentation. A. Groundwater will be pumped from recovery wells and delivered through a pipeline to an onsite water treatment facility. The treatment facility is expected to be a closed system such that the only losses will be through evaporation from air sparging and granular carbon filter change outs. Water usage and consumption will be metered and accounted for. B. Annual consumptive losses are estimated to be 3,550 gallons (approximately 300 gallons per month). C. Replacement water will be delivered to the Unnamed Drainage in the location, timing and amounts necessary to prevent injury to vested water rights or decreed conditional water rights. C.R.S. § 37-92-305(3)(a). Water is anticipated to be delivered to the UND through the existing Outfall 001A. Applicant may aggregate augmentation water deliveries as allowed by any decree entered herein and as determined by the Division Engineer. 7. Water Exchange Project. As described above, any out-of-priority depletions associated with the operation of the subject recovery wells will be replaced by delivery of augmentation water to the Unnamed Drainage through Outfall 001A. Because the anticipated location of replacement water delivery is upstream of the subject wells, replacement will be direct to the point of depletion and no exchange will be required. In the event that depletions from the recovery wells impact the UND at a location upstream from the location where replacement water is delivered to the UND and such that an exchange is required, however, then Applicant requests approval of a water exchange project (“WEP”). The WEP is described as follows: A. Out-of-priority diversions subject to the WEP: Depletions resulting from operation of the recovery wells described in paragraph 3 above, as operated pursuant to the augmentation plan described in paragraph 6. B. WEP augmentation/exchange sources: The augmentation water supplies described in paragraph 5 above. C. The WEP will be operated as a component of the augmentation plan described herein, and depletions and replacements will be measured and accounted for as required by any final decree herein. D. Source: Unnamed Drainage, tributary to Dry Creek, tributary to St. Vrain Creek, tributary to the South Platte River. E. Rate and Volume: Rate of exchange will not exceed 25 g.p.m. (the total combined pumping rate of the recovery wells), CONDITIONAL, and the annual volume is not expected to exceed 3,550 gallons annually (approximately 300 gallons per month). F. Appropriation: i. Appropriation date: November 26, 2025. ii. How appropriation was initiated: By forming the intent to appropriate coupled with overt acts sufficient to put interested parties on notice, including without limitation the filing of the Application herein. iii. Date applied to beneficial use: N/A. G. Use: Groundwater remediation and augmentation purposes. 8. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored. A. Applicant or its affiliates. B. City of Boulder Open Space and Mountain Parks; 2520 55th Street, Boulder, CO 80301. Wherefore, Applicant requests that the Court enter a judgment and decree in this matter approving the operation of the herein described augmentation plan, including exchange plan, and for such other relief as the Court deems just and appropriate.

CASE NUMBER 2025CW3182 (18CW3173, 10CW290) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632, (970) 475-2507. IN THE MATTER OF PINWOOD SPRINGS WATER DISTRICT, IN

LARIMER COUNTY, COLORADO. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE. 1. Name, Address, Telephone Number, and Email Address of Applicant: Pinewood Springs Water District (“Applicant” or “Pinewood”), c/o Gabriele Benson, 183 Cree Court, Lyons, Colorado 80540-8118, Telephone: (303) 823-5345, Email: pswdadmin@att.net Direct All Pleadings to: Bushong & Holleman PC, Attn: P. Fritz Holleman & Cassidy L. Woodard, 1966 13th Street, Suite 270, Boulder, CO 80302, fholleman@BH-lawyers.com; cwoodard@BH-lawyers.com 2. Description of Conditional Water Right: 2.1. Name: Pinewood Springs Water District Reservoir Exchange (the “Exchange”), 2.2. Prior decrees: The Exchange was originally decreed in the District Court in and for Water Division No. 1, State of Colorado (“Water Court”), in Case No. 10CW290 on October 1, 2012. In Water Court Case No. 18CW3173, decreed on November 13, 2019, the Exchange was made absolute in part with findings of reasonable diligence entered on the remaining conditional portion, 2.3. Legal descriptions of exchange reaches and points of substitution and exchange: Pursuant to §§ 37-80-120, 37-83-104 and 37-92-302(1)(a), C.R.S., Pinewood adjudicated an appropriate right of substitution and exchange on the Little Thompson River and unnamed tributaries of the Little Thompson River, whereby water available to Pinewood at the headgate of the Culver Lateral Ditch or from Culver Reservoir will be left in or delivered to the Little Thompson River and an equivalent amount of water will be diverted from the Little Thompson River or unnamed tributaries of the Little Thompson River into reservoirs owned by Pinewood. The points of introduction of substitute supply (exchange from points) and the points of diversion by exchange (exchange to points) are as follows (see **Exhibit A**): 2.3.1. Points of introduction of substitute supply (exchange-from points): 2.3.1.1. Culver Lateral Ditch: The headgate of the Culver Lateral Ditch is located on the North bank of the Little Thompson River at a point in the NE1/4 of the NW1/4, Section 2, Township 3 North, Range 70 West of the 6th P.M., Larimer County, Colorado, whence the NW corner of said section bears North 54 degrees 4 minutes West, a distance of 1,420 feet, 2.3.1.2. Culver Reservoir (a/k/a Blue Mountain Reservoir): Culver Reservoir is located in the SE1/4 of Section 31, Township 4 North, Range 69 West of the 6th P.M., Larimer County, Colorado, 2.3.2. Points of diversion by exchange (exchange-to points): 2.3.2.1. Pinewood Springs Collection Gallery: located on the Little Thompson River in the SE1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado, whence the north quarter corner, Section 28 bears North 42 degrees 46 minutes 43 seconds East, 1,943.68 feet. Water diverted by exchange at this location will be conveyed by pipelines to Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, Pinewood Springs Reservoir and/or Maure Hollow Reservoir for storage and subsequent beneficial use, 2.3.2.2. Crescent Lake/Powelson Reservoir Diversion Point: located on the Little Thompson River in the NW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado, approximately 700 feet East of the West line of the NW1/4 of the NE1/4 and 200 feet North of the South line of the NW1/4 of the NE1/4 of said Section 28. Water diverted by exchange at this location will be conveyed by pipeline to Crescent Lake/Powelson Reservoir for storage and subsequent beneficial use, 2.3.2.3. Crow Lane Reservoir No. 1: Crow Lane Reservoir No. 1 will be located on an unnamed tributary of the Little Thompson River, in the SE1/4 of the SE1/4 of Section 29, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 50 feet North of the South line of said Section 29, 2.3.2.4. Crow Lane Reservoir No. 2: Crow Lane Reservoir No. 2 will be located on an unnamed tributary of the Little Thompson River, in the NE1/4 of the NE1/4 of Section 32, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 250 feet West of the East line and 750 feet South of the North line of said Section 32, 2.3.2.5. Pinewood Springs Reservoir: Pinewood Springs Reservoir will be located on an unnamed tributary of the Little Thompson River, in the NW1/4 of the SW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The northwest abutment of the dam will be located at or near a point which bears North 33 degrees 40 minutes East a distance of 575 feet from the southwest corner of the N1/2 of the SW1/4 of said Section 28, 2.3.2.6. Maure Hollow Reservoir: Maure Hollow Reservoir will be located on Maure Hollow, a tributary of the Little Thompson River, in the NW1/4 of the NW1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 1200 feet East of the West line and 1100 feet South of the North line of said

Section 28, 2.3.2.7. Crescent Lake/Powelson Reservoir: Crescent Lake/Powelson Reservoir will be located on an unnamed tributary of the Little Thompson River, in the SW1/4 of the NE1/4 of Section 28, Township 4 North, Range 71 West of the 6th P.M., Larimer County, Colorado. The center of the dam will be located approximately 350 feet East of the West line of the SW1/4 of the NE1/4 and 450 feet South of the North Line of the SW1/4 of the NE1/4 of said Section 28, 2.4. Water and water rights to be used for substitution and exchange supply: 2.4.1. Fully consumable water available to Pinewood from its seven (7) shares of stock of the Culver Irrigation Company, a mutual ditch company with 150 outstanding shares of stock. The historical consumptive use associated with Pinewood's seven (7) Culver Irrigation Company shares was quantified by the decree entered in Water Court Case No. W-8001-75 on February 24, 1976. The water rights represented by shares of Culver Irrigation Company stock were originally decreed out of the Little Thompson River by the Boulder County District Court on May 28, 1883, for 19.5 cfs with an appropriation date of April 15, 1867, and for 19.5 cfs with an appropriation date of April 30, 1875, 2.4.2. Colorado-Big Thompson Project water owned and/or leased by Pinewood. The Colorado-Big Thompson Project is operated by the Northern Colorado Water Conservancy District, 2.5. Source of water to be diverted by exchange: The source of water to be diverted by exchange is the Little Thompson River and the unnamed tributaries of the Little Thompson River on which the reservoirs described in Paragraph 2.3.2 above are or will be located, 2.6. Appropriation Date: December 9, 2010., 2.7. Amount: 1 cfs total, of which 0.5 cfs is absolute and 0.5 cfs remains conditional, 2.8. Uses: Municipal uses within the Pinewood Springs Subdivision including, but not limited to, domestic, recreational, fish and wildlife preservation and propagation, augmentation, replacement, and exchange, with the right to use and reuse to extinction for one or a combination of the municipal uses described herein. Water diverted under this decree may be used for augmentation, replacement, and exchange in Pinewood's existing plan for augmentation originally decreed in Case No. W-8001(75) and amended in Case No. 79CW331, including the exchanges confirmed in Case No. 95CW285 and in plans for augmentation and exchange approved in subsequent decrees, 2.9. Reuse: As decreed in Case No. 10CW290, Applicant may fully consume the water diverted by substitution and exchange by direct use, storage, and subsequent use, reuse, and successive use, to the extent Applicant has such right to fully consume the water provided as a substitute supply hereunder, 2.10. C-BT Water: Applicant shall not use Colorado Big-Thompson Project water for augmentation in a permanent plan for augmentation without prior written approval by the Northern Colorado Water Conservancy District. 3. Request for Findings of Reasonable Diligence: Pinewood requests findings that it has exercised reasonable diligence in the development of all remaining conditional portions of the Exchange, as described in Paragraph 2 above, and that said conditional portions continue in full force and effect. 4. Diligence Activities: Applicant provides water service to 300 residences and two businesses in the Pinewood Springs Subdivision in rural Larimer County, Colorado. The Exchange utilizes structures that are part of Applicant's integrated water system that is used to provide water service to its customers. "When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." C.R.S. § 37-92-301(4)(b). During the diligence period, Applicant has undertaken the following specific activities that demonstrate it has exercised reasonable diligence in the development of the remaining conditional portions of the Exchange: 4.1. Applicant utilizes Crow Lane Reservoir No. 1, which is an exchange-to point for the Exchange, and it has stored water to its current capacity in 2023. The cost of maintenance per year is approximately \$6,300 for a total of approximately \$37,800 spent during the six-year diligence period for weed upkeep, chemicals, electricity for the aeration system, labor, and other maintenance, 4.2. In 2021, Applicant began refurbishing its outdated storage tanks that are used as part of Applicant's integrated water system. A 100,000-gallon tank was refurbished for a total cost of over \$127,000. In 2022, another 100,000-gallon tank was refurbished at a total cost of over \$107,000. In 2023, a 20,000-gallon underground tank was cleaned and refurbished for over \$29,000. During the diligence period, this amounts to a total spent of more than \$263., 4.3. In May 2025, Applicant hired Gina Burke at Jehn Water Consultants, Inc., as a water resource consulting engineer. Ms. Burke reviewed and revised Applicant's water rights accounting and will continue to complete accounting on behalf of Applicant. Ms. Burke was also brought in to assist Applicant's staff in the management of its water rights portfolio and

with future water rights planning and modeling, as needed. Total expenditures to date on this water rights engineering consist of more than \$6,400., 4.4. During the diligence period, Applicant hired Wolf Compliance Consulting to assist with operations and lead Applicant through various water treatment plant upgrades, 4.5. Significant parts of Applicant's infrastructure and surroundings were damaged in the September 2013 floods. In September 2023, Applicant submitted additional grants requesting funds to conduct additional repairs on aging water lines and to replace aging equipment, and Applicant is in the process of completing the first of five phases of this work throughout the Pinewood Springs Subdivision. The work involves replacing service lines and installing new meters, 4.6. During the diligence period, two new water taps were added to the water system operated by Applicant. Additionally, construction is in progress on one new home for which water taps have been or will be obtained and plans for one additional home have been submitted for approvals from Larimer County for future connection to Applicant's water system, 4.7. In Water Court Case No. 23CW3127, decreed on April 12, 2024, Applicant obtained findings of reasonable diligence on the remaining conditional water storage rights decreed to Maure Hollow Reservoir, Crescent Lake/Powelson Reservoir, Crow Lane Reservoir No. 1, Crow Lane Reservoir No. 2, and Pinewood Springs Reservoir. The Exchange utilizes these structures as exchange-to points. 5. Land ownership: 5.1. Culver Irrigation Company, P.O. Box 119, Longmont, CO 80502, 5.2. Crow Lane Reservoir No. 1: 5.2.1. Applicant; 5.2.2. Little Elk Meadows Trust, 12307 E. Highway 36, Lyons, CO 80540-8140; and 5.2.3. Edward T. Buckingham IV and Erin M Buckingham, 26626 E. Peakview Dr., Aurora, CO 80016-6108, 5.3. Crow Lane Reservoir No. 2: 5.3.1. Applicant; 5.3.2. Daniel M. and Holly M. Grotke, 15 Estes Park Estates Dr., Lyons Co 80540; 5.3.3. Omer Yousafzai, 6853 Leader Street, Houston, TX 77074-4915; and 5.3.4. Susan A. Painter, 12309 N. Saint Vrain Drive, Lyons, CO 80540-8140, 5.4. Pinewood Springs Reservoir: Lawrence R. and Kathleen M. Kemmer, 532 Kiowa Road, Lyons, CO 80540-8207, 5.5. Maure Hollow Reservoir: United States Department of the Interior, Bureau of Land Management, P.O. Box 25047, Denver, CO 80225-0047, 5.6. Pinewood Springs Collection Gallery: Applicant, 5.7. Crescent Lake/Powelson Reservoir: Pinewood Springs Property Owners Association, 61 Kiowa Road, Lyons, CO 80540, 5.8. Crescent Lake/Powelson Reservoir Diversion Point: 5.8.1. Donna M. Hughes Trust, 1001 W. Madison Street, Apt. 209, Chicago, IL 60607-2071; and 5.8.2. Sharyn A. Glassgow, 905 69th Street, Boulder, CO 80303-3103. WHEREFORE, the Applicant respectfully requests that the court enter an order (1) granting Applicant's request for findings of reasonable diligence for all remaining conditional portions of the Exchange as described in Paragraph 3 above and continuing said conditional rights in full force and effect; and (2) granting such other and further relief as deemed appropriate. (8 pages + Exhibit)

CASE NUMBER 2025CW3183 (2015CW3178) APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. IN ADAMS AND WELD COUNTIES. 1. Applicant: Tri-State Generation and Transmission Association, Inc., c/o Thomas Kennedy, 1100 W. 116th Ave., Westminster, CO 80234, 303-254-3161. All correspondence and pleadings should be sent to undersigned counsel for the Applicants: Roger T. Williams, Tri-State Generation and Transmission Association, Inc., 1100 W. 116th Ave., Westminster, CO 80234, 303-968-0277, roger.williams@tristategt.org. Name of Structures: A. Perry Pit Right: a) Perry Pit East Reservoir; b) Well No. 1; c) Well No. 2; d) Well No. 3. B. Exchange Right: a) Fort Lupton Augmentation Station; b) Fulton Ditch Headgate; c) Holton Lake Pipeline No. 2; d) Holton Lake Reservoir No. 1; e) United Augmentation Station; f) South Adams "Headgate" Augmentation Station; g) other augmentation stations decreed in Case No. 15CW3178. 3. Description of Conditional Water Right: A. Date of Original Decree, Case No. and Court: November 5, 2019, Case No. 2015CW3178, Water Court, Division No. 1. Subsequent decrees: None. C. Legal Descriptions: Perry Pit Right: a) Perry Pit East Reservoir: Located in the NE1/4 of Section 25, T.1N., R.67W. of the 6th P.M., and the NW1/4 of Section 30, T.1N., R.66W. of the 6th P.M., Weld County, Colorado. The approximate centroid of the Perry Pit East Reservoir is in Section 25, T.1N., R.67W. of the 6th P.M., at a point 862 feet from the north section line and 78 feet from the east section line of said Section 25. b) Well No. 1 (Permit No. 62953-F): West bank of the South Platte River in the NW1/4 NW1/4 of Section 30, T.1N., R.66W. of the 6th P.M., Weld County, Colorado, approximately 120 feet from the north line and 975 feet from the west line of said section; the point at which depletions

from well pumping impact the South Platte River is located 1060 feet from the west section line, 20 feet from the north section line. c) Well No. 2 (Permit No. 62954-F): West bank of the South Platte River in the NW1/4 NW1/4 of Section 30, T.1N., R.66W. of the 6th P.M., Weld County, Colorado, approximately 445 feet from the north line and 1040 feet from the west line of said section; the point at which depletions from well pumping impact the South Platte River is located 1165 feet from the west section line, 360 feet from the north section line. d) Well No. 3 (Permit No. 62955-F): West bank of the South Platte River in the NW1/4 NW1/4 of Section 30, T.1N., R.66W. of the 6th P.M., Weld County, Colorado, approximately 710 feet from the north line and 920 feet from the west line of said section; the point at which depletions from well pumping impact the South Platte River is located 955 feet from the west section line, 700 feet from the north section line. Exchange Right: Applicant will operate an exchange from the outfall of the Fort Lupton Augmentation Station (the exchange-from point) to the Fulton Ditch Headgate and/or to the headgate for Holton Lake Pipeline No. 2 (the exchange-to points). Water may be diverted, and out-of-priority depletions may be augmented by exchange by augmentation stations described here: a) Fort Lupton Augmentation Station, located at the 72" storm sewer outfall at a headwall in SW1/4 SE1/4 of Section 31, T.2N., R.66W., 6th P.M., a distance of approximately 1,320 feet from the south section line and 1,720 feet from the east section line, Weld County. b) Fulton Ditch Headgate, located in the NE1/4 NE1/4 SE1/4 of Section 17, T.2S., R.67W., 6th P.M., Adams County, Colorado, pursuant to the decree in Case No. 12CW180, District Court in and for Water Division No. 1. The original decree described the point of diversion as being near section 9, between sections 16 and 17, T.2S., R.67W., 6th P.M. c) Holton Lake Pipeline No. 2/Holton Lake Reservoir No. 1- the surface diversion point for Holton Lake Reservoir No. 1 at the headgate for Holton Lake Pipeline No. 2, which has not been constructed, that will divert surface water from the South Platte River on the East bank of the South Platte River at a point in the NW1/4 of the NW 1/4 of Section 7, T.1N., R.66W., 6th P.M., approximately 520 feet from the north section line and 1100 feet from the west section line of the NW 1/4 of said Section 7, Weld County, Colorado. d) United Augmentation Station- located in the SE1/4 of the NE1/4 of Section 17, Township 1 North, Range 66 West of the 6th P.M., the outfall of which will be located in the NE1/4 of the NW 1/4 of Section 18, Township 1 North, Range 66 West of the 6th P.M. e) South Adams "Headgate" Augmentation Station, located in the NW1/4 of Section 16, T.2S., R.67W. of the 6th P.M., at or up ditch from 104th Avenue, to release water to the South Platte River near the east section line of Section 17, T.2S., R.67W. of the 6th P.M. f) Any other augmentation station identified in Section 10.E of the Decree in Case No. 15CW3178, provided that Applicant must first have an agreement with, or the consent of, the owner of the augmentation stations identified above or identified in Section 10. D. Source of water: a) Perry Pit Right: groundwater tributary to the South Platte River; b) Exchange Right: Applicant's changed Fulton shares, and diversions into Perry Pit East Reservoir. E. Appropriated Date and Amount: a) Perry Pit Right: June 29, 2018, 4.82 cfs (up to 2.23 cfs per well) 500 acre-feet plus one refill for 200 acre-feet. b) Exchange Right: December 30, 2015, Up to 4.82 cfs; up to 845.6 AF/yr and 6,418.9 AF in any consecutive 10-year period. F. Use: Perry Pit Right: augmentation of out-of-priority depletions and replacement of return flows under the augmentation plan decreed in 2015CW3178. Exchange Right: after storage, exchanged water will be used for augmentation of out-of-priority depletions and replacement of non-irrigation season irrigation return flows.

4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: Applicant incurred over \$19,000 in expenses over the diligence period for services relating to the conditional water rights, including meetings and drafting of agreements necessary for operation of the Perry Pit Right and the Exchange Right. Applicant incurred over \$87,000 in engineering fees during the diligence period for planning for operations under the decree and its terms and conditions; creating and maintaining supply-demand modeling; negotiation support use of third party augmentation and storage facilities; maintaining water rights accounting and projection forms; evaluating water rights issues related to stormwater management; evaluating lease requests; and assistance on dry-up reporting. Applicant also employs legal and engineering personnel who coordinated and worked substantially on issues relating to the subject water rights during the diligence period, however, Applicant does not allocate or track those expenses to individual projects. **5. If claim to make absolute in whole or**

in part: N/A. **6. If actual location of the structure is different from the location in paragraph 3.C. above:** N/A. **7. Names and addresses of owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Holton Family LLC, 12032 Hwy 52, Fort Lupton, CO 80621. CAW Equities, LLC, 8301 East Prentice Ave, Suite 100, Greenwood Village, CO 80111. **Remarks or any other pertinent information:** Applicant seeks a decree confirming it has been reasonably diligent in the development of its conditional water rights for all purposes, and the rights should be continued in full force and effect in the flows and amounts identified above. *Attachments filed with Application.*

CASE NUMBER 2025CW3184 (1994CW063, 2010CW132 and 2019CW3102), **CITY OF CENTRAL**, c/o Daniel Miera, City Manager, 141 Nevada Street, Central City, CO 80427, (303) 582-5251. Direct all pleadings to Andrea L. Benson, Esq. and Gilbert Y. Marchand, Jr., Esq., Alperstein & Covell, P.C., 2299 Pearl Street, Suite 400-C, Boulder, CO 80302, Phone: (303) 894-8191, emails: alb@alpersteincovell.com, gym@alpersteincovell.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN GILPIN AND CLEAR CREEK COUNTIES.** 2. Name of structures: Fall River Pumping Pipeline and Chase Gulch Reservoir. 3. Information from previous decrees: a. Original Case: Case No. 1994CW063, District Court, Water Division 1, decreed on April 2, 2004; b. First Diligence Proceeding: Case No. 2010CW132, District Court, Water Division 1, decreed on May 7, 2013; and c. Second Diligence Proceeding: Case No. 2019CW3102, District Court, Water Division 1, decreed on November 25, 2019. 4. Descriptions of Conditional Water Rights: a. Fall River Pumping Pipeline: i. Legal description of point of diversion. The intake of the Fall River Pumping Pipeline will be located on the East bank of Fall River in the SE 1/4 of the SE 1/4 of Section 28, Township 3 South, Range 73 West of the 6th P.M., Clear Creek County, Colorado, at a point from whence the South one quarter corner of Section 34, Township 3 South, Range 73 West bears South 24°42'24" East, a distance of 6,792.96 feet. ii. Source: Fall River, a tributary of Clear Creek. iii. Date of Appropriation: May 16, 1994. iv. Amount claimed: 10 cubic feet per second, **CONDITIONAL**. b. Chase Gulch Reservoir. i. Legal description: Chase Gulch Reservoir is an existing reservoir owned by the Applicant and is located in the S1/2 of the NW1/4 and the N1/2 of the SW1/4 of Section 2 and the SE1/4 of the NE1/4 of Section 3, Township 3 South, Range 73 West of the 6th P.M., Gilpin County, Colorado, with the dam axis intersecting Chase Gulch at a point approximately 2,200 feet from the West section line and 2,590 feet from the South section line of said Section 2. ii. Source: The reservoir is an on stream facility and intercepts the water tributary to Chase Gulch, a tributary of North Clear Creek, and will also be filled from the sources and in the manner described in the decrees in Case Nos. 91CW125 and 96CW1032, Water Division 1. iii. Date of appropriation: May 16, 1994 (for Fall River source). iv. Amount claimed: 1,117 acre feet per year, **CONDITIONAL**, with the right to one refill while in priority at rates up to 10 cubic feet per second from Fall River. v. Capacity: The present capacity is 602 acre feet. The proposed capacity is 1,117 acre feet, with no dead storage. vi. Point of diversion: Chase Gulch Reservoir is an on stream reservoir as described above. However, the point of diversion for the appropriation claimed is the point of diversion for the Fall River Pumping Pipeline described above in paragraph 4(a)(i). vii. Surface area at high water line: Approximately 34.9 acres. viii. Maximum height of the dam in feet: 103.5 feet. ix. Maximum length of dam in feet: 669 feet. c. Use of the water for Fall River Pumping Pipeline and Chase Gulch Reservoir: All municipal purposes, including domestic, industrial, commercial, fire protection, irrigation, stock watering, recreation, piscatorial and wildlife conservation within the present and future service area of the Applicant. The water will also be used for exchange purposes, for replacement of diversions and/or depletions resulting from the use of water from other sources and other priorities from the same source and for augmentation purposes. The water court has decreed that the Applicant has the right to use and reuse to extinction, including use by augmentation and exchange in its plan for augmentation and exchange in Case No. 92CW168, and all water lawfully diverted or impounded under the priorities adjudicated in Case No. 94CW063. A map depicting the location of the structures is attached as Exhibit A. 5. Provide a detailed outline of what has been done toward completion or for completion of the appropriation as conditionally decreed, including expenditures, during the previous

diligence period. a. The Fall River Pumping Pipeline and Chase Gulch Reservoir are part of the City's integrated water supply system which provides water within the City and extraterritorially by agreement. Pursuant to C.R.S. §37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. b. During this diligence period, the City has continued to improve, operate and maintain its water distribution system, of which these conditional water rights will be a part. In particular, the City has incurred costs in the overall maintenance, repair and improvement of its water system infrastructure to enable it to more efficiently and effectively provide water service to its existing and future customers. c. The City has spent \$50,678 in general overall maintenance and repairs of Chase Gulch Reservoir, and \$2,500 to clean and clear trees from the Fall River Pipeline location. d. The City has defended its water rights against applications filed by others in cases where the City has determined that injury to its water rights could occur in the absence of appropriate terms and conditions. In addition, the City has filed its own water court applications to maintain diligence or perfect conditional water rights and for administration of its existing water rights, all of which are part of the City's integrated water system, including but not limited to obtaining a decree for diligence for an appropriative right of exchange to Fall River Pipeline in Case No. 2020CW3180, decreed on June 21, 2021. During this diligence period, the City has expended approximately \$40,000 in attorney fees and additional engineering fees in these water court proceedings and other related negotiations. 6. Name 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, including any modification to the existing storage pool: Applicant. WHEREFORE, Applicant City of Central, having demonstrated that it has steadily applied effort to complete the appropriation of the Fall River Pumping Pipeline and Chase Gulch Reservoir water rights originally decreed in Case No. 1994CW063 in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that it has exercised reasonable diligence in putting to beneficial use the conditional water rights decreed to Fall River Pumping Pipeline and Chase Gulch Reservoir, and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law. (6 pages total, including one exhibit).

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **JANUARY 2026** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.