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

### **JANUARY 2026 WATER RESUME PUBLICATION**

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

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications, and certain amendments filed in the Office of the Water Clerk and/or ordered published during the month of **JANUARY 2026** for each County affected. (This publication can be viewed in its entirety on the state court website at: [www.coloradojudicial.gov](http://www.coloradojudicial.gov))

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**CASE NUMBER 2026CW2 BRIAN AND LAURA REYNOLDS, REYNOLDS BRAIN TRUST, 9006 Edgewood Lane, Highlands Ranch, CO 80130. 303-514-0183. JASON AND HOLLY WADE 13092 Peacock Dr. Littleton, CO 80130. 720-231-7197. APPLICATION FOR CHANGE OF WATER RIGHT IN PARK COUNTY.** Date of Original Decree: 08-09-05, in Case No 1997CW15 in WD1. Name of Structure: Penzenstadler Well #52567-F located NE1/4, NW1/4, S26, T9S, R75W of the 6th PM in Park County. At a point approximately 891 feet from the North Section line and 1423 feet from the West Section line. Subdivision: Indian Mountain, Lot 56, Block 1, Filing 25. Decreed Source: Groundwater. Appropriation date: January 2, 1997. Total amount decreed to structure in gallons per minute: Absolute 0.0027 cubic feet per second (1.2 gpm). Decreed Use: Household use only in a single-family dwelling. The return flow from such uses shall be returned to the same stream system in which the well is located. Applicant requests change in augmentation plan requirement from W-7389 to any court approved augmentation plan.

**CASE NUMBER 2026CW3000 ZONTA PARTNERSHIP LTD. LLLP – APPLICATION FOR CHANGE OF WATER RIGHT AND PLAN FOR AUGMENTATION IN EL PASO COUNTY.** Order for no publication by WD1 – Application filed in WD2 Case Number 2026CW3002 and will be published in WD2.

**CASE NUMBER 2026CW3001 Applicant: GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT (“Applicant”) 3209 W. 28th Street, Greeley, CO 80634. (970) 330-4540 with all correspondence herewith being sent to Applicant’s counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534 (970) 622-8181. APPLICATION TO AMEND DECREE TO DESCRIBE ADDITIONAL RECHARGE FACILITIES IN WELD COUNTY.** 2. Name of Structure: Western Mutual Ditch Recharge Project. 3. Previous Decree. A decree was entered for the Western Mutual Ditch Recharge Project on May 22, 1991, in Case No. 1987CW304, Water Division 1 (the “87CW304 Decree”). 3.1. Legal Description of Point of Diversion. The headgate of the Western Mutual Ditch is located on the east bank of the South Platte River in the SE/4 of the SW/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 3.2. Source. South Platte River and its tributaries. 3.3. Date of Appropriation. March 17, 1987. 3.4. Use. Augmentation, recharge, replacement and exchange. 3.5. Project Description. Waters are diverted into the Western Mutual Ditch (“Ditch”) at its existing headgate and are allowed to percolate into the underground aquifer and flow toward the South Platte River for the purpose of developing accretions to offset out of priority depletions associated with well pumping for irrigation and other beneficial uses of water. The water so diverted may also be delivered through the Ditch to facilities proximate to the Ditch for such use. Applicant has an agreement

with the Western Mutual Ditch Company which allows the operation of this project. 3.6. Prior Amendments. The 87CW304 Decree was previously amended by order of the Court dated October 22, 2012. Separate applications amending the 87CW304 Decree were also filed and approved in Case Nos. 13CW13, 14CW3129 and 22CW3192. Pursuant to stipulations with parties to the October 22, 2012 amendment incorporated into Paragraph 16 of the 87CW304 Decree, diversions under this recharge project are limited to 13,500 acre feet in any single water year of October 1 through September 30 and count toward the 25,000 acre foot volume limit set forth in Paragraph 19.4.2 of the decree entered in Case No. 05CW331. Additionally, based on stipulations entered in Case No. 05CW331 diversions under the recharge project also count toward the cumulative annual and rolling average volume limits set forth in Paragraphs 24.1 and 24.2 of the 05CW331 decree. Any and all amounts of water diverted under this recharge project count toward these volumetric limitations, irrespective of whether such diversions occur pursuant to a call under this recharge project or under free river conditions. Once 13,500 acre-feet has been diverted under this recharge project in any water year (from October 1 to September 30) as described above, Applicant shall no longer be entitled to call for water under this recharge project during the same water year. 4. Description of Additional Recharge Facilities. Paragraph 9(g) in the 87CW304 Decree allows Applicant the flexibility to add proximate facilities of the recharge project through the addition of recharge facilities not previously identified by filing an amendment to the Decree. The recharge facility to be added under this amendment is described as follows: 4.1. The Craven North Recharge Pond. Located in the SE/4 of the SW/4 of Section 6, Township 4 North, Range 65 West, of the 6th P.M., Weld County, Colorado. See **Exhibit A** hereto. Water is delivered to the Craven North Recharge Pond via a headgate on the Western Mutual Ditch. Diversions from the Western Mutual ditch will be measured prior to being delivered to the Craven North Recharge Pond with a weir or flume and will include a continuous recording device. The completed Craven North Recharge Pond consists of an inlet settling basin and two cells (Cell 1, and Cells 2 & 3, respectively) which are all connected via interconnects at the bottom elevation of the cells. The maximum surface area, capacity of the three cells, as well as the stream depletion factor of the centroid of the 3 cells of the Craven North Recharge Pond are shown below in **Table 1**. In order to determine evaporative losses, unlagged recharge accretions, and the volume of water in the Craven North Recharge Pond, the three cells have all been equipped with graduated staff gages. See **Table 1 – Craven North Recharge Pond Characteristics** in the original application. 5. Remarks. The Craven North Recharge Pond identified herein has been surveyed and stage capacity curves are provided as **Exhibit B** to the Application which is on file with the Water Court. All water delivered to the Craven North Recharge Pond will be measured and recorded and all recharge accretions will be determined and accounted for under the terms of the 87CW304 Decree. Recharge accretions from the Craven North Recharge Pond impact the South Platte River in the SE 1/4 of the SE 1/4 of Section 36, Township 5N, Range 66W of the 6th P.M. in Weld County, Colorado. See **Exhibit C** hereto. Other than the addition of the Craven North Recharge Pond as described herein, no other changes to the 87CW304 Decree, as previously amended, are proposed under this Application. 6. Name and address of owner of lands upon which water may be stored/recharged: Rex P. Craven, Mary Ann Craven, and Brad P. Craven, 22854 County Road 37, La Salle, CO 80645. The original Application consists of 4 pages and 3 Exhibits.

**CASE NUMBER 2026CW3002 ALAN GREAVES AND JUDITH ANN GREAVES - APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND PLAN FOR AUGMENTATION IN EL PASO COUNTY.** Order for no publication by WD1 – Application filed in WD2 Case Number 2026CW3003 and will be published in WD2.

**CASE NUMBER 2026CW3003 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT (“ECCV”),** c/o David Kaunisto, General Manager, 6201 South Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800. **APPLICATION TO AMEND WATER COURT DECREE IN ARAPAHOE COUNTY.** Please send all pleadings and correspondence to: Brian M. Nazarenus, Esq., Sheela S. Stack, Esq., William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarenus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village Colorado 80111. 2.

Introduction. ECCV's Willows A-4 Well was decreed in Case No. 99CW164 ("99CW164 Decree") for a rate of 0.44 cubic feet per second ("cfs"), with an annual amount of 610 acre-feet combined with Willows A-1, A-2, A-1A, A-1B, and A-2A Wells, and an annual amount of 1,200 acre-feet combined with Willows A-1, A-2, and A-5 Wells. 99CW164 Decree, ¶¶ 2.1(I)(5), 2.3(B). Willows A-1 and A-2 Wells are no longer operational. To capture the amount its non-operational wells could have produced, ECCV seeks to amend the 99CW164 Decree to authorize an increased pumping rate for Willows A-4 Well of 1.11 cfs. ECCV does not seek to change the total annual limit for Willows A-4 Well or any other terms of the 99CW164 Decree. 3. Water Right for which Amendment is Sought. 3.1. Name of Structure. Willows A-4 Well. 3.2. Well Permit No. 17419-F. 3.3. Original Decrees. Case Nos. W-7733-74, 99CW164. 3.4. Decreed Point of Diversion. The NW1/4 of the SW1/4 of Section 29, Township 5 South, Range 67 West of the 6th P.M., Arapahoe County, Colorado, 2050 feet from the South Section Line and 112 feet from the West Section Line of Section 29. 3.5. Source. The nontributary Arapahoe aquifer. 3.6. Appropriation Date. June 27, 1973. 3.7. Uses. Domestic, commercial, irrigation, and municipal. 3.8. Amount. 0.44 cfs (200 gpm), for a combined annual withdrawal with Willows Wells A-1, A-2, A-1A, A-1B, and A-2A of 610 acre-feet, and a combined annual withdrawal with Willows Wells A-1, A-2, and A-5 of 1,200 acre-feet. 4. Requested Amendment. Applicant seeks to amend paragraph 2.1(I)(5) of the 99CW164 Decree to allow the Willows A-4 Well to withdraw water at a rate of 1.11 cfs (500 gpm). In accordance with paragraph 2.3(B) of the 99CW164 Decree, the total annual amount to be withdrawn from Wells A-4, A-1A, A-1B, and A-2A shall not exceed 610 acre-feet. 5. Name and Address of Owner of Land on Which Structure Is Located. Applicant is the fee owner of the land on which Willows Well A-4 is located. (4 pages, 0 exhibits).

**CASE NUMBER 2026CW3004 GENEVA GLEN CAMP, INC.,** c/o Christa Redford and Reid McKnight, Executive Co-Directors; P.O. Box 248, Indian Hills, Colorado 80454; christa@genevaglen.org, reid@genevaglen.org; 303-697-4621. Please direct all pleadings and correspondence to William Davis Wert, TROUT RALEY, 1120 N Lincoln St, Suite 1600, Denver, Colorado 80203; dwert@troutlaw.com; 303-861-1963. Concerning the **APPLICATION FOR WATER RIGHTS OF GENEVA GLEN CAMP, INC., IN JEFFERSON COUNTY, COLORADO.** 2. Name of Structures: Geneva Glen Camp Wells Nos. 6 and 7. 3. Description of Conditional Water Rights: A. Original Decree: Date of Decree: November 15, 2006. Case No.: 06CW101. Court: Water Court, Division 1. B. Subsequent Decrees Finding Diligence: Date of Decree: January 28, 2020. Case No.: 19CW3168. Court: Water Court, Division 1. Date of Decree: August 12, 2013. Case No.: 12CW269. Court: Water Court, Division 1. C. Decreed Legal Descriptions of Structures: The exact locations of Geneva Glen Camp Well Nos. 6 and 7 have not yet been determined by the Applicant. The wells can generally be described as being located within the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 of Section 16, and the SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 of Section 17, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. D. Source: Ground water that is tributary to Parmalee Gulch, Turkey Creek, Bear Creek, and the South Platte River. E. Appropriation Date: April 27, 2006, for each well. F. Amount: 15 gallons per minute, conditional, for each well. G. Uses: Commercial, domestic, stock watering, and fire protection purposes. 4. Detailed outline of what diligent effort has been undertaken toward completion of the appropriations: A. Geneva Glen Camp Wells Nos. 6 and 7 are components of Applicant's integrated water supply and wastewater system, which Applicant operates in connection with Geneva Glen Camp, an educational and recreational children's camp that Applicant has operated since the 1920s. Applicant's integrated system includes the operation of existing Geneva Glen Camp Well Nos. 1-5 under an augmentation plan decreed in Case No. 06CW101, Water Division No. 1, to divert and store water in regulating tanks for distribution and use on Geneva Glen Camp property, as well as a central wastewater treatment system that treats wastewater from in building uses. Applicant's water and wastewater systems were and are conceived, planned, constructed, and operated as component parts of a common plan and scheme of development and thus comprise an integrated water supply system. Work on one feature of the system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system. C.R.S. § 37-92-301(4)(b). B. As a nonprofit entity, Applicant has limited resources and must carefully prioritize its expenditures for infrastructure and water and wastewater system improvements. The following paragraphs describe some of the more

significant system maintenance and development activities undertaken during the diligence period that support a finding of reasonable diligence for the conditional Geneva Glen Camp Well Nos. 6 and 7 water rights: i. In 2021 lightning struck the wellhouse for Geneva Glen Camp Well No. 4, which was previously redrilled and replaced in 2016-2017. The damage caused by the lightning strike necessitated the replacement of the electrical system in the wellhouse and installation of a new replacement pump. As part of this work, Applicant also replaced the aged plumbing within the wellhouse, as well as a regulating storage tank that is filled by both Geneva Glen Camp Wells Nos. 4 and 5. The repair work described in this Paragraph costed approximately \$23,900. ii. In 2024 Applicant expended approximately \$570,000 to substantially remodel the bathroom facilities used by campers and staff on the camp's "North Hill." In addition to plumbing and fixture replacement, this remodeling work included replacement of the facility's on-site septic system and winterization of water supply lines associated with the facility. iii. Beginning in approximately 2017 and continuing through the date of filing of this Application, Applicant has been engaged in redeveloping its wastewater treatment plant and discharge system to address water-quality issues and improve operational effectiveness. During this diligence period, Applicant has continued to work with engineering consultants, in coordination with the Colorado Water Quality Control Division ("Division"), to analyze potential improvements or reconfigurations of its system. Applicant has paid its consultants over \$87,000 in connection with this wastewater treatment plant work. Applicant also recently contracted with Ramey Environmental Compliance to further advance this work while also serving as its Operator in Responsible Charge (ORC) for its existing system in the meantime. Applicant has also worked with its consultants and legal counsel to monitor and participate as a stakeholder in the Division's development of total maximum daily loads (TMDLs) of phosphorus and chlorophyll a for Bear Creek Reservoir, which could have effects on the permitted effluent discharges from Applicant's treatment system. iv. Since approximately September 2025, Applicant has been working with Ramey Environmental Compliance to design upgrades to its lift station to deliver wastewater to its treatment plant. Construction on this work is anticipated to commence in early 2026. Applicant's contract with Ramey Environmental Compliance authorizes up to \$44,120 for this project. v. In 2020-2025, Applicant allocated significant staff time to dig several hundred feet of trenches to bury new water supply pipelines from the storage tanks for Geneva Glen Well No. 1 to another storage tank for Geneva Glen Wells Nos. 4 & 5 to add redundancy and operational flexibility to Applicant's water supply system. vi. Applicant allocated staff resources and expenses to other general operations and maintenance work on its water and wastewater system, including replacement of existing water supply pipelines, pressure tanks, and pumps and detection and repair of system leaks. C. During the diligence period, Applicant exercised its decreed absolute water rights under the augmentation plan referenced above but did not divert any water under the Geneva Glen Camp Well Nos. 6 and 7 water rights despite diligent effort to complete those appropriations. Applicant accordingly does not seek by this application to make any portion of the water rights absolute and seeks only a finding of reasonable diligence for the water rights. 5. List of names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored: Geneva Glen Camp, Inc. (Applicant). WHEREFORE, Applicant respectfully requests that the Court enter an order which finds that reasonable diligence has been exercised in the development of the conditional water storage rights decreed to Geneva Glen Camp Well Nos. 6 and 7 and described herein. (5 pages)

**CASE NUMBER 2026CW3005 CONCERNING THE APPLICATION FOR WATER RIGHTS OF: THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. Bradley C. Grasmick, David L. Strait, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, [brad@lcwaterlaw.com](mailto:brad@lcwaterlaw.com); [dstrait@lcwaterlaw.com](mailto:dstrait@lcwaterlaw.com). **APPLICATION TO ADD WELLS TO THE DECREED PLAN FOR AUGMENTATION IN WELD COUNTY**. 1. Name, Address and Telephone Number of Applicant. The Ground Water Management Subdistrict of the Central Colorado Water Conservancy District ("GMS" or "Applicant"), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540. 2. Plan for Augmentation.

Applicant operates a plan for augmentation decreed in Case No. 02CW355 (“GMS Plan”). 14.5 of the decree in Case No. 02CW335 (“GMS Decree”) allows the addition of Member Wells to the plan subject to notice and terms and conditions. 3. Structure to be Added and Augmented (the “Subject Well”). 3.1 Name of Structure to be Added and Augmented: Smith Well; Well Permit No. 8454-R WDID No. 0108410. 3.2 Name and Address of Owner of Well: Red Wall Partners I, LLC. 3.3 Location of Well: 1,147 feet from the North section line and 459 feet from the west section line Section 23, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. 3.4 GMS Contract No.: 1366 Irrigation use. 3.5. Prior Decrees: CA-16704; 03CW99; 11CW106. 3.5.1 The subject well was originally included in the augmentation plan for Central’s Well Augmentation Subdistrict (“WAS”), decreed in Case No. 03CW99, and was subsequently removed from the WAS augmentation plan in Case No. 11CW106. 4. Proposed Terms and Conditions. 4.1. Consumptive Use Factors. The terms and conditions for the Added Wells will be the same as for the other Member Wells in the Decree. The consumptive use factor will be 60% for flood irrigated acres and 80% for sprinkler irrigated acres. The method for determining future well depletions will be those set out in the Decree at ¶17.3.3.2. The Added Well will be subject to all the terms and conditions for operation as for other Member Wells in the Decree. 4.2. Net Stream Depletions. Depletions resulting from the use of groundwater and accretions resulting from deep percolation of groundwater applied for irrigation will be lagged back to the South Platte River using the Glover alluvial aquifer method and the following aquifer characteristics: Refer to Net Stream Depletions table in section 4.2 of the original application. 5. Names and Addresses of Owners of Land on Which Structure is Located. 5.1. Red Wall Partners I, LLC, 44 Cook ST STE 701 Denver, CO 80206-5800. This application consists of three (3) pages and one (1) exhibit.

**CASE NUMBER 2026CW3006 (19CW3007, 06CW259) FORT COLLINS-LOVELAND WATER DISTRICT AND NORTH WELD COUNTY WATER DISTRICT (“Bi-Districts”)** Fort Collins-Loveland Water District, Attn: Richard Raines, Water Resources Manager, 5150 Snead Drive, Ft. Collins CO 80525 Phone: (970) 226-3104; North Weld County Water District, Attn: Richard Raines, Water Resources Manager, 32825 Co Rd 39, Lucerne, CO 80646. Serve all pleadings on: Scott E Holwick, Gunnar J Paulsen, Lyons Gaddis, PC, PO Box 978, Longmont, CO 80502-0978, (303) 776-9900 sholwick@lyonsgaddis.com, gpaulsen@lyonsgaddis.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN LARIMER AND WELD COUNTIES** **Names of structures:** The conditional rights of substitution and exchange are the Bi-Districts’ Tunnel Water North Fork Exchanges and the Bi-Districts’ Tunnel Water Main Stem Exchanges, each of which was decreed in Case No. 06CW259, and which are collectively referred to herein as the “**Subject Water Rights.**” 3. **Description of the conditional rights of substitution and exchange:** A. The Bi-Districts’ Tunnel Water North Fork Exchanges. i. Exchange-from point (location where water is provided in substitution and/or exchange): Confluence of the Cache la Poudre River and the North Fork of the Cache la Poudre River. (Water attributable to the Bi-Districts’ 75 Shares as the same is defined in ¶ 3.A.iii below, will be delivered down the Cache la Poudre River from the Laramie River Tunnel to said confluence, subject to any river transit losses.) ii. Exchange-to points (locations where water is diverted by exchange – all of the exchange-to points are located in the 6th P.M., Larimer County, Colorado): a. Milton Seaman Reservoir, as the same may be enlarged. The decreed location of Milton Seaman Reservoir is upon Sections 33 and 28, Township 9 North, Range 70 West. The Milton Seaman Reservoir Dam is presently located in the SW 1/4, NE 1/4 and SE 1/4, NW 1/4 of Section 33, Township 9 North, Range 70 West, taking its supply of water from the North Fork of the Cache La Poudre River and its tributaries originating upstream of Milton Seaman Dam. b. North Poudre Canal. This point is located on the North Fork of the Cache La Poudre River at a point 1080 feet west and 170 feet north of the SE corner of Section 12, Township 10 North, Range 71 West, from the North Fork of the Cache La Poudre River. c. Halligan Reservoir, as the same may be enlarged. The decreed location of Halligan Reservoir is upon portions of Sections 28, 29, 32, 33, and 34, Township 11 North, Range 71 West, taking its supply of water from the North Fork of the Cache La Poudre River and its tributaries originating upstream of the Halligan Dam. iii. Source of substitute supply: 75 of the 150 outstanding shares of Class B common stock in Windsor Reservoir and Canal Company (“**WRRC**”) (the

“75 Shares”) that entitle the Bi-Districts to one-half of the water from the Laramie River System to which WRRC is entitled by virtue of its ownership of stock in the Tunnel Water Company. iv. Rate of exchange: A maximum simultaneous rate of exchange of 36 cfs, conditional, for the above-described exchanges. v. Appropriation date: December 12, 2006. vi. Uses: Water attributable to the 75 Shares was changed in Case No. 06CW259 to include irrigation and the following municipal and related uses within the Bi-Districts’ respective service areas as they now exist or may from time to time be modified, and to serve water users with whom the Bi-Districts have contracts to deliver water from their respective water systems: all municipal uses, including but not limited to domestic, irrigation, commercial, industrial, recreational, fire protection, wetland establishment and maintenance, fish habitat, wildlife habitat, and re-use and successive use for the listed beneficial uses. Additionally, the Bi-Districts may use this water for maintenance of historical return flows as required by judicial or administrative order, and for replacement, augmentation, substitution, and exchange. The foregoing uses shall be made directly, by substitution and exchange, or by storage and subsequent release. The Bi-Districts may lease or otherwise dispose of the water yielded by the 75 Shares to other water users at times when the water is not needed for use by the Bi-Districts. Pursuant to C.R.S. § 37-82-106, the Bi-Districts may fully consume water yielded from the 75 Shares, whether by direct use, storage and subsequent release, reuse, successive use, further exchange, or disposition. Water yielded from the 75 Shares, except for any future claimed municipal lawn irrigation return flows from this water, may be exchanged pursuant to the rights of substitution and exchange confirmed by this decree or pursuant to any other decree or lawful administrative approval authorizing such exchange, including contract exchanges and water trades by mutual agreement with other water users. Future claimed municipal lawn irrigation return flows from use of the 75 Shares may only be used to meet return flow obligations and replacement, augmentation or substitution requirements pursuant to the terms of any other judicial decree or administrative order approving such use, and cannot be exchanged elsewhere or used for other purposes.

B. The Bi-Districts’ Tunnel Water Main Stem Exchanges. i. Exchange-from points (locations where water is provided in substitution and/or exchange – all of the exchange-to points are located in the 6th P.M., Larimer County, Colorado): a. Milton Seaman Reservoir, as the same may be enlarged. The decreed location of Milton Seaman Reservoir is upon Sections 33 and 28, Township 9 North, Range 70 West. The Milton Seaman Reservoir Dam is presently located in the SW 1/4, NE 1/4 and SE 1/4, NW 1/4 of Section 33, Township 9 North, Range 70 West, taking its supply of water from the North Fork of the Cache La Poudre River and its tributaries originating upstream of Milton Seaman Dam. b. Halligan Reservoir, as the same may be enlarged. The decreed location of Halligan Reservoir is upon portions of Sections 28, 29, 32, 33, and 34, Township 11 North, Range 71 West, taking its supply of water from the North Fork of the Cache La Poudre River and its tributaries originating upstream of the Halligan Dam. ii. Exchange-to point (location where water is diverted by exchange): Munroe Gravity Canal, a/k/a North Poudre Supply Canal. The headgate of the Canal is located on the east bank of the Cache La Poudre River in the SW 1/4 of the NE 1/4 of Section 5, Township 8 North, Range 70 West, at a point whence the Southeast corner of said Section 5 bears South 37°27’30” East 3,647.5 feet. Water diverted into and carried by the Munroe Gravity Canal will then be diverted through the Pleasant Valley Pipeline. iii. Source of substitute supply: The 75 Shares. iv. Rate of exchange: A maximum simultaneous rate of exchange of 50 cfs, conditional, for the above-described exchanges. v. Appropriation date: December 12, 2006. vi. Uses: All uses described in paragraph 3.A.vi above, by direct use or by storage and subsequent release. 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**: The Subject Water Rights are integral components of each of the Bi-Districts’ respective water portfolios and of the Bi-Districts’ integrated water system. During the period from January, 2020 to the present (“**Diligence Period**”), the Bi-Districts continued to divert their yield attributable to the 75 of 150 outstanding shares of Class B common stock in the Windsor Reservoir and Canal Company (“WRCC”) every year from 2019 through 2025 at either the Munroe Gravity Canal, the Larimer County Canal No. 2 for re-diversion to Overland Trail Reservoirs, or into its excess capacity account in Horsetooth Reservoir. The Bi-Districts did not operate the conditional rights of substitution and exchange during the Diligence Period and are not seeking to make any portion of them absolute in this Application. During the Diligence Period, the Bi-Districts engaged in

the activities described below which collectively support the Bi-Districts’ claim for a finding of diligence and to continue the Subject Water Rights in this case. A. The Bi-Districts’ obtained a carriage agreement with the Larimer County Canal No. 2 Irrigating Company for use of excess capacity in the Larimer County Canal No. 2 from June 1, 2022, to December 31, 2036, to deliver water yielded from the 75 Shares to the Overland Trail Reservoirs. During the Diligence Period, the Bi-Districts have diverted such water into the Overland Trail Reservoirs through either the Larimer County Canal No. 2 or through pumping it directly from the Cache la Poudre River. B. Bi-Districts constructed a new diversion structure on the Larimer County Canal No. 2 to increase the maximum divertible flow from the Larimer County Canal No. 2 to Overland Trail Reservoirs from 6 cfs to 20 cfs. C. The Pleasant Valley Pipeline (“PVP”). In 1997, the Bi-Districts, along with the East Larimer County Water District, Fort Collins and Greeley, started the process of constructing the PVP, which is an 8.5-mile pipeline that connects the Poudre River to the Soldier Canyon Filter Plant (“SCFP”), where water is treated and delivered to, among others, the Bi-Districts’ customers. The Bi-Districts participate in the annual maintenance of the PVP. During the Diligence Period (only through 2024), the Bi-Districts expended a total of \$ 247,160 for their collective portion of the variable Operation and Maintenance (O&M) costs for the PVP, as described below:

Year	Bi-Districts’ O&M Costs
2018	\$ 13,405
2019	\$ 20,131
2020	\$ 24,519
2021	\$ 53,586
2022	\$ 20,111
2023	\$ 70,090
2024	\$ 45,318
Total	\$ 247,160

D. During the Diligence Period, the Bi-Districts, along with their partners (the East Larimer County Water District and Greeley), participated in the continued development of the Overland Trail Reservoir Project. Activities included: property acquisition, permitting, lining, and interconnect piping. During the Diligence Period, the Bi-Districts and their partners executed purchase contracts on Ponds 2, 3, and 4. Below is a summary of the Bi-Districts’ portion of the expenditures related to the Overland Trail Reservoir Project:

#### Gravel Pit Acquisition Costs 2019-2025

	Purchase Price Bi-District Portion
2019 Pond 5 purchase	\$ 407,681

#### Total Gravel Pit Storage Development Expenditures from 2019 – 2025

	Bi-District’s Portion of Engineering and Construction Costs	Project Description
2018	\$ 138,349	Overland Trail Reservoir Master Plan
2021	\$ 131,161	Treiber B Outlet & Pond 3 Staff Gage
2022	\$ 6,025	Treiber A Riprap & Pond 5 Underdrain
2023	\$ 32,850	Treiber B Outlet Rubicon Meter
2024	\$ 147,719	Larimer #2 Inlet Expansion
2025	\$ 33,660	Treiber B Outlet Upgrades
<b>Total</b>	<b>\$ 489,764</b>	

E. Bi-Districts stored a portion of its 06CW259 Shares in Overland Trail Reservoirs, a decreed Alternate Place of Storage, in 2020, 2021, 2022, 2024, and 2025 for use by exchange or release for augmentation or replacement. F. Bi-Districts participated in Water Court Cases Nos. 18CW3216, 19CW3199, 21CW3041, 21CW3094, 21CW3131, 21CW3234, 20CW3280, 21CW3056, and 22CW3042 by filing Statements of



Opposition in order to protect its water portfolio and integrated system from injury by other users. G. Bi-Districts consulted with legal counsel regarding legal aspects of developing and protecting the rights and prosecuting the water rights applications and other developments potentially affecting Bi-Districts' rights. H. Bi-Districts consulted with engineering and construction experts regarding construction on its integrated system, including but not limited to the Pleasant Valley Pipeline and Overland Trail Reservoirs. I. Bi-Districts made total expenditures of approximately \$69,872,606 during the Diligence Period on water distribution and water storage facilities that use the conditional water rights decreed in Case No. 06CW259. J. Bi-Districts made total expenditures of approximately \$30,109,645 during the Diligence Period at Soldier Canyon Filter plant to increase their water treatment capacity to use the conditional water rights decreed in Case No. 06CW259. 5. **If a claim to make absolute, water applied to beneficial use:** The Bi-Districts did not operate the conditional rights of substitution and exchange during the Diligence Period and are not seeking to make any portion of them absolute in this Application. 6. **Name(s) and address(es) of owner(s) or reputed owners of land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Please see attached Exhibit A. (Number of pages in application: 8, excluding exhibit)

**CASE NUMBER 2026CW3007 DARIUS TANKSALVALA**, 10505 N 65th Street, Longmont, Colorado, 80503, (303)502-4087. Attorney for applicant is Kay Clements, Law Office of Kay Clements, P. O. Box 19933, Boulder, Colorado 80308 (303)485-0833, [kayclements\\_atty@yahoo.com](mailto:kayclements_atty@yahoo.com) **APPLICATION IS FOR CONDITIONAL WATER RIGHTS (SURFACE) IN BOULDER COUNTY.** The name of the Structure is Peregrine Ditch and is on property owned solely by Applicant. The location is NW 1/4 SW 1/4 Section 2, T2N, R70W, 6th PM at a point 280.4 meters (920 feet) S and 154.5 meters (507 feet) E, UTM coordinates Easting 482544.169 Northing 4446035.177 Zone 13 and application is for 5.0 CFS to be used for irrigation, fire mitigation, livestock, domestic and wildlife. The Drainage Basin is Lykins Gulch tributary to the St. Vrain Creek, as well as seepage and natural runoff, tributary to South Platte River. Application is five pages plus nine exhibits.

**CASE NUMBER 2026CW3008 DARIUS TANKSALVALA**, 10505 N 65th Street, Longmont, Colorado, 80503, (303)502-4087. Attorney for applicant is Kay Clements, Law Office of Kay Clements, P. O. Box 19933, Boulder, Colorado 80308 (303)485-0833, [kayclements\\_atty@yahoo.com](mailto:kayclements_atty@yahoo.com) **APPLICATION IS FOR CONDITIONAL STORAGE WATER STORAGE RIGHTS IN BOULDER COUNTY.** The name of the Structure is Peregrine Reservoir and is on property owned solely by Applicant. The location is NW 1/4 SW 1/4 Section 2, T2N, R70W, 6th PM at a point 257.7 meters (845 feet) S and 106 meters (348 feet) E, UTM coordinates Easting 482518.146 Northing 4446050.000 Zone 13 and application is for storage of 10.0 CFS to be used for irrigation, fire mitigation, livestock, domestic and wildlife. The Drainage Basin is Lykins Gulch tributary to the St. Vrain Creek, as well as seepage and natural runoff, tributary to South Platte River. Application is seven pages plus nine exhibits.

**CASE NUMBER 2026CW3009 (17CW3203) ALICE SPRINGS LAND & CATTLE COMPANY, LLC.** Alice Springs Land & Cattle Company, LLC. 2146 Benedictine Way, Livermore, CO 89536, Phone: (970) 888-4265. Please send all pleadings and correspondence to: April D. Hendricks, Esq. Peter D. Jaacks, Esq., Jewell Jimmerson Natural Resources Law LLC, 333 Perry Street, Suite 310, Castle Rock, Colorado 80104 ([ahendricks@jjnrlaw.com](mailto:ahendricks@jjnrlaw.com); [pjaacks@jjnrlaw.com](mailto:pjaacks@jjnrlaw.com)) **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART, IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES, IN LARIMER COUNTY, COLORADO.** 2. Purpose of Application. Applicant requests a finding of reasonable diligence for the conditional rights decreed in Case No. 17CW3203, and a decree confirming a portion of the conditional storage rights have been made absolute. 3. Description of Conditional Water Rights: 3.1. Owl Rock Reservoir 3.1.1. Original Decree: Case No. 17CW3203, January 10, 2020. 3.1.2. Date of appropriation: July 26, 2016 3.1.3. Decreed Amount: 30 acre-feet, conditional, plus the right to one refill. 3.1.4. Surface area of high water line: 5.0 acres 3.1.5.



Source: Bull Creek, which is tributary to the North Fork of the Cache La Poudre River (“North Fork”), tributary of the Cache La Poudre River, tributary of the South Platte River. Owl Rock Reservoir also obtains water by pump and pipeline from Dale Creek Pond, described in paragraph 3.2 below, which derives its supply from Dale Creek. 3.1.6. Uses: Irrigation of 4.4 acres of land owned by Applicant as decreed in Case No. 17CW3203, stock watering, piscatorial, recreation, wildlife, and fire protection. 3.1.7. Legal Description: The center point of the Owl Rock Reservoir embankment is located in the NE 1/4 of the NW 1/4 of Section 18 of Township 11N, Range 71W of the 6th P.M. at a point 435 feet south of the north section line and 2,373 feet east of the west section line, which can also be described in NAD 83 UTM coordinates as 466616 m E, 4530940 m N. 3.2. Dale Creek Pond 3.2.1. Original Decree: Case No. 17CW3203, January 10, 2020. 3.2.2. Date of appropriation: July 1, 2017 3.2.3. Decreed Amount: 20 acre-feet, conditional, with a right to one refill, filled at a rate of up to 5.0 cfs. 3.2.4. Surface area of high water line: 2.0 acres 3.2.5. Source: Dale Creek, which is tributary to the North Fork, tributary of the Cache La Poudre River, tributary of the South Platte River. The point of diversion is located at a point in the SW 1/4 of the NW 1/4 of Section 9 of Township 11N, Range 71 W of the 6th P.M., at a point 1,348 feet south of the north section line and 1,074 feet east of the west section line, which can also be described in NAD 83 UTM coordinates as 469500 in E, 4532367 in N. 3.2.6. Uses: Irrigation of 4.4 acres of land owned by Applicant as decreed in Case No. 17CW3203, stock watering, piscatorial, recreation, wildlife, fire protection, and augmentation/ replacement purposes. Dale Creek Pond is intended primarily to augment depletions caused by storage and use of water in Owl Rock Reservoir, described in paragraph 3.1 above, by making releases to Dale Creek, tributary to the North Fork, and to supplement the supply of water to Owl Rock Reservoir by pump and pipeline from Dale Creek Pond to Owl Rock Reservoir following in-priority storage in Dale Creek Pond. 3.2.7. Legal Description: The center point of Dale Creek Pond is located in the SW 1/4 of the NW 1/4 of Section 9 of Township 11 N, Range 71W of the 6th P.M. at a point 1,820 feet south of the north section line and 1,127 feet east of the west section line, which can also be described in NAD 83 UTM coordinates as 469517 m E, 4532221 m N. 4. Detailed outline of work done toward completion of appropriation and application of water to beneficial use: Construction of Owl Rock Reservoir and Dale Creek Pond, along with the infrastructure necessary to convey water from Dale Creek Pond to Owl Rock Reservoir, was completed while the application in Case No. 17CW3203 was pending before the water court. The Applicant began the design and construction of both structures in 2018 and completed construction in 2019. The total cost of construction of Dale Creek Pond, Owl Rock Reservoir, and the necessary diversion structures and pipelines was approximately \$10.5 million. During the diligence period, from January 2020 to January 2026, the Applicant diligently pursued the perfection of its conditional rights, including the refill rights for both storage structures. During the diligence period, Applicant operated and maintained Owl Rock Reservoir and Dale Creek Pond and have used the absolute volumes claimed in Paragraph 6, below, for each of the structures. Following the construction of both Owl Rock Reservoir and Dale Creek Pond, Applicant worked diligently to operate and maintain both reservoirs. During the diligence period, Applicant completed the following activities and improvements associated with the operation and maintenance of both reservoirs, at a cost in excess of \$375,500. Investigation and feasibility assessment of irrigation system improvements; Improvements to storage structures to improve stock watering efficiency, including fencing to mitigate adverse impacts to wetlands from livestock; Improvements to Owl Rock Reservoir to promote piscatorial habitat, including stocking of a variety of fish (bass, trout, and minnows); Improvements to Owl Rock Reservoir to promote recreational use, including installation of beach and dock facilities and storage building for recreation equipment; Maintenance of access roads and infrastructure; Monitoring reservoir levels; operating, maintaining and repairing diversion and pipeline works; accounting and record keeping activities; and general maintenance activities; Maintenance and operation of ponds as a wildlife habitat, including for deer, elk, mountain lion, beaver, and migratory birds; and Annual coordination with local fire protection district for fire suppression needs. Following the entry of the initial decree in 2020 and throughout the diligence period, Applicant also retained necessary consultants to protect its water rights for Owl Rock Reservoir and Dale Creek Pond, at an expense in excess of \$290,000, including Wilson Water Group (for the preparation of annual accounting), Byers Group, LLC (to advise regarding construction, operation, maintenance, and use of the reservoirs), and legal counsel (to assist in the protection,

development, and continuation of its water rights). 5. Name/Address of Landowners: All structures are located on lands owned by the Applicant. 6. Claim to Make Conditional Water Rights Absolute: Applicant has diverted water into Owl Rock Reservoir and Dale Creek Pond. The Applicant's accounting records supporting such storage are attached as Exhibit A. "A decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure." C.R.S. 37-92-301(4)(e). Accordingly, pursuant to C.R.S. 37-92-301(4)(e), Applicant requests the following amounts be decreed absolute, as noted below, for all decreed beneficial uses: 6.1. Owl Rock Reservoir – First Fill. 6.1.1. Date water applied to beneficial use: January 2020. Owl Rock Reservoir has been filled to its full capacity of 30 acre-feet several times since the water right was decreed in January 2020. The first time Owl Rock was filled to capacity was in December 2019. It remained at full capacity until after the Water Court entered the decree in Case No. 17CW3203 in January 2020. 6.1.2. Amount: 30 acre-feet, absolute. 6.1.3. Uses. Irrigation of 4.4 acres of land owned by Applicant as decreed in Case No. 17CW3203, stock watering, piscatorial, recreation, wildlife, and fire protection. 6.2. Owl Rock Reservoir – Refill. 6.2.1. Date water applied to beneficial use: July 2023. Owl Rock Reservoir was filled to its full capacity in June and July 2023. Water was released to Bull Creek and the Reservoir was refilled under its refill right with 5.8 additional acre-feet. 6.2.2. Amount: 5.8 acre-feet, absolute; 24.2 acre-feet remaining conditional. 6.2.3. Uses. Irrigation of 4.4 acres of land owned by Applicant as decreed in Case No. 17CW3203, stock watering, piscatorial, recreation, wildlife, and fire protection. 6.3. Dale Creek Pond. 6.3.1. Date water applied to beneficial use: March 2020. Dale Creek Pond was filled to capacity for the first time after the Water Court entered the decree in Case No. 17CW3203 in March 2020. 6.3.2. Amount: 20 acre-feet, absolute, at the maximum diversion rate of 5 cfs. 6.3.3. Uses: Irrigation of 4.4 acres of land owned by Applicant as decreed in Case No. 17CW3203, stock watering, piscatorial, recreation, wildlife, fire protection, and augmentation/ replacement purposes. 6.4. Dale Creek Pond – Refill. 6.4.1. Date water applied to beneficial use: May 2021. 6.4.2. Amount: 20 acre-feet absolute, at the maximum diversion rate of 5 cfs. 6.4.3. Uses: Irrigation of 4.4 acres of land owned by Applicant as decreed in Case No. 17CW3203, stock watering, piscatorial, recreation, wildlife, fire protection, and augmentation/ replacement purposes. 6.5. Summary of Absolute Claims: Based on the foregoing, Applicant requests that the subject conditional water storage rights be made absolute for all decreed purposes pursuant to C.R.S. 37-92-301(4)(e) in the following amounts: 6.5.1. Owl Rock Reservoir: 30 acre-feet 6.5.2. Owl Rock Reservoir Refill: 5.8 acre-feet 6.5.3. Dale Creek Pond: 20 acre-feet 6.5.4. Dale Creek Pond Refill: 20 acre-feet. Applicant requests the remaining 24.2 acre-feet conditional refill volume for Owl Rock Reservoir be continued in full force and effect. WHEREFORE, Applicant, Alice Springs Land & Cattle Company, LLC, requests the Court enter a judgment and decree that: (1) confirms that the Applicant has diligently pursued the completion of its conditional water rights decreed in Case No. 17CW3203, described in Paragraph 3, above, by reason of the activities and expenditures made by the Applicant; (2) confirms absolute water rights for the 30 acre-feet first fill for the Owl Rock Reservoir, the 20 acre-feet first fill of Dale Creek Pond, the 20 acre-foot refill for Dale Creek Pond, and 5.8 acre-feet of the Owl Rock Reservoir refill; (3) continues the remaining conditional 24.2 acre-feet of the Owl Rock Reservoir refill right for another six-year diligence period; and (4) grants such further relief as the Court deems proper. Number of pages in Application : 7.

**CASE NUMBER 2026CW3010 (17CW3210) CITY OF ARVADA** ("Arvada") c/o Amy Willhite, 8101 Ralston Rd., Arvada, CO 80002; (720) 898-7766. Please send pleadings to: Steven P. Jeffers, Madoline Wallace-Gross, Casey J. Weaver, Lyons Gaddis, PC, 950 Spruce St, Unit 1B, Louisville, CO 80027; [sjeffers@lyonsgaddis.com](mailto:sjeffers@lyonsgaddis.com); [mwg@lyonsgaddis.com](mailto:mwg@lyonsgaddis.com); [cweaver@lyonsgaddis.com](mailto:cweaver@lyonsgaddis.com). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE PORTIONS OF CONDITIONAL WATER RIGHTS ABSOLUTE IN JEFFERSON AND ADAMS COUNTIES.** 2. **Decreed name of conditional water rights**: 2.1. Ralston Creek to Arvada Reservoir Exchange; 2.2. Ralston Creek to Clear Creek Croke Canal Exchange; 2.3. Clear Creek to Ralston Creek Arvada Reservoir Exchange; 2.4. Clear Creek to Ralston Creek Arvada Reservoir Slough Ditch Exchange; 2.5. Clear Creek to Ralston Creek Croke Canal Exchange; 2.6. Clear Creek to Ralston Creek Croke Canal Slough Ditch Exchange; 2.7. Metro

Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal Exchange; 2.8. Metro Wastewater Reclamation District Treatment Plan to Arvada Reservoir Exchange. 3. **Describe conditional water rights, including the following information from the previous decree:** 3.1. **Original decree:** Case No. 17CW3210, District Court, Water Division No. 1, entered January 27, 2020 (“17CW3210 Decree”). 3.2. **Subsequent diligence decrees:** N/A. 3.3. **Description of conditional water rights and rates of diversion:** 3.3.1. **Ralston Creek to Arvada Reservoir Exchange:** 3.3.1.1. **Sources of Substitute Supply:** Water conveyed to Ralston Creek in the Croke Canal from the Wannamaker Ditch by rediversion and Slough Ditches water rights by diversion at the Clear Creek Croke Canal headgate, or conveyed to Ralston Creek from the Church Ditch or the Farmers High Line Canal, will be released to Ralston Creek and an equal amount will be stored in Arvada Reservoir. The water rights decreed to the Wannamaker Ditch, Slough Ditches, Church Ditch, and Farmers High Line Canal are described in ¶¶ 4.6, 4.4, 4.1, and 4.2. 3.3.1.2. **Exchange-from points:** Outlet structures to Ralston Creek on the Church Ditch, Farmers High Line Canal, and Croke Canal. See ¶¶ 5.6, 5.8, and 5.7. 3.3.1.3. **Exchange-to point:** Arvada Reservoir. See ¶ 5.1. 3.3.1.4. **Rate:** The maximum combined rate of exchange is 8.81 cfs, conditional, including Arvada’s interest in the Church Ditch (1.27 cfs), Farmers High Line Canal (4.06 cfs), Wannamaker Ditch (0.86 cfs), and Slough Ditches (2.62 cfs as further limited by ¶15.B of the 17CW3210 Decree). 3.3.1.5. **Volume:** The maximum combined annual volume is 795 acre-feet as further limited by ¶ 15.B of the 17CW3210 Decree. 3.3.1.6. **Date of appropriation:** December 28, 2017. 3.3.1.7. **Uses:** All municipal purposes (including domestic, irrigation, commercial, and industrial), recreational, fish and wildlife propagation in Arvada’s reservoirs, irrigation, and augmentation, replacement, and exchange purposes, and may be reused and successively used to extinction. 3.3.2. **Ralston Creek to Clear Creek Croke Canal Exchange:** 3.3.2.1. **Sources of Substitute Supply:** Water to which Arvada is entitled by its ownership of the Manhart Ditch water rights, which are decreed to divert from Ralston Creek, will be delivered down Ralston Creek to the confluence of Ralston Creek and Clear Creek and an equal amount of water will be diverted at the Clear Creek Croke Canal headgate. The Manhart Ditch water rights are described in ¶ 4.3. 3.3.2.2. **Exchange-from point:** The confluence of Ralston Creek and Clear Creek. See ¶ 5.3. 3.3.2.3. **Exchange-to point:** Clear Creek Croke Canal headgate. See ¶ 5.2. 3.3.2.4. **Rate:** 0.11 cfs, conditional. 3.3.2.5. **Volume:** 29 acre-feet as further limited by ¶ 15.E of the 17CW3210 Decree. 3.3.2.6. **Date of appropriation:** December 28, 2017. 3.3.2.7. **Uses:** See ¶ 3.3.1.7. 3.3.3. **Clear Creek to Ralson Creek Arvada Reservoir Exchange:** 3.3.3.1. **Sources of Substitute Supply:** Water to which Arvada is entitled by its ownership of the Church Ditch, Farmers High Line Canal, and Wannamaker Ditch water rights that divert from Clear Creek will be returned to and delivered down Clear Creek to the confluence of Ralston Creek and Clear Creek, and an equal amount of water will be diverted at Arvada Reservoir. The water rights decreed to the Church Ditch, Farmers High Line Canal, and Wannamaker Ditch are described in ¶¶ 4.1, 4.2, and 4.6. 3.3.3.2. **Exchange-from point:** The confluence of Ralston Creek and Clear Creek. See ¶ 5.3. 3.3.3.3. **Exchange-to point:** Arvada Reservoir. See ¶ 5.1. 3.3.3.4. **Rate:** The maximum combined rate of exchange is 6.19 cfs, conditional, including Arvada’s interest in the Church Ditch (1.27 cfs), Farmers High Line Canal (4.06 cfs), and Wannamaker Ditch (0.86 cfs). 3.3.3.5. **Volume:** The maximum combined annual volume is 649 acre-feet as further limited by ¶ 15.F of the 17CW3210 Decree. 3.3.3.6. **Date of appropriation:** December 28, 2017. 3.3.3.7. **Uses:** See ¶ 3.3.1.7. 3.3.4. **Clear Creek to Ralston Creek Arvada Reservoir Slough Ditch Exchange:** 3.3.4.1. **Sources of Substitute Supply:** Water to which Arvada is entitled by its ownership of the Slough Ditches water rights that are decreed to divert from Clear Creek will be delivered down Clear Creek to the confluence of Ralston Creek and Clear Creek and an equal amount of water will be diverted at Arvada Reservoir. The Slough Ditches water rights are described in ¶ 4.4. 3.3.4.2. **Exchange-from point:** The confluence of Ralston Creek and Clear Creek. See ¶ 5.3. 3.3.4.3. **Exchange-to point:** Arvada Reservoir. See ¶ 5.1. 3.3.4.4. **Rate:** The maximum combined rate of exchange is 2.62 cfs, conditional, as further limited by ¶ 15.G of the 17CW3210 Decree. 3.3.4.5. **Volume:** 146 acre-feet, as further limited by ¶ 15.G of the 17CW3210 Decree. 3.3.4.6. **Date of appropriation:** December 28, 2017. 3.3.4.7. **Uses:** See ¶ 3.3.1.7. 3.3.5. **Clear Creek to Ralston Creek Croke Canal Exchange:** 3.3.5.1. **Sources of Substitute Supply:** Water to which Arvada is entitled by its ownership of the Church Ditch, Farmers High Line Canal, and the Wannamaker Ditch water rights that divert from Clear Creek will be returned to Clear Creek and

delivered to the confluence of Ralston Creek and Clear Creek and an equal amount of water will be diverted at the Ralston Creek Croke Canal headgate. The water rights decreed to the Church Ditch, Farmers High Line Canal, and Wannamaker Ditch are described in ¶¶ 4.1, 4.2, and 4.6. 3.3.5.2. **Exchange-from point:** The confluence of Ralston Creek and Clear Creek. See ¶ 5.3. 3.3.5.3. **Exchange-to point:** Ralston Creek Croke Canal headgate. See ¶ 5.9. 3.3.5.4. **Rate:** The maximum combined rate of exchange is 6.19 cfs, conditional, including Arvada's interest in the Church Ditch (1.27 cfs), Farmers High Line Canal (4.06 cfs), and Wannamaker Ditch (0.86 cfs). 3.3.5.5. **Volume:** 649 acre-feet, as further limited by ¶ 15.H of the 17CW3210 Decree. 3.3.5.6. **Date of appropriation:** December 28, 2017. 3.3.5.7. **Uses:** See ¶ 3.3.1.7.

3.3.6. **Clear Creek to Ralston Creek Croke Canal Sough Ditch Exchange:** 3.3.6.1. **Source of Substitute Supply:** Water to which Arvada is entitled by its ownership of the Slough Ditches water rights that are decreed to divert from Clear Creek will be delivered to the confluence of Ralston Creek and Clear Creek and an equal amount of water will be diverted at the Ralston Creek Croke Canal headgate. The Slough Ditches water rights are described in ¶ 4.4. 3.3.6.2. **Exchange-from point:** The confluence of Ralston Creek and Clear Creek. See ¶ 5.3. 3.3.6.3. **Exchange-to point:** Ralston Creek Croke Canal headgate. See ¶ 5.9. 3.3.6.4. **Rate:** The maximum combined rate of exchange is 2.62 cfs, conditional, as further limited by ¶ 15.I of the 17CW3210 Decree. 3.3.6.5. **Volume:** 146 acre-feet, as further limited by ¶ 15.I of the 17CW3210 Decree. 3.3.6.6. **Date of appropriation:** December 28, 2017. 3.3.6.7. **Uses:** See ¶ 3.3.1.7.

3.3.7. **Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal Exchange:** 3.3.7.1. **Source of Substitute Supply:** Treated effluent will be released at the Robert W. Hite Treatment ("Outfall") is delivered to the confluence of the South Platte River and Clear Creek, and an equal amount of water will be diverted at the Clear Creek Croke Canal headgate. The Outfall is described in ¶ 5.5. 3.3.7.2. **Exchange-from point:** The confluence of the South Platte River and Clear Creek. See ¶ 5.4. 3.3.7.3. **Exchange-to point:** Clear Creek Croke Canal headgate. See ¶ 5.2. 3.3.7.4. **Rate:** The maximum cumulative rate of exchange is 12 cfs, conditional, combined with exchanges described in the decrees in Case Nos. W-8762-77, 82CW359, 85CW409, 85CW410, 88CW105, 96CW148, 05CW112, and 11CW237, and 17CW3210. 3.3.7.5. **Volume:** 4,560 acre-feet. 3.3.7.6. **Date of appropriation:** December 28, 2017. 3.3.7.7. **Uses:** See ¶ 3.3.1.7. 3.3.8. **Metro Wastewater Reclamation District Treatment Plant to Arvada Reservoir Exchange:** 3.3.8.1. **Source of Substitute Supply:** Treated effluent released at the Outfall is delivered to the confluence of the South Platte River and Clear Creek, and an equal amount of water will be diverted at Arvada Reservoir. The Outfall is described in ¶ 5.5. 3.3.8.2. **Exchange-from point:** The confluence of the South Platte River and Clear Creek. See ¶ 5.4. 3.3.8.3. **Exchange-to point:** Arvada Reservoir. See ¶ 5.1. 3.3.8.4. **Rate:** The maximum cumulative rate of exchange is 12 cfs, conditional, combined with exchanges described in the decrees in Case Nos. W-8762-77, 82CW359, 85CW409, 85CW410, 88CW105, 96CW148, 05CW112, and 11CW237, and 17CW3210. 3.3.8.5. **Volume:** 4,560 acre-feet. 3.3.8.6. **Date of appropriation:** December 28, 2017. 3.3.8.7. **Uses:** See ¶ 3.3.1.7.

4. **Sources of Substitute Supply:** 4.1. **Church Ditch water rights:** The water rights decreed for diversion through the Church Ditch include rights originally decreed by the District Court of Arapahoe County by decrees dated October 4, 1884 and October 9, 1895 and by the District Court in and for the City and County of Denver by decree dated May 13, 1936, and portions of Priority Nos. 21 and 44 transferred from the Swadley Ditch to the Church Ditch by decree of the District Court in and for the City and County of Denver dated September 23, 1912. See ¶ 6.B. of the 17CW3210 Decree for a more detailed description of Arvada's interest in the water rights. 4.2. **Farmers High Line Canal water rights:** The Farmers High Line Canal water rights were decreed to the Farmers High Line Canal by the District Court of Arapahoe County by the decrees dated October 4, 1884 and October 9, 1895; by the District Court of the City and County of Denver by decree dated May 13, 1936; and by various transfer decrees changing points of diversion. See ¶ 6.A. of the 17CW3210 Decree for a more detailed description of Arvada's interest in the water rights. 4.3. **Marnhart Ditch water rights:** The Marnhart Ditch water rights were decreed to the Marnhart Ditch by the District Court of Arapahoe County in C.A. 6963, entered on October 4, 1884. See ¶ 6.D. of the 17CW3210 Decree for a more detailed description of Arvada's interest in the water rights. 4.4. **Slough Ditches water rights:** The water rights decreed to the following Slough Ditches include: Brown and Baugh Ditch; Bluff Ditch; Lane Ditch; Rhodes South Ditch; and Wadsworth Ditch. The water rights decreed to the ditches were

individually adjudicated by the District Court of Arapahoe County by decree dated October 4, 1884. See ¶ 6.E. of the 17CW3210 Decree for a more detailed description of Arvada's interest in the water rights. 4.5. **Treated effluent:** Reuseable effluent for which Arvada is entitled to claim credit pursuant to the 17CW3210 Decree. 4.6. **Wannamaker Ditch water rights:** The Wannamaker Ditch water rights were decreed to the Wannamaker Ditch for irrigation purposes by the District Court of Arapahoe County in C.A. 6963, entered on October 4, 1884. See ¶ 6.C. of the 17CW3210 Decree for a more detailed description of Arvada's interest in the water rights. 5. **Legal descriptions:** The locations of the structures and other exchange-from points involved in the conditional exchanges are depicted on the map attached as **EXHIBIT A** and described as follows: 5.1. **Arvada Reservoir.** Section 3 and the NW 1/4 of Section 2, Township 3 South, Range 70 West, 6th P.M., and the SE 1/4 of Section 33 Township 2 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The centerline of the dam is described as follows: Commencing at the NE Corner of Section 3, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado; thence at an angle to the right of 17°34'59" from the East line of said Section 3, a distance of 200.75 feet to the True Point of Beginning. Thence at a deflection angle to the right of 4°52'48", a distance of 1,683.374 feet to a point of curvature; thence along a curve to the right, having a radius of 2,585.813 feet, and a delta of 26°07'37", a distance of 1,179.134 feet to a point of tangency; thence along the tangent of the before-described curve, a distance of 819.242 feet to the point of ending. 5.2. **Clear Creek Croke Canal headgate.** A point on the North bank of Clear Creek in the NW 1/4 NE 1/4 of Section 26, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. 5.3. **Confluence of Ralston Creek and Clear Creek.** NE 1/4 NE 1/4 of Section 13, Township 3 South, Range 69 West, 6th P.M. 5.4. **Confluence of the South Platte River and Clear Creek.** SW 1/4 SE 1/4 of Section 36, Township 2 South, Range 68 West, 6th P.M. 5.5. **Metro Wastewater Reclamation District Treatment Plant Outfall.** A point on the east bank of the South Platte River in Section 1, Township 3 South, Range 68 West, which lies 1,400 feet of the SW corner of said Section 1, Adams County, Colorado. 5.6. **Outlet structure to Ralston Creek on the Church Ditch.** A point in the SE 1/4 NW 1/4 of Section 2, Township 3 South, Range 70 West, 6th P.M., at UTM x: 483232, UTM y: 4407892, UTM Zone 13. 5.7. **Outlet structure to Ralson Creek on the Croke Canal.** A point in the SW 1/4 NE 1/4 of Section 1, Township 3 South, Range 70 West, 6th P.M. at UTM x: 485144, UTM y: 4407837, UTM Zone 13. 5.8. **Outlet structure to Ralston Creek on the Farmers High Line Canal.** A point in the SW 1/4 NW 1/4 of Section 1, Township 3 South, Range 70 West, 6th P.M., at UTM x: 484653, UTM y: 4407840, UTM Zone 13. 5.9. **Ralston Creek Croke Canal headgate.** A point where the Croke Canal crosses Ralston Creek in Section 1, Township 3 South, Range 70 West, 6th P.M., Jefferson County, Colorado. 6. **Claim to make portions of the conditional water rights absolute:** Accounting supporting the absolute claims are attached as **EXHIBIT B**. 6.1. **Ralston Creek to Arvada Reservoir Exchange (¶ 15.B)** 6.1.1. Rate: 0.36 cfs, ABSOLUTE; 8.45 cfs, CONDITIONAL. 6.1.2. Dates of operation: September 14-17, 2023. 6.2. **Ralston Creek to Clear Creek Croke Canal Exchange (¶ 15.E)** 6.2.1. Rate: 0.09 cfs, ABSOLUTE; 0.02 cfs, CONDITIONAL. 6.2.2. Date of operation: June 15, 2021. 6.3. **Clear Creek to Ralston Creek Arvada Reservoir Exchange (¶ 15.F)** 6.3.1. Rate: 0.14 cfs, ABSOLUTE; 6.05 cfs, CONDITIONAL. 6.3.2. Date of operation: April 10, 2025. 6.4. **Clear Creek to Ralston Creek Arvada Reservoir Slough Ditch Exchange (¶ 15.G)** 6.4.1. Rate: 1.22 cfs, ABSOLUTE; 1.40 cfs, CONDITIONAL. 6.4.2. Date of operation: September 24, 2025. 6.5. **Clear Creek to Ralston Creek Croke Canal Exchange (¶ 15.H)** N/A. 6.6. **Clear Creek to Ralston Creek Croke Canal Slough Ditch Exchange (¶ 15.I)** N/A. 6.7. **Metro Wastewater Reclamation District Treatment Plant to Clear Creek Croke Canal Exchange (¶ 15.J):** N/A. 6.8. **Metro Wastewater Reclamation District Treatment Plan to Arvada Reservoir Exchange(¶ 15.K):** N/A. 7. **Claim for reasonable diligence, including expenditures:** The conditional exchanges are part of an integrated system for supplying the water demands of the City of Arvada. The following is a summary of specific projects and work undertaken during the diligence period in furtherance of the development of the conditional exchange and Arvada's integrated water system: 7.1. Arvada worked with the Division Engineer to revise the Arvada Reservoir accounting forms in 2020 and 2021. 7.2. Arvada conducted a seismic study of Arvada Reservoir in a dam safety evaluation in 2020 at a cost of approximately \$37,000. 7.3. Arvada conducted a bathymetric survey of Arvada Reservoir in 2020 at a cost of approximately \$10,000. 7.4. Arvada constructed a pump station and

pipeline to deliver water from Arvada Reservoir to the Ralston Water Treatment Plant in 2021 at a cost of approximately \$11 million. 7.5. Arvada repaired the Arvada Reservoir spillway at a cost of approximately \$43,000. 7.6. Arvada installed new actuators on the three gates in the Arvada Reservoir outlet tower and two in the outlet valve house at a cost of approximately \$960,000. 7.7. Arvada constructed and installed a bypass structure in Ralston Creek at a cost of approximately \$42,000. 7.8. Arvada entered into an agreement with the City of Black Hawk for use of its augmentation station on the Church Ditch in 2020. 7.9. Arvada conducted work on the Croke Pump Station, including, but not limited to, an electrical assessment and a replacement or refurbishment of four pumps, at a cost of approximately \$290,000. 7.10. Arvada hired consultants to conduct a water treatment plant siting study at a cost of approximately \$448,000. 7.11. Arvada hired consultants to update the Raw Water Master Plan at a cost of approximately \$150,000. 7.12. Arvada evaluated raw water infrastructure from supply points to water treatment plants. 7.13. Arvada adjudicated water court cases related to Arvada's integrated system, including Case Nos. 20CW3064, 20CW3119, 21CW3069, 21CW3136, 22CW3132, 22CW3133, 23CW3163, and 25CW3063 (pending). 7.14. Arvada opposed numerous water court cases filed by other water users to protect Arvada's water rights, including the subject conditional water rights, from injury, and incurred legal and engineering expenses in defense of Applicant's water rights. 7.15. Arvada incurred approximately \$588,000 in legal fees and \$249,000 in engineering fees. 8. **Names and addresses of the owners of the land on which the structures are or will be located:** 8.1. **Arvada Reservoir, outlet structure to Ralston Creek on the Church Ditch, outlet structure to Ralston Creek on the Farmers High Line Canal and Ralston Creek Croke Canal headgate:** Arvada. 8.2. **Clear Creek Croke Canal headgate:** MillerCoors LLC, 3939 W. Highland Blvd., Milwaukee, WI 53201. 8.3. **Metro Wastewater Reclamation District Treatment Plant Outfall:** Metro Water Recovery, 6450 York St., Denver, CO 80229-7407. 8.4. **Outlet structure to Ralston Creek on the Croke Canal:** Arvada or Chelton LLC, PO Box 460010, Fort Lauderdale, FL 33346. WHEREFORE, Arvada requests that this Court enter a decree finding and determining that: 1. Arvada made the subject conditional water rights absolute in the following amounts: a. Ralston Creek to Arvada Reservoir Exchange: 0.36 cfs; b. Ralston Creek to Clear Creek Croke Canal Exchange: 0.09 cfs; c. Clear Creek to Ralston Creek Arvada Reservoir Exchange: 0.14 cfs; and d. Clear Creek to Ralston Creek Arvada Reservoir Slough Ditch Exchange: 1.22 cfs. 2. Arvada has exercised reasonable diligence in the development of the remaining conditional portions of the subject conditional water rights; and 3. The remaining conditional portions of the subject conditional water rights should be continued in full force and effect for an additional six years following entry of the decree in this case. (Number of pages in application: 13, excluding exhibits)

**CASE NUMBER 2026CW3011 CONCERNING THE APPLICATION FOR WATER RIGHTS OF RULAND FARMS LLLP AND THE COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION;** Ruland Farms, LLLP ("Ruland Farms"), P.O. Box 38, Orchard, CO 80649; Colorado Division of Parks and Wildlife and Parks and Wildlife Commission ("CPW"), 6060 Broadway, Denver, CO 80216. Please direct communications regarding this case to: Ema I. G. Schultz, Second Assistant Attorney General, Christopher R. Stork, Senior Assistant Attorney General, 1300 Broadway, 10th Floor Denver, CO 80203, [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov), 720-508-6307, [christopher.stork@coag.gov](mailto:christopher.stork@coag.gov), 720-508-6311; and Steven P. Jeffers, Casey J. Weaver, Lyons Gaddis, 950 Spruce Street, Suite 1B, Louisville, CO 80027, [sjeffers@lyonsgaddis.com](mailto:sjeffers@lyonsgaddis.com), 720-726-3671, [cweaver@lyonsgaddis.com](mailto:cweaver@lyonsgaddis.com). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN MORGAN COUNTY.** 1. **Name, mailing address, e-mail address, and telephone number of applicants:** Ruland Farms, LLLP ("Ruland Farms") Attn: Ginger Bailey, P.O. Box 38, Orchard, CO 80649, 970-768-5356; [ginger@theteallodge.com](mailto:ginger@theteallodge.com). Colorado Division of Parks and Wildlife ("CPW") Attn: Pete Conovitz, Water Rights Program Administrator, 6060 Broadway, Denver, CO 80216, 970-666-1365; [pete.conovitz@state.co.us](mailto:pete.conovitz@state.co.us). 2. **Description of conditional well water rights:** A. **Information from Previous Decrees:** i. Original Decree: Case No. W-2919 (Area III), District Court, Water Division 1, April 1, 1986. ii. Diligence Decrees entered by District Court, Water Division 1: Case No. 90CW10, March 28, 1992, corrected September 28, 1999; Consolidated Case Nos. 98CW235 and 98CW233, February 24, 2000;

Case No. 06CW50, December 27, 2006; Case No. 12CW283, June 10, 2013; Case No. 19CW3127, January 27, 2020. **B. Well Names and Locations:** All wells are located in T5N, R60W, 6th P.M., Morgan County. A map of the approximate locations is attached to this application as Exhibit A. Well B, WDID 0109230, Permit No. 10411-AD, Legal Description: SW 1/4 NW 1/4, Section 34, 2,430 feet from the north line and 600 feet from the west line of Section 34, Flow Rate (c.f.s.) 2.2; Well C, WDID 0109231, Permit No. 58293-F, Legal Description: NW 1/4 SW 1/4, Section 28, 2,150 feet from the south line and 50 feet from the west line of Section 28, Flow Rate (c.f.s.) 2.0; Well D, WDID 0109232, Permit No. 58295-F, Legal Description: SE 1/4 NW 1/4, Section 28, 3,400 feet from the south line and 2,625 feet from the west line of Section 28, Flow Rate (c.f.s.) 2.0; Well E, WDID 0109233, Permit No. 58292-F, Legal Description: SE 1/4 SW 1/4, Section 28, 50 feet from the south line and 1,800 feet from west line of Section 28, Flow Rate (c.f.s.) 2.0; Well F, WDID 0109234, Legal Description: NE 1/4 SE 1/4, Section 28, 1,620 feet from the south line and 4,335 feet from the west line of Section 28, Flow Rate (c.f.s.) 2.0; Well H, WDID 0109235, Permit No. Na, Legal Description: NE 1/4 SW 1/4, Section 32, 1,320 feet from the south line and 3,960 feet from the east line of Section 32, Flow Rate (c.f.s.) 2.0; Well I, WDID 0109236, Permit No. Na, Legal Description: SE 1/4 NE 1/4, Section 32, 2,382 feet from the north line and 515 feet from the east line of Section 32, Flow Rate (c.f.s.) 2.0. i. Source: Groundwater. ii. Conditional Amounts: Each well is limited to 300 AF annually at the flow rate indicated in the table in Paragraph 2.B. iii. Appropriation Date: June 30, 1975. iv. Uses: Irrigation of not more than 1,200 acres in Sections 27, 28, 29, 30, 32, 33, and 34, as more specifically described in the decree in Case No. W-2919 (Area III). **3. Integrated Water Supply System:** The wells described above each constitute a feature of an integrated water system with the storage and recharge ponds previously made absolute by findings of the court. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” §37-92-301(4)(b), C.R.S. **4. Outline of work completed toward diligence:** A detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period, follow below. This list is not intended to be exclusive and may be supplemented by additional evidence. **A. CPW.** i. CPW has performed monthly reviews of the Water Court resume to determine whether filing of statements of opposition is necessary to protect its water rights in Water Division 1, including the water rights subject to this application. ii. During the diligence period, CPW expended more than 500 man hours on regular maintenance on features of the integrated water system. As these duties are a part of the standard requirements of CPW staff, the cost to CPW to complete this work cannot be specifically calculated. iii. During the diligence period, CPW expended approximately \$10,000 is costs associated with the regular maintenance of features of the integrated water system including costs to replace and repair water control structures. iv. In 2020, CPW entered into an agreement with Ducks Unlimited to develop a wetlands restoration and management plan for the Andrick State Wildlife Area at a cost of \$176,000. The plan includes improvements to infrastructure to increase water delivery efficiency on the property. Development and current implementation of the plan included multiple meetings between CPW and Ducks Unlimited related to the site management objectives and strategies. v. In 2024, DWR requested that CPW bring Wells C & F into compliance with the Goundwater Management Rules for the South Platte River (“Rules”). At the time, CPW did not have sufficient appropriations or spending authority to accomplish the required well rehabilitation and metering devices to attain compliance with the Rules. CPW filed an inactivation notice for both Wells C & F at that time to avoid enforcement by DWR until such time as CPW could secure sufficient funding to reactivate the wells and bring them into compliance with the Rules. **B. Ruland Farms, LLLP.** i. In 2022, with a grant from Ducks Unlimited, work was completed to enhance water flow throughout the pond system, thereby improving habitat. New headgate structures to deliver water from the Riverside Ditch were installed by Morning Star Companies for headgates #1, #2, and #3. This included installing new sheet pilings for inlets and outlets of the headgates, headwalls with screw gates and tie backs for improved stability, stilling wells, pipe and gaskets under road, and concrete flumes in the outlets. In addition, a slide gate for the #4 ditch was installed where water flows from Ruland Farms’ property to CPW’s property. This was done over the course of three months; the planning, labor, and material costs



were covered by Ducks Unlimited. ii. In 2024, Ruland Farms installed 30 feet of 30" culvert to replace a collapsed drive-over structure in the #4 ditch. This incurred direct costs of \$700 for pipe plus 80 hours of heavy equipment operation and labor estimated at \$5,000. iii. Ruland Farms expended more than 3,000 hours on regular monitoring and maintenance of the ponds and ditches which equates to a cost of over \$100,000. iv. In addition to routine monitoring, Ruland Farms put in more than 2700 hours operating heavy equipment for work on drop structures and culverts, digging out invasive cattails, mitigating gopher damage on dams, repairing washed out ditches, renewing ditch systems to deliver more water throughout the property, restoring shoreline erosion, and other related projects. **5. Names of owners of land upon which structures are located:** A. Applicants own the lands upon which Wells C, D, E, F, H and I are located. B. The land on which Well B is located is owned by Michael C. and Brand J. French, 15907 CO Rd. 8, Wiggins, CO 80654. WHEREFORE, Applicants respectfully request that this Court enter a decree finding that Applicants have exercised reasonable diligence in the development of the conditional water rights described herein, continue the water rights in full force as decreed, and for such other relief as this Court deems just and proper.

**CASE NUMBER 2026CW3012 BAG OF HOLDING HOLDINGS, LLC**, 26904 County Road 13, Elizabeth, CO, 80107. Philip E. Lopez, Eric K. Trout, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, CO, 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: A parcel totaling approximately 40 acres generally located in the SW1/4 of the SE1/4 of Section 22, Township 9 South, Range 65 West of the 6th P.M., also known as 650 Morning Sky Place, Elizabeth, CO, 80107, as shown on **Exhibit A** ("Subject Property"). Lien Holder Certification: No party has a mortgage or lien against the Subject Property; therefore, no notice was required under C.R.S. § 37-92-302(2)(b). A copy of the vesting deed is attached as **Exhibit B**. Well Permits: There is one existing exempt Upper Dawson Aquifer well on the Subject Property under Well Permit Number 185081. This well will be re-permitted under the plan for augmentation requested in this application. Additional well permits will be applied for prior to construction of additional wells. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Volumes: Applicant desires to leave no groundwater adjudicated. Applicant estimates the following volumes may be available for withdrawal:

Aquifer	Estimated Annual Volume 100 Years (acre-feet)	Estimated Annual Volume 300 Years (acre-feet)	Estimated Total Volume (acre-feet)
Upper Dawson (NNT)	18.91	6.30	1,891
Lower Dawson (NT)	11.10	3.70	1,110
Denver (NT)	16.22	5.41	1,622
Arapahoe (NT)	15.94	5.31	1,594
Laramie-Fox Hills (NT)	11.42	3.81	1,142

Proposed Uses: Groundwater withdrawn from the not-nontributary and nontributary aquifers underlying the Subject Property will be used, reused, and successively used to extinction for all allowable beneficial uses, including, but not limited to, domestic, including in-house use, commercial, irrigation, stock watering, fire protection, recreational, fish and wildlife, and augmentation purposes, including storage. The water may be immediately used or stored for subsequent use, used for exchange purposes, for direct replacement of depletions, and for other augmentation purposes, including taking credit for all return flows resulting from the use of such water for augmentation of, or as an offset against, any out-of-priority depletions. The

water may be leased, sold, or otherwise disposed of for all the above uses both on and off the Subject Property. Jurisdiction: The Court has jurisdiction over the subject matter of this application pursuant to C.R.S. §§ 37-90-137(6), 37-92-203(1), 37-92-302(2). Summary of Plan for Augmentation: Groundwater to be Augmented: 2 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 300 years. Water Rights to be Used for Augmentation: Return flows from the use of not-nontributary and nontributary groundwater and direct discharge of nontributary groundwater. Statement of Plan for Augmentation: The not-nontributary Upper Dawson Aquifer groundwater will be used in one well to provide in-house use in up to two (2) single-family dwellings, or their equivalent (0.6 acre-feet per year), up to 10,000 square-feet of outdoor irrigation (0.5 acre-feet per year), watering of up to 48 large domestic animals (0.6 acre-feet per year), and commercial sanitary use, including use in a horse rehabilitation and boarding facility (0.3 acre-feet per year), dust suppression, fire protection, and storage before use anywhere on the Subject Property. Applicant reserves the right to amend the amount and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. Return flow from in-house use will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicant will replace actual depletions pursuant to C.R.S. § 37-90-137(9)(c.5). Depletions occur to the South Platte River stream system and return flows accrue to that stream system and are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicant will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicant requests the Court approve the above underground water rights and augmentation plan, find that Applicant has complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate.

**CASE NUMBER 2026CW3013 PERRY PARK COUNTRY CLUB, INC.** (“Applicant”) c/o Nate Erickson, General Manager, 7047 Perry Park Blvd., Larkspur, CO 80118, Telephone: (303) 681-3305. Please direct all pleadings and correspondence concerning this matter to counsel for Applicant: David L. Kueter, #26136, Kent Holsinger, #33907, Holsinger Law, LLC, 1800 Glenarm Place, Suite 500 Denver, CO 80202; (303) 722-2828; dkueter@holsingerlaw.com; kholsinger@holsingerlaw.com; **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY** 2. Name of water right: Waucondah Reservoir Refilling Right. 3. Describe conditional water right giving the following from the Judgment and Decree: 3.a. Date of prior decree: Original decree entered April 23, 2012, Case No. 94CW203, in the District Court, Water Division No. 1, State of Colorado. Subsequent decree was entered January 23, 2020, Case No. 2018CW3066, in the District Court, Water Division No. 1, State of Colorado. 3.b. Legal Description: Location of Dam: The initial point of survey of the highwater line of the reservoir is located at a point whence the Southeast corner of Section 15, Township 9 South Range 68 West of the 6th P.M. bears South 62°10’23” East a distance of 1,800.91 feet. A map showing the location of the reservoir is attached hereto as **Exhibit A**. 3.c. Source: Bear Creek, tributary to Plum Creek, tributary to South Platte River. This is an on stream reservoir. 3.d. Date of Appropriation: February 22, 1969. 3.e. Amount decreed: 335.5 acre-feet, conditional. Water may be stored under this refill right after the first fill of Waucondah Reservoir is completed in each water storage year and the reservoir may be refilled once under this refill right during each water storage year. For purposes of administration of the “one-fill” rule for water storage rights, the water storage year for the water storage rights decreed to Wauconda Reservoir shall be November 1 through the following October 31. 3.f. Use: Fire protection, irrigation, recreational, piscatorial, golf course hazards and augmentation purposes. No plan for augmentation is decreed herein and any use of the subject refill right for augmentation shall only be pursuant to a subsequent water court application and decree. 3.g. Irrigation Usage: 3.g.(i) Number of acres historically irrigated: 80 acres. 3.g.(ii) Legal description of acreage irrigated: Portions of the West 1/2 and Southeast 1/4 of Section 15, the Northeast 1/4 and Southeast 1/4 of Section 16, and the North 1/2 of Section 22, Township 9 South, Range 68 West of the 6th P.M. 3.h. Non-irrigation uses: The refill right has been and will be used for all of the above described uses in order to provide service to Applicant’s golf course and related facilities in Douglas

County. 3.i. Surface area at high water line: 27 acres. 3.i.(i) Maximum height of dam in fee: 35 feet. 3.i.(ii) Length of dam in feet: 466.93 feet. 3.j. Total capacity of reservoir in acre-feet: 335.5 acre-feet. 3.j.(i) Active capacity: 335.5 acre-feet. 3.j.(ii) Dead storage: 0 acre-feet. 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 diligence period, Applicant has spent in excess of \$134,108 on the operation and maintenance of Waucondah Reservoir, including \$83,177 on the replacement of (2) joint seams within the concrete spillway, \$4,280 on inspections and testing, and \$46,651 in engineering, project oversight, and compliance documentation. 5. Claim to Make Absolute: N/A. 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. Applicant. WHEREFORE, Applicant requests that diligence be found for the Waucondah Reservoir Refilling Right and that the remaining 335.5 acre feet be continued as conditional in full force and effect until the due date of the next diligence filing herein. (Application consists of 4 pages and 1 Exhibit)

**CASE NUMBER 2026CW3014 (10CW280; 96CW958; 18CW3182), CITY OF EVANS, 1100 37th Street Evans, CO 80620 Telephone: 970-339-5344, Please direct future correspondence to: Arthur L. Sayre and Matthew A. Montgomery, Hill & Robbins, P.C., 3401 Quebec Street, Suite 3400, Denver, CO 80207.**  
**APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER AND WELD COUNTIES.** 2. **Name of Structure:** The conditional right of exchange for which Applicant seeks a finding of reasonable diligence was decreed in Case No. 96CW958 and is attributable to return flows from Applicant's ownership of shares and contract rights in the Greeley and Loveland Irrigation Company, the Seven Lakes Reservoir Company and the Loveland and Greeley Reservoir Company that were changed in Case No. 96CW958. The Greeley and Loveland Irrigation Company and the Seven Lakes Reservoir Company have issued shares of stock and distribute water pro rata to shareholders in each company based on the number of shares owned, subject to certain contractual rights which are described below. The Loveland and Greeley Reservoir Company is not incorporated but is operated in conjunction with the Greeley and Loveland Irrigation Company. Water stored in the Loveland and Greeley Reservoir (Lake Loveland) under the water storage rights decreed for storage in Lake Loveland is distributed to persons owning contract rights in the Loveland and Greeley Irrigation Company based on the number of contract rights owned. These three entities are referred to collectively herein as the "Companies." The Companies' system consists of the following canals and reservoirs: A. Barnes Ditch; B. Little Barnes Ditch; C. Loveland and Greeley Canal; D. Chubbuck Ditch, previously known as the Larimer County Irrigating & Manufacturing Ditch; E. Loveland and Greeley Reservoir (Lake Loveland); F. Seven Lakes Reservoir System, consisting of: 1) Horseshoe Reservoir, 2) Westerdoll Lake, 3) Heinrich Lake, 4) Upper Hoffman Lake, and 5) Lower Hoffman Lake; G. Boyd Lake. H. Equalizer Reservoir and Houts Reservoir are operational reservoirs within the Companies' system. Seven Lakes Reservoir Company also owns 26.5 shares of stock in the Loudon Irrigation Canal Company that are diverted at the Loudon Ditch. 2. **Describe conditional water right (as to each structure) including the following information from the Referee's Ruling and Judgment and Decree:** a. Amount: 1.6 c.f.s. (0.4 c.f.s. was made absolute in Case No. 10CW270; 1.2 c.f.s. remains conditional as per the Decree in Case No. 18CW3182. b. Appropriation date: December 1, 1994 c. Exchange from points: The Evans' wastewater treatment plant outfall, located in the SW 1/4 of Section 21, Township 5 North, Range 65 West, 6th P.M., Weld County, Colorado, and the Hill N' Park water treatment plant outfall, located in the NW 1/4 of Section 36, and/or the NE 1/4 of Section 35, all in Township 5 North, Range 66 West, 6th P.M., Weld County, Colorado. d. Exchange to points: The headgates of the Companies' ditches and canals as described below. e. Exchange reach: the Big Thompson River between the Evans' and the Hill N' Park wastewater treatment plants and the headgates of the Companies' ditches and canals. f. Source of substituted water used for the exchange: Return flows from Applicant's ownership of shares and contract rights in the Greeley and Loveland Irrigation Company, the Seven Lakes Reservoir Company and the Loveland and Greeley Reservoir Company that were changed in Case No. 96CW958. The Companies hold legal title to the following water rights, which are described in

paragraph 8 of the decree in Case No. 96CW958 as follows: A. Barnes Ditch 1) Decree information: **Amount** 18.56 cfs 12.06 cfs 19.93 cfs **Appropriation Date** 10/20/1865 06/01/1867 06/23/1873 **Adjudication Date** 5/28/1883 5/28/1883 5/28/1883 **Court** Boulder District Court Boulder District Court Boulder District Court 2) Decreed point of diversion: In Section 17, Township 5 North, Range 69 West, 6th P.M., Larimer County. The historic point of diversion is on the North side of the Big Thompson River in the NW 1/4 of the SE 1/4 of said Section 17. The Barnes Ditch has an alternate point of diversion on the Big Thompson River in Section 15, Township 5 North, Range 69 West, 6th P.M., Larimer County. 3) Source: Big Thompson River. 4) Use: Irrigation. 5) Portions of the Barnes Ditch water rights are owned by and delivered to owners of certain contractual rights, commonly referred to as “inches.” These rights are not included in this application. B. Loveland and Greeley Canal. 1) Decree information: **Amount** 297.44 cfs **Appropriation Date** 04/01/1881 **Adjudication Date** 5/28/1883 **Court** Boulder District Court 2) Decreed point of diversion: The Loveland and Greeley Canal was decreed with two separate headgates, one located in Section 15 and one in Section 17, each in Township 5 North, Range 69 West, 6th P.M., Larimer County. The actual point of diversion of the Loveland and Greeley Canal is in the SW 1/4 of Section 15, Township 5 North, Range 69 West, 6th P.M., Larimer County. 3) Source: Big Thompson River. 4) Use: Irrigation. C. Larimer County Irrigation and Manufacturing Ditch or the Chubbuck Ditch. 1) Decree information: **Amount** 8.36 cfs 29.04 cfs 35.50 cfs 15.20 cfs **Appropriation Date** 11/01/1865 10/20/1870 10/25/1873 11/01/1878 **Adjudication Date** 5/28/1883 5/28/1883 5/28/1883 5/28/1883 **Court** Boulder District Court Boulder District Court Boulder District Court Boulder District Court 2) Decreed point of diversion: Diverts from the Big Thompson River through the headgate(s) of the Loveland and Greeley Canal. 3) Source: Big Thompson River. 4) Use: Irrigation. 5) Portions of the water rights decreed for diversion at the Chubbuck Ditch are owned by and delivered to owners of certain contractual rights, commonly referred to as “inches.” These rights are not included in this application. D. Loveland and Greeley Reservoir (Lake Loveland). 1) Decree information: **Amount** 14,238.7 AF 25,239 AF **Appropriation Date** 01/14/1893 01/14/1893 **Adjudication Date** 06/29/1916 06/27/1978 **Court** [Blank] District Court, Water Div. No. 1, Case No. W-8665-77 2) Reservoir Location: In the NE 1/4 of Section 10, Section 11, and the N 1/2 of N 1/2 of Section 14, all in Township 5 North, Range 69 West, 6th P.M., Larimer County. 3) Source: Lake Loveland is an off-channel reservoir that is supplied by diversions from the Big Thompson River through the Barnes Ditch or the Loudon Ditch. In addition, Lake Loveland is supplied by waters arising in the drainage basin into the reservoir. 4) Use: Irrigation, domestic, recreation, and industrial uses for lands and users under system of the Greeley and Loveland Irrigation Company System. E. Seven Lakes Reservoir System. 1) Decree information: **Amount** 8,432 AF 8,432 AF **Appropriation Date** 04/28/1902 04/28/1902 **Adjudication Date** 06/29/1916 06/27/1978 **Court** [Blank] District Court, Water Div. No. 1, Case No. W-8665-77 2) Location of Storage: Seven Lakes Reservoir System consists of interconnected reservoirs located in Sections 30 and 31, Township 6 North, Range 68 West, 6th P.M.; Section 36, Township 6 North, Range 69 West, 6th P.M.; Section 1, Township 5 North, Range 69 West, 6th P.M.; and Sections 6 and 7, Township 5 North, Range 68 West, 6th P.M., all of which are in Larimer County, Colorado, the outlet of which is decreed as being located in the NW1/4 of the SE1/4, Section 6, Township 5 North, Range 68 West of the 6th P.M., at a point 1300 feet East and 850 feet South of the center of said Section 6, Larimer County, Colorado. 3) Source: Big Thompson River drainage. The lakes may be supplied by the Barnes Ditch, Lake Loveland, Little Barnes Ditch, Chubbuck Ditch, Loudon Ditch, and the Loveland and Greeley Canal, as well as by the local drainages. 4) The Seven Lakes Reservoir Company also owns 26 1/2 shares of the 600 shares in the Loudon Irrigation Canal Company, and the water produced by these shares is used within the Seven Lakes Reservoir Company system. The decree information on the rights of the Loudon Ditch is as follows: **Amount** 7.0 cfs 40.0 cfs 123.0 cfs 0.008 cfs **Appropriation Date** 11/10/1861 10/01/1871 11/01/1877 09/17/1883 **Adjudication Date** 05/28/1883 5/28/1883 5/28/1883 5/29/1884 **Court** Boulder District Court Boulder District Court Boulder District Court Boulder District Court The historical place of diversion of the Loudon Ditch, out of the Big Thompson River, is in the SW1/4 of the NW1/4 of Section 12, Township 5 North, Range 70 West, 6th P.M. 5) Use: Irrigation, domestic, recreation, and industrial uses. F. Boyd Lake. 1) Decree information: **Amount** 48,564 AF 44,031 AF **Appropriation Date** 04/28/1902 04/28/1902 **Adjudication Date** 06/29/1916 06/27/1978

**Court** [Blank] District Court, Water Div. No. 1, Case No. W-8665-77 2) Location of Storage: In Section 5, the SE 1/4 of Section 6, the E 1/2 of the E 1/2 of Section 7, Section 8, all in Township 5 North, Range 68 West, 6th P.M.; Section 29, the E 1/2 of the E 1/2 of Section 30, the E 1/2 of the E 1/2 of Section 31, Section 32, all in Township 6 North, Range 68 West, 6th P.M., Larimer County, Colorado. 3) Source: Boyd Lake is an off-channel reservoir that is supplied by diversions from the Big Thompson River through, the Barnes Ditch and delivered to Boyd Lake through Lake Loveland and Horseshoe Reservoir, or diverted and delivered by the Loudon Ditch or by the Loveland and Greeley Canal. In addition, Boyd Lake is supplied by waters arising in the Dry Creek drainage basin and in the areas naturally sloping toward the Lake. 4) Historical Use: Irrigation, domestic, recreation, and industrial uses for lands and users under the Greeley and Loveland Irrigation Company system. The number of outstanding shares in each company is as follows: Greeley and Loveland Irrigation Company 1,636 shares Seven Lakes Reservoir Company 400 shares Loveland and Greeley Reservoir Company 300 shares or rights Four contract rights in the Greeley and Loveland Irrigation Company are held by individuals who elected not to participate in the Company's acquisition and ownership of Boyd Lake. A contract right is equivalent to 8 shares of stock in the Company; therefore, water available under the Greeley and Loveland Irrigation Company's direct-flow water rights is distributed as though the Company had a total of 1,668 shares (1,636 + [4 x 8]). At the time of the decree in Case No. 96CW958, Evans owns the following number of shares and contract rights in the Companies: Greeley and Loveland Irrigation Company 75.34 shares Seven Lakes Reservoir Company 25.33 shares Loveland and Greeley Reservoir Company 6.75 shares or rights The portion of the total water rights held and administered by the Companies attributable to the above-described shares and rights of Evans that were changed in Case No. 96CW958 and are subject to the right of exchange granted in that decree are referred to herein as the "Transferred Water Rights." **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:** In Case No. 96CW958, Evans obtained a decree approving Evans' change in use of the Transferred Water Rights, allowing Evans to deliver water under its shares and contract rights in the Companies to Boyd Lake and/or Lake Loveland for treatment by the City of Greeley ("Greeley") and delivery by Greeley to Evans for all municipal uses within its current or future service area. The decree also approved Evans' right to make additional or successive use of and to fully consume the surplus flows by direct delivery or exchange, including without limitation consumption by any methods after discharge of such excess return flows from the Evans wastewater treatment plant outfall and the Hill 'N Park wastewater treatment plant outfall. The decree approved a conditional right of exchange on a direct-flow basis with an appropriation date of December 1, 1994, in an amount not to exceed 1.6 c.f.s. In Case No. 10CW270, the Court decreed 0.4 c.f.s. of this exchange right absolute. In Case No. 18CW3182, the Court decreed that the remaining 1.2 c.f.s. conditional appropriative right of exchange was continued in full force and effect. The Court required subsequent filing for finding of reasonable diligence. This application seeks a finding of reasonable diligence in the exercise of the portion of this conditional exchange right that has not been made absolute (1.2 c.f.s.). Evans estimates that it has incurred approximately \$781,000 in assessments and legal and engineering fees and expenses during the diligence period to operate its Companies' water rights and to pay for the time of its water engineer to perform accounting and to determine when exchange opportunities are available. Since the completion of its new wastewater treatment facility at the Hill 'N Park site Evans has decommissioned the old wastewater treatment facility destroyed in the 2013 floods, and has shifted its exchange operations exclusively to the Hill 'N Park outfall. Evans' water engineer maintains daily water rights accounting that includes calculations for exchange potential and continues a working relationship with the water commissioner and the Greeley and Loveland Irrigation Company ("GLIC") to identify and take advantage of exchange opportunities. Exchange opportunities have been limited during the diligence period, but Evans will continue to attempt to make the exchange absolute. **5. Applicant claims the following portion of the conditional right of exchange has been made absolute:** N/A. **6. 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.** Structures involved in this application are owned by the Greeley

and Loveland Irrigation Company and the Seven Lakes Reservoir Company, whose address is 808 23rd Avenue, Greeley, Colorado 80634, or the Loudon Irrigating Canal & Reservoir Company, f.k.a., the Loudon Irrigation Canal Company, whose address is 210 E. 29th Street, Loveland, Colorado 80525. The wastewater treatment plant outfalls are owned by Evans.

**CASE NUMBER 2026CW3015 (19CW3151, 12CW295, 06CW56) 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 NATIONWIDE YOUTH ROUNDUP, INC, IN DOUGLAS COUNTY, COLORADO. APPLICATION TO MAKE ABSOLUTE AND FOR FINDINGS OF REASONABLE DILIGENCE IN DOUGLAS COUNTY.** 1. Name, Address, Telephone Number, and Email Address of Applicant: Nationwide Youth Roundup, Inc. (“Applicant”), c/o Scott Ensminger, 685 Boxwood Dr., Windsor, CO 80550, (303) 427-8472 [operations@nyr.org](mailto:operations@nyr.org) Direct All Pleadings to: Bushong & Holleman PC, Attn: P. Fritz Holleman & Cassidy L. Woodard, 1966 13th Street, Suite 270, Boulder, CO 80302, [fholleman@BH-lawyers.com](mailto:fholleman@BH-lawyers.com); [cwoodard@BH-lawyers.com](mailto:cwoodard@BH-lawyers.com) 2. Names of Structures: 2.1. NYR Pond; 2.2. NYR Well No. 1; 2.3. NYR Well No. 2; and 2.4. NYR Well No. 3. Collectively, the NYR Pond, NYR Well No. 1, NYR Well No. 2, and NYR Well No. 3 will be referred to herein as the “Structures.” The Structures, except for NYR Well No. 3 which has not yet been constructed, are depicted on the attached **Exhibit A**. 3. Description of Water Rights: 3.1. Decrees: the water rights associated with the Structures were originally decreed in the District Court in and for Water Division 1, State of Colorado (“Water Court”), in Case No. 06CW56, on January 18, 2007 (the “06CW56 Decree”). Subsequent decrees making absolute or finding reasonable diligence were entered in Water Court Case Nos. 12CW295 decreed on July 2, 2013, and 19CW3151 decreed on January 3, 2020, 3.2. NYR Pond: 3.2.1. Height and Length of Dam: 8 feet, 165 feet, respectively, 3.2.2. Capacity: 1.6 acre-feet, 3.2.3. Surface Area at High Water Mark: 0.41 acre, 3.2.4. Source: on-channel on Bear Creek, 3.2.5. Location: the outlet is located in the NE1/4NE1/4 of Section 9, T. 8 S., R. 69 W., 6th P.M., 500 feet from the east section line and 700 feet from the north section line, 3.2.6. Appropriation Date: February 28, 2006, 3.2.7. Use and Amounts: livestock watering, recreation, piscatorial, fire protection for 1.6 acre-foot absolute; indoor residential and commercial for 1.6 acre-foot conditional, 3.3. NYR Well No. 1, Well Permit No. 77441-F-R: 3.3.1. Appropriation Date: July 1, 1953, for 3 gallons per minute (“gpm”); February 28, 2006, for 22 gpm, 3.3.2. Depth: 400 feet, 3.3.3. Source: fractured granite, tributary to Bear Creek (in Douglas County) and the South Platte River, 3.3.4. Location: NE1/4 NE1/4 Section 9, T. 8 S., R. 69 W., 6th P.M., 210 feet from the east section line and 1,050 feet from the north section line, 3.3.5. Pumping Rate: 3 gpm absolute; 22 gpm conditional, 3.3.6. Uses: indoor residential and commercial, sanitation, fire protection, 3.4. NYR Well No. 2, Well Permit Nos. 77353-F: 3.4.1. Appropriation Date: January 18, 1996, for 3 gpm; February 28, 2006, for 22 gpm, 3.4.2. Depth: 605 feet, 3.4.3. Source: fractured granite, tributary to Bear Creek and the South Platte River, 3.4.4. Location: NE1/4 NE1/4 Section 9, T. 8 S., R. 69 W., 6th P.M., 724 feet from the east section line and 931 feet from the north section line, 3.4.5. Pumping Rate: 3 gpm absolute; 22 gpm conditional, 3.4.6. Uses: indoor residential and commercial, sanitation, fire protection, 3.5. NYR Well No. 3: 3.5.1. Appropriation Date: February 28, 2006, 3.5.2. Depth: approximately 800 feet, 3.5.3. Source: fractured granite, tributary to Bear Creek and the South Platte River, 3.5.4. Location: Any location within Applicant’s property, which is located in the NE1/4 NE1/4 Section 9, T. 8 S., R. 69 W., 6th P.M., 3.5.5. Pumping Rate: 25 gpm conditional, 3.5.6. Uses: indoor residential and commercial, sanitation, fire protection. 4. Requests to Make Absolute: 4.1. NYR Pond was originally decreed absolute for livestock watering, recreation, piscatorial, and fire protection uses in the 06CW56 Decree with indoor residential and commercial remaining conditional. Pursuant to C.R.S. § 3792-301(4)(e), “[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” Accordingly, Applicant requests that the NYR Pond water right be made absolute for the amount of 1.6 acre-feet for all decreed uses, including the currently conditional uses of indoor residential and commercial, 4.2. NYR Well No. 1 and NYR Well No. 2 have been pumped at capacities in excess of the amounts currently absolute. NYR Well No. 1 has been pumped at a rate of 4 gpm, and NYR Well No. 2 has been pumped at a rate of 13 gpm.

Therefore, Applicant requests that the water rights decreed to the NYR Well No. and NYR Well No. 2 be made absolute in such amounts for all decreed uses. 5. Request for Findings of Reasonable Diligence: For all remaining amounts and uses of the conditional water rights associated with the Structures, as described in Paragraph 3 above, that are not made absolute as requested herein, Applicant requests findings that it has exercised reasonable diligence in the development of the remaining conditional water rights and that said conditional water rights continue in full force and effect for their full decreed amounts and for all decreed uses. 6. Diligence Activities: Applicant is a Colorado non-profit corporation that hosts an annual camp on its property near Sedalia, Colorado, primarily for approximately 1,700 junior and senior high school students for a week each summer. The camp is preceded by a week during which twenty-five to fifty adult volunteers occupy the property to do maintenance and repair, including routine maintenance on any water infrastructure associated with the Structures. The Structures are part of an integrated system. As such, under C.R.S. § 37-92-301(4)(b), “[w]hen 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.” During the diligence period, Applicant has undertaken the following activities that demonstrate it has exercised reasonable diligence in the development of the remaining conditional water rights: 6.1. The water rights decreed to the Structures operate under the plan for augmentation approved in the 06CW56 Decree. Applicant tracks yearly usage from NYR Well Nos. 1 and 2 and reports such usage to Mountain Mutual Reservoir Co. who ensures that Applicant’s out-of-priority depletions are augmented pursuant to the 06CW56 Decree, 6.2. In 2023, Applicant conducted significant improvements to NYR Well No. 2. This included construction of a new pump house, rebuilding of the pump itself, and replacement of the pressurized tank connected to the well. The total costs of all improvements during the diligence period was \$6,804.20, which included the work performed on NYR Well No. 2 in 2023, 6.3. Prior to the start of camp each summer, a group of volunteers perform annual maintenance on the water infrastructure associated with the Structures. This maintenance includes performing pump tests on NYR Well Nos. 1 and 2 to determine current pumping rates. This information subsequently informs Applicant how long it will take to refill various tanks on the property during the week of camp. This annual maintenance also includes work on NYR Pond, such as cleaning out moss and vegetation. At the end of camp each summer, the Structures are winterized, 6.4. During the week of camp each summer, the well filters on NYR Well Nos. 1 and 2 are changed approximately three times a day to support the high amount of use required from the wells during the week, 6.5. Applicant pays yearly stock assessments to Mountain Mutual Reservoir Co. for the augmentation water used to support the plan for augmentation in the 06CW56 Decree. 7. Land Ownership: the Structures are located on lands owned by Applicant. WHEREFORE, Applicant respectfully requests that the court enter an order (1) granting its request to make NYR Pond absolute for all decreed uses, including the uses of indoor residential and commercial in the amount of 1.6 acre-feet as described in Paragraph 4 above; (2) granting its request to make NYR Well No. 1 and NYR Well No. 2 absolute for 4 gpm and 22 gpm, respectively, for all decreed uses; (3) granting its request for findings of reasonable diligence for the remaining conditional amounts and uses of the water rights associated with the Structures that are not made absolute herein as described in Paragraph 5 above; and (4) granting such other and further relief as deemed appropriate. (6 pages + Exhibit)

**CASE NUMBER 2026CW3016 WILLBECK FAMILY TRUST**, c/o Chris Willatt, 3395 Timbergate Trail, Evergreen, CO 80439. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY**. All correspondence and communications should be sent to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazarene Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, CO 80111, Telephone: (720) 647-5661. 2. Name and Descriptions of Well. 2.1. Double E Ranch Well No. 2, Permit No. 79937-F (“Double E Well”). 2.1.1. Original Decree. The original decree was entered by the Water Court for Water Division 1 on April 14, 2009, in Case No. 08CW137. 2.1.2. Subsequent Decree. A subsequent decree was entered by the Water Court for Water Division 1 on January 7, 2020, in Case No. 18CW46. 2.1.3. Legal Description. The SW1/4 of the SW1/4 of Section 34, Township 4 South, Range 71 West of the 6th P.M. in Jefferson County, Colorado, at a point



176 feet from the south section line and 890 feet from the west section line of said Section 34. 2.1.4. Source. Groundwater tributary to Troublesome Creek, Bear Creek, and the South Platte River. 2.1.5. Appropriation Date. June 30, 2008. 2.1.6. Decreed Amount. A total of 15 gpm. 5.5 gpm was made absolute by the decree entered in Case No. 18CW46, thereby leaving 9.5 gpm as conditional. 2.1.7. Use. Domestic and ordinary householder purposes, irrigation, the watering of domestic animals, and fire protection. **3. Outline of Work Done Towards Completion of the Appropriations**. 3.1. Applicant acquired the subject conditional water rights from Thomas M. and Lynn A. Yockey in December, 2025. A Notice of Transfer was filed in Case No. 18CW46 on January 6, 2026. During the diligence period, the following actions have been taken toward completion of the subject conditional water rights: 3.1.1. The Double E Well has been in continuous operation during the diligence period supplying water consistent with the decree entered in Case No. 18CW46. 3.1.2. Applicant and its predecessor have remained current on their dues to the Stagecoach Stop Homeowners Association, which operates the augmentation plan for the Double E Well and pays the dues owed to Mountain Mutual Reservoir Company for the Mountain Mutual Shares used as replacement water under the augmentation plan. 3.1.3. Applicant acquired and recorded a Quit Claim Deed from the original appropriator to ensure proper documentation of the transfer of the water right for the Double E Well and rights to operate under the augmentation plan decreed in Case No. 08CW137. 3.1.4. Shortly after acquisition of the Double E Well, Applicant became aware of issues concerning the current pump used to operate the well and is working with a well contractor to resolve those issues, which Applicant believes will allow the well to pump its full decreed rate. **4. Name(s) and Address(es) of Landowner(s) Upon Which Any New Diversion or Storage Structure or Modification to an Existing Diversion or Storage Structure or Existing Storage Pool Is or Will Be Constructed or Upon Which Water Is or Will be Stored**. The land upon which the Double E Well is located is owned by Applicant. WHEREFORE, Applicant requests that this Court find that Applicant has exercised reasonable diligence in the development of the conditional water rights as described above and for such other relief, which deems it proper (4 pages, 0 exhibits).

**CASE NUMBER 2026CW3017 Applicants: THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, THE GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, AND THE WELL AUGMENTATION SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT** (collectively “Central”), 3209 West 28th Street, Greeley, Colorado 80634. (970) 330-4540 with all correspondence connected herewith being sent to Applicant’s Counsel, Bradley C. Grasmick or David P. Jones, Lawrence Custer Grasmick Jones and Donovan, LLP., 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, 970-622-8181. **APPLICATION FOR REASONABLE DILIGENCE IN WELD COUNTY**. 2. Name of Structure. CCWCD Machine Shop Well. 3. Information from Previous Decree. 3.1. Case No. 19CW3085, decreed January 3, 2020, Water Division 1. Case No. 12CW270, decreed May 14, 2013, Water Division 1. 3.2. Location. In the NW 1/4 NW 1/4 of Section 32, Township 4 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 185 feet from the North section line and 555 feet from the West Section line of said Section 32. GPS location of 4458273.00 meters North, 516243.00 meter East, UTM Zone 13N. 3.3. Appropriation Date. November 20, 2012. 3.4. Amount Claimed. 20 g.p.m. and 2.0 acre feet per year, conditional. 3.5. Depth. 90 feet 3.6. Source. Tributary Groundwater. 3.7. Use. Central’s general purposes in Weld, Adams, Boulder, Morgan and Larimer Counties, including industrial, vegetation control, equipment washing, construction, backfilling, excavation, dust control and indoor drinking and sanitary facilities. 4. Augmentation Plan. This well is augmented pursuant to the decree entered in Case No. 02CW335. 5. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures and amounts diverted and beneficially used to justify absolute decree. During the diligence period, water from the well was diverted and used for domestic and commercial uses. Additionally, the water right listed herein is part of Central’s integrated system of water rights. Central has operated and developed its integrated system during the diligence period, including its Plans for Augmentation decreed in Case Nos. 02CW335, 03CW99 and 16CW3202 and has retained legal counsel

and engineering consultants to assist in such operation and development. Central has filed and prosecuted applications for the addition and removal of wells to and from its Plans. Central has acquired water rights represented by shares in various ditch companies and has prosecuted applications changing those water rights for use by Central in its Plans. Central has acquired various gravel pits and made capital improvements for storage of water. Central has appropriated new water rights and has leased water rights on a temporary basis for use in its Plans. Central has participated as an opposer in numerous water court applications to protect its water rights. Central has prosecuted water court applications to perfect its water rights as absolute and/or to maintain its conditionally decreed rights. Central and its parent district the Central Colorado Water Conservancy District have expended more than \$108,000,000 towards the operation, development and protection of the water rights decreed herein and its integrated system during the diligence period. 6. Name and Address of Owner Structure. Applicant owns the structure and the land upon which the structure is located. Applicant owns the structure and the land upon which the structure is located. Wherefore, Applicant requests the Court to enter a decree finding that Applicant has been reasonably diligent in the development of the conditional water right and continuing the conditional water right for the statutory period and such other and further relief that the Court finds just and proper. The original application consists of 3 pages.

**CASE NUMBER 2026CW3018 THE BOULDER AND LARIMER COUNTY IRRIGATING AND MANUFACTURING DITCH COMPANY**, c/o Jeff Rockwell, Vice President, 19784 County Road 3, Berthoud, CO 80513, (970) 685-8375. Please send all further pleadings to: 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 BOULDER AND LARIMER COUNTIES.** 2. Name of Structure. Boulder and Larimer County Reservoir, a/k/a Ish Reservoir. 3. Description of Conditional Water Right. 3.1. Date of Original Decree: Case No. 1997CW363, District Court, Water Division No. 1, dated July 15, 1998. 3.2. Findings of Reasonable Diligence: 3.2.1. Case No. 2004CW198, District Court, Water Division No. 1, dated March 3, 2005. 3.2.2. Case No. 2011CW51, District Court, Water Division No. 1, dated January 30, 2013. 3.2.3. Case No. 2019CW3017, District Court, Water Division No. 1, dated January 7, 2020. 3.3. Legal Description: 3.3.1. Location: The Boulder and Larimer County Reservoir is an off-channel reservoir located in Sections 2 and 3, Township 3 North, Range 69 West, and Sections 34 and 35, Township 4 North, Range 69 West of the 6th P.M., Boulder and Larimer Counties, Colorado, as shown on Exhibit A, attached hereto. 3.3.2. Point of Diversion: The Ish Inlet Ditch, which diverts water from the Little Thompson River for delivery to the reservoir, has its headgate located at a point on the South bank of the Little Thompson River at a point whence the Northeast corner of Section 1, Township 3 North, Range 70 West, 6th P.M., bears South 73° 0' West 1,100 feet, South 72° 0' West 900 feet; South 56° 0' West 360 feet to center of headgate. 3.4. Source: Little Thompson River, a tributary to the Big Thompson River and the South Platte River. 3.5. Rate of Diversion into the Reservoir: 400 c.f.s. 3.6. Appropriation Date: June 9, 1987. 3.7. Amount: 1,016.69 acre feet CONDITIONAL, as a refill right (983.31 acre feet were previously decreed as ABSOLUTE in Case Nos. 1997CW363 and 2019CW3017) 3.8. Use: Irrigation, stock watering, domestic and other agricultural uses. The irrigated land consists of 1,550 acres in portions of Sections 24, 25, 34, 35 and 36, Township 4 North, Range 69 West and Sections 19, 20, 29 and 30, Township 4 North, Range 68 West of the 6th P.M., Boulder and Larimer Counties. 4. Claim for Finding of Reasonable Diligence. Applicant has been reasonably diligent in developing the remaining portion of the conditional water right, and, therefore, requests that the Court continue the water right described in Paragraph 3 above. The following sets forth what has been done toward completion of the conditional appropriation: During this diligence period, Applicant has continued to maintain and improve its water delivery and storage facilities, including the Ish Inlet Ditch, the Boulder and Larimer County Reservoir, the reservoir's outlet ditch, the dam and the release structures. Specifically, over the last six years, Applicant continued to improve, repair and maintain various structures within its integrated water system, including the following: (a) Inspecting and repairing the headgate on the reservoir's outlet ditch in February 2020, and replacing the headgate of the outlet ditch in January 2021; (b) Cleaning, repairing and maintaining the water delivery structures throughout the diligence period,

including without limitation the outlet ditch, associated release structures, and farm headgates that deliver water to Applicant's shareholders; and (c) Inspecting the portion of the reservoir's outlet ditch that runs under the railroad in May 2020, and, subsequently, cleaning and lining the same piped portion of the outlet ditch in May 2021. Additionally, in 2025, Applicant engaged engineers to begin performing tests and inspections of the reservoir dam and banks to repair and upgrade the dam in the coming years. Overall, during this diligence period, Applicant expended approximately \$252,000 on maintaining and repairing its integrated water system. 5. 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 towards making absolute the remaining conditional rights described herein. 6. 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: Boulder & Larimer Irrigating and Manufacturing Ditch Company, c/o Jeff Rockwell, Vice President, 19784 County Road 3, Berthoud, CO 80513. The Ish Reservoir Company, P.O. Box 159, Johnstown, CO 80534. WHEREFORE, Applicant respectfully requests a ruling and decree for the following: A. Applicant has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 19CW3017 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; B. Applicant further prays that this Court continues in full force and effect the conditional water right for an additional six-year period, and for such other relief as the Court may deem proper; and C. Applicant has demonstrated continued intent and progress towards finalizing the conditional water right and further demonstrated that it has satisfied the requirements of "can and will". (Application consists of 5 pages, 1 Exhibit).

**CASE NUMBER 2026CW3019** (83CW280, 84CW221, 04CW196, & 04CW197) **MOUNT CARBON METROPOLITAN DISTRICT A. Applicant:** Mount Carbon Metropolitan District ("Mount Carbon") Attn: Lisa Johnson Clifton Larson Allen, LLC 8390 E. Crescent Parkway, Suite 500 Greenwood Village, Colorado 80111 Telephone: 303-439-6029. Please send all pleadings and correspondence to Wayne F. Forman and Jack A. Wold-McGimsey at Brownstein Hyatt Farber Schreck, LLP 675 15th Street, Suite 2900 Denver, Colorado 80202 Telephone: (303) 223-1100 **APPLICATION TO TERMINATE PLANS FOR AUGMENTATION IN JEFFERSON AND DOUGLAS COUNTY B. Nature of the Application:** 1. Applicant was decreed two plans for augmentation in Case Nos. 83CW280 and 84CW221, both of which were amended in Case Nos. 04CW196 and 04CW197 (collectively, the "Augmentation Plans"). Applicant has not operated either of the Augmentation Plans since approximately 2018 and has conveyed the underlying water rights that were to provide water to replace out-of-priority depletions under the Augmentation Plans. The water service to the majority of the service area decreed in the Augmentation Plans is and will be permanently served by other municipal water providers. To avoid any future confusion and to clarify that Applicant does not intend in the future to operate the Augmentation Plans, Applicant seeks a decree terminating them. **2. Augmentation Plan in 83CW280:** a. Decrees: Case Nos. 83CW280, decreed on June 18, 1986, 04CW196, decreed on April 6, 2015, and 04CW197, decreed on May 6, 2015. b. Original Plan for Augmentation: The original plan for augmentation approved in Case No. 83CW280 provided for the replacement of out-of-priority diversions using rights to Hock Hocking Mine water and shares in the Soda Lakes Reservoir and Mineral Water Company and Harriman Ditch Company at various discharge points and places of storage. See decree in Case No. 83CW280, Section I.E; decree in Case No. 04CW196, Section C (summarizing plan for augmentation water rights). Applicant has since conveyed these water rights to third parties. c. Subsequent Plan for Augmentation Amendments: On February 3, 2010, the Water Court issued an "Order Granting Motion for Leave to Transfer Water Right" in Case No. 83CW280. The Court approved Applicant's request to transfer its Hock Hocking water rights and to partially abandon the portion of its plan for augmentation in Case No. 83CW280 that relied upon these water rights. In the decree in Case No. 04CW196, ¶ 29, the Court approved the addition of a new storage structure for the Augmentation Plans, the removal of other water delivery and storage structures, and the addition of newly changed water rights approved in Case No. 04CW197. In the decree in Case No.

04CW197, ¶ 15, the Court changed the uses for some of Applicant’s water rights, which were added to the Augmentation Plans in Case No. 04CW196. Applicant has since conveyed these water rights to third parties. Finally, on January 14, 2021, Applicant submitted a “Notice of Withdrawal of Water Rights” with the Court in Case No. 83CW280. The notice informed the Court that Applicant had conveyed its shares in the Harriman Ditch Company and the Soda Lakes Reservoir and Mineral Water Company, and withdrew those rights from the plan for augmentation decreed in Case No. 83CW280. **3. Augmentation Plan in 84CW221:** a. Decrees: Case Nos. 84CW221, decreed on December 12, 1988, 02CW30, decreed on July 28, 2006, 04CW196, decreed on April 6, 2015, and 04CW197, decreed on May 6, 2015. b. Original Plan for Augmentation: The original plan for augmentation approved in Case No. 84CW221 provided for the replacement of out-of-priority diversions using water rights decreed for the Robert Lewis Ditch. *See* decree in Case No. 84CW221, Sections 3, 4; decree in Case No. 04CW196, Section C (summarizing plan for augmentation water rights). c. Subsequent Plan for Augmentation Amendments: In Case No. 02CW30, the Court found various points of exchange, storage, and diversion decreed in Case No. 84CW221 to be abandoned, as well as portions of the corresponding augmentation plan. Decree in Case No. 02CW30, ¶¶ 6, 11. The plan for augmentation decreed in Case No. 84CW221 was amended in the decree in Case No. 04CW196, ¶ 29, to change the storage and delivery structures and add the changed water rights decreed in Case No. 04CW197, ¶ 15. **C. Request to Terminate:** 1. Applicant is filing this Application for a decree terminating the Augmentation Plans to confirm and memorialize in the Court records and those of the Colorado Division of Water Resources that Applicant has not operated the Augmentation Plans since approximately 2018 and has no intent to operate them. 2. Termination of the Augmentation Plans will not adversely affect any vested owners of absolute or conditional water rights. 3. Applicant is providing notice of this Application to the current owner of the residence referenced in the decrees in Case No. 04CW196, ¶ 21.e and in Case No. 04CW197, ¶ 8.F, consistent with section 37-92-302(2)(b)(II), C.R.S. 2025. This residence is no longer served by Applicant’s former water system and has not received water service from Applicant since approximately 2018. a. Residence at 2660 S. Rooney Rd, Lakewood, CO, 80228 (1) Reputed Owner: CDN Red Rocks LP C/O Western Corporate Enterprises 1199 Hastings St. W 200 Vancouver, BC V6E 3T5 (2)) Registered Agent: National Registered Agents, Inc. 7700 E Arapahoe Rd Ste 220 Centennial, CO 80112-1268 **D. Prayer For Relief:** 1. Applicant requests a decree terminating the Augmentation Plans originally decreed in Case Nos. 83CW280 and 84CW221, as amended in Case Nos. 04CW196 and 04CW197. 2. This Application is not intended to affect any water rights, or changes to water rights, decreed in previous cases.

**CASE NUMBER 2026CW3020 CITY OF LOUISVILLE’S APPLICATION TO ACCOUNT FOR AND APPLY EXCESS WASTEWATER CREDITS IN BOULDER COUNTY** 1. Name, Address, and Telephone Number of Applicant: City of Louisville (“Louisville” or “Applicant”), 749 Main Street, Louisville, CO 80027, (303) 335-4601. Please forward all pleadings, correspondence, and inquiries regarding this matter to the attorneys listed in the caption: Ashley P. Zahedi, Kate A. Bosh, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 West 120th Avenue, Suite 302, Westminster, CO 80234, Telephone: (303) 595-9441; ashleyz@cjzwaterlaw.com, kateb@cjzwaterlaw.com. 2. Background. Louisville is a Colorado municipal corporation with home-rule authority that owns and operates a municipal water supply system to provide potable water supplies for customers located within its municipal water service area. Louisville also owns and operates a wastewater treatment system to collect and treat wastewater resulting from water use within Louisville’s water service area, with the remainder returning primarily as wastewater collected and treated at the Louisville’s Wastewater Treatment Plant (“WWTP”). The approximate water service area boundary is shown on Exhibit A. The WWTP outfall discharges into Coal Creek in the NW1/4 SE1/4 Section 9, Township 1 South, Range 69 West of the 6th P.M., UTM Easting 490050, Northing 4425135, as depicted in Exhibit A. 3. Summary of Application. Louisville has obtained several decrees, described below, that quantified the historical consumptive use of various water rights, changed those water rights for municipal purposes, and approved Louisville’s right to use, successively use, reuse, dispose of, exchange, and totally consume the quantified historical consumptive use of the water rights, subject to the terms and conditions of the respective decrees (the “HCU Decrees”). As part of the HCU Decrees,

Louisville reserved the right to file an application setting forth the procedure by which the successive use, reuse, full consumption, and disposition of the fully consumable water established by the HCU Decrees will be made by Louisville. The purpose of this Application is to determine and account for the portion of sewerer wastewater collected and treated at the WWTP that constitutes reusable or fully consumable sewerer wastewater, from which Louisville may fully use, reuse, and successively use the excess sewerer wastewater (“Wastewater Credits”) attributable to Louisville’s water rights described in the HCU Decrees. This Application is specific to the successive use, reuse, or disposition of sewerer wastewater after collection and treatment at the WWTP attributable to the fully consumable portion of Louisville’s water rights described in the HCU Decrees. Nothing herein should be construed to pertain to, or as a request for, reuse of lawn irrigation return flows. Additionally, Louisville does not seek approval of a new exchange in this Application.

4. Sources of Fully Consumable Water. Water derived from the following HCU Decrees listed in this paragraph 4 is fully consumable to extinction by Louisville (“Fully Consumable Water”). The sources listed below are enumerated in this Application for purposes of identification only. No change of any type is requested regarding any of the following sources listed in this paragraph 4. No amendment or change is requested for any of the decrees listed in this paragraph 4. Louisville retains dominion and control over its Fully Consumable Water from the sources listed below until the water has been used, reused, and successively used to extinction. These water rights include:

- a. Case No. W-8500-77. Fully consumable water attributable to water rights from the Howard Ditch and Dry Creek No. 2 Ditch as changed in Case No. W-8500-77, District Court, Water Division 1, entered April 21, 1987. Paragraph 23.J authorizes reuse and successive use upon approval by the Water Court.
- b. Case No. W-9193-78. Fully consumable water attributable to water rights from the Cottonwood No. 2 Ditch as changed in Case No. W-9193-78, District Court, Water Division 1, entered November 15, 1979. Paragraph 30 authorizes reuse and successive use upon approval by the Water Court.
- c. Case No. 80CW451. Fully consumable water exchanged under the Baseline Exchange appropriative right of exchange decreed in Case No. 80CW451, District Court, Water Division 1, entered May 10, 1988. Paragraph 20.d authorizes reuse and successive uses upon approval by the Water Court.
- d. Case No. 82CW305. Fully consumable water attributable to water rights from the East Boulder Ditch and Enterprise Ditch as changed in Case No. 82CW305, District Court, Water Division 1, entered May 12, 1986. Paragraph 15.K authorizes reuse and successive use upon approval by the Water Court.
- e. Case No. 82CW375. Fully consumable water attributable to use of the Cowdrey Reservoir priority as changed in Case No. 82CW375, District Court, Water Division 1, entered January 14, 1988. Paragraph 13 authorizes reuse and successive use upon approval by the Water Court.
- f. Case No. 82CW376. Fully consumable water attributable to use of the Harper Reservoir priority as changed in Case No. 82CW376, District Court, Water Division 1, entered January 14, 1988. Paragraph 13 authorizes reuse and successive use upon approval by the Water Court.
- g. Case No. 83CW319. Fully consumable water attributable to water rights from the Davidson Ditch and Goodhue Ditch as changed in Case No. 83CW319, District Court, Water Division 1, entered June 25, 1987. Paragraph 23 authorizes reuse and successive use upon approval by the Water Court.
- h. Case No. 87CW327. Fully consumable water attributable to water rights from the Leyner Cottonwood Ditch, Marshallville Ditch, and McGinn Ditch, and fully consumable water exchanged under the Baseline Exchange appropriative right of exchange, as decreed in Case No. 87CW327, District Court, Water Division 1, entered April 12, 1991. Paragraphs 26.D, 27.G, 28.G, and 29.E authorize reuse and successive uses upon approval by the Water Court.
- i. Case No. 92CW079. Fully consumable water attributable to water rights from Marshall Lake, Community Ditch, South Boulder Coal Creek Direct, and South Boulder Coal Creek Storage as changed in Case No. 92CW079, District Court, Water Division 1, entered March 31, 1995. Paragraph 6.4.2 authorizes reuses and successive uses upon Water Court approval.
- j. Case No. 99CW230. Fully consumable water attributable to water rights from the Howard Ditch, Dry Creek No. 2 Ditch, and Cottonwood No. 2 Ditch, as changed in Case No. 99CW230, District Court, Water Division 1, entered August 17, 2004. Paragraphs 4.A, 4.B, and 4.C authorizes reuses and successive uses upon Water Court approval.
- k. Case No. 07CW310. Fully consumable water attributable to water rights from Marshall Lake, Community Ditch, South Boulder Coal Creek Direct, and South Boulder Coal Creek Storage as changed in Case No. 07CW310, District Court, Water Division 1, entered September 15, 2013. Paragraph 6.4.2 authorizes reuses and successive uses upon

Water Court approval. 1. Such other fully consumable and reusable sources of water that Louisville now holds or may hereafter acquire an interest in. 5. Determination of Wastewater Credits. When used for municipal purposes, Louisville accounts for Fully Consumable Water taken into Louisville's municipal raw water treatment system and distributed to the metered customers as potable water in Louisville's existing and future service area. Louisville's initial use of the Fully Consumable Water will be controlled by the terms and conditions of the applicable HCU Decrees. Only part of the Fully Consumable Water diverted for initial use in Louisville's municipal water system is actually consumed during that initial use. After initial use, the portion of Fully Consumable Water that is collected as sewerage wastewater and treated at the WWTP will be reused, successively used to extinction, and otherwise disposed of as Wastewater Credits. The specific methodology by which Louisville will account for and apply these Wastewater Credits will be established by the decree requested in this Application. Louisville maintains dominion and control over the Fully Consumable Water that is used, reused, and successively used to extinction, and otherwise disposed of as Wastewater Credits. The amount of Wastewater Credits available will be determined based on sewerage wastewater measurements to the extent metered or determined by calculations in accordance with the accounting methodology approved by the Water Court for the reuse, successive use to extinction, and otherwise dispose of Fully Consumable Water as Wastewater Credits. 6. Proposed Uses of Wastewater Credits. Louisville intends to use Wastewater Credits for all municipal purposes including, but not limited to, domestic irrigation, watering of lawns, parks and grounds, storage, commercial, industrial, mechanical, manufacturing, fire protection, sewage treatment, street sprinkling and cleaning, recreational, storage for later use, maintenance of operating detention, replacement, augmentation, and operation of the municipal water and sewage system, and pursuant to contract exchanges, leases, or water trades made by mutual agreement with other water users. The Wastewater Credits may also be used: (1) to meet Louisville's historical return flow obligations for the changed water rights pursuant to the HCU Decrees, described above, and in any future change of water right decree that approves the Wastewater Credits as a source of replacement water; (2) as a substitute supply by exchange or substitution pursuant to decreed substitutions and exchanges and exchanges approved by the State Engineer under then-current statutory authority; and (3) as a replacement source pursuant to augmentation plans or as approved by the State Engineer under then-current statutory authority. In addition to the uses described above, Louisville has the right of disposition, use, reuse, and successive use, to extinction of the Wastewater Credits, including uses outside of Louisville's service area by lease, trade, sale or such other arrangement entered into by Louisville. 7. Request for Relief. Louisville respectfully requests the following relief: a. Approval of the methodology by which Louisville will account for and apply the Wastewater Credits attributable to the Fully Consumable Water; b. Confirmation that Louisville retains dominion and control and continues to retain dominion and control over such water after its prior use; and c. Such additional relief that this Court deems just and proper.

**CASE NUMBER 2026CW3021 COLORADO HISTORICAL SOCIETY ("CHS")**, 1200 Broadway, Denver, Colorado 80203. Please direct communications regarding this case to Jennifer Mele, First Assistant Attorney General, Water Conservation Unit, and Ema I. G. Schultz, Second Assistant Attorney General, Natural Resources & Environment Section, Office of the Colorado Attorney General, 1300 Broadway, 10th Floor, Denver, Colorado 80203. Telephone: (720) 508-6282 (Mele) (720) 508-6307 (Schultz). Email: [jen.mele@coag.gov](mailto:jen.mele@coag.gov); [ema.schultz@coag.gov](mailto:ema.schultz@coag.gov). **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN CLEAR CREEK AND JEFFERSON COUNTIES**. Applicant, The Colorado Historical Society ("CHS"), hereby files this application for findings of reasonable diligence and to make a portion of conditional water rights absolute. **1. Name, address and telephone number of Applicant:** Colorado Historical Society 1200 Broadway Denver, CO 80203 (303) 866-3682. **2. Description of conditional water rights:** A. Georgetown Loop Railroad Well Enlargement Priority No. 2. i. Prior Decree: Case No. 17CW3185. ii. Location: In the NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado approximately 1950 feet from the south Section line and 500 feet from the east Section line. The Georgetown Loop Railroad Well is shown on Exhibit 1. iii Amount: 0.156 cfs, conditional. iv. Source:

Ground water tributary to Clear Creek v. Use: Irrigation at the Georgetown Loop Railroad Visitor's Center, drinking and sanitation at the Georgetown Loop Railroad Visitor's Center, including storage for such uses.

vi. Appropriation date: November 30, 2017 vii. Remarks: Applicant originally obtained a water right for the Georgetown Loop Railroad Well when anticipated operations of the Georgetown Loop Railroad were on a daily basis from Memorial Day through Labor Day, and weekends only during the periods May 1 through Memorial Day and Labor Day through October 31. In Case No. 17CW3185 Applicant decreed the Georgetown Loop Railroad Well for use on a year-round basis outside of the previously decreed season of use. This water right may be used by direct diversion or after storage in the GLRR Cistern or the Lebanon Mill Reservoir B. Name of Exchange: Church Ditch Augmentation Station to GLRR Cistern Diversion Exchange i. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE 1/4 of NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M., at a point that is approximately 480 feet west and 320 feet south of the NE corner of said Section, Jefferson County, Colorado. ii. Exchange to point: GLRR Cistern diversion, a point on Clear Creek located in the NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, Section 18, T4S, R74W. The exchange reach is shown on Exhibit 1. iii. Maximum rate of exchange: 0.01 c.f.s., conditional iv. Date of appropriation: November 30, 2017 C. Name of Exchange: Idaho Springs Reservoir to GLRR Cistern Diversion Exchange i. Exchange from point: Confluence of Chicago Creek and Clear Creek. The confluence of Chicago Creek and Clear Creek is located in the SE 1/4 of the SE 1/4 of Section 35, Township 3 South, Range 73 West, 6th P.M. at a point approximately 530 feet from the South section line and 780 feet from the East section line of said Section 35. ii. Exchange to point: GLRR Cistern diversion, a point on Clear Creek located in the NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, Section 18, T4S, R74W. The well is located within 100 feet of Clear Creek. The exchange reach is shown on Exhibit 1. iii. Maximum rate of exchange: 0.5 c.f.s. (rate of diversion of cistern pod) iv. Date of appropriation: November 30, 2017 D. Name of Exchange: Church Ditch Augmentation Station to Idaho Springs Reservoir i. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M. ii. Exchange to point: point of diversion for the Idaho Springs Reservoir. The Idaho Springs Reservoir is an on-channel reservoir located on Chicago Creek, in the West 1/2 of Section 6, Township 5 South, Range 73 West, 6th P.M. and the East 1/2 of Section 1, Township 5 South, Range 74 West, 6th P.M. The exchange reach is shown on Exhibit 1. iii. Maximum rate of exchange: 0.01 c.f.s., conditional iv. Date of appropriation: November 30, 2017 E. Name of Exchange or Substitution: Church Ditch Augmentation Station to Georgetown Loop Railroad Well Exchange i. Exchange from point: The Church Ditch augmentation station, located on the north bank of Clear Creek in the NE 1/4 of the NE 1/4 of Section 32, Township 3 South, Range 70 West of the 6th P.M. ii. Exchange to point: Georgetown Loop Railroad Well point of depletion, located in the NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 1950 feet from the south Section line and 500 feet from the east Section line, Section 18, T4S, R74W. The well is located within 100 feet of Clear Creek. The exchange reach is shown on exhibit 1. iii. Maximum rate of exchange: 0.01 c.f.s., conditional iv. Date of appropriation: November 30, 2017 F. Name of Exchange or Substitution: Idaho Springs Reservoir to Georgetown Loop Railroad Well Exchange i. Exchange from point: Confluence of Chicago Creek and Clear Creek. The confluence of Chicago Creek and Clear Creek is located in the SE 1/4 of the SE 1/4 of Section 35, Township 3 South, Range 73 West, 6th P.M. at a point approximately 530 feet from the South section line and 780 feet from the East section line of said Section 35. ii. Exchange to point: Georgetown Loop Railroad Well point of depletion, located in the NE 1/4 of the SE 1/4 of Section 18, Township 4 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, approximately 1950 feet from the south Section line and 500 feet from the east Section line, Section 18, T4S, R74W. The well is located within 100 feet of Clear Creek. The exchange reach is shown on Exhibit 1. iii. Maximum rate of exchange: 70 g.p.m. (0.156 c.f.s.), conditional iv. Date of appropriation: November 30, 2017 G. Applicant decreed an appropriative right of exchange for the reach with the same termini as the Church Ditch Augmentation Station to Georgetown Loop Railroad Well Exchange, Church Ditch to Idaho Springs Reservoir Exchange, and Idaho Springs Reservoir to Georgetown Loop Railroad Well



Exchange referenced herein in Case No. 13CW3161. This application seeks diligence on operation of these exchanges during the entire Church Ditch operating season, not limited by the date restrictions of the augmentation plan decreed in Case Nos. 84CW166 and 91CW68 and 69. H. The applicant may only exchange the one inch of Church Ditch water that was donated to the Colorado Historical Society by the Adolph Coors Company in these exchanges. 3. **Claim to make conditional water right absolute.** CHS diverted at a rate of 0.156 cfs and beneficially used, and therefore claims as absolute the Georgetown Loop Railroad Well Enlargement Priority No. 2 described in paragraph 2.A, above, on the following dates: Dates: May 14 to May 29, 2023 (weekdays), May 27 to May 28, 2021 (weekdays), May 2 to May 9, 2024 (weekdays) 4. **Claim to make portion of conditional water rights absolute.** A. CHS operated the following exchanges described in paragraph 2.B, above, with permission from the Division of Water Resources within the diligence period: i. Church Ditch Augmentation Station to GLRR Cistern Diversion Exchange ii. Idaho Springs Reservoir to GLRR Cistern Diversion Exchange iii. Church Ditch Augmentation Station to Idaho Springs Reservoir iv. Church Ditch Augmentation Station to Georgetown Loop Railroad Well Exchange v. Idaho Springs Reservoir to Georgetown Loop Railroad Well Exchange B. The following table shows the five conditional exchanges decreed in Case No. 17CW3185 and described in paragraph 2.B, above, the extent to which the five exchanges are claimed absolute, and the remaining conditional portion of the exchanges:

Exchange	Conditional Exchange Rate (cfs)	Max Rate Exchanged (cfs)	Remaining Conditional Exchange (cfs)
Church Ditch Aug Station to GLRR Cistern <sup>1</sup>	0.010	0.004	0.006
Church Ditch Aug Station to Idaho Springs Reservoir <sup>2</sup>	0.010	0.005	0.005
Church Ditch Aug Station to GLRR Well Depletion Pt <sup>3</sup>	0.010	0.006	0.004
Idaho Springs Reservoir to GLRR Cistern <sup>4</sup>	0.500	0.008	0.492
Idaho Springs Reservoir to GLRR Well <sup>5</sup>	0.156	0.002	0.154

<sup>1</sup>Max value from 10/20/2022

<sup>2</sup>Max value from 5/23/2021

<sup>3</sup>Max value from 5/26/2021

<sup>4</sup>Max value from 10/29/2025

<sup>5</sup>Max value from 9/9/2021

**5. Claim for diligence in the alternative to making conditional water rights absolute:** In the event the Court does not approve CHS's claims to make the Georgetown Loop Railroad Well Enlargement Priority No. 2 absolute as described in paragraph 3, above, or CHS's claims to make portions of the exchanges absolute as described in paragraph 4, above, CHS claims it has diligently worked towards completing the appropriations and perfecting these conditional water rights and seeks a finding of diligence pursuant to section 37-92-301(4), C.R.S. **6. Claims for diligence on the remaining conditional portions of the subject exchanges described in paragraphs 2.B, 2.C, 2.D, 2.E, and 2.F, above.** When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system." § 37-92-301(4)(b), C.R.S. The subject exchanges, the Georgetown

Loop Railroad Well, the Lebanon Mill Reservoir, GLRR Cistern, Lebanon Mill Well, and other decreed appropriative rights of exchange, together constitute features of an integrated water supply system designed to provide a sufficient and reliable water supply at the Georgetown Loop Railroad. A detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the diligence period follows. This list is not intended to be exclusive and may be supplemented by additional evidence. A. CHS operates the GLRR Cistern for storage of the subject exchanges. CHS has engaged Applegate Group to operate and account for the subject exchanges to be stored in the cistern and the Idaho Springs Reservoir. CHS exchanges the maximum it can given stream conditions and water availability. B. CHS engaged the services of the Applegate Group to serve as engineering and water resources support for the Georgetown Loop Railroad water systems. Applegate Group evaluated Georgetown Loop Railroad Well pumping volumes and records for consistency with the relevant decrees. CHS engaged Applegate Group to monitor the administrative call to determine when the Georgetown Loop Railroad Well could pump under the Georgetown Loop Railroad Well Enlargement conditional right. HRA, CHS's operating partner for the Georgetown Loop Railroad, pumped the Georgetown Loop Railroad Well under the Georgetown Loop Railroad Well Enlargement conditional right when in priority. C. CHS engaged the Applegate Group to coordinate exchanges from the Church Ditch and from Idaho Springs Reservoir to fill the GLRR Cistern, monitor exchange potential and communicate with the Clear Creek Water Commissioner to operate exchanges to the Cistern, report available exchanged water to HRA for diversions to fill the cistern, track weekly obligations for Cistern releases needed for augmentation of Georgetown Loop Railroad Well pumping depletions, complete monthly accounting for Cistern operations, and submit that accounting to Division 1. D. During the diligence period, after obtaining approval from the District 7 water commissioner via email, Applegate coordinated and HRA operated on behalf of CHS a portion of the subject exchanges on a regular basis through the season. Applegate Group received approval from the District 7 Water Commissioner for exchanges from 2020 through the diligence period. After receiving Water Commissioner approval for exchanges, Applegate Group advised HRA on exchange potential to the Georgetown Loop Railroad Well, and to the City of Idaho Springs for exchange potential to Idaho Springs Reservoir. HRA subsequently diverted pursuant to available exchanges by pumping at the Georgetown Loop Railroad Well, and the City of Idaho Springs diverted pursuant to available exchanges by storing exchanged water at Idaho Springs Reservoir. E. CHS has used its Church Ditch inch and paid a total of approximately \$3,000 during the diligence period for the annual lease of the Church Ditch Augmentation Station. F. CHS has paid a fee for the annual carriage charge for Church Ditch water. G. CHS has paid approximately \$500 annually for use of one acre-foot of storage in Idaho Spring Reservoir during the diligence period. H. CHS applied for diligence on the Lebanon Mill Reservoir water storage right in Case No. 21CW3062 and diligently prosecuted the case. The Court entered the decree in that case on May 5, 2022. I. CHS applied for diligence on the Church Ditch to Idaho Springs Reservoir Exchange, the Idaho Springs Reservoir to Georgetown Loop Railroad Well Exchange, the Church Ditch to Georgetown Loop Railroad Well Exchange, and the Church Ditch to Lebanon Mill Reservoir Exchange in Case No. 22CW3053. The decree in that case was entered on November 14, 2022. J. CHS engaged Applegate Group to complete monthly accounting for the conditional exchanges and Georgetown Loop Railroad Well Enlargement. Applegate Group completed monthly accounting and annual projections and submitted these to the Division of Water Resources, as required in the decree for Case No. 17CW3185. K. From 2020 – 2025 CHS paid Applegate \$62,622.50, or an average of \$10,437.08 annually, for its operations of and accounting for the water uses and exchange operations for the Georgetown Loop Railroad. L. CHS is evaluating expansion of its Georgetown Loop Railroad Visitor's Center facilities. This will include increasing restroom capacity, enlarging the footprint of the main Visitor's Center building, and adding an event center, all of which will increase water consumption at the facility. CHS has engaged FEA Consulting to investigate the expansion of amenities and water needs for the expansion. This process and the work by FEA are ongoing. During the diligence period CHS paid approximately \$87,000 to FEA for this work. M. Applegate met with FEA January 5, 2026, to discuss potential expansion as visitors center and anticipated water needs under various buildout scenarios based on historical water use. **7. Owners of land on which facility is located:** A. Colorado Historical Society,

State of Colorado B. City of Northglenn 11701 Community Center Drive Northglenn, CO 80233 C. City of Westminster 4800 West 92nd Avenue Westminster, CO 80031 D. City of Idaho Springs PO Box 907 Idaho Springs, CO 80452 E. The City of Black Hawk P.O. Box 68 Black Hawk, Colorado 80422 F. Church Ditch Water Authority 2350 West 112th Avenue Northglenn, Colorado 80234. WHEREFORE, the State of Colorado, by and through the Colorado Historical Society, requests that this Court enter a decree making the Georgetown Loop Railroad Well Enlargement Priority No. 2 absolute, making portions of the water rights for the subject appropriative rights of exchange absolute, and finding the applicant has diligently worked towards completing the appropriations and perfecting the water rights as claimed herein.

**CASE NUMBER 2026CW3022 AJAY AND AMY KOTHA**, 1543 Chickamauga Ln., Grove, IL 60047; Email: [Kothaaj@yahoo.com](mailto:Kothaaj@yahoo.com); Telephone Number: (513) 227-7395 and Mountain Mutual Reservoir Company and Homestead Water Company, 6949 Highway 73, Suite 15, Evergreen, CO 80439; 6949 Highway 73, Suite MW5, Evergreen, CO 80439; Email: [Norm@mmrcwater.com](mailto:Norm@mmrcwater.com); [norm@hch20.com](mailto:norm@hch20.com); Telephone Number: (303) 989-6932; (303) 670-7146. Please address all correspondence for Kotha and Mountain Mutual Reservoir Company to: Aaron S. Ladd, Esq. and Rachel L. Bolt, Esq., Dickinson Wright, PLLC, 1125 17th Street, Suite 550, Denver, CO 80202; Email: [aladd@dickinson-wright.com](mailto:aladd@dickinson-wright.com); [rbolt@dickinson-wright.com](mailto:rbolt@dickinson-wright.com); Telephone Number: (303) 723-8400. Please address all correspondence for Homestead to: Matthew S. Paznanovic, Esq. and John D. Buchanan, Esq., Hayes Paznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202; Email: [matt@hpkwaterlaw.com](mailto:matt@hpkwaterlaw.com); [john@hpkwaterlaw.com](mailto:john@hpkwaterlaw.com); Telephone Number: (303) 825-1980. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION IN JEFFERSON COUNTY, COLORADO.** 2. Overview of Claims: Kotha owns an approximately 8-acre parcel lying in the NW1/4, NW1/4, Section 4, Township 6 South, Range 70 West and the SW1/4, SW1/4 Section 33, Township 5 South, Range 70 West of the 6th P.M., in Jefferson County, Colorado ("Kotha Property") shown on the map attached as **Exhibit A**. It is in the drainage of Iowa Gulch, tributary to South Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek. Kotha seeks to divide the Kotha Property into up to four lots. The water supply for the in-house water use on the subdivided Kotha Property will be provided by Homestead's existing wells described in Paragraph 3, (collectively, the Homestead Wells"), which are shown on the attached Exhibit A. The augmentation plan sought by this application will replace out-of-priority depletions caused by pumping one or more of the Homestead Wells for in-house water use on up to four lots on the subdivided Kotha Property. Each house constructed on the Kotha Property will be served by an individual septic tank-soil absorption system. **Application for Approval of a Plan for Augmentation Including Exchange** 3. Name of Structure to be Augmented: The Homestead Wells described in Paragraph 3 were previously decreed for use within the Homestead Subdivision. By this Application, Applicants request to use the same structures to allow new uses at the new place of use described in Paragraph 2. No amendment to the terms and conditions of the decrees in Case Nos. W-102, W-7746-74, 94CW290 and 18CW3127 is requested or intended. a. Settlers Deep Well (WDID No. 0906253): i. Location: SW1/4 SW1/4, Section 33, Township 5 South, Range 70 West of the 6th P.M. in Jefferson County, Colorado, at a point approximately 435 feet from the south section line and 115 feet from the west section line. ii. Source: Groundwater tributary to Iowa Gulch and South Turkey Creek. iii. Amount: 20 gpm. iv. Uses: This well will be used pursuant to the augmentation plan requested herein for inhouse domestic use at the single family residences and emergency fire protection at the development at the Kotha Property. This well is also permitted under Permit No. 60749F and decreed in Case No. W-7746-74 as an alternate point of diversion for water rights decreed in Case No. W-102 and the well is also decreed to operate under the W-7746-74 augmentation plan in the Homestead Subdivision and to operate under the Case No. 18CW3237 augmentation plan for use in the property described in the Case No. 18CW3237 decree. The location of the Homestead Subdivision is described in the Case No. W-7746-74 decree. This well will continue to be used in the Homestead Subdivision pursuant to Case No. W-7746-74 and at the property described in the Case No. 18CW3237 decree and no amendment to the terms and conditions of the decrees in Case Nos. W-7746-74, W-102 and 18CW3237 is requested. The amount of water produced from the well pursuant to the augmentation plan requested in this case shall be measured separately from the amount of water produced from the well pursuant to the Case Nos. W-7746-74 and

18CW3237 augmentation plans based on measurement of the total amount of water delivered to the single family residences located within the development at the Kotha Property under the augmentation plan requested in this case. b. Settlers Gallery Well (WDID No. 0906254): i. Location: NW1/4 SW1/4, Section 33, Township 5 South, Range 70 West in the 6th P.M., Jefferson County, Colorado, at a point approximately 1680 feet from the south section line and 80 feet from the west section line. ii. Source: groundwater tributary to Iowa Gulch and South Turkey Creek. iii. Amount: 30 gpm. iv. Uses: This well will be used pursuant to the augmentation plan requested herein for inhouse domestic use at the single family residences and emergency fire protection at the development at the Kotha Property. This well is also permitted under Permit No. 65465F and decreed in Case No. W-7746-74 as an alternate point of diversion for water rights decreed in Case No. W-102 and to operate under the W-7746-74 augmentation plan in the Homestead Subdivision and to operate under the Case No. 18CW3237 augmentation plan for use in the property described in the Case No. 18CW3237 decree. The location of the Homestead Subdivision is described in the Case No. W-7746-74 decree. This well will continue to be used in the Homestead Subdivision pursuant to Case No. W-7746-74 and at the property described in the Case No. 18CW3237 decree and no amendment to the terms and conditions of the decrees in Case Nos. W-7746-74, W-102 and 18CW3237 is requested. The amount of water produced from the well pursuant to the augmentation plan requested in this case shall be measured separately from the amount of water produced from the well pursuant to the Case Nos. W-7746-74 and 18CW3237 augmentation plans based on measurement of the total amount of water delivered to the single family residences located within the development at the Kotha Property under the augmentation plan requested in this case. c. Sourdough Well (WDID No. 0906252): i. Location: SW1/4 NW1/4, Section 33, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point approximately 1,740 feet from the north section line and 280 feet from the west section line. ii. Source: Groundwater tributary to Iowa Gulch and South Turkey Creek. iii. Amount: 20 gpm. iv. Uses: This well will be used pursuant to the augmentation plan requested herein for inhouse domestic use at the single family residences and emergency fire protection at the development at the Kotha Property. This well is also permitted under Permit No. 96506F and decreed in Case No. W-7746-74 as an alternate point of diversion for water rights decreed in Case No. W-102 and to operate under the W-7746-74 augmentation plan in the Homestead Subdivision and to operate under the Case No. 18CW3237 augmentation plan for use in the property described in the Case No. 18CW3237 decree. The location of the Homestead Subdivision is described in the Case No. W-7746-74 decree. This well will continue to be used in the Homestead Subdivision pursuant to Case No. W-7746-74 and at the property described in the Case No. 18CW3237 decree and no amendment to the terms and conditions of the decrees in Case Nos. W-7746-74, W-102 and 18CW3237 is requested. The amount of water produced from the well pursuant to the augmentation plan requested in this case shall be measured separately from the amount of water produced from the well pursuant to the Case Nos. W-7746-74 and 18CW3237 augmentation plans based on measurement of the total amount of water delivered to the single family residences located within the development at the Kotha Property under the augmentation plan requested in this case. d. Wagon Rim Well (WDID No. 0906163): i. Location: SW1/4 SE1/4, Section 29, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado, at a point approximately 400 feet from the south section line and 1900 feet from the east section line. ii. Source: Groundwater tributary to North Turkey Creek, Iowa Gulch, and South Turkey Creek. iii. Amount: 25 gpm. iv. Uses: This well will be used pursuant to the augmentation plan requested herein for inhouse domestic use at the single family residences and emergency fire protection at the development at the Kotha Property. This well is also permitted under Permit No. 79011F and decreed in Case No. 94CW290 with an appropriation date of December 30, 1994, to operate under the 94CW290 augmentation plan in that part of the Homestead Subdivision described and depicted in Exhibits A-3 and A-4 of the Case No. 94CW290 decree and to operate under the Case No. 18CW3237 augmentation plan for use in the property described in the Case No. 18CW3237 decree. The Homestead Subdivision is described in the Case No. 94CW290 decree. This well will continue to be used in the Homestead Subdivision pursuant to Case No. 94CW290 and at the property described in the Case No. 18CW3237 decree and at the property described in the Case No. 18CW3237 decree and no amendment to the terms and conditions of the decree in Case No. 94CW290 and the decree in Case No. 18CW3237 is requested. The amount of water produced

from the well pursuant to the augmentation plan requested in this case shall be measured separately from the amount of water produced from the well pursuant to the Case Nos. 94CW290 and 18CW3237 augmentation plans based on measurement of the total amount of water delivered to the single family residences located within the development at the Kotha Property under the augmentation plan requested in this case. e. Applications for new or amended well permits for the Homestead Wells will be submitted to the Colorado Division of Water Resources when the augmentation plan sought herein is approved. 4. Water Rights to be Used for Augmentation Purposes: Kotha purchased 2.5 shares of MMRC stock, which represents a firm annual yield of 0.078 of an acre-foot to satisfy the replacements needs under this augmentation plan, which firm yield is reflected on **Exhibit B**, attached. Said shares were previously associated with Foothills Housing 1, but were never associated with a decreed augmentation plan for Foothills Housing 1, and were contractually returned to North Fork Associates, LLC, prior to being sold by North Fork Associates, LLC to Kotha. a. The water rights which MMRC owns for the benefit of its shareholders (hereinafter referred to as the **“Bear Creek/Turkey Creek water rights”**), are summarized as follows: i. Harriman Ditch: 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. Said company owns direct flow water rights decreed to the Harriman Ditch. Pursuant to the Decree entered in Civil Action No. 6832, on February 4, 1884, the ditch was awarded the following direct flow priorities:

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

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

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

iii. Soda Lakes Reservoir Nos. 1 and 2: 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. Said company owns storage water rights decreed to the Soda Lakes Reservoir Nos. 1 and 2. Pursuant to the Decree entered in Civil Action No. 91471 on September 24, 1935, the Soda Lakes Reservoir Nos. 1 and 2 were adjudicated for 1,794 acre-feet for irrigation purposes, and 598 acre-feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. The date of appropriation awarded to the structures was February 11, 1893. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. iv. Meadowview Reservoir: The structure is located in the NE1/4 SW1/4 and the NW1/4 SE1/4 of Section 26, Township 5 South, Range 71 West, 6th P.M., Jefferson County. Meadowview Reservoir was awarded absolute water rights in Case No. 09CW92 (01CW294), in an amount of 20 acre-feet, and in Case No. 16CW3022 (94CW290), in an amount of 30 acre-feet, for augmentation, replacement, exchange and substitution purposes. The source is North Turkey Creek and water tributary to North Turkey Creek.

Harriman Ditch and Warrior Ditch direct flow water and water available to MMRC in the Soda Lakes Reservoirs are also stored in Meadowview Reservoir by exchange pursuant to the appropriative rights of substitution and exchange decreed in Case Nos. 94CW290, 00CW060 and 01CW293. b. The overall “firm” yield of consumptive use water available from the MMRC portfolio of Bear Creek/Turkey Creek water rights and storage facilities was quantified in the Decrees entered by the District Court for Water Division 1 in Case No. 01CW293, dated July 16, 2003, and Case No. 94CW290, dated October 16, 2006. The terms and conditions under which the Bear Creek/Turkey Creek water rights are used for augmentation and replacement purposes are set forth in the Decrees in Case Nos. 01CW293 and 94CW290, and are deemed to be *res judicata* in future proceedings involving such rights, pursuant to *Williams v. Midway Ranches*, 938 P.2d 515 (Colo. 1997). Reference is made to the Decrees in Case Nos. 01CW293 and 94CW290 for more detailed information. c. Terms from Case No. 19CW3154. Defined terms used here but not defined or used in other sections of this application shall have the meaning set forth in the Decree for Case No. 19CW3154. i. When and to the extent the Bear Creek/Turkey Creek Firm Yield committed to the plan described in this application is not needed to make replacements pursuant to said plan, MMRC’s use of the Bear Creek/Turkey Creek Firm Yield that is committed to this application may be used as a Supplemental Supply as defined in the decree in Case No. 19CW3154 only in the manner, and subject to the terms and conditions, set forth in said decree, including but not limited to the provisions set forth in Sections 21.1 through 21.7, 22.1, 22.2.1 through 22.2.9 and 22.3.1 and 22.3.2. An excerpt of the decree in Case No. 19CW3154 that includes these referenced sections will be attached as an exhibit to the final decree in this case. ii. On an ongoing basis, if MMRC’s storage volume in Meadowview Reservoir is less than the Turkey Creek Estimated Actual Depletions from the current month until the next April 30, MMRC shall cease making replacements of pond evaporation depletions in the Turkey Creek basin that are to be augmented pursuant to this application. 5. Statement of Plan for Augmentation: This augmentation plan will replace out-of-priority depletions associated with the Homestead Wells resulting from inhouse domestic use on the subdivided Kotha Property in the manner described below. Kotha is building a development at the Kotha Property designed for up to four single-family dwellings and emergency fire protection. The water supply for the development at the Kotha Property will be provided by Homestead, from the Homestead Wells. Under the augmentation plan requested herein, water pumped by the Homestead Wells will be delivered into a unified central water supply system operated by Water Company, treated and delivered to the single family residences located at the Kotha Property for inhouse domestic use. Water pumped by the Homestead Wells may also be used for emergency fire protection at the Kotha Property. Wastewater from all in-building uses of water is or will be treated utilizing a non-evaporative septic system with a soil absorption leach field. Return flows are to Iowa Gulch and South Turkey Creek. a. The water requirements are for up to four single-family dwellings (“Indoor Use”). Because the Kotha Property will be supplied by Homestead’s central distribution system, the water requirements were estimated based on Homestead’s average indoor use from 2019 to 2023 of 105 gallons per day per house. This augmentation plan conservatively estimates 172 gallons per day per house with 10% consumption based on subsurface discharge from individual septic tank-soil absorption system. Use for emergency fire protection is 100% consumptive. This plan will require 0.077 of an acre-foot of replacement water as is shown in Table 1 below.

Table 1

					Replacement Requirements	Replacement Requirements	Replacement Requirements
Use	Water Requirements	Units	Quantity AF	CU Rate	Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Single-Family In-house Use	172 gal/dy/house	4	0.77	10%	0.077	0.039	0.038
Total			0.77		0.077	0.039	0.038

The monthly depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
0.006	0.006	0.006	0.006	0.006	0.006	0.007	0.007	0.007	0.007	0.007	0.006

This equates to a maximum stream depletion of 0.05 of a gallon per minute.

b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases from storage of short duration. c. During those times when the exchanges described in Case Nos. 94CW290 and 01CW293 can be operated, depletions to Iowa Gulch and North Turkey Creek from use of the Homestead Wells to provide water supply to the Kotha Property will be augmented by either continuously leaving a portion of MMRC's Warrior Ditch and/or Harriman Ditch direct flow water rights in the stream or periodically releasing water stored in Soda Lakes Reservoirs. During times when exchanges cannot be operated, depletions will be augmented by periodically releasing water from Meadowview Reservoir. 6. Water Exchange Reach: The total consumptive use water requirement will be 0.077 of an acre-foot of the annual firm yield of 23.8 acre-feet of yield of the Bear Creek/Turkey Creek Water Rights that are eligible for use in Turkey Creek. These requirements are needed at the points of depletion, which are estimated to be in the NE1/4 SW1/4, Section 29, Township 5 South, Range 70 West and the W1/2, Section 33, Township 5 South, Range 70 West, all in the 6th P.M. Except for replacements from Meadowview Reservoir to North Turkey Creek, this is upstream of the points of replacement at the confluence of Bear Creek and Turkey Creek in the NE1/4 NW1/4, Section 5, Township 5 South, Range 69 West of the 6th P.M. The points of depletion to Iowa Gulch and North Turkey Creek that are associated with water usage from the Homestead Wells are within the exchange reaches for exchange of MMRC's water rights described in the Decrees entered in Case Nos. 94CW290 and 01CW293. Therefore, no separate priority is required for the operation of this augmentation plan regarding such depletions that occur within the reaches described in those cases. The exchanges described in Case Nos. 94CW290 and 01CW293 are operated and administered with priority dates of December 30, 1994 and December 31, 2001, respectively. In the event there is a senior call between the source of the water and the point of depletion that precludes the exchange, Applicants can have replacement water delivered via Meadowview Reservoir, via trucking to a point above the calling right, or release water from an onsite container. 7. Administration of Plan: Appropriate accounting forms will be established for reporting usage and determining required releases to be made pursuant to this augmentation plan throughout each year. 8. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: a. Settlers Deep Well: Turkey Creek Recreational Association, Inc., 26624 N. Turkey Creek Rd., Evergreen, CO 80439. b. Settlers Gallery Well: Philip A. and Wenda M. Wilson, 6443 S. Beech Cir. #717, Littleton, CO 80465, Isidoro Pena Torres, 4847 W. Tennessee Ave., Denver, CO 80219, Daniel Edward Warfield and Jenevie Collette Klein, 8175 Federation Dr., Morrison, CO 80465. c. Wagon Rim Well: Anna Klesney & Matthew Schneider, 21741 Wagon Rim Trail, Morrison, CO 80465. d. Sourdough Deep Well: Timothy and Sarah Weber, 7855 S. Sourdough Dr., Morrison, CO 80465. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically authorizing use of the augmentation supplies described in this Application and determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits, or amended or replacement well permits, for the use of the Homestead Wells consistent with the final decree entered in this case. (13 Pages, 2 Exhibits)

**\*\*AMENDED\*\* CASE NUMBER 2025CW3085 (97CW383). AMRIZE WEST CENTRAL INC.** Attn: Walt Wright, Senior Manager – Environment & Land; 1687 Cole Blvd, Suite 300, Golden, CO 80401; walter.wright@amrize.com; 303-406-8593. Please direct all pleadings and correspondence to Applicants' counsel: James S. Witwer and Trevor I. Klein, TROUT RALEY, 1120 Lincoln St., Suite 1600, Denver, CO 80203; 303-861-1963; jwitwer@troutlaw.com, tklein@troutlaw.com. **AMENDED APPLICATION FOR APPROVAL OF AMENDED PLAN FOR AUGMENTATION IN WELD COUNTY. 2. SUMMARY**



**OF APPLICATION.** Applicants Amrize West Central Inc., f/k/a Holcim - WCR, Inc. and Aggregate Industries - WCR, Inc. (“Amrize”), and Carl F. Eiberger (“Eiberger”) (collectively, the “Applicants”), are the owners of Stillwater Ski Lake (Well Permit No. 047367-F) in Weld County, Colorado. Amrize derives its interest in Stillwater Ski Lake from Peter L. Baurer and Cynthia S. Baurer. By decree entered on January 11, 1999 in Case No. 97CW383, the District Court, Water Division 1, approved the Applicants’ plan for augmentation (“97CW383 Decree”). The 97CW383 Decree allowed for water for augmentation of evaporation from Stillwater Ski Lake to be pumped from a nontributary Laramie-Fox Hills aquifer well (Well Permit No. 049717-F) and discharged directly into the South Platte River system. Net evaporation losses are currently estimated to be approximately 36.13 acre feet per year. Applicants seek to amend the plan for augmentation approved in the 97CW383 Decree to add additional sources of water to be used for augmentation. **3. NAME AND LOCATION OF STRUCTURE TO BE AUGMENTED.** A. Name of Structure: Stillwater Ski Lake (Well Permit No. 047367-F). The 97CW383 Decree adjudicated a conditional water right to Stillwater Ski Lake, which was made fully absolute by decree entered on November 15, 2006 in Case No. 05CW158. B. Legal Description: In the West One-half of the Northwest Quarter of Section 31, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado at a point 500 feet north and 700 feet east of the Southwest corner of said section 31. C. Source: Tributary alluvium. D. Date of Appropriation: October 11, 1996. E. Amount: 25 acre feet, absolute. F. Use: Evaporation, recreation, water loss in product during mining and fire protection. **4. WATER RIGHTS TO BE USED FOR AUGMENTATION.** A. Groundwater pumped from the well bearing Well Permit No. 049717-F issued April 21, 1998, a nontributary Laramie-Fox Hills aquifer well with an annual appropriation of 34 acre feet at a rate of 25 g.p.m. as described in Paragraph 6 of the 97CW383 Decree. B. Fully consumable municipal water return flows leased to Amrize and Stillwater Lake Ranch LLC by the City of Aurora, Colorado, a Colorado municipal corporation of the counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise (“Aurora”) pursuant to an Agreement For Delivery of Reusable Raw Water dated January 10, 2022 (the “Aurora Agreement”), as the same has been or may be amended or extended. A copy of the Aurora Agreement is attached as **Exhibit A**. C. Additional Water Rights Separately Decreed or Lawfully Available for Augmentation Use: If a water right is decreed or lawfully available for augmentation use but not already approved for such use under this plan for augmentation, Applicants may seek Court approval to add such water right to this plan for augmentation by giving at least 30 days advance written Notice of Use of Water Right for Augmentation to the Court, the Division Engineer, and all parties to this action, which will describe: 1) the water right by name and decree, if any; 2) the annual and monthly amount of water available to Applicants from the water right; 3) the location or locations at which the water will be delivered to the stream; 4) evidence that the claimed amount of water will not be used by another person; and 5) the manner in which Applicants will account for use of the augmentation credits. Applicant may also obtain or lease, and the court may authorize Applicant to use, additional or alternative sources of augmentation water for replacement in this augmentation plan, if such sources are part of a substitute water supply plan approved pursuant to C.R.S. § 37-92-308 and notice thereof is provided to the parties described above. **5. DESCRIPTION OF PLAN FOR AUGMENTATION.** A. Statement of Plan for Augmentation: Applicants have excavated Stillwater Ski Lake pursuant to Well Permit No. 047367-F and will exercise the water right decreed thereto in the 97CW383 Decree. The lake has a surface area of 16.65 acres. The Stillwater Ski Lake will cause evaporative depletions as described more fully in paragraph 5.B below. B. Timing and Location of Depletions: Depletions will occur at Stillwater Ski Lake as described in paragraph 3.A above as follows:

Month	Net Evaporation (acre-feet)
Jan	0.00
Feb	1.41
Mar	2.94
Apr	3.40
May	2.98
June	5.15

July	5.16
Aug	4.66
Sept	3.95
Oct	2.66
Nov	2.15
Dec	1.67
Total	36.13

C. Water for augmentation of net evaporation described in paragraph 4 of this application will be delivered directly into the South Platte River system to replace out-of-priority depletions caused by net evaporation at the Stillwater Ski Lake. The primary location of delivery of replacement water pursuant to the Aurora Agreement is the outfall of the Metro Wastewater Reclamation District's Robert W. Hite treatment facility (aka Metro Sewer, WDID 0200700) ("Hite"), which is located approximately 18 miles upstream of Stillwater Ski Lake. Appropriate transit losses from Hite or other delivery point(s) used to deliver water under the Aurora Agreement will be assessed between such point(s) and the point of depletion for Stillwater Ski Lake. **6. NAME AND ADDRESS OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED:** Applicants. WHEREFORE, Applicants respectfully request that this Court enter a decree approving the amended augmentation plan described herein and in the 97CW383 Decree, and for such other and further relief as the Court deems proper. (23 pages including 1 exhibit)

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

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