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

**FEBRUARY 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 **FEBRUARY 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 2026CW3023 RULES GOVERNING THE REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN FOR THE LEASE, LOAN, OR TRADE OF A DECREED AGRICULTURAL WATER PROTECTION WATER RIGHT, IN ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, CHEYENNE, CLEAR CREEK, DENVER, DOUGLAS, EL PASO, ELBERT, GILPIN, JEFFERSON, KIT CARSON, LARIMER, LINCOLN, LOGAN, MORGAN, PARK, PHILLIPS, SEDGWICK, TELLER, WASHINGTON, WELD, AND YUMA COUNTIES.**

The State Engineer and Director of Colorado Division of Water Resources, 1313 Sherman Street, 8th Floor, Denver, CO 80203 (please forward all correspondence and pleadings to the attention of Trevor D. Rogan, Assistant Attorney General, and Derek L. Turner, First Assistant Attorney General, Colorado Attorney General, Natural Resources & Environment Section, 1300 Broadway, 10th Floor, Denver, CO 80203, Telephone: 720-508-6865 (Rogan), 720-508-6926 (Turner); E-mail: [trevor.rogan@coag.gov](mailto:trevor.rogan@coag.gov), [derek.turner@coag.gov](mailto:derek.turner@coag.gov)) respectfully requests the publication of the following proposed Rules in every county in Water Division 1 and in the resume of applications filed with the Water Clerk for Water Division 1.

**TITLE** The title of these rules is “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right.” The short title of these rules is “Agricultural Water Protection Right Rules,” and in this document, the rules may be referred to as “Rules.”

**AUTHORIZATION** In order to comply with the requirements of section 37-80-123, C.R.S., it is necessary to adopt rules governing the review of a substitute water supply plan pursuant to section 37-92-308(12), C.R.S. The State Engineer’s authority to promulgate these Rules is based on section 37-80-102(1)(g), C.R.S., which vests rulemaking authority for the Division of Water Resources in the State Engineer; section 37-80-123, C.R.S., which requires the promulgation of these rules according to the State Engineer’s own rule-making process; and section 37-92-501, C.R.S., which authorizes the State Engineer to adopt rules and regulations to assist in the performance of administration, distribution, and regulation of the waters of the state in accordance with the constitution of the State of Colorado and other applicable laws.

**ORDER OF THE STATE ENGINEER IT IS ORDERED** that the following Rules governing the review of a substitute water supply plan for the lease, loan, or trade of a decreed agricultural water protection water right are adopted by the State Engineer. These Rules replace and supersede the “Rules Governing the Review of a Substitute Water Supply Plan for the Lease, Loan, or Trade of a Decreed Agricultural Water Protection Water Right” made effective by Order of the District Court for Water Division 1 on April 22, 2019 in Case No. 2017CW3152 (Consolidated Case No. 17CW3057, Div. 2).

**RULE 1 SCOPE** These Rules apply to all applications for substitute water supply plans pursuant to section 37-92-308(12), C.R.S.

**RULE 2 DEFINITIONS** The following definitions are applicable to these Rules:

2.1 “Agricultural Water Protection Water Right” means a water right changed by a water court decree to allow the lease, loan, or trade of up to fifty percent of the amount of water so decreed, subject to the allowances and limitations described in section 37-92-305(19), C.R.S. The Agricultural Protection Water Right is the total amount of the water right that was changed by the water court for agricultural water protection use. A portion of the Agricultural Protection Water Right may be Lease Water, as defined in Rule 2.6.

2.2 “Change Decree” means the water court decree for the change of water right from an absolute decreed irrigation water right used for agricultural purposes to an Agricultural Water Protection Water Right.

2.3 “Criteria and Guidelines” means the document developed by the Colorado Water Conservation Board for the establishment of Agricultural Water Protection Programs pursuant to section 37-92-305(19)(b)(IV)(B), C.R.S., to assure sufficient protection and monitoring of Agricultural Water Protection Water Rights.

2.4 “Final Decision” means the approval or denial of a substitute water supply plan, as defined in Rule 2.9, which is issued after the reconsideration period, as described in Rule 6.

2.5 “Initial Decision” is the State Engineer’s initial approval or denial of a substitute water supply plan, as defined in Rule 2.9, which may be reconsidered upon request as described in Rule 6.

2.6 “Lease Water” means the portion of the historical consumptive use described in the Change Decree that is requested for lease, loan, or trade in the substitute water supply plan. The amount may be up to fifty percent of the quantified historical consumptive use portion of the Agricultural Water Protection Water Right described in the Change Decree.

2.7 “Person” means an individual, a partnership, a corporation, a municipality, the state of Colorado, the United States, or any other legal entity, public or private. See section 37-92-103(8), C.R.S.

2.8 “Point of Diversion” means either (a) the decreed location where the Lease Water will be diverted from the natural stream or (b) the decreed upstream location of a reach of the natural stream where the Lease Water will be put to beneficial use.

2.9 “Substitute water supply plan” or “SWSP” means a one-year plan for the use of Lease Water at a Point of Diversion, which is administratively approved by the State Engineer pursuant to section 37-92-308(12), C.R.S.

2.10 “SWSP Parties” means applicant, all parties commenting on the SWSP application, and all parties to the Change Decree.

### **RULE 3 APPLICATION REQUIREMENTS AND CRITERIA THAT THE STATE ENGINEER WILL CONSIDER IN REVIEW OF A SUBSTITUTE WATER SUPPLY PLAN APPLICATION**

Rule 3 describes requirements for information to be included in any SWSP application and, as directed by section 37-80-123(1)(b)(II), C.R.S., criteria the State Engineer will consider in reviewing all applications. Much of the information included in the application will be information found in the Change Decree but will be necessary in the application to provide a complete picture of the proposed operation. Applications should be submitted no later than January 15 to allow for review prior to the irrigation season. Applications should be submitted as early as possible to allow adequate time for evaluation.

3.1 Information that must be included in the application. Rather than transcribing long sections of the Change Decree, references to the decree paragraph and/or page number may be sufficient to fulfill requirements in Rule 3.1; however, language from the Change Decree may be included in the application for clarity.

3.1.1 Applicant name and evidence that applicant is the owner of the Agricultural Water Protection Water Right.

3.1.2 Evidence of written notice to the SWSP notification list, as required by section 37-92-308(12)(b)(I)(A), C.R.S.

3.1.3 Case number for the Change Decree.

3.1.4 Person to whom the Lease Water will be leased, loaned, or traded.

3.1.5 Copy of written lease, loan, or trade with end user of water. Confidential information, which is commonly related to price, may be redacted from application materials as long as essential information such as term, renewal/termination dates, and any special operation clauses are shown.

3.1.6 Proposed use of Lease Water:

3.1.6.1 The amount of Lease Water as a percentage (50 percent or less) of the Agricultural Water Protection Water Right and other amount limitations described in the Change Decree. Such limitations may include volumetric limits, which may vary by the percent of the Agricultural Water Protection Water Right being used, or limits that are a result of return flow percentages.

3.1.6.2 The Point of Diversion of the Lease Water, case number and paragraph or page number where the Point of Diversion is decreed, and any WDIDs assigned by the Division of Water Resources.

3.1.6.3 For a Point of Diversion that is upstream of the decreed point of diversion of the Lease Water, identify intervening water rights and describe how the upstream diversion can occur without injury.

3.1.6.4 Type and place of use of Lease Water. If an augmentation plan allows for the temporary addition of replacement sources, Lease Water may be added only pursuant to the provisions of that augmentation plan and must be diverted at a previously decreed Point of Diversion and returned to the stream for credit.

3.1.7 Opt out of SWSP operation: If applicant desires an SWSP with the option to opt out before the irrigation season begins, describe in detail the terms and conditions applicant requests. The Division Engineer must be notified no later than March 31 and before any diversions under the SWSP occur if the applicant elects to opt out.

3.1.8 Information on dry up and ongoing irrigation:

3.1.8.1 A description of where the Agricultural Water Protection Water Right water that is not being leased, loaned, or traded will continue to be used for agricultural purposes consistent with 37-92 305(19)(b)(III).

3.1.8.1.1 If requesting to rotate irrigated/dry-up acres in year 1, year 2 (under a renewal), and year 3 (under a renewal) of SWSP operation, describe the requested irrigated and dried up lands for each year in the initial application so that terms and conditions of the SWSP approval can remain unchanged (see Rule 4.1.2).

3.1.8.1.2 If requesting alternative irrigation approaches, rather than drying up a portion of the historically irrigated land, provide a description of the request and information supporting how such an operation prevents injury.

3.1.8.2 A description of the historically irrigated land associated with the Lease Water that will not be irrigated by the Lease Water, if any, for the duration of the SWSP.

3.1.8.3 A description of the method to ensure any necessary dry up of the irrigated land associated with the Lease Water, any plans to irrigate with alternative water sources, and any additional dry up terms and conditions from the Change Decree.

3.1.9 Historical return flow obligations:

3.1.9.1 Restatement of return flow obligations by time, place, and amount from the Change Decree. Obligations are typically described as fractions of farm headgate deliveries, flow rates, or volumetric amounts.

3.1.9.2 The amount of return flow obligation associated with the Lease Water. The amount of return flow obligation may vary with the percentage of the Agricultural Water Protection Water Right exercised (50 percent or less) and other limitations described in the Change Decree.

3.1.9.3 The source(s) of water to be used to meet return flow obligations.

3.1.9.4 Documentation of permission to use replacement water (copy of lease or contract) if not owned.

3.1.9.5 The location(s) at which replacement water will be placed in the river to meet return flow obligations, and the river distance from the location water is placed in river to the location of the return flow obligation for calculating transit loss.

3.1.9.6 For the use of return flow replacement sources downstream of the historical return flow location, an explanation of how downstream replacement can prevent injury, and under what conditions available upstream sources will be used. Explanation of any exchange or water exchange project to be used to meet return flow obligations, the exchange rate, and exchange potential.

3.1.9.7 For replacement provided through recharge accretions:

3.1.9.7.1 Description of the timing, amounts, and locations of delayed accretions to the receiving stream.

3.1.9.7.2 Table of estimated monthly deliveries, evaporation, other losses, releases, and accretions for the recharge facility.

3.1.9.8 Table of monthly return flow obligations, available replacement water from each replacement source, and transit losses associated with each replacement source. The table should include all ongoing obligations as described in the Change Decree and available replacement water from each replacement source used to meet those obligations.

3.1.10 Required Maps. All maps shall have scale, section, township, and range clearly identified.

3.1.10.1 Map 1: All water infrastructure involved in the SWSP (streams, ditches, historical return flow location, Point of Diversion, measuring structures, replacement sources, etc.).

3.1.10.2 Map 2: Lands that will not be irrigated by the Lease Water for the SWSP.

3.1.10.3 Map 3: Lands included in a conservation program or Agricultural Water Protection Program where the water decreed for agricultural water protection use but not leased, loaned, or traded will continue to be used for agricultural purposes.

3.1.11 A GIS shapefile outlining the land area that will not be irrigated by the Lease Water must be submitted to the Division of Water Resources before an approval can be issued. The shapefile shall include the Change Decree case number, the name of the SWSP application, and any accompanying metadata. In addition, the datum must be NAD83 and the UTM projection must be Zone 13.

3.1.12 Proof of permission (If permission is pending, an explanation on the status may be provided) to use any structures required for the operation of the SWSP but not owned by applicant.

3.1.13 Evidence of enrollment in a conservation program identified in section 37-92-305(19)(b)(IV)(A), C.R.S. or an Agricultural Water Protection Program for the lands identified in Map 3.

3.1.13.1 Applicant shall verify that use of the water under an SWSP does not conflict with water requirements of the conservation program or Agricultural Water Protection Program.

3.1.14 Detailed draft accounting table consistent with any applicable Division of Water Resources accounting guidance.

3.1.15 Contact information (including phone number and email address) for the party that will be submitting accounting for the SWSP and the party(ies) who will be coordinating daily operations with the water commissioner(s).

3.2 Criteria that the State Engineer will consider in reviewing an application, as directed by section 37-92-308(12)(c), C.R.S. The State Engineer must:

3.2.1 Verify that the proposed amount of Lease Water is consistent with the quantification and terms and conditions in the Change Decree and is no more than 50 percent of the historical consumptive use.

3.2.2 Verify that the Point of Diversion is subject to an existing water court decree.

3.2.3 Verify that the SWSP has correctly quantified the amount of replacement water associated with the Lease Water and that the SWSP will meet the return flow obligations in time, place, and amount to prevent material injury to other vested water rights and decreed conditional water rights in accordance with the Change Decree.

3.2.4 Verify that the operation of the SWSP does not facilitate the diversion of water between water divisions by direct diversion, exchange, replacement, or other means.

3.2.5 Consider written comments provided on the application in accordance with section 37-92-308(12)(b)(II), C.R.S.

3.2.6 Verify that, with appropriate terms and conditions, the SWSP will prevent injury to vested water rights and complies with the Change Decree

**RULE 4 TERMS AND CONDITIONS THAT THE STATE ENGINEER MAY IMPOSE THROUGH AN APPROVED SUBSTITUTE WATER SUPPLY PLAN** As required by section 37-80-123(1)(b)(I), C.R.S., Rule 4 describes the terms and conditions that the State Engineer may impose on SWSP approvals pursuant to these Rules. Sections 37-92-308(12)(c)(VI) and (VII), C.R.S., specifically require SWSP terms and conditions for the use of Lease Water, including the return flow obligations in time, place, and amount, that prevent material injury to other vested water rights and decreed conditional water rights and allow delivery to the Point of Diversion. All terms and conditions of the Change Decree apply to the SWSP. All SWSP terms and conditions shall be consistent with the Change Decree to the extent the Change Decree addresses any aspect of the operation. Should a conflict arise between the Change

Decree and the SWSP, the terms and conditions of the Change Decree supersede any conflicting Standard SWSP Terms and Conditions or other conflicts between the SWSP and Change Decree.

4.1 The following Standard Terms and Conditions shall be included in every SWSP approval, but can be modified by the State Engineer in an SWSP approval. Applicants may suggest modifications to Standard Terms and Conditions in the application if necessary.

4.1.1 This SWSP shall be valid for the period of one year, as specified in the Final Decision unless otherwise revoked or superseded. Any change in the use of the Lease Water, return flow replacement, or operations of the SWSP requires submittal of a new application pursuant to section 37-92-308(12), C.R.S.

4.1.2 If the terms and conditions of the SWSP remain unchanged, the applicant may renew the SWSP two times within three years of the original beginning date by notifying the State Engineer by electronic mail or first-class mail (to the State Engineer's Office) that the terms and conditions remain unchanged. The notice must describe the requested period of renewal (beginning date through end date), not to exceed one year, and a copy of the renewed lease, loan, or trade agreement, if applicable. Notice should be provided at least 35 days prior to the requested beginning date.

4.1.3 The State Engineer may revoke this SWSP or add additional restrictions to its operation if at any time the State Engineer determines that injury to other vested water rights has occurred or will likely occur as a result of the operation of this SWSP or if the applicant fails to comply with the SWSP conditions of approval. Should this SWSP expire without renewal or be revoked, all use of water under this SWSP must cease immediately. However, all ongoing obligations from operation under this SWSP, such as historical return flow replacements, must continue to be fulfilled.

4.1.4 Approval of this SWSP is contingent on the non-irrigation of the specified portion of the applicant's property as shown on Map 2.

4.1.5 This SWSP is only valid if the lands shown on Map 3 continue to participate in a program as required in section 37-92-305(19)(b)(IV), C.R.S.

4.2 Pursuant to section 37-92-308(12)(c)(VI), C.R.S., additional terms and conditions not listed in Rule 4.1 will be included in each SWSP approval to allow for administration and prevention of injury based on the specific operation of each SWSP.

4.3 The State Engineer may include terms and conditions submitted by commenting parties pursuant to section 37-92-308(12)(b)(II), C.R.S.

**RULE 5 ADDITIONAL INFORMATION TO BE INCLUDED IN THE DECISION OF THE STATE ENGINEER** The decision of the State Engineer, either an approval or denial of the SWSP application, must include the following information as required by section 37-92-308(12)(f), C.R.S.:

5.1 Detailed statement of the basis and rationale for the decision. If the decision is an approval, the approval must include a complete explanation of the terms and conditions imposed to prevent injury to other water rights (see Rule 4) and why the terms and conditions are imposed.

5.2 Description of the consideration given to any written comments that were filed by other parties

**RULE 6 RECONSIDERATION AND APPEAL OF STATE ENGINEER'S DECISION** Section 37-80-123(1)(b)(IV), C.R.S., requires that the Rules provide procedures for the State Engineer to reconsider a decision and section 37-92-308(12)(h), C.R.S., describes the SWSP appeal process. Reconsideration and appeal of the State Engineer's decision shall be in accordance with the following:

6.1 Initial Decision and Reconsideration

6.1.1 The State Engineer shall serve a copy of the Initial Decision, whether an approval or denial, on all SWSP Parties. The Initial Decision may be reconsidered within 14 days of the date of service of the Initial Decision.

6.1.2 Any party may request that the State Engineer reconsider the Initial Decision during the 14-day reconsideration period by providing information not available to the State Engineer when the Initial Decision was made, by identifying or explaining information the State Engineer failed to consider, or by identifying clerical errors in the Initial Decision. The requesting party shall serve a copy of the request on all SWSP Parties and the State Engineer.

6.1.2.1 The State Engineer will review the information provided by the party requesting reconsideration and will provide a response to all SWSP Parties within a reasonable time.

6.1.3 If no reconsideration is requested, the State Engineer will issue a Final Decision 14 days after the Initial Decision. If any party requests reconsideration, the State Engineer will issue the Final Decision after reconsideration. The State Engineer will serve a copy of the Final Decision on all SWSP Parties. The SWSP may be operated only after the State Engineer issues the Final Decision.

#### 6.2 Appeal of State Engineer's Final Decision

6.2.1 Any appeal of the Final Decision must be made within thirty-five days of the date of service of the Final Decision. Any appeal must be filed under the Change Decree case number.

6.2.2 Only an SWSP Party or a party that requested reconsideration under Rule 6.1 may appeal a Final Decision. This rule does not limit which parties may then participate in the Court's appeal proceeding, which follows the process described in section 37-92-308(12)(h), C.R.S.

**RULE 7 AGRICULTURAL WATER PROTECTION WATER RIGHT SUBSTITUTE WATER SUPPLY PLAN DATABASE** Rule 7 establishes procedures for creating a database that tracks and inventories SWSPs and for making that information available to the public as required by section 37-80-123(1)(b)(V), C.R.S.

#### 7.1 Database creation:

7.1.1 The existing database used to track SWSP status will be modified to include the information listed in Rule

#### 7.2. Database information requirements:

7.2.1 Change Decree case number.

7.2.2 SWSP name.

7.2.3 Approved date of operation for the original SWSP: the date that operation may begin for the first SWSP pursuant to an application, as opposed to a request for a renewal.

7.2.4 SWSP recent renewal date: the date that operation may begin for the one-year renewal of the SWSP, as allowed by section 37-92-308(12)(d), C.R.S.

7.2.5 Status (approved, denied, pending, etc.).

7.2.6 Decreed beneficial use(s) of the Lease Water prior to the Change Decree.

7.2.7 Type of SWSP: "308(12) – Agricultural Water Protection," which also describes the decreed beneficial use of the water under the Change Decree.

7.2.8 Beneficial use of the Lease Water in the SWSP.

7.2.9 Amount of Lease Water in the SWSP.

7.2.10 Location(s) of use of the Lease Water in the SWSP including water division, water district, and section, township, and range.

#### 7.3 Database accessibility:

7.3.1 The public will have access to the information in Rule 7.2 through the Colorado Information Marketplace.

**RULE 8 SEVERABILITY** If any portion of these rules is found to be invalid, the remaining portion of the rules shall remain in force and in effect.

**IT IS FURTHER ORDERED** that these rules shall take effect sixty days after publication in accordance with section 37-92-501, C.R.S., and will thereafter remain in effect until amended as provided by law. In the event that protests are filed with respect to these Rules pursuant to section 37-92-501, C.R.S., the effective date of these Rules is the date on which the Court enters a judgment confirming resolution of all protests to these rules. Any person desiring to protest these rules may do so in the manner provided in section 37-92-501, C.R.S. Any such protest to these rules must be filed by the end of the month following the month in which these rules are published.

**CASE NUMBER 2026CW3024** Plaintiffs: **THE PEOPLE OF COLORADO, STATE AND DIVISION ENGINEERS** v. Defendant: **ALEXANDER GINZBURG**. Complaint for Injunctive Relief, Costs and Penalties.

**CASE NUMBER 2026CW3025** **TOWN OF ESTES PARK**, P.O. Box 1200, Estes Park, CO 80517. David S. Hayes, Matthew S. Poznanovic, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th

Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN LARIMER COUNTY.** Description of conditional appropriative rights of exchange (collectively, the “Appropriative Rights of Exchange”): Original Decree: The subject Appropriative Rights of Exchange were adjudicated by the decree entered by the District Court, Water Division No 1, Colorado, on February 16, 2020, in Case No. 19CW3080. Points of Diversion (Exchange-To Points): Big Thompson Intake (the “BT Intake”), located in the NE 1/4, Section 4, Township 4 North, Range 73 West of the 6th P.M., Larimer County, Colorado, generally within a reach approximately 200 feet downstream of the confluence with Glacier Creek. as depicted on Exhibit A attached hereto. Glacier Creek Pipeline (the “GC Pipeline”), located on the south bank of Glacier Creek in the NE 1/4 SE 1/4 NW 1/4, Section 5, Township 4 North, Range 73 West of the 6th P.M., Larimer County, Colorado, as depicted on Exhibit A attached hereto. Points of Release of Substitute Supply (Exchange-From Points): Waste Way to the Big Thompson Outlet (“WWBT Outlet”), located in the SE1/4 SW1/4, Section 3, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, at Lat: 40°25'17.38"N, Long: 105°13'31.37"W. Big Thompson Power Plant Outlet (“BTPP Outlet”), located in the NE1/4 NW1/4, Section 10, Township 5 North, Range 70 West of the 6th P.M., Larimer County, Colorado, at Lat: 40°25'16.56"N, Long: 105°13'24.84"W. Sources of Substitute Supply: Reclamation Contract Water: Estes Park has Contract No. 4-07-60-W1075 with the United States Department of the Interior, Bureau of Reclamation, to be supplied 500 acre-feet of water annually during the 12-month period from November 1 through October 31. C-BT Water: Estes Park currently owns 1217 Units of Colorado-Big Thompson Project water. Windy Gap Water: Estes Park owns 3 Units of Windy Gap Project water. Decrees for the Windy Gap Project include, without limitation, the decrees entered on October 27, 1980 in Civil Action No. 1768, District Court, Grand County, State of Colorado and Case Nos. W-4001 and 80CW108, District Court, Water Division No. 5; the decree entered on February 6, 1989 in Case No. 88CW169, District Court, Water Division No. 5, State of Colorado. Priority Dates: Exchange to BT Intake: April 30, 2019. Exchange to GC Pipeline: April 30, 2019. Amounts: 10 c.f.s., conditional, to the BT Intake. 5.3 c.f.s., conditional, to the GC Pipeline, and 4 c.f.s., previously made absolute. Uses: Reclamation Contract Water and C-BT Water are decreed for irrigation, domestic, sanitary, industrial development, and other purposes as to create the greatest benefit. Windy Gap water is decreed for municipal, irrigation, industrial, and recreational uses. 3. Outline of work done to complete project and apply water to beneficial use: The subject Appropriative Rights of Exchange are components of the Town of Estes Park’s integrated municipal water supply and distribution system. During the applicable Diligence Period (February 2020 to the present), Estes Park has taken steps to diligently develop the subject Appropriative Rights of Exchange, including, without limitation, the activities listed below. This list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. The Town acquired land and easements to be used for the construction and operation of the Big Thompson Intake and related pipeline. The Town conducted additional design, construction, use, and planning activities, including water master planning, related to the Big Thompson Intake, as more fully described in Exhibit B, attached hereto. In March 2020, the Town obtained a decree in Case No. 19CW3065 making a portion of its 97CW126 exchange to the Glacier Creek Pipeline absolute. In 2021, the Town entered into an agreement with YMCA of the Rockies to provide municipal water service to property owned by YMCA. The Town has reviewed the Division 1 water court resume to monitor for applications that could cause injury to the Subject Water Rights. The Town’s expenditures related to the planning for the intake and treatment of the Subject Water Rights exceeded \$1,600,000. The work and expenditures listed above and in Exhibit B are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. YMCA of The

Rockies, 116 Kallenberg Dr, P.O. Box 800, Estes Park, CO 80511. WHEREFORE, Estes Park respectfully requests that the Court enter an order finding reasonable diligence for and continuing in full force and effect the conditional Appropriative Rights of Exchange described in Paragraph 2 above. 5 pages.

**CASE NUMBER 2026CW3026 TOWN OF CASTLE ROCK** (“Applicant”) Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109; Telephone Number: (720) 733-6000; Please direct all correspondence concerning this application to: Madoline Wallace-Gross, Esq. and Gunnar J. Paulsen, Esq., Lyons Gaddis PC, P.O. Box 978, Longmont, CO 80502-0978; Telephone: (303) 776-9900; Email: mwg@lyonsgaddis.com; gpaulsen@lyonsgaddis.com. **APPLICATION FOR A PLAN FOR AUGMENTATION IN DOUGLAS AND JEFFERSON COUNTIES**

**2. Introduction:** Applicant requests the Water Court approve a plan for augmentation to replace Applicant’s out-of-priority diversions on East Plum Creek and Plum Creek. All replacements shall be made upstream of the points of depletion.

**3. Augmented Structures and Water Rights:** A map of the augmented structures is attached hereto as **EXHIBIT A**.

**3.1. Plum Creek Diversion.**

**3.1.1. Decree:** Case No. 17CW3211, dated October 19, 2019 (“17CW3211 Decree”).

**3.1.2. Legal Description:** SE1/4 of Section 15, T. 7 S., R. 68 W. of the 6th P.M., Douglas County, Colorado, at a point 1660 feet from the south section line and 725 feet from the east section line. The UTM coordinates are NAD83, Zone 13, Easting 501485, Northing 4365534.

**3.1.3. Source.** Plum Creek.

**3.1.4. Date of Appropriation.** December 28, 2017.

**3.1.5. Amount.** 40 c.f.s., conditional.

**3.1.6. Use.** Direct use for all municipal uses, including industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction.

**3.1.7. Place of Use.** Lands within Applicant’s water service area boundaries, as such boundaries may exist in the future, and lands outside such boundaries by contract.

**3.2. Castle Rock Reservoir No. 1.**

**3.2.1. Decree:** 17CW3211 Decree.

**3.2.2. Legal Description.** An off-channel reservoir in the NE1/4 of Section 15, T. 7 S., R. 68 W. of the 6th P.M., Douglas County, Colorado, at a point 1607 feet from the north section line and 2340 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 500994, Northing 4366168.

**3.2.3. Source.** Plum Creek.

**3.2.4. Appropriation Date.** December 28, 2017.

**3.2.5. Amount.** 610 a.f., conditional.

**3.2.6. Filling Structure.** Plum Creek Diversion described in ¶3.1.2.

**3.2.7. Filling Rate.** 40 c.f.s., conditional.

**3.2.8. Use.** See ¶3.1.6.

**3.2.9. Place of Use.** See ¶3.1.7.

**3.3. Castle Rock Reservoir No. 2.**

**3.3.1. Decree:** 17CW3211 Decree.

**3.3.2. Legal Description.** An off-channel reservoir in the E 1/2 of Section 15, Township 7 South, Range 68 West of the 6th P.M., Douglas County, Colorado, at a point 1830 feet from the north section line and 790 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting 501481, Northing 4366106.

**3.3.3. Source.** Plum Creek.

**3.3.4. Appropriation Date.** December 28, 2017.

**3.3.5. Amount.** 1,130 a.f., conditional.

**3.3.6. Filling Structure.** Plum Creek Diversion described in ¶3.1.2.

**3.3.7. Filling Rate.** 40 c.f.s., conditional.

**3.3.8. Use.** See ¶3.1.6.

**3.3.9. Place of Use.** See ¶3.1.7.

**3.4. Chatfield Reservoir.**

**3.4.1. Decree.** Case No. 89CW169, dated July 25, 1991.

**3.4.2. Legal Description.** Sections 6 and 7, T. 6., R. 68 W. of the 6th P.M. in Douglas and Jefferson Counties.

**3.4.3. Sources.** South Platte River and its tributaries.

**3.4.4. Date of Appropriation.** November 6, 1989.

**3.4.5. Amount.** 2000 a.f., absolute.

**3.4.6. Use.** All municipal uses.

**3.5. Chatfield Reservoir-Castle Rock Pump Station.**

**3.5.1. Decree:** Case No. 16CW3178, dated October 23, 2028 (“16CW3178 Decree”).

**3.5.2. Legal Description.** At the point where the Chatfield Reservoir Outlet Manifold intersects the centerline of Chatfield Dam at a point whence the northwest corner of Section 1, Township 6 South, Range 69 West of the 6th P.M. Jefferson County, bears north 49° west a distance of 4,070 feet, which point is 2,670 feet from the north and 3,072 feet from the west section lines of said Section 1.

**3.5.3. Sources.** South Platte River and Plum Creek.

**3.5.4. Appropriation Date.** April 27, 2016.

**3.5.5. Amount.** 30 c.f.s., conditional.

**3.5.6. Use.** Direct use for all municipal uses, industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction.

**3.5.7. Place of Use.** Lands within Applicant's water service area boundaries, as such boundaries may exist in the future, and lands outside such boundaries by contract.

**3.6. Chatfield Reservoir-Castle Rock Refill.**

**3.6.1. Decree:** 16CW3178 Decree.

**3.6.2. Legal Description:** The right abutment of the dam is located in Douglas County, in Sections 6 and 7, T. 6., R. 68 W. of the 6th P.M. The left abutment of the dam is located in Jefferson County, in Section 1, T. 6 S., R. 69 W. of the 6th P.M.

**3.6.3. Sources.** South Platte River and

Plum Creek. 3.6.4. **Date of Appropriation.** April 27, 2016. 3.6.5. **Amount.** 2,000 a.f., of which 8.99 a.f. is absolute and 1,991.01 is conditional. 3.6.6. **Use.** Storage and release for all municipal uses, industrial, augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction. 3.6.7. **Place of Use.** See ¶3.5.7. 3.7. **Castle Rock Surface Diversion No. 1.** 3.7.1. **Decree:** Case No. 12CW296, dated April 19, 2016 (“12CW296 Decree”). 3.7.2. **Legal Description of Point of Diversion.** SE1/4 NW1/4 of Section 2, T. 8 S., R. 67W. of the 6th P.M. 2205 feet from the north section line and 1630 feet from the west section line. The UTM coordinates are NAD 83, Zone13, Easting: 511851, Northing: 4359533, as confirmed in Case No. 17CW3044. 3.7.3. **Source.** East Plum Creek. 3.7.4. **Amount.** 30 c.f.s., of which 4.52 c.f.s. is absolute and 25.48 c.f.s. is conditional. 3.7.5. **Appropriation Date.** August 31, 2015. 3.7.6. **Use.** Direct use for municipal, augmentation, replacement and exchange within Applicant’s water service boundaries as such may exist in the future, with the right to use, reuse, successively use and store the return flows to extinction. 3.8. **Castle Rock Surface Diversion No. 2.** 3.8.1. **Decree:** 12CW296 Decree. 3.8.2. **Legal Description of Point of Diversion.** SW1/4 SW1/4 of Section 21, T. 7 S., R. 67 W. of the 6th P.M. 791 feet from the south section line and 45 feet from the east section line. The UTM coordinates are NAD 83, Zone 13, Easting: 508165, Northing 4363735. 3.8.3. **Source.** East Plum Creek. 3.8.4. **Amount.** 30.0 c.f.s., conditional. 3.8.5. **Appropriation Date.** August 31, 2015. 3.8.6. **Use.** See ¶ 3.7.6. 3.9. **Castle Pines Diversion Point S-1.** Located in SE1/4 SW1/4 Section 21, T. 7 S., R. 67 W., 6th P.M., 20 feet from the south section line and 1530 feet from the west section line for storage in Plum Creek Reservoir described in ¶3.11. 3.10. **Castle Pines Diversion Point S-2.** Located in NE1/4 SW1/4 Section 20, T. 7 S., R. 67 W., 6th P.M., 2540 feet from the south section line and 2590 feet from the west section line for storage in Plum Creek Reservoir described in ¶3.11. 3.11. **Plum Creek Reservoir.** Located in the N 1/2, SW 1/4, the SE 1/4, SW 1/4, and the W 1/2, W 1/2, SE 1/4, Section 20, Township 7 South, Range 67 West, 6th P.M., Douglas County, Colorado. 4. **Water Rights to be Used for Replacement:** Applicant will utilize previously changed water rights as described in ¶4.1, the sewerer return flows as described in ¶4.2, and the additional sources described in ¶4.3 to replace out-of-priority diversions from the structures described in ¶3. A map of the replacement sources is attached hereto as **EXHIBITS B (Plum Creek) and C (Cherry Creek).** 4.1. **Previously Quantified and Changed Irrigation Water Rights.** Applicant owns or has the right to use irrigation water rights that have been previously quantified and changed as described below (“Previously Changed Water Rights”). No additional changes to the Previously Changed Water Rights are sought in this Application. Use of the Previously Changed Water Rights shall be subject to all terms and conditions of the decrees by which they were changed. 4.1.1. **Noe Ranch Water Rights.** Applicant’s Noe Ranch water rights consist of water rights decreed to the Cook Creek Ditch and the Hillside Ditch (“Noe Ranch Water Rights”). The Noe Ranch Water Rights are administered at the Cook Creek Gage located in the SE 1/4 NW 1/4, Section 16, T.10 S., R. 67 W. of the 6th P.M, Douglas County. The UTM coordinates are NAD 83, Zone 13, Easting 508905, Northing 4336916. 4.1.1.1. **Cook Creek Ditch.** 4.1.1.1.1. **Original Decree.** Original adjudication for Water District 8, District Court, Douglas County, entered December 10, 1883. 4.1.1.1.2. **Legal Description.** SE1/4 NW1/4 Section 16, T. 10 S., R. 67 W. of the 6th P.M. 4.1.1.1.3. **Source.** Cook Creek, tributary to East Plum Creek and South Platte River. 4.1.1.1.4. **Appropriation Date.** June 30, 1870. 4.1.1.1.5. **Original Amount.** 3.8 c.f.s., absolute. 4.1.1.1.6. **Use.** Irrigation. 4.1.1.2. **Hillside Ditch.** 4.1.1.2.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.1.1.2.2. **Legal Description.** SE1/4 SW1/4 Section 16, T. 10 S., R. 67 W. of the 6th P.M. 4.1.1.2.3. **Source.** ¶ 4.1.1.1.2. 4.1.1.2.4. **Appropriation Date.** July 1, 1881. 4.1.1.2.5. **Original Amount.** 3.65 c.f.s., absolute. 4.1.1.2.6. **Use.** Irrigation. 4.1.1.3. **Relevant Change Decrees.** 4.1.1.3.1. **Case No. 87CW240.** In Case No. 87CW240 (“87CW240 Decree”), the Noe Ranch Water Rights were, *inter alia*, quantified and changed to use for municipal, augmentation, exchange and replacement purposes. 4.1.1.3.2. **Case No. 09CW166.** In Case No. 09CW166 (“09CW166 Decree”), the Noe Ranch Water Rights were further changed, *inter alia*, for use within Applicant’s then existing or future water service area, or any extra-territorial area in which the Applicant contracts to provide water deliveries and for storage in Chatfield Reservoir. 4.1.2. **Douglas Park Water Rights.** Applicant’s Douglas Park water rights consist of water rights decreed to the Benjamin Quick Ditch, the John Kinner Ditch, the John Kinner Ditch No. 2 and the Huntsville Ditch (“Douglas Park Water Rights”). The Douglas Park Water Rights are administered at the West Plum Creek fka Glen Grove Gage

located in the NE 1/4 NW 1/4, Section 24, T. 9 S., R. 68 W. of the 6th P.M, Douglas County. The UTM coordinates are NAD 83, Zone 13, Easting 504167, Northing 4345585. 4.1.2.1. **Benjamin Quick Ditch.** 4.1.2.1.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.1.2.1.2. **Legal Description.** SW1/4 NE1/4 Section 34, T. 9 S., R. 68 W. of the 6th P.M. Note the actual point of diversion is in Section 24. 4.1.2.1.3. **Source.** West Plum Creek, tributary to the South Platte River. 4.1.2.1.4. **Appropriation Date.** June 15, 1866. 4.1.2.1.5. **Original Amount.** 3.8 c.f.s., absolute. 4.1.2.1.6. **Use.** Irrigation. 4.1.2.2. **John Kinner Ditch.** 4.1.2.2.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.1.2.2.2. **Legal Description.** SW1/4 NW1/4 Section 13, T. 9 S., R. 68 W. of the 6th P.M. 4.1.2.2.3. **Source.** See ¶ 4.1.2.1.1.2. 4.1.2.2.4. **Appropriation Date:** March 1, 1868. 4.1.2.2.5. **Original Amount.** 3.52 c.f.s., absolute. 4.1.2.2.6. **Use.** Irrigation. 4.1.2.3. **John Kinner No. 2 Ditch.** 4.1.2.3.1. **Original Decree.** Supplemental adjudication of Water District No. 8, District Court, Douglas County, entered March 3, 1890. 4.1.2.3.2. **Legal Description.** SW1/4 NW1/4 Section 13, T. 9 S., R. 68 W. of the 6th P.M. 4.1.2.3.3. **Source.** ¶ 4.1.2.1.1.2. 4.1.2.3.4. **Appropriation Date:** April 1, 1885. 4.1.2.3.5. **Original Amount.** 3.52 c.f.s., absolute. 4.1.2.3.6. **Use.** Irrigation. 4.1.2.4. **Huntsville Ditch.** 4.1.2.4.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.1.2.4.2. **Legal Description.** NE1/4 SW1/4 Section 24, T. 9 S., R. 68 W. of the 6th P.M. 4.1.2.4.3. **Source.** ¶ 4.1.2.1.1.2. 4.1.2.4.4. **Appropriation Date:** March 1, 1880. 4.1.2.4.5. **Original Amount.** 9.12 c.f.s., absolute, reduced by 5.12 c.f.s. to 4.0 c.f.s. in Case No. W-5729, described below. 4.1.2.4.6. **Use.** Irrigation. 4.1.2.5. **Relevant Change Decrees.** 4.1.2.5.1. **Case No. 87CW309:** In Case No. 87CW309, the Douglas Park Water Rights were quantified and change, *inter alia*, to use for municipal, augmentation, exchange and replacement purposes within Applicant’s municipal limits and for storage of the remaining consumptive use credits in Chatfield Reservoir. 4.1.2.5.2. **Case No. 09CW166.** By the 09CW166 Decree, Applicant’s Douglas Park Water Rights were further changed for, *inter alia*, use within Applicant’s then existing or future water service area, or any extra-territorial area in which the Applicant contracts to provide water deliveries. 4.1.3. **Ball Ditch Water Right.** Applicant owns 0.1429 c.f.s. of 3.0 c.f.s. of the Ball Ditch water right, which is described below (“Ball Ditch Water Right”). Ball Ditch Water Right is administered at the West Plum Creek fka Glen Grove Gage described in ¶ 4.1.2. 4.1.3.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.1.3.2. **Legal Description.** NW1/4 NW1/4 Section 26, T. 8 S., R. 68 W. of the 6th P.M. 4.1.3.3. **Source.** ¶ 4.1.2.1.1.2. 4.1.3.4. **Appropriation Date.** April 19, 1872. 4.1.3.5. **Original Amount.** 3.0 c.f.s., absolute. 4.1.3.6. **Use.** Irrigation. 4.1.3.7. **Relevant Change Decree.** The 09CW166 Decree further changed the uses of the Ball Ditch Water Right to, *inter alia*, all municipal uses, augmentation, exchange and replacement purposes with a right to fully consume the consumptive portion during the first use. The 09CW166 Decree changed the place of use to within Applicant’s then existing or future water service area, or any extra-territorial area in which the Applicant contracts to provide water deliveries. The 09CW166 Decree also added Chatfield Reservoir as a place of storage. 4.1.4. **High Line Ditch Water Rights.** Applicant owns 1.665 c.f.s. of 20.0 c.f.s. of the High Line Ditch water rights, which are described below (“High Line Ditch Water Right”). The High Line Ditch Water Right is administered at High Line Gage located in the NE 1/4 SE 1/4, Section 22, T. 8 S., R. 67 W. of the 6th P.M., Douglas County. The UTM coordinates are NAD 83, Zone 13, Easting 511233, Northing 4354541. 4.1.4.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.1.4.2. **Legal Description.** NE1/4 NE1/4 Section 4, T. 9 S., R. 67 W. of the 6th P.M. 4.1.4.3. **Source.** East Plum Creek, tributary to South Platte River. 4.1.4.4. **Appropriation Dates and Amounts.**

<i>Priority</i>	<i>Appropriation Dates</i>	<i>Decreed Amounts (cfs/absolute)</i>	<i>Applicant’s Ownership (cfs)</i>
57	September 1, 1871	3.52	0.585
73	June 30, 1873	1.4	0.233
102	June 30, 1878	15.08	0.848
	<b>TOTAL</b>	<b>20.0</b>	<b>1.665</b>

4.1.4.5. **Use.** Irrigation. 4.1.4.6. **Relevant Change Decree.** The 09CW166 Decree further changed the uses of the High Line Ditch Water Right to, *inter alia*, all municipal uses, augmentation, exchange and

replacement purposes with a right to fully consume the consumptive portion during the first use. The 09CW166 Decree changed the place of use to within Applicant’s then existing or future water service area, or any extra-territorial area in which the Applicant contracts to provide water deliveries. The 09CW166 Decree also added Chatfield Reservoir as a place of storage for the High Line Ditch Water Right.

**4.1.5. Deer Creek Water Rights.** Applicant’s Deer Creek water rights consist of water rights decreed to the Glen Plym No. 1 Ditch and the Deer Creek Canon Ditch and Mann Reservoir (“Deer Creek Water Rights”).

**4.1.5.1. Glen Plym No. 1 Ditch (a/k/a Glen Plym Ditch No. 1).**

**4.1.5.1.1. Original Decree.** See ¶ 4.1.1.1.1. **4.1.5.1.2. Original Legal Description.** West side of Deer Creek in Section 8, T. 6 S., R. 69 W. of the 6th PM, Jefferson County, Colorado **4.1.5.1.3. Current Legal Description:** SE1/4 NW1/4, Section 7, T. 6 S., R. 69 W. of the 6th P.M., Jefferson County. The UTM coordinates are NAD 83, Zone 13, Easting 486298, Northing 4377390. **4.1.5.1.4. Source.** Deer Creek, tributary to the South Platte River. **4.1.5.1.5. Appropriation Date.** December 1, 1867. **4.1.5.1.6. Original Amount.** 1.95 c.f.s., absolute. **4.1.5.1.7. Use.** Irrigation. **4.1.5.2. Deer Creek Canon Ditch.**

**4.1.5.2.1. Original Decree.** See ¶ 4.1.1.1.1. **4.1.5.2.2. Legal Description.** Section 7, T. 6 S., R. 69 W. of the 6th PM, Jefferson County. **4.1.5.2.3. Current Legal Description.** See ¶ 4.1.5.1.1.2. **4.1.5.2.4. Source.** See ¶ 4.1.5.1.1.2. **4.1.5.2.5. Appropriation Date.** December 8, 1877. **4.1.5.2.6. Original Amount.** 3.33 c.f.s., absolute. **4.1.5.2.7. Use.** Irrigation, domestic, and as a feeder for Mann Reservoir. **4.1.5.3. Relevant Change Decree.** In Case No. 23CW3061, Applicant further changed the Deer Creek Water Rights to include, *inter alia*, all municipal uses, and augmentation and replacement use, with the right to fully consume and to use, reuse, and successively use the water within Applicant’s water service area boundaries, as such boundaries then existed or may exist in the future, and outside such boundaries by contract(s) existing as of the filing of the application in Case No. 23CW3061.

**4.1.6. Meadow Ditch Water Right.** Applicant’s Meadow Ditch water right consist of a water right decreed to the Meadow Ditch (“Meadow Ditch Water Right”).

**4.1.6.1. Original Decree.** See ¶ 4.1.1.1.1. **4.1.6.2. Legal Description.** W1/2 NE1/4, Section 21, Township 7 South, Range 68 West of the 6th P.M., in Douglas County, Colorado at a point 2,055 feet from the North section line and 2,380 feet from the East Section line. **4.1.6.3. Source.** Indian Creek, tributary to Plum Creek, tributary to the South Platte River. **4.1.6.4. Rate.** 5.0 c.f.s., absolute. **4.1.6.5. Use.** Irrigation. **4.1.6.6. Appropriation Date.** May 31, 1866. **4.1.6.7. Relevant Change Decrees.**

**4.1.6.7.1. Case No. 00CW231:** In Case No. 00CW231, the Water Court approved a ditch-wide HCU analysis and quantified the HCU of the entire 5.0 c.f.s. **4.1.6.7.2. Case No. 24CW3037.** In Case No. 24CW3037, Applicant has a pending application to further change the entire 5.0 c.f.s. of the Meadows Ditch Water Right for, *inter alia*, all municipal uses, exchange, augmentation and replacement use, with the right to fully consume and to use, reuse, and successively use to extinction the Meadow Ditch Water Right and associated return flows from the Meadow Ditch Water Right within Applicant’s water service area boundaries, as such boundaries currently exist or may exist in the future, and outside such boundaries by contracts existing as of the filing of the application in Case No. 24CW3037.

**4.2 Fully-Reusable Sewered Return Flows.** Applicant owns or has the right to use the following water rights decreed for use, reuse and successive use to extinction. To the extent the water rights are used, reused and/or successively used for municipal purposes consistent with the decrees, Applicant will take credit for the fully-reusable sewered return flows returning to East Plum Creek at the outfall of Plum Creek Water Reclamation Authority (“PCWRA Outfall”) in the SW 1/4 SW 1/4 Section 21, Township 7 South, Range 67 West, 6th P.M., 984 feet from the south section line and 227 feet from the west section line. The UTM coordinates are NAD 83, Zone 13, Easting 508125, Northing 4363729.

**4.2.1. Sewered Return Flows from Water Rights Decreed in Case No. 17CW3211** associated with Plum Creek Diversion, Castle Rock Reservoir No. 1 and Castle Rock Reservoir No. 2. See ¶ 3.1 through 3.3. **4.2.2. Sewered Return Flows from Water Rights Decreed in Case No. 16CW3178** associated with Chatfield Reservoir-Castle Rock Refill and Chatfield Reservoir-Castle Rock Pump Station. See ¶ 3.5 and 3.6. **4.2.3. Sewered Return Flows from Water Rights Decreed in Case No. 12CW296** associated with Castle Rock Surface Diversion Nos. 1 and 2. See ¶ 3.7 and 3.8. **4.2.4. Sewered Return Flows from Previously Changed Water Rights Decreed in Case No. 09CW166, 23CW3061 and 24CW3037.** See ¶ 4.1. **4.2.5. Sewered Return Flows from Nontributary and Not-Nontributary Groundwater, identified in Exhibit D.** **4.2.6. Sewered Return Flows from WISE Partnership Agreement Water, identified in Exhibits E and F.** **4.2.7.**

**Sewered Return Flows from Water Rights Decreed in Case No. 85CW480 (“85CW480 Decree”) as changed in Case No. 21CW3142**, associated with Well Nos. AL-1 through AL-20. 4.2.7.1. **Source.** Alluvium of East Plum Creek. 4.2.7.2. **Appropriation Date.** November 14, 1985. 4.2.7.3. **Amounts.** 4,424 g.p.m. or 9.85 c.f.s., conditional. 4.2.7.4. **Uses.** Municipal, domestic, industrial, agriculture, commercial, irrigation, stock watering, recreation, fish and wildlife, fire protection, and other beneficial uses in connection with the Castle Meadows Development (now referred to as the “Meadows Development”), including storage, substitution and exchange, replacement of depletions, and for all other augmentation purposes. 4.2.7.5. **Change Decree.** In Case No. 21CW3142 (“21CW3142 Decree”), Applicant changed the conditional amount of its 1985 Castle Meadows Water Rights and received a decree that, *inter alia*, quantified the contemplated draft; added the Plum Creek Diversion described in described in ¶3.1 as an alternate point of diversion for direct use or storage; added places of use to include Applicant’s service area boundaries, as such may change from time to time, and outside Applicant’s service area boundaries by contracts existing as of the date of the 21CW3142 application filing. 4.2.8. **Sewered Return Flows from Water Rights Decreed in Case No. 19CW3231 and 19CW3232**, associated with TCR Box Elder Well Nos. 1 through 20, as described in ¶8.1 of the 19CW3231 Decree. 4.2.8.1. **Source.** Box Elder Creek, tributary to South Platte River. 4.2.8.2. **Appropriation Date.** December 13, 2019. 4.2.8.3. **Amounts.** 390 g.p.m. for each of the TCR Box Elder Well Nos. 1 through 20, 1,550 g.p.m. cumulative, with annual volumetric limits of 629 a.f. per year for any TCR Box Elder Well Nos. 1 through 20, and a cumulative limit of 2,500 a.f. 4.2.8.4. **Use.** Direct use or storage for subsequent use for all municipal uses, industrial use, augmentation use and replacement use, with the right to use, reuse and successively use the return flows to extinction decreed in Case No. 19CW3232. 4.2.8.5. **Place of Use.** Lands within Applicant’s water service area boundaries, as such boundaries may exist in the future and lands outside such boundaries pursuant to the following extraterritorial contract(s) existing as of the filing of the Application in Case No. 19CW3231. 4.2.9. **Sewered Return Flows from Water Rights Decreed in Case No. 21CW3185 and 22CW3155**, associated with the TCR - PVWP Fremont Butte Forebay and Storage Right (fka TCR - PVWP Forebay Storage Right and TCR - PVWP Fremont Butte Storage Right). 4.2.9.1. **Legal Descriptions of Storage Reservoirs.** 4.2.9.1.1. **Fremont Butte Reservoir.** NW1/4, Section 35, T. 4 N., R. 53 W. of the 6th P.M. on the northern section line of Section 35 and is 885 feet from the west section line, in Washington County, Colorado. The western abutment will be in the SE1/4, Section 27, T. 4 N., R. 53 W. of the 6th P.M., approximately 2,200 ft. from the east line and 200 ft. from the south line; the eastern abutment will be in the NE1/4 NE1/4 of Section 35, T. 4 N., R. 53 W., 6th P.M., approximately 800 feet from the east line and 700 feet from the north line. Applicant anticipates that Fremont Butte Reservoir will be located in all or parts of Sections 27, 33, 34, and 35, T. 4 N., R. 53 W. of the 6th P.M. and Sections 2, 3, 4, 10, and 11, T. 3 N., R. 53 W. of the 6th P.M. 4.2.9.1.2. **Prewitt Reservoir** (also referred to Alternate Site A) located in all or parts of Sections 1, 2, 10, 11, 12, 13, 14, and 15 in T.5N., R.54W. of the 6th P.M. and in parts of Sections 5, 6, and 7 in T.5N., R.53W. of the 6th P.M., in Washington County, Colorado and in part of Section 31, T.6N., R.53W. of the 6th P.M. and part of Section 36, T.6N., R.54W. of the 6th P.M. in Logan County, Colorado. The center of the outlet works in the dam is located at SE 1/4 NE 1/4 Section 2, T.5N., R.54W. of the 6th P.M. in Washington County, Colorado. 4.2.9.1.3. **Bravo Reservoir Complex:** one or more of the following separate off-channel reservoirs in Logan County in Sections 32 and 33 of T.9N., R.51W., 6th P.M., and Sections 3, 4 and 5 of T.8N., R.51W., 6th P.M.; Sections 22 and 27 of T.9N., R.51W., 6th P.M.; Section 6 of T.8N., R.51W., 6th P.M., and Section 1 of T.8N., R.52W., 6th P.M.; Sections 4, 5, and 8 of T.8N., R.51W., 6th P.M. 4.2.9.1.4. **Alternate Site B:** to be located southwest of and separate from the existing Prewitt Reservoir, in parts of Sections 22 and 27, T.5N., R.54W. of the 6th P.M. in Washington County. 4.2.9.1.5. **Alternate Site C:** to be located in Section 24, T.5N., R.55W. of the 6th P.M. in Morgan County. 4.2.9.1.6. **Alternate Site D:** to be located in parts of Sections 5 and 6, T.4N., R.54W. of the 6th P.M. and in Sections 31 and 32, T.5N, R.54 W of the 6th P.M. in Washington County. 4.2.9.1.7. **Alternate Site E:** to be located in parts of Section 4, T.4N, R.55W of the 6th P.M. and in Section 33, T. 5N, R.55W of the 6th P.M. in Morgan County. 4.2.9.1.8. **Ilyff Reservoir:** one or more storage cells surrounded by a perimeter dike/dam to be located in all or parts of Sections 13, 22, 23, 24, 26, 27, 31, 32, and 33, T.10 N., R.50W., 6th P.M., and Section 6, T.9N., R.50W., 6th P.M. in Logan County. 4.2.9.2. **Source Claimed.**

South Platte River. 4.2.9.3. **Appropriation Date Claimed.** January 17, 2017. 4.2.9.4. **Volume Claimed.** 8,722 a.f., conditional, at all points of storage with the right to fill and refill up to 16,300 a.f. per water year. 4.2.9.5. **Flow Rate Claimed.** 111 c.f.s., cumulative, at all points of diversion. 4.2.9.6. **Proposed Uses:** All municipal purposes including augmentation, replacement and exchange, with the right to use, reuse and successively use the return flows to extinction within Applicant’s service area boundaries by direct use, after storage and by exchange, pursuant to Case No. 22CW2155. 4.2.9.7. **Place of Use:** Lands within Applicant’s water service area boundaries, as such boundaries existed when the 21CW3185 Application was filed or may exist in the future, and lands outside such boundaries by contract as of the filing of the 21CW3185 Application. 4.2.10. **Sewered Return Flows from Water Rights Decreed, Augmented and/or Changed in Case No. 10CW318,** attributable to Applicant’s 41.25 percent interest in the Cherry Creek Project Water Authority, including: 4.2.10.1. **John Jones Ditch.** 4.2.10.1.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.2.10.1.2. **Legal Description.** In the NE1/4 of Section 15, T. 8 S., R. 66 W. of the 6th P.M., Douglas County. 4.2.10.1.3. **Source.** Cherry Creek, tributary to the South Platte River. 4.2.10.1.4. **Rate.** 2.61 c.f.s., absolute. 4.2.10.1.5. **Use.** Irrigation. 4.2.10.1.6. **Appropriation Date.** May 31, 1866. 4.2.10.1.7. **Relevant Change Decree** In Case No. 08CW186 (“08CW186 Decree”), an undivided 1/2 interest in the John Jones Ditch water right was quantified and changed to include, *inter alia*, all municipal purposes and augmentation uses by direct use, storage, exchange, and for reuse, successive use, and to extinction within the current and future municipal boundaries and service areas of the members or future members of the CCPWA. 4.2.10.2. **Lemen Ditch.** 4.2.10.2.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.2.10.2.2. **Legal Description.** On the west bank of Cherry Creek, Douglas County, in the SW1/4 of Section 10, T. 7 S., R. 66 W. of the 6th P.M. 4.2.10.2.3. **Source.** See ¶ 4.2.11.1.3. 4.2.10.2.4. **Appropriation Date.** June 1, 1866. 4.2.10.2.5. **Original Amount.** 12.72 c.f.s., absolute. 4.2.10.2.6. **Use.** Irrigation. 4.2.10.2.7. **Relevant Change Decrees.** 4.2.10.2.7.1. **Case No. 07CW66.** In Case No. 07CW66 (“07CW66 Decree”), the Lemen Ditch water right was quantified and changed to include, *inter alia*, all municipal purposes and augmentation uses by direct use, storage, exchange, and for reuse, successive use, and to extinction. The 07CW66 Decree also changed the place of use to be anywhere within the current and future municipal boundaries and service areas of the members or future members of the CCPWA. 4.2.10.2.7.2. **Case No. 10CW318.** In Case No. 10CW318 (“10CW318 Decree”), the Lemen Ditch water right was further changed to: add multiple alternate points of diversion; add new uses including, *inter alia*, augmentation, storage, exchange purposes, replacement of depletions resulting from the use of water from other source, and for all other augmentation and replacement purposes; and to add use in, *inter alia*, Applicant’s current and future boundaries and service areas. 4.2.10.3. **Barnes Ditch.** 4.2.10.3.1. **Original Decree.** See ¶ 4.1.1.1.1. 4.2.10.3.2. **Legal Description.** On Cherry Creek at a point 76 feet from the SW Corner of the NW1/4 of Section 15, T. 7 S., R. 66 W. of the 6th P.M. 4.2.10.3.3. **Source.** See ¶ 4.2.11.1.3. 4.2.10.3.4. **Appropriation Date:** March 1, 1885. 4.2.10.3.5. **Original Amount.** 4.5 c.f.s., absolute. 4.2.10.3.6. **Use.** Irrigation. 4.2.10.3.7. **Relevant Change Decrees.** 4.2.10.3.7.1. **Case No. 07CW66.** The 07CW66 Decree quantified and changed the Barnes Ditch water right as described in ¶ 4.2.11.2.7.1. 4.2.10.3.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Barnes Ditch water right was further changed as described in ¶ 4.2.11.2.7.2. 4.2.10.4. **Franktown No. 2 Well.** 4.2.10.4.1. **Original Decree.** Case No. W-1776 (“W-1776 Decree”). 4.2.10.4.2. **Legal Description.** A point in the SE1/4 SW1/4 of Section 22, T. 7 S., R. 66 W. of the 6th P.M., at a point 240 feet north and 1,500 feet east of the SW corner of said Section 22. 4.2.10.4.3. **Appropriation Date.** November 5, 1907. 4.2.10.4.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.4.5. **Amount.** 3.44 c.f.s., absolute. 4.2.10.4.6. **Use.** Irrigation. 4.2.10.4.7. **Relevant Change Decrees.** 4.2.10.4.7.1. **Case No. 84CW680.** In Case No. 84CW680 (“84CW680 Decree”), *inter alia*, quantified the historic use of the Franktown No. 2 Well water right; and changed the use for all municipal uses and augmentation uses. 4.2.10.4.7.2. **Case No. 95CW280.** In Case No. 95CW280 (“95CW280 Decree”), the Franktown No. 2 Well water right was changed to include additional places of use. 4.2.10.4.7.3. **Case No. 10CW318.** By the 10CW318 Decree the Franktown No. 2 Well water right was further changed to as described in ¶ 4.2.11.3.7.2. 4.2.10.5. **Kelty No. 1 Well.** 4.2.10.5.1. **Original Decree.** Civil Action No. 3635, Douglas County District Court, a supplemental adjudication for Water District No. 8, decree entered May 18, 1972 (“CA3635 Decree”). 4.2.10.5.2. **Legal Description.** A point in the NW1/4 SE1/4 Section 34, T. 7 S., R.

66 W. of the 6th P.M., Douglas County, whence the SE corner of said Section 34 bears South 59°21' East a distance of 2,600 feet. 4.2.10.5.3. **Appropriation Date.** September 6, 1950. 4.2.10.5.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.5.5. **Amount.** 1.73 c.f.s., absolute. 4.2.10.5.6. **Use.** Agricultural and domestic, including fire protection. 4.2.10.5.7. **Relevant Change Decrees.** 4.2.10.5.7.1. **95CW280 Decree.** The 95CW280 Decree quantified the Kelty No. 1 Well water right and its beneficial uses were changed to, *inter alia*, the right to use, reuse and successively use directly or indirectly, by exchange or through storage, and to use for replacement of depletions, substitution, or augmentation. 4.2.10.5.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Kelty No. 1 Well water right was further changed to as described in ¶ 4.2.11.3.7.2. 4.2.10.6. **Franktown No. 1 Well.** 4.2.10.6.1. **Original Decree.** W-1776 Decree. 4.2.10.6.2. **Legal Description.** A point 140 feet north and 1,400 feet east of the southwest corner of Section 22, T. 7 S., R. 66 W. of the 6th P.M. 4.2.10.6.3. **Appropriation Date.** September 4, 1950. 4.2.10.6.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.6.5. **Amount.** 3.01 c.f.s., absolute. 4.2.10.6.6. **Use.** Irrigation. 4.2.10.6.7. **Relevant Change Decrees.** 4.2.10.6.7.1. **Case No. 84CW680.** The 84CW680 Decree, *inter alia*, changed the use for all municipal uses and augmentation uses. 4.2.10.6.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Franktown No. 1 Well water right was further changed to as described in ¶ 4.2.11.3.7.2. 4.2.10.7. **Walker No. 1 Well.** 4.2.10.7.1. **Original Decree.** Case No. W-1869, as amended June 21, 1977 (“W-1869 Decree”). 4.2.10.7.2. **Legal Description.** Located in the SW1/4 NW1/4 of Section 34, T. 7 S., R. 66 W of the 6th P.M., at a point 2,100 feet south and 2,400 feet west of the NE corner of said Section 34. 4.2.10.7.3. **Appropriation Date.** October 10, 1952. 4.2.10.7.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.7.5. **Amount.** 1.33 c.f.s., absolute. 4.2.10.7.6. **Use.** Irrigation. 4.2.10.7.7. **Relevant Change Decrees.** 4.2.10.7.7.1. **Case No. 88CW097.** In Case No. 88CW097 (“88CW097 Decree”), the Walker No. 1 Well water right: was awarded additional uses including, *inter alia*, all municipal uses and exchange, substitution, reuse, and augmentation; had its historical use quantified. 4.2.10.7.7.2. **95CW280 Decree.** The 95CW280 Decree changed the Walker No. 1 Well water right to include, *inter alia*, the right to use, reuse and successively use directly or indirectly, by exchange or through storage, and to use for replacement of depletions, substitution, or augmentation. 4.2.10.7.7.3. **Case No. 10CW318.** By the 10CW318 Decree the Walker No. 1 Well water right further changed to as described in ¶ 4.2.11.3.7.2. 4.2.10.8. **Walker Sump No. 1.** 4.2.10.8.1. **Original Decree.** W-1869 Decree. 4.2.10.8.2. **Legal Description.** Located in the SE1/4 NW1/4 of Section 34, T. 7 S., R. 66 W of the 6th P.M., at a point which the NE corner of said Section 34 bears N 60°08' E, 3,038 feet. 4.2.10.8.3. **Appropriation Date.** June 20, 1954. 4.2.10.8.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.8.5. **Amount.** 1.11 c.f.s., absolute. 4.2.10.8.6. **Use.** Irrigation. 4.2.10.8.7. **Relevant Change Decrees.** 4.2.10.8.7.1. **Case No. 88CW097.** By the 88CW097 Decree, the Walker Sump No. 1 water right was quantified and changed to allow additional uses including, *inter alia*, all municipal uses and exchange, substitution, reuse, and augmentation. 4.2.10.8.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Walker Sump No. 1 water right was further changed to as described in ¶ 4.2.11.3.7.2. 4.2.10.9. **Hewins No. 2 Well.** 4.2.10.9.1. **Original Decree.** CA3635 Decree. 4.2.10.9.2. **Legal Description.** A point in the SW1/4 SE1/4 of Section 34, T. 7 S., R. 66 W. of the 6th P.M. whence the SE corner of said Section 34 bears S70°06' E a distance of 2,181 feet. 4.2.10.9.3. **Appropriation Date.** March 21, 1956. 4.2.10.9.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.9.5. **Amount.** 2.68 c.f.s., absolute. 4.2.10.9.6. **Use.** Agricultural and domestic, including fire protection. 4.2.10.9.7. **Relevant Change Decrees.** 4.2.10.9.7.1. **95CW280 Decree.** The 95CW280 Decree quantified the Hewins No. 2 Well water right and its beneficial uses were changed to, *inter alia*, the right to use, reuse and successively use directly or indirectly, by exchange or through storage, and to use for replacement of depletions, substitution, or augmentation. 4.2.10.9.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Hewins No. 2 Well water right was further changed to as described in ¶ 4.2.11.3.7.2. 4.2.10.10. **Christiansen No. 3 Well.** 4.2.10.10.1. **Original Decree.** CA3635 Decree. 4.2.10.10.2. **Legal Description.** A point in the NE1/4 SW1/4 of Section 3, T. 7 S., R. 66 W. of the 6th P.M. 4.2.10.10.3. **Appropriation Date.** November 15, 1952. 4.2.10.10.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.10.5. **Amount.** 3.98 c.f.s., absolute. 4.2.10.10.6. **Use.** Irrigation. 4.2.10.10.7. **Relevant Change Decrees.** 4.2.10.10.7.1. **Case No. 07CW66.** The 07CW66 Decree quantified and changed the Christiansen No. 3 Well water right as described in ¶ 4.2.7.2.2.1. 4.2.10.10.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Christiansen No. 3 Well water right was further changed to as described in ¶ 4.2.11.3.7.2. 4.2.10.11. **Vessel**

**No. 1 Well.** 4.2.10.11.1. **Original Decree.** W-1776 Decree. 4.2.10.11.2. **Legal Description.** A point from which the W1/4 corner of Section 3, T. 7 S., R. 66 W. of the 6th P.M. bears south 83°14' west, a distance of 1,570 feet. 4.2.10.11.3. **Appropriation Date.** March 16, 1956. 4.2.10.11.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.11.5. **Amount.** 2.33 c.f.s., absolute. 4.2.10.11.6. **Use.** Irrigation 4.2.10.11.7. **Change Decrees.** 4.2.10.11.7.1. **Case No. 84CW680.** The 84CW680 Decree, *inter alia*, quantified and changed the use for all municipal uses and augmentation uses. 4.2.10.11.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Vessel No. 1 Well water right was further changed as described in ¶ 4.2.11.3.7.2. 4.2.10.12. **Christiansen No. 4 Well.** 4.2.10.12.1. **Original Decree.** CA3635 Decree. 4.2.10.12.2. **Legal Description.** A point in the NE1/4 SW1/4 of Section 3, T. 7 S., R. 66 W. of the 6th P.M. 4.2.10.12.3. **Appropriation Date.** October 23, 1963. 4.2.10.12.4. **Source.** See ¶ 4.2.11.4.4. 4.2.10.12.5. **Amount.** 0.89 c.f.s., absolute. 4.2.10.12.6. **Use.** Irrigation. 4.2.10.12.7. **Change Decrees.** 4.2.10.12.7.1. **Case No. 07CW66.** The 07CW66 Decree changed the Christiansen No. 4 Well water right as described in ¶ 4.2.7.2.2.1. 4.2.10.12.7.2. **Case No. 10CW318.** By the 10CW318 Decree the Christiansen No. 4 Well water right was further changed as described in ¶ 4.2.11.3.7.2. 4.2.10.13. **Walker Reservoir.** 4.2.10.13.1. **Legal Description.** Section 34, T.7S, R.66, 6th P.M. 4.2.10.13.2. **Source.** Cherry Creek and its tributaries. 4.2.10.13.3. **Appropriation Date.** December 1, 2010. 4.2.10.13.4. **Amount.** 1,000 a.f., with the right to multiple refills, conditional. CCPWA may fill and refill Walker Reservoir as many times under its 2010 priority as is possible so long as it does not place into storage more than 2,000 a.f. under its 2010 priority in any single year. 4.2.10.13.5. **Filling Structures and Water Rights.** All wells and all groundwater rights identified in ¶3.1 of the 10CW318 Decree. 4.2.10.13.6. **Filling Rate.** 2,000 g.p.m. for each structure, up to 20 c.f.s. in aggregate. 4.2.10.13.7. **Use.** Storage for all municipal purposes including domestic, agricultural, industrial, commercial, irrigation, augmentation, stock watering, recreation, fish and wildlife, mining, mine reclamation and continuing mine depletions from the exposure of groundwater, and fire protection uses. Water may be used, reused, and successively used to extinction. 4.2.10.13.8. **Place of Use.** All areas within the current and future boundaries and service areas of CCPWA Members, including all areas within the current and future boundaries and service areas of Applicant. 4.2.11. **Sewered Return Flows from Lost Creek Designated Groundwater Basin Groundwater.** 4.2.11.1. **Change Decrees and Court.** Case No. 98CV1727, District Court, Adams County, dated May 10, 2004 (“98CV1727 Decree”); Case Nos. 99CV97, District Court, Adams County, final decree entered June 15, 2004 (“99CV97 Decree”). 4.2.11.2. **Permit Numbers, Legal Descriptions and Diversion Limits.** All of the Lost Creek Basin Groundwater wells are in T.1.N., R.63.W., 6th PM in Weld County. Pursuant to ¶ 20.d. of the 99CV97 decree and ¶ 26.d. of the 98CV1727 Decree, the Lost Creek Water may be withdrawn year-round on the basis of a calendar year. Consistent with ¶ 20.j. of the 99CV97 Decree and ¶ 26.j. of the 98CV1727 Decree, diversions of the Lost Creek Water are administered according to the three-year modified banking rule. The table below identifies the average annual a.f. and the banking reserve limitations associated with each of the individual well permits.

<i>Amended Final Well Permit Nos.</i>	<i>Q40</i>	<i>Q160</i>	<i>Section</i>	<i>Appropriation Dates</i>	<i>Flow Rates (gpm)</i>	<i>Average Annual Volumetric Limits (af)</i>	<i>Maximum Banking Reserve (af)</i>
12123-RFP-R	NW	SW	27	May 28, 1944	1,000	163.1	755.7
12124-RFP-R	NE	SW	27	June 22, 1954	900	106.4	835.8
31526-FP-R	NE	SE	22	May 1, 1939	1,100	144.4	616.8
31527-FP-R	NW	SE	22	May 1, 1944	1,100	139.1	632.7
31643-FP-R	SW	NW	34	June 8, 1946	1,150	111.3	266.1
14860-RFP-R	SW	SW	27	May 20, 1954	950	74.3	377.1
31640-FP	SW	NE	34	December 10, 1968	900	297.2	308.4
8533-RFP-R	SW	NW	29	August 15, 1951	950	84.0	588.0
8534-RFP-R	SW	SW	29	March 1, 1952	600	81.5	355.5
8535-RFP-R	SW	NW	29	May 1, 1954	1,100	96.9	669.3

31542-FP-R	NE	NE	27	July 29, 1964	1,000	193.3	1,094.1
<b>TOTAL</b>						<b>1,491.5</b>	<b>6,499.5</b>

\* All in Township 1 North, Range 63 West of the 6th PM, Weld County.

4.2.11.3. **Decreed Uses:** Domestic, irrigation, commercial, municipal, industrial, stock watering, recreation, fish and wildlife purposes, augmentation, residential, and fire protection, with the right to use, reuse and successively use to extinction. The amounts of water described herein may be exported from the Lost Creek Designated Groundwater Basin. The 99CV97 Decree and 98CV1727 Decree allow the Lost Creek Water to be used year-round for augmentation purposes in the South Platte Basin. 4.2.12. **Sewered return flows from any of the sources in ¶¶ 4.2.1. to 4.2.11: discharged to Cherry Creek at the Pinery Water and Wastewater District’s Waste Water Treatment Plant Outfall (“PW&WD Outfall”)** in the NE1/4 NW1/4 Section 10, T7S, R66W, 6th P.M., Douglas County, Colorado, at a point 200 feet from the North section line and 1,440 feet from the West section line; recaptured by the Town by any legal means; reused or successively beneficially used within the decreed place of use; and then discharged to East Plum Creek at the PCRWA Outfall. 4.3. **Additional sources authorized pursuant to C.R.S. §37-92-305(8).** 5. **Complete Statement of Plan for Augmentation:** Applicant will divert water out-of-priority at the structures described in ¶3. Applicant shall replace diversions on a 1 for 1 basis using the sources described in ¶4. All replacements shall be made at or above the point of diversion for the structure that is diverting out-of-priority so that no augmentation occurs by exchange. Specifically: 5.1. Out-of-priority diversions at Chatfield Reservoir and the Chatfield Reservoir-Castle Rock Pump Station shall be augmented using any source identified in ¶4. 5.2. Out-of-priority diversions at the Plum Creek Diversion and Castle Rock Reservoir Nos. 1 and 2 shall be augmented using any using any source outlined in ¶4, except ¶ 4.1.5 (Deer Creek) and ¶ 4.1.6 (Meadow Ditch). 5.3. Out-of-priority diversions at the Castle Rock Surface Diversion No. 1 and Castle Pines Surface Diversion No. 1 shall be augmented using any using any source outlined in ¶4, except ¶ 4.1.2 (Douglas Park), ¶ 4.1.3 (Ball Ditch), ¶ 4.1.5 (Deer Creek), ¶ 4.1.6 (Meadow Ditch) and ¶ 4.2 (sewered return flows). 5.4. Out-of-priority diversions at the Castle Rock Surface Diversion No. 2 and Castle Pines Surface Diversion No. 2 shall be augmented using any using any source outlined in ¶4, except ¶ 4.1.2 (Douglas Park), ¶ 4.1.3 (Ball Ditch), ¶ 4.1.5 (Deer Creek) and ¶ 4.1.6 (Meadow Ditch). 6. **Notice to Landowners** 6.1. **Plum Creek Diversion, Castle Rock Reservoir No. 1, Castle Rock Reservoir No. 2, Castle Rock Surface Diversion No. 1, High Line Ditch Quantification Point, and PCWRA Outfall.** Applicant 6.2. **Chatfield Reservoir and Chatfield Reservoir-Castle Rock Pump Station.** US Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128 6.3. **Castle Rock Surface Diversion No. 2 and Castle Pines Surface Diversion No. 2.** Castle Rock Development Company, 3303 E. 1st Ave, Suite 305, Denver, CO 80206 6.4. **Cook Creek Ditch and Hillside Ditch Quantification Point (Cook Creek Gage).** Douglas County, 701 Gilbert St, Castle Rock, CO 80104 6.5. **Benjamin Quick Ditch, John Kinner Ditch, John Kinner Ditch No. 2, Ball Ditch and Huntsville Ditch Quantification Point (West Plum Creek or Glen Grove Gage).** Plum Creek Hollow Farm, 7355 S Perry Park Rd, Larkspur, CO 80118 6.6. **Glen Plym No. 1 Ditch and Deer Creek Canon Ditch.** Jefferson County, 100 Jefferson County Parkway, Golden, CO 80419 6.7. **Meadow Ditch.** Lambert Ranch Association, Inc., c/o Advance HOA Management Inc., PO Box 370390, Denver, CO 80237 6.8. **PW&SD Outfall.** Pinery Commercial Metro Districts 1 & 2, 2154 E Commons Ave, Suite 2000, Centennial, CO 80122 6.9. **Castle Pines Surface Diversion No. 1.** BDM Capital Time Investments LLC, 4687 N US Highway 85, Sedalia, CO 80135 6.10. **Plum Creek Reservoir.** Plum Creek Water Reclamation Authority, 4255 US-85, Castle Rock, CO 80108 (27 pgs., 6 exhibits)

**CASE NUMBER 2026CW3027 JOHN NELLESSEN**, 1479 Shortgrass Court, Castle Rock, CO 80109. James J. Petrock, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY DENVER BASIN AQUIFERS AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY UPPER DAWSON IN ELBERT COUNTY.** Subject Property: A parcel totaling approximately 303.56 acres generally located in Section

29, Section 30, Section 31 and Section 32, Township 9 South, Range 64 West 6<sup>th</sup> PM, Elbert County Colorado as shown on **Exhibit A** (“Subject Property”). Lien Holder Certification: Notice not required- no mortgage or lien holders. Well Permits: There are 2 wells on the Subject Property permitted under Well Permit Number 29669 (Upper Dawson) and 38610F (Lower Dawson). 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, Upper Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). Estimated Amounts: Applicants may leave groundwater associated with Permit No. 38610F unadjudicated. Applicants estimate the following amounts may be available for withdrawal, based on a 100-year and 300-year withdrawal period:

Aquifer	Annual Amount for 100 year Withdrawals (acre feet)	Annual Amount for 300-year Withdrawals (acre feet)
Upper Dawson (NNT)	104	34.67
Lower Dawson (NT)	60*	20.0
Denver (NT)	123	40.59
Arapahoe (NT)	116	38.2
Laramie Fox Hills (NT)	90	30.0

\* Applicants plan to leave five acre-feet per year of water of the total 60 acre-feet otherwise available in the Lower Dawson aquifer unadjudicated for use in the existing well permit no. 38610F, which leaves 55 acre-feet per year based on a 100-year aquifer lifespan or 18.3 acre-feet per year based on a 300 year aquifer life available for adjudication. 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: 34 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: Applicants plan to subdivide the Subject Property and construct up to 15 homes, together with an existing 16th home with Upper Dawson well under permit no. 29669, which will be re-permitted under this augmentation plan, together with ADUs for a total of 32 homes. The proposed plat for the subdivision is attached as Exhibit B. The not-nontributary Upper Dawson Aquifer groundwater will be used to provide in-house use in the 32 single-family dwellings 0.3 acre-foot per house per year, total of 9.6 acre-feet per year; watering of 4 domestic animals totaling up to .05 af/yr per 4 domestic animals, per house (total 1.6 acre feet/year; irrigation of up to 2,000 square feet of lawn, garden, trees, and landscaping per house, totaling 0.1 acre-foot per year (3.2 acre feet total). The water will be used directly and/or after storage anywhere on the Subject Property. Applicants reserve the right to amend the amount and uses and amount of water estimated for each use 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 will be approximately 90% of that use and return flow from irrigation use will be approximately 15% of that use. During pumping Applicants 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. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

**CASE NUMBER 2026CW3028** (2019CW3042, 2010CW243, 87CW309) **TOWN OF CASTLE ROCK** (“Applicant”), Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109; Telephone Number: (720) 733-6001; Please direct all correspondence concerning this application to: Madoline Wallace-Gross, Esq., Gunnar J. Paulsen, Esq., Lyons Gaddis PC, P.O. Box 978, Longmont, CO 80502-0978; Telephone: (303) 776-9900; Email: mwg@lyonsgaddis.com; gpaulsen@lyonsgaddis.com.

**APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY.**

**2. Name of Water Right:** Appropriative Right of Exchange from the Confluence of East and West Plum Creek to East Plum Creek Well Field and the Meadows Well Field.

**2.1. Previous Decrees for this Conditional Water Right:** Case No. 87CW309, District Court, Water Division No. 1 (“Water Court”), entered on January 18, 1995; Case No. 2010CW243, Water Court, entered on March 1, 2013; Case No. 19CW3042, Water Court, entered on February 28, 2020.

**2.2. Downstream Terminus:** Confluence of East and West Plum Creek, in the SW1/4 SE1/4 Section 23, T. 7 S., R. 68 W., 6th P.M., Douglas County.

**2.3. Upstream Termini:** Wells in the East Plum Creek Well Field (Castle Rock Well Nos. 2, 3, 4, 8, 9, 11, 12, 13, 78 to 87 inclusive) and the Meadows Well Field (Castle Rock Well Nos. 184 to 203 inclusive).

**2.3.1.** Castle Rock Well No. 2, located in NE1/4 SE1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1535 feet from the south line and 1300 feet from the east line of Section 11.

**2.3.2.** Castle Rock Well No. 3, located in NW1/4 SE1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 1980 feet north and 1710 feet west of the SE corner of Section 11.

**2.3.3.** Castle Rock Well No. 4, located in NE1/4 NW1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 530 feet from the north line and 1910 feet from the west line of Section 11.

**2.3.4.** Castle Rock Well No. 8, located in NE1/4 NW1/4, Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 270 feet from the north line and 1930 feet from the west line of Section 11.

**2.3.5.** Castle Rock Well No. 9, located in SE1/4 SW1/4, Section 2, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 660 feet north and 1600 feet east of the SW corner of Section 2, a/k/a at Rock and Elbert Streets.

**2.3.6.** Castle Rock Well No. 11, located in SW1/4 NW1/4, Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 2600 feet south of the north line and 900 feet east of the west line of said Section 14.

**2.3.7.** Castle Rock Well No. 12, located in NW1/4 SW1/4, Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 2450 feet north of the south line and 500 feet east of the west line of said Section 14.

**2.3.8.** Castle Rock Well No. 13, located in NW1/4 SW1/4, Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, at a point approximately 2100 feet north of the south line and 400 feet east of the west line of said Section 14.

**2.3.9.** Castle Rock Well No. 78, located in SE1/4 NE1/4, Section 22, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1750 feet from the north section line and 800 feet from the east section line.

**2.3.10.** Castle Rock Well No. 79, located in SE1/4 NE1/4, Section 22, T. 8 S., R. 67 W., 6th P.M., Douglas County, 2300 feet from the north section line and 800 feet from the east section line.

**2.3.11.** Castle Rock Well No. 80, located in NE1/4 SE1/4, Section 22, T. 8 S., R. 67 W., 6th P.M., Douglas County, 2300 feet from the south section line and 800 feet from the east section line.

**2.3.12.** Castle Rock Well No. 81, located in SW1/4 NW1/4, Section 2, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1050 feet from the west section line and 2000 feet from the north section line.

**2.3.13.** Castle Rock Well No. 82, located in NW1/4 NW1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1100 feet from the west section line and 1000 feet from the north section line.

**2.3.14.** Castle Rock Well No. 83, located in SE1/4 NW1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1500 feet from the west section line and 2100 feet from the north section line.

**2.3.15.** Castle Rock Well No. 84, located in SW1/4 NE1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County,

2500 feet from the east section line and 2300 feet from the north section line. 2.3.16. Castle Rock Well No. 85, located in NE1/4 SW1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1600 feet from the west section line and 2200 feet from the south section line. 2.3.17. Castle Rock Well No. 86, located in SE1/4 SE1/4 Section 11, T. 8 S., R. 67 W., 6th P.M., Douglas County, 600 feet from the east section line and 1000 feet from the south section line. 2.3.18. Castle Rock Well No. 87, located in SW1/4 SW1/4 Section 14, T. 8 S., R. 67 W., 6th P.M., Douglas County, 1300 feet from the west section line and 100 feet from the south section line. 2.3.19. Castle Rock Well No. 184, located in SE1/4 NE1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2150 feet from the north section line and 200 feet from the east section line. 2.3.20. Castle Rock Well No. 185, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1700 feet from the north section line and 20 feet from the west section line. 2.3.21. Castle Rock Well No. 186, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1325 feet from the north section line and 350 feet from the west section line. 2.3.22. Castle Rock Well No. 187, located in NE1/4 NE1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 750 feet from the north section line and 600 feet from the east section line. 2.3.23. Castle Rock Well No. 188, located in NE1/4 NE1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1200 feet from the north section line and 800 feet from the east section line. 2.3.24. Castle Rock Well No. 189, located in SE1/4 NE1/4 Section 28, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1650 feet from the north section line and 1050 feet from the east section line. 2.3.25. Castle Rock Well No. 190, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2025 feet from the north section line and 1075 feet from the west section line. 2.3.26. Castle Rock Well No. 191, located in SW1/4 NW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2400 feet from the north section line and 750 feet from the west section line. 2.3.27. Castle Rock Well No. 192, located in NW1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2550 feet from the south section line and 375 feet from the west section line. 2.3.28. Castle Rock Well No. 193, located in NW1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 2150 feet from the south section line and 1300 feet from the west section line. 2.3.29. Castle Rock Well No. 194, located in NW1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1875 feet from the south section line and 900 feet from the west section line. 2.3.30. Castle Rock Well No. 195, located in NE1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1700 feet from the south section line and 2400 feet from the west section line. 2.3.31. Castle Rock Well No. 196, located in NE1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1400 feet from the south section line and 1950 feet from the west section line. 2.3.32. Castle Rock Well No. 197, located in SE1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1150 feet from the south section line and 1550 feet from the west section line. 2.3.33. Castle Rock Well No. 198, located in SW1/4 SE1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 750 feet from the south section line and 2400 feet from the east section line. 2.3.34. Castle Rock Well No. 199, located in SE1/4 SW1/4 Section 27, T. 7 S., R. 67 W., 6th P.M., Douglas County, 500 feet from the south section line and 2425 feet from the west section line. 2.3.35. Castle Rock Well No. 200, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 25 feet from the north section line and 1800 feet from the east section line. 2.3.36. Castle Rock Well No. 201, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 300 feet from the north section line and 2250 feet from the east section line. 2.3.37. Castle Rock Well No. 202, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1050 feet from the north section line and 1500 feet from the east section line. 2.3.38. Castle Rock Well No. 203, located in NW1/4 NE1/4 Section 34, T. 7 S., R. 67 W., 6th P.M., Douglas County, 1250 feet from the north section line and 1950 feet from the east section line. 2.4. **Source:** Consumptive use credits from the Benjamin Quick, John Kinner, John Kinner No. 2 and Huntsville Ditches, quantified and changed in Case No. 87CW309, District Court, Water Division No. 1. 2.5. **Appropriation Date:** March 25, 1992. 2.6. **Exchange Rate:** 2.02 cfs, total, cumulative for all wells, of which 0.86 cfs is absolute and 1.16 cfs is conditional. 2.7. **Uses:** All municipal, industrial, storage, exchange, replacement and augmentation uses. 2.8. **Amount Claimed Absolute:** Not applicable. 2.9. **Map.** A map showing the location of the exchange termini is attached as **EXHIBIT A. 3. Integrated Water Supply System.** The conditional water right is a component part of Applicant's integrated water supply system, which consists of tributary water rights, augmentation plans, appropriate rights of exchange, conditional water rights,

non-tributary groundwater rights and reusable effluent. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the system shall be considered in finding that reasonable diligence has been shown for all components of the system. 4. **Work done toward completion of the appropriation from February 2020 to February 2026:** During the most recent diligence period, Applicant has incurred more than \$121 million to conduct the following work specific to these conditional water rights and on its integrated system. 4.1. Alternatives analysis for Plum Creek Diversion upgrades at an approximate cost of \$677,000. 4.2. East Plum Creek stream stabilization and CR-1 Diversion upgrades at an approximate cost of \$680,000. 4.3. Design, construction, and expansion upgrades to Castle Rock Reservoir Nos. 1 and 2 at a cost of approximately \$10,404,000. 4.4. Conducted studies, designed and constructed the expansion to Plum Creek Water Reclamation Authority's Wastewater Treatment Plant at a cost to the Applicant of approximately \$31,000,000. 4.5. Completed the following work related to the Plum Creek Water Purification Facility: 4.5.1. Design of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$1,600,000. 4.5.2. Construction of the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$28,600,000. 4.5.3. Conversion to Liquid Ammonium Sulfate at the Plum Creek Water Purification Facility at approximate cost of \$426,000. 4.5.4. Design and engineering for expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$4,462,000. 4.5.5. Began construction for expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$36,453,000. 4.6. Alluvial well rehabilitation and equipment replacement program at a cost of approximately \$937,000. 4.7. Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$5,052,000. 4.7.1. Associated legal and administrative costs totaled approximately \$10,000. 4.7.2. As of 2025, Applicant owns 848 acre-feet of capacity in Chatfield Reservoir, with plans to exercise the option to acquire additional capacity up to 2,000 acre-feet of conditional storage. 4.8. Began permitting and engineering design of the Chatfield Pump Back inlet pump station and pipeline from Chatfield Reservoir to Castle Rock Reservoir Nos. 1 and 2 at an approximate cost of \$372,000. 4.9. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 4.10. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW3206, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 20CW3215, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, 22CW3111, 23CW3121, 23CW3124, 23CW3129, 23CW3180, 24CW3088, 24CW3094, 25CW3001, 25CW3046 and 25CW3062. 4.11. Filed applications in Case Nos. 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150, 22CW3155, 23CW3002, 23CW3061, 24CW3037, 25CW3119, and 25CW3133. 5. **Owner of land upon which the structures are or will be located:** 5.1. Castle Rock Well Nos. 2, 3, and 86 are located on land owned by Douglas County Board of County Commissioners, 100 Third Street, Castle Rock, CO 80104. 5.2. Castle Rock Well Nos. 4, 8, 9, 11, 12, 13, 80, 81, 84, 85 and 87 are located on land owned by Applicant. 5.3. Castle Rock Well No. 78 is located on land owned by Michael and Irene Vander Meulen, P. O. Box 1077, Castle Rock, CO 80104. 5.4. Castle Rock Well No. 79 is located on land owned by Sheldon G Boone Testamentary Family Trust c/o Margaret Boone, P.O. Box 656, Castle Rock, CO 80104. 5.5. Castle Rock Well Nos. 82 and 83 are located on land owned by Colorado Dept. of Transportation, 2829 W. Howard Place, Denver, CO 80204. 5.6. Castle Rock Well Nos. 184 through 203 are located on land owned by Castle Rock Land Co. LLC, c/o Castle Rock Development Co., 3033 E. First Avenue, Suite 305, Denver, CO 80206. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has been reasonably diligent in perfecting the remaining portion of the conditional water right, and granting any other relief that the Court deems just and proper. (9 pgs., 1 Exhibit)

**CASE NUMBER 2026CW3029** (2019CW3043, 2010CW244, 87CW240) **TOWN OF CASTLE ROCK** ("Applicant"), Mark Marlowe, Director of Castle Rock Water, 175 Kellogg Court, Castle Rock, CO 80109; Telephone Number: (720) 733-6001; Please direct all correspondence concerning this application to:

Madoline Wallace-Gross, Esq., Gunnar J. Paulsen, Esq., Lyons Gaddis PC, P.O. Box 978, Longmont, CO 80502-0978; Telephone: (303) 776-9900; Email: mwg@lyonsgaddis.com; gpaulsen@lyonsgaddis.com.

**APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN DOUGLAS COUNTY. 2. Description of Conditional Water Right: Appropriative Right of Exchange from Plum Creek Wastewater Reclamation Authority Wastewater Treatment Plant Discharge to Castle Rock Well 80** (exchange formerly referred to as Appropriative Right of Exchange from Castle Pines Waste Water Treatment Plant Discharge to Douglas Lane Pipeline). 2.1. **Previous Decrees for this Conditional Water Right:** Case No. 87CW240, District Court, Water Division No. 1 (“Water Court”), entered on May 11, 1989; Case No. 2010CW244, Water Court, entered on March 1, 2013; Case No. 2019CW3043, Water Court, entered on February 28, 2020. 2.2. **Downstream Terminus:** Plum Creek Wastewater Reclamation Authority wastewater treatment plant point of discharge, located in the SW1/4 SW1/4 Section 21, T. 7 S., R. 67 W., 6th P.M., Douglas County. 2.3. **Upstream Terminus:** Castle Rock Well 80 (Heckendorf Well No. 3), in the NE1/4 SE1/4 Section 22, T. 8 S., R. 67 W., 6th P.M., 2300 feet from the south section line and 800 feet from the east section line of Section 22, Douglas County. 2.4. **Source:** Consumptive use credits decreed to the Hillside and Cook Creek Ditches, quantified and changed in Case No. 87CW240, District Court, Water Division No. 1. 2.5. **Appropriation Date:** November 27, 1987. 2.6. **Uses:** All municipal, industrial, storage, replacement, exchange and augmentation uses. 2.7. **Amount:** 1.6 cfs total of which 0.8 cfs was decreed absolute in Case No. 87CW240 and of which 0.8 cfs remains conditional. 2.8. **Amount Claimed Absolute:** Not applicable. 2.9. **Map.** A map showing the location of the exchange termini is attached as **EXHIBIT A**. 2.10. **Remarks:** In Case No. 10CW244, Applicant abandoned this conditional exchange to the extent that it operates to Douglas Lane Pipeline, in the NE1/4 SE1/4 Section 22, T. 8 S., R. 67 W., 6th P.M., 2250 feet from the south section line and 800 feet from the east section line of Section 22. Following the abandonment, CR 80 became the most upstream terminus of the exchange. The exchange operates to the structures described in ¶7.A. through 7.K and ¶ 7.M. through 7.S. to 29.C. of the decree in Case No. 87CW240. 3. **Integrated Water Supply System.** The conditional water right is a component part of Applicant’s integrated water supply system, which consists of tributary water rights, augmentation plans, appropriative rights of exchange, conditional water rights, non-tributary groundwater rights and reusable effluent. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the system shall be considered in finding that reasonable diligence has been shown for all components of the system. 4. **Work done toward completion of the appropriation from February 2020 to February 2020:** During the most recent diligence period, Applicant has incurred more than \$121 million to conduct the following work specific to these conditional water rights and on its integrated system. 4.1. Alternatives analysis for Plum Creek Diversion upgrades at an approximate cost of \$677,000. 4.2. East Plum Creek stream stabilization and CR-1 Diversion upgrades at an approximate cost of \$680,000. 4.3. Design, construction, and expansion upgrades to Castle Rock Reservoir Nos. 1 and 2 at a cost of approximately \$10,404,000. 4.4. Conducted studies, designed and constructed the expansion to Plum Creek Water Reclamation Authority’s Wastewater Treatment Plant at a cost to the Applicant of approximately \$31,000,000. 4.5. Completed the following work related to the Plum Creek Water Purification Facility. 4.5.1. Design of the Plum Creek Water Purification Facility’s advanced treatment at a cost of approximately \$1,600,000. 4.5.2. Construction of the Plum Creek Water Purification Facility’s advanced treatment at a cost of approximately \$28,600,000. 4.5.3. Conversion to Liquid Ammonium Sulfate at the Plum Creek Water Purification Facility at approximate cost of \$426,000. 4.5.4. Design and engineering for expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$4,462,000. 4.5.5. Began construction for expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$36,453,000. 4.6. Alluvial well rehabilitation and equipment replacement program at a cost of approximately \$937,000. 4.7. Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$5,052,000. 4.7.1. Associated legal and administrative costs totaled approximately \$10,000. 4.7.2. As of 2025, Applicant owns 848 acre-feet of capacity in Chatfield Reservoir, with plans to exercise the option to acquire additional capacity up to 2,000 acre-feet of conditional storage. 4.8. Began permitting and engineering design of the Chatfield Pump Back inlet pump station and pipeline from Chatfield

Reservoir to Castle Rock Reservoir Nos. 1 and 2 at an approximate cost of \$372,000. 4.9. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 4.10. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 18CW3038, 18CW3039, 18CW3056, 18CW3066, 18CW3206, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 20CW3215, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, 22CW3111, 23CW3121, 23CW3124, 23CW3129, 23CW3180, 24CW3088, 24CW3094, 25CW3001, 25CW3046 and 25CW3062. 4.11. Filed applications in Case Nos. 19CW3030, 19CW3039, 19CW3042, 19CW3078, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150, 22CW3155, 23CW3002, 23CW3061, 24CW3037, 25CW3119, and 25CW3133. **5. Owner of land upon which the structures are or will be located:** 5.1. Castle Rock Well 80 is located on land owned by the Applicant. 5.2. Plum Creek Regional Wastewater Reclamation's point of discharge is located on land owned by Plum Creek Wastewater Reclamation Authority, 5880 Country Club Drive, Castle Rock, CO 80108. 6. WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has been reasonably diligent in perfecting the conditional water right, and granting any other relief that the Court deems just and proper. (6 pgs., 1 Exhibit)

**CASE NUMBER 2026CW3030 DAVID R. WEILAGE**, 285 Potato Patch Circle, Evergreen, CO 80439, (303) 506-3306. 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 JEFFERSON AND PARK COUNTIES.** 2. Name of Structures. Weilage Well Nos. 1-6 (the "Wells"). 3. Description of Conditional Water Rights. 3.1. Date of Original Decree: Case No. 06CW105, District Court, Water Division No. 1, dated September 6, 2006. 3.2. Findings of Reasonable Diligence: 3.2.1. Case No. 12CW213, District Court, Water Division No. 1, dated August 12, 2013. 3.2.2. Case No. 19CW026, District Court, Water Division No. 1, dated February 28, 2020. 3.3. Legal Description: The exact locations of the Weilage Well Nos. 1-6 will not be known until the residences the wells will serve are constructed. The wells can generally be described as being within the S 1/2 S 1/2 of Section 3, Township 6 South, Range 70 West, 6th P.M., Jefferson County. 3.4. Source: Ground water that is tributary to Switzers Gulch, Deer Creek and the South Platte River. 3.5. Appropriation Date: April 28, 2006, for each well. 3.6. Amount: 15 gallons per minute, CONDITIONAL, for each well. 3.7. Use: Domestic and ordinary household purposes, the irrigation of lawns and gardens and fire protection. 3.8. Monitoring Well: Applicant drilled a monitoring well in 2013 on the property with Well Permit No. 286770. This well is located in the SE 1/4 SW 1/4 of Section 3, Township South, Range 70 West, 6th P.M., Jefferson County, at a point 1185 feet from the south line and 1682 feet from the west line of said Section 3. Applicant anticipates re-permitting this well as one of the six (6) Wells. 3.9. Augmentation Plan. The Wells are the subject of a plan for augmentation decreed in Case No. 06CW105, District Court, Water Division No. 1, dated September 6, 2006. 4. Claim for Finding of Reasonable Diligence. During the diligence period, Applicant has been reasonably diligent in developing the conditional water rights and the development that the Wells will serve, and, therefore, requests that the Court continue the water rights described in Paragraph 3 above. The following sets forth what has been done toward completion of the conditional appropriation: In July 2025, Applicant submitted a new application and paid the application fees to Jefferson County to begin the process of subdividing the 63 acres into five (5) lots, which will be served by the Wells. As part of the development process for the subdivision to be served by the Wells, Applicant has been working closely with the County, going through the referral process, and submitting the required documents and reports to the County's planning and zoning department. Specifically, Applicant: (a) Met with the fire district to discuss a cistern for fire prevention, (b) Engaged Core Electric Engineering to discuss preparation of the plans for electrical service to the development and the Wells, which such preliminary plans cost approximately \$2,560.00; (c) Worked with a surveyor to begin preparing the plat for the subdivision and incurred approximately \$11,000.00 for the preparation of the plat; and (d) filed periodic reports with the Colorado Secretary of State for Weilage Development, LLC, the owner of the land to be developed, each year for a total of approximately \$600.00, in order to remain in good standing with the

State. In addition, during the diligence period, as part of Applicant's integrated water system, Applicant continued to pay annual assessments, totaling approximately \$400.00 over the last six years, to Mountain Mutual Reservoir Company, which will provide the augmentation source to replace depletions from the pumping of the Wells, as further set forth in the original decree in Case No. 06CW105. Applicant also maintained the 63 acres of land, including installing a gate on the property, annual snow removal, and general maintenance. Overall, during this diligence period, Applicant expended approximately \$15,000.00 on the development to be served by the Wells and on developing the 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 his continued diligence towards making absolute the conditional rights described herein. 6. Notice Requirement, Section 37-92-302(2)(b). 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: Weilage Development, LLC is the owner of the property upon which the Wells will be located. 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. 19CW026 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 rights 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 rights and further demonstrated that it has satisfied the requirements of "can and will". (Application consists of 5 pages).

**CASE NUMBER 2026CW3031 THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS ("Denver Water" or "Applicant"), 1600 West 12th Avenue, Denver, Colorado 80204. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler, Crystal J. Easom. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES IN DOUGLAS AND JEFFERSON COUNTY.**

Number of pages of Application 12. 2 Name of Structure: Chatfield Reservoir. 3. Name of Water Rights: Chatfield Reservoir Water Storage Right and Chatfield Substitution and Exchange Right ("Subject Water Rights"). 4. Description of the Subject Water Rights: 4.1. Date of Original Decree: August 29, 1984, Case No. W-8783-77, Court: Water Division No. 1. 4.2. Subsequent Decrees Awarding Findings of Diligence: 4.2.1. Date of Decree: August 18, 1992, Case No. 1988CW143, Court: Water Division No. 1. 4.2.2. Date of Decree: September 25, 2003, Case No. 1998CW337, Court: Water Division No. 1. 4.2.3. Date of Decree: December 12, 2012, Case No. 2009CW139, Court: Water Division No. 1. 4.2.4. Date of Decree: February 19, 2020; Case No. 2018CW3206, Court: Water Division No.1. 4.3. Legal Description of Structure: A reservoir formed by the Chatfield Dam, located approximately 8 miles southwest of the City and County of Denver, Colorado on the mainstem of the South Platte River (Exhibit A). The right abutment of the dam is located in Douglas County, Colorado, in Sections 6 & 7, Township 6 South, Range 68 West, of the 6th Principal Meridian. The left abutment of the dam is located in Jefferson County, Colorado, Section 1, Township 6 South, Range 69 West of the 6th Principal Meridian. The portion of the reservoir utilized by Denver Water is approximately 2,716 acres of land inundated by the storage of water adjacent to and upstream of the dam. 4.4. Source of Water: 4.4.1. Chatfield Reservoir Water Storage Right: The waters of the South Platte River occurring at and above Chatfield Dam; and 4.4.2. Chatfield Substitution and Exchange Right: The waters of the South Platte River occurring at and above Chatfield Dam which may be stored in Chatfield Reservoir by exchange with water introduced into the South Platte River System from the Colorado River System, whether such Colorado River System water shall have been used previously in the South Platte River watershed or not. 4.5. Appropriation Date: 4.5.1. Chatfield Reservoir Water Storage Right: December 28, 1977. 4.5.2. Chatfield Substitution and Exchange Right: December 28, 1977. 4.6.

Amount: 4.6.1. Chatfield Reservoir Water Storage Right: 4.6.1.1. For storage at any time during the year: 10,785 acre-feet absolute, 44,215 acre-feet, CONDITIONAL, total: 55,000 acre-feet. 4.6.1.2. For storage during those periods of each year when, in the determination of the United States Army Corps of Engineers, water may be safely stored for water supply purposes in Chatfield Reservoir above an elevation 5,458: An additional 156,200 acre-feet of water, CONDITIONAL. 4.6.2. Chatfield Substitution and Exchange Right: 4.6.2.1. For storage at any time during the year: 6,750 acre-feet absolute, 48,250 acre-feet, CONDITIONAL, total: 55,000 acre-feet. 4.6.2.2. For storage during those periods of each year when, in the determination of the United States Army Corps of Engineers, water may be safely stored for water supply purposes in Chatfield Reservoir above an elevation 5,458: An additional 156,200 acre-feet of water, CONDITIONAL. 4.7. Use: 4.7.1. Chatfield Reservoir Water Storage Right: The waters to be stored in Chatfield Reservoir will be used for the following purposes: all municipal uses including domestic use, mechanical use, manufacturing use, generation of electric power, power generally, fire protection, use of sewage treatment, street sprinkling, watering of parks, lawns and grounds, recreation, fish culture, for the maintenance and preservation of wildlife and aesthetic values and for the replacement, adjustment and regulation of the units of the Denver Municipal Water system within themselves and with other water users. 4.7.2. Chatfield Substitution and Exchange Right: The water to be stored in Chatfield Reservoir by exchange will be released for use, directly or by exchange, for the following purposes: all municipal uses including domestic use, mechanical use, manufacturing use, generation of electric power, power generally, fire protection, use of sewage treatment, street sprinkling, watering of parks, lawns and grounds, recreation, fish culture, for the maintenance and preservation of wildlife and aesthetic values and for the replacement, adjustment and regulation of the units of the Denver Municipal Water system within themselves and with other water users. 5. Claim for Findings of Reasonable Diligence. The Denver Municipal Water System is an integrated system for the development, collection, treatment and distribution of water to the Denver Metropolitan area. The Denver Municipal Water System is comprised of various features of which Chatfield Reservoir and the Subject Water Rights are integral features of this system. The following activities describe work performed during the diligence period in furtherance of maintaining and fully developing the Subject Water Rights. 5.1. The following is a list of work performed during the diligence period at Chatfield Reservoir: 5.1.1. In 2020, Denver Water entered into an agreement with Lynker Technologies LLC to model a potential wildfire scenario in the Chatfield Watershed. To date, Denver Water has spent approximately \$9,998 under this agreement. 5.1.2. In 2021, Denver Water entered into an agreement with the Colorado Department of Natural Resources for the use of storage space under the Chatfield Reservoir Reallocation Project. The total purchase of storage space was approximately \$13,555,484. 5.1.3. The 2021 agreement with the Colorado Department of Natural Resources for the use of storage space under the Chatfield Reservoir Reallocation Project also included costs for annual operations and maintenance. To date, Denver Water has spent approximately \$277,610 for operations and maintenance under this agreement. 5.1.4. In 2022, Denver Water entered into an agreement with Vista Engineering LLC for civil engineering services including modifications to the Chatfield Raw Water Pump Station. To date, Denver Water has spent approximately \$65,833 under this agreement. 5.1.5. In 2023, Denver Water entered into an agreement with the Colorado Department of Natural Resources and The Greenway Foundation for reservation of Chatfield Reservoir Reallocation Project shares for the environmental pool. To date, Denver Water has spent approximately \$1,525,000 under this agreement. 5.2. Conduit No. 20 can deliver water from Chatfield Reservoir to Marston Forebay and Treatment Plant. The following is a list of work performed during the diligence period at Conduit No. 20: 5.2.1. In 2022, Denver Water entered into an agreement with W.W. Wheeler and Associates for Conduit No. 20 crib wall stabilization design support. To date, Denver Water has spent approximately \$69,361 under this agreement. 5.2.2. In 2023, Denver Water entered into an agreement with Archer Western Construction LLC that included work on Conduit No. 20 slope stability improvements. To date, Denver Water has spent approximately \$17,166 under this agreement. 5.3. Marston Forebay and Water Treatment Plant receive water from Chatfield Reservoir for storage and water treatment. The following is a list of work performed during the diligence period at Marston Forebay and Water Treatment Plant: 5.3.1. In 2020, Denver Water entered into an agreement with Restruction Corporation for repairs to Marston Treatment Plant Reservoir No. 3. To date, Denver Water has spent approximately

\$342,580 under this agreement. 5.3.2. In 2021, Denver Water entered into an agreement with Sturgeon Electric Co Inc. for work on the Marston Treatment Plant raw water valves UPS system. To date, Denver Water has spent approximately \$129,398 under this agreement. 5.3.3. In 2021, Denver Water entered into an agreement with CTL Thompson Inc for replacement of the Marston Dam piezometer. To date, Denver Water has spent approximately \$9,198 under this agreement. 5.3.4. In 2021, Denver Water entered into an agreement with T Lowell Construction for Marston high side redundancy and valve replacements. To date, Denver Water has spent approximately \$2,735,583 under this agreement. 5.3.5. In 2022, Denver Water entered into an agreement with Western Specialty Contractors Inc for repairs to the Marston flocculation and sedimentation basins. To date, Denver Water has spent approximately \$25,084 under this agreement. 5.3.6. In 2023, Denver Water entered into an agreement with Hensel Phelps Construction Co for the Marston Reservoir aeration project. To date, Denver Water has spent approximately \$1,485,476 under this agreement. 5.3.7. In 2023, Denver Water entered into an agreement with Vista Engineering LLC for improvements to the Marston Pump Station. To date, Denver Water has spent approximately \$50,180 under this agreement. 5.3.8. In 2024, Denver Water entered into an agreement with Hazen and Sawyer for the Marston Forebay taste and odor characterization plan. To date, Denver Water has spent approximately \$126,980 under this agreement. 5.3.9. In 2024, Denver Water entered into an agreement with Hazen and Sawyer for preliminary design of Marston disinfection improvements. To date, Denver Water has spent approximately \$972,132 under this agreement. 5.4. Water stored at the South Reservoir Complex can be used for exchanges to Chatfield Reservoir. The following is a list of work performed during the diligence period at the South Reservoir Complex. 5.4.1. Throughout the most recent diligence period, Denver Water completed annual operations and maintenance including dam safety inspections with the State Engineers Office. 5.4.2. In 2020, Denver Water entered into an agreement with Jacobs Engineering Group Inc for the Welby Pump Station corrosion study. To date, Denver Water has spent approximately \$25,576 under this agreement. 5.5. Water stored at the North Reservoir Complex can be used for exchanges to Chatfield Reservoir. The following is a list of work performed during the diligence period at the North Reservoir Complex. 5.5.1. In 2021, Denver Water entered into an agreement with Jacobs Engineering Group Inc to perform the North Reservoir Complex water quality study project. To date, Denver Water has spent approximately \$21,466 under this agreement. 5.5.2. In 2022, Denver Water entered into an agreement with Garney Companies LLC for phase 1 design assistance for the North Reservoir Complex. To date, Denver Water has spent approximately \$154,422 under this agreement. 5.5.3. In 2022, Denver Water entered into an agreement with Olsson Associates for a hydraulic analysis of the Hazeltine Reservoir Spillway. To date, Denver Water has spent approximately \$13,808 under this agreement. 5.5.4. In 2022, Denver Water entered into an agreement with Guarantee Electrical Contracting LLC for estimates related to the Hazeltine Pump Station. To date, Denver Water has spent approximately \$2,594 under this agreement. 5.5.5. In 2022, Denver Water entered into an agreement with Alden Research Laboratory Inc, later Verdantas LLC, for work related to the Hazeltine Pump Station. To date, Denver Water has spent approximately \$602,637 under this agreement. 5.5.6. In 2022, Denver Water entered into an agreement with W.W. Wheeler and Associates for engineering services related to the Hazeltine Reservoir Spillway. To date, Denver Water has spent approximately \$244,756 under this agreement. 5.5.7. In 2022, Denver Water entered into an agreement with Merrick & Company to provide surveying and aerial mapping services at Hazeltine Reservoir. To date, Denver Water has spent approximately \$40,421 under this agreement. 5.5.8. In 2022, Denver Water entered into an agreement with Hensel Phelps Construction Co. for work on the Hazeltine Pump Station. To date, Denver Water has spent approximately \$9,786,014 under this agreement. 5.5.9. In 2023, Denver Water entered into an agreement with Clemson Engineering Hydraulics Inc for a physical model of the North Reservoir Complex. To date, Denver Water has spent approximately \$65,000 under this agreement. 5.5.10. In 2023, Denver Water entered into an agreement with Guarantee Electrical Contracting LLC for electrical work on the Hazeltine Pump Station. To date, Denver Water has spent approximately \$3,408,612 under this agreement. 5.5.11. In 2023, Denver Water entered into an agreement with American West Construction LLC for work on the Hazeltine Reservoir Spillway. To date, Denver Water has spent approximately \$1,524,461 under this agreement. 5.5.12. In 2024, Denver Water entered into an agreement with QP Services LLC for work on the North Reservoir Complex mounding drain. To date, Denver Water

has spent approximately \$207,936 under this agreement. 5.5.13. In 2025, Denver Water entered into an agreement with United Power Inc for electrical work at the North Reservoir Complex. To date, Denver Water has spent approximately \$64,572 under this agreement. 5.6. Water stored at Lupton Lakes can be used for exchanges to Chatfield Reservoir. The following is a list of work performed during the diligence period at Lupton Lakes: 5.6.1. In 2020, Denver Water entered into an agreement with Moltz Construction Inc for work on the Lupton Lakes inlet and outlet facilities. To date, Denver Water has spent approximately \$6,980,401 under this agreement. 5.6.2. In 2020, Denver Water entered into an agreement with Hunt Brothers properties Inc for an easement at Lupton Lakes. To date, Denver Water has spent approximately \$100,000 under this agreement. 5.7. Denver Water continues to participate with the State of Colorado and a coalition of water users and water interests in the South Platte River basin to implement the Platte River Recovery Implementation Program, which became the South Platte Water Related Activities Program (“SPWRAP”). On January 1, 2007, the first phase of SPWRAP was initiated to provide support and a mechanism for funding future financial obligations to provide critical reproductive and migration habitat for three threatened and endangered bird species in central Nebraska and the Pallid Sturgeon in the lower Platte River. The purpose of SPWRAP is to provide reasonable and prudent alternatives to avoid the likelihood of jeopardy to federally listed species. SPWRAP provides a mechanism to mitigate adverse environmental consequences so that water projects in the Platte River basin, subject to Section 7 Consultation under the Endangered Species Act (“ESA”), including water stored in Chatfield Reservoir, can operate and receive federal permits, licenses, funding, or other approvals in compliance with the ESA. Denver Water has spent approximately \$3,283,156 on this program during the diligence period. 5.8. Denver Water, over the last diligence period, has spent at least \$47,922,895 on the raw water collection system and treated water distribution system previously identified. These projects further the application of water, under the Subject Water Rights, to beneficial use. Claim to Make Amount Absolute for the Chatfield Substitution and Exchange Right. 6.1. Chatfield Substitution and Exchange Right. Denver Water exchanged a total of 8,932.5 acre-feet of water into Chatfield Reservoir during municipal year 2020. Denver Water claims an additional 2,182.5 acre-feet ABSOLUTE for the Chatfield Substitution and Exchange Right. The amount of 2,182.5 acre-feet was exchanged to Chatfield Reservoir and placed into storage during municipal year 2020. Denver Water may rely on accounting records of other diversions under the Chatfield Substitution and Exchange Right to support its claim to make absolute an amount equivalent to the amounts set forth in this paragraph or a lesser amount. Daily data from Denver Water’s raw water Chatfield Reservoir Operations accounting sheets was reviewed to verify the volume claimed absolute. A summary of the accounting is attached as Exhibit B. 7. 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 or existing storage pool is or will be constructed or upon which water is or will be stored. Owner Name: United States of America, U.S. Army Corps of Engineers. Mailing Address: 6014 USPO Courthouse, Omaha, NE 68102. Owner Name: United States of America, U.S. Army Corps of Engineers. Mailing Address: 9307 S. Wadsworth Blvd, Littleton, CO 80128. 8. WHEREFORE, Denver Water requests the Court enter a decree finding Denver Water has exercised reasonable diligence in the development of the Subject Water Rights described herein, to continue the conditional portions of the Subject Water Rights water right in full force as decreed, to make 2182.5 acre-feet of the Chatfield Substitution and Exchange Right absolute, and for other such relief as this Court deems just and proper.

**CASE NUMBER 2026CW3032 DEREK HUMPHREY AND HEATHER HUMPHREY**, 10630 Pronghorn Place, Franktown, CO 80116. James J. Petrock, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN ELBERT COUNTY.** Subject Property: A parcel totaling approximately 80 acres generally located in the West half of the Southwest Quarter of Section 3, Township 9 South, Range 65 West of the 6th P.M., County of Elbert, also known by street and number as: 159 County Road 118, Elizabeth, CO 80116, as shown on **Exhibit A** (“Subject Property”). Summary of Plan for Augmentation: Groundwater to be Augmented: 2.42 acre-feet per year of not-nontributary Upper Dawson Aquifer groundwater for 300 years, for a total

withdrawal of 726 acre-feet of water, adjudicated in Case No. 11CW115, Water Division 1. 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 six single-family dwellings (0.3 acre-feet per year, total of 1.8 acre-feet); irrigation of up to 9,000 square feet of lawn, garden, trees, and landscaping (0.45 acre-foot per year); watering of up to twelve large domestic animals (0.15 acre-foot per year); use in an outdoor hot tub (0.02 acre-foot per year); fire protection; and storage anywhere on the Subject Property. Applicants reserve the right to amend the amounts and uses without amending the application or republishing the same. Sewage treatment for in-house use will be provided by non-evaporative septic systems. During pumping, Applicants 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. Applicants will reserve an equal amount of nontributary groundwater underlying the Subject Property to meet post-pumping augmentation requirements. Applicants request the Court approve the above underground water rights and augmentation plan, find that Applicants have complied with C.R.S. § 37-90-137(4) and water is legally available for withdrawal, find there will be no material injury to the owners of or persons entitled to use water under any vested water right or decreed conditional water right, and grant such other and further relief as is appropriate. 4 Pages.

**CASE NUMBER 2026CW3033 NORTH POUDE IRRIGATION COMPANY** (“Applicant”), P.O. Box 100, Wellington, Colorado 80509; (970) 586-3612. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE OF CONDITIONAL WATER RIGHTS IN LARIMER COUNTY.** Please forward all pleadings and correspondence to: John P. Justus, Nicoli R. Bowley, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, CO 80234; Tele: (303) 595-9441. Email: johnj@cjzwaterlaw.com; nicolib@cjzwaterlaw.com. 2. Name of Structures. North Poudre Reservoir Nos. 5 and 6 Refill (“Conditional Water Right”). 3. Description of Conditional Water Right. a. Original Decree: September 10, 1953, Case No. CA 11217, Larimer County District Court. b. Subsequent Diligence Decrees. 19CW3105, 12CW49, 05CW152, 89CW054, 85CW140, 81CW158, W-128-76, W-128-74, W-2912, W-128. c. Legal Description of Conditional Water Right. Section 6 and the West 1/2 of Section 5, Township 8 North, Range 68 West of the 6th P.M., Larimer County, Colorado. d. Sources. North Fork of the Cache La Poudre River by means of the outlet from Reservoir No. 2 and from the Cache la Poudre River by means of the Ed Munroe Gravity Canal. e. Appropriation Date. December 31, 1926 (except Ed Munroe Gravity Canal, January 12, 1943). f. Amount. 20,087 acre-feet, Conditional. g. Uses: Irrigation of lands of Applicant’s stockholders lying under and irrigated by means of Applicant’s Ditch and Reservoir Systems. 4. Relinquishment of a Portion of the Conditional Water Right. Applicant has elected to relinquish and will request that the Court cancel and terminate 14,487 acre-feet of the Conditional Water Right. Applicant requests that the Court continue the remaining 5,600 acre-feet of the Conditional Water Right. 5. Outline of what has been done toward completion. Applicant performed the following work and incurred the following categories of costs in the development of the Conditional Water Right, including agreement for the replacement of specific structures integral to the diversion and use of the Conditional Water Right and in further development of Applicant’s integrated water supply system within which the water right will be placed to beneficial use. The work done and categories of costs incurred set forth below are illustrative and not exhaustive and Applicant reserves the right to present evidence of additional activities and documentation of the costs in support of this application. a. During the diligence period Applicant completed negotiations and entered into an agreement with the City of Fort Collins for the replacement and improvement of its diversion facility from the North Fork of the Cache La Poudre River as a related and complementary effort to placing the Conditional Water Right to beneficial use. b. During the diligence period, with the assistance of a full-time water accountant and its water rights engineer, Applicant has updated its water rights accounting, including accounting necessary to document diversion and storage in-priority of the Conditional Water Right, which is a refill right for Reservoir Nos. 5&6. c. During the diligence period Applicant has actively participated in water court proceedings for purposes of protecting

the subject water rights and other rights held by the Applicant, including Case Nos. 18CW3064, 18CW3076, 18CW3106, 18CW3216, 19CW3007, 19CW3019, 19CW3152, 19CW3169, 19CW3165, 19CW3199, 21CW3104, 21CW3093, 21CW3199, 22W3022, 22CW3042, 23CW3104, 23CW3100, 24CW3155, and 25CW3080, incurring legal and engineering fees. d. During the diligence period Applicant has operated and filled the Reservoirs and will continue to make efforts to operate the conditional re-fill right in-priority consistent with the safe and prudent requirements of the Applicant's system. Applicant does not seek to make an absolute claim for the Conditional Water Right, but rather seeks to relinquish 14,487 acre-feet of the Conditional Water Right, and to continue the remaining 5,600 acre-feet of the Conditional Water Right. 6. 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: Applicant owns all the structures and land upon which the reservoirs and structures are located. There is no change to the existing structures or storage pool. (4 pages)

**CASE NUMBER 2026CW3034 GREGG AND JENNIFER ROWE**, 541 Yucca Hills Road, Castle Rock, CO 80109. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES AND APPROVAL OF PLAN FOR AUGMENTATION IN DOUGLAS COUNTY**. Please send all pleadings and correspondence to: William D. Wombacher, Esq., Stacy L. Brownhill, Esq., Nazareus Stack & Wombacher LLC, 5105 DTC Parkway, Suite 200, Greenwood Village, Colorado 80111. 2. **Overview**. Applicants seek to adjudicate the Denver Basin Aquifers underlying approximately 10.85 acres owned by Applicants in Douglas County, Colorado ("Property"), known as 541 Yucca Hills Road, Castle Rock, Colorado, as depicted on **Exhibit A**. This includes not-nontributary water in the Denver Aquifer and nontributary water in the Lower Dawson, Upper Arapahoe, and Laramie-Fox Hills Aquifers. Applicants also seek approval of a plan for augmentation for withdrawals of the not-nontributary groundwater from the Denver Aquifer. 3. **Jurisdiction**. The Water Court has jurisdiction over the subject matter of this Application pursuant to C.R.S. §§ 37-92-302(2) and 37-90-137(6). 4. **Underground Water Rights Claimed**. 4.1. **Wells**. Applicants will withdraw the Lower Dawson aquifer groundwater sought to be decreed by this Application through existing Well No. 10360-A and pursuant to the plan for augmentation sought herein. Prior to withdrawing the groundwater through Well No. 10360-A, Applicants will apply to the State Engineer for a new permit in accordance with the decree entered in this case. Applicant may construct additional wells to withdraw the underground water rights claimed herein and prior to constructing any additional wells to withdraw the subject groundwater, Applicants will apply to the State Engineer for a permit to construct that well, and the Applicants request that the Court require, as a condition of the decree entered in this case, that well permits be issued upon application for any such wells in accordance with said decree. 4.2. **Legal Description of Wells and Subject Property**. The wells are located on the Property and Applicants seek to adjudicate the Denver Basin Aquifers underlying all of the Property, which is located in the NW1/4 of the NE1/4 of Section 15, Township 8 South, Range 67 West of the 6th P.M. in Douglas County, Colorado. 4.3. **Source of Water Rights**. The source of the groundwater to be withdrawn from the Denver Aquifer is not-nontributary as described in C.R.S. § 37-90-103(10.7). The source of the groundwater to be withdrawn from the Lower Dawson, Upper Arapahoe, and Laramie-Fox Hills Aquifers is nontributary. 4.4. **Parcel Ownership**. Applicants are the sole owners of the Property and have provided notice to all mortgage and lien holders as required under C.R.S. § 37-92-302(2)(b). 4.5. **Estimated Amounts and Rates of Withdrawal**. The wells will withdraw the groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicants will withdraw the subject groundwater through wells to be located at any location on the Property, and Applicants waive any 600-foot spacing rule as described in C.R.S. § 37-90-137(2)(b)(I)(B) for wells located on the Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below are based upon the Denver Basin Rules, 2 C.C.R. § 402-6. Applicants, based on the Colorado Division of Water Resources online aquifer determination tool, estimate the following annual amounts of nontributary and not-nontributary underlie the Property:

**Water Supply Availability (af/yr)**

	<b>Lower Dawson</b>	<b>Denver</b>	<b>Upper Arapahoe</b>	<b>Laramie-Fox Hills</b>	<b>Totals</b>
<b>Not-Nontributary (NNT)</b>		6.41			6.41
<b>Nontributary (NT)</b>	3.17		5.07	2.58	10.82
<b>Total Combined NNT and NT</b>					17.23

The water supply availability listed in the table above is based on a 100-year aquifer life in accordance with C.R.S. § 37-90-137(4)(b)(I). Applicants claim the right to withdraw more than the average annual amounts listed above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. § 402-7. Applicants also claim the right to withdraw less than the average amounts listed above so as to extend the life of the water supply. 4.6. Wellfield. Applicants request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below the Property through wells which may be located anywhere on the Property and any additional wells which may be completed in the future as Applicants’ wellfields. For any additional wells that may be constructed, well permit applications will be filed in accordance with C.R.S. § 37-90-137(10). 4.7. Proposed Uses. Municipal, domestic, commercial, industrial, irrigation, livestock watering, fire protection, recharge, storage, recreation, exchange, augmentation, and replacement. Applicants also claim the right to reuse and successive uses of the water to extinction, and the right to lease, convey, or otherwise dispose of the water. 4.8. Places of Use. Applicants seek the right to use the legally available groundwater lying below the Property both on the Property and off the Property. Uses off the Property include, but are not limited to, other lands contiguous to the Property and owned by the Applicant. 5. Description of Plan for Augmentation. 5.1. Groundwater to be Augmented. All withdrawals of not-nontributary Denver Aquifer groundwater underlying the Property that do not occur through exempt wells, as requested herein. 5.2. Water Rights to be Used for Augmentation: 5.2.1. Not-nontributary groundwater from the Denver Aquifer underlying the Property as decreed herein; and 5.2.2. Nontributary groundwater from the Lower Dawson, Upper Arapahoe, and Laramie-Fox Hills Aquifers underlying the Property as decreed herein both directly and in the form of return flows. 5.3. Statement of Plan for Augmentation. Sewage treatment for indoor use is provided by non-evaporative septic systems. Consumptive use is expected to be approximately 10% for all groundwater pumped for indoor use to account for any treatment and inhouse loss. For irrigation, sprinkler irrigation is expected to be approximately 85% consumptive and drip irrigation is expected to be approximately 95% consumptive. During pumping, Applicants will replace actual depletions to the affected stream system pursuant to C.R.S. § 37-90-137(9)(c.5). Applicants estimate that depletions occur to the East Plum Creek stream system. Return flows from use of the subject water rights accrue to the East Plum Creek, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary groundwater in the Laramie-Fox Hills and Upper Arapahoe aquifers to meet post-pumping augmentation requirements and may also utilize the return flows generated by the use of nontributary groundwater. WHEREFORE, Applicants respectfully request the Court enter a ruling that: (1) grants the determination of groundwater rights requested herein for the nontributary Lower Dawson, Upper Arapahoe, and Laramie-Fox Hills Aquifers and the not-nontributary Denver Aquifer; (2) grants the plan for augmentation described in Paragraph 5, above; and (3) grants such other and further relief as the Court deems appropriate. (5 pages, 1 exhibit).

**CASE NUMBER 2026CW3035** (2019CW3139) DISTRICT COURT, WATER DIVISION 1, COLORADO, 901 9th Avenue, Greeley, Colorado 80631, 970-475-2400, CONCERNING THE APPLICATION FOR WATER RIGHTS OF SHEA HOMES LIMITED PARTNERSHIP, HIGHLANDS RANCH DEVELOPMENT CORPORATION, AND HIGHLANDS RANCH WATER AND SANITATION DISTRICT IN DOUGLAS COUNTY. APPLICATION FOR FINDING OF DILIGENCE. 1. Names, addresses, e-mail addresses and telephone numbers of all co-applicants: Shea Homes Limited Partnership (“Shea”) and Highlands Ranch Development Corporation (“HRDC”) c/o

Regional Counsel, 9380 Station Street, Suite 600, Lone Tree, Colorado 80124, [jeff.donelson@sheahomes.com](mailto:jeff.donelson@sheahomes.com) 303-941-5936, Highlands Ranch Water and Sanitation District (“HRW”) c/o General Manager, 62 Plaza Drive, Highlands Ranch, Colorado 80129, [SCalkins@highlandsranch.org](mailto:SCalkins@highlandsranch.org) 303-791-0430. “Centennial Water and Sanitation District” changed its name to “Highlands Ranch Water and Sanitation District,” and that name change was approved by Order of the District Court, Douglas County, Colorado, dated November 27, 2024, Direct All Pleadings to: Bushong & Holleman PC, Paul F. Holleman, Lesley Lawrence-Hammer, Emily C. McCrary, 1966 13th Street, Suite 270 Boulder, CO 80302, Email: [fholleman@bh-lawyers.com](mailto:fholleman@bh-lawyers.com); [lhammer@bh-lawyers.com](mailto:lhammer@bh-lawyers.com); [emccrary@bh-lawyers.com](mailto:emccrary@bh-lawyers.com)

2. Names of structures: Highlands Ranch Reservoir No. 12; Highlands Ranch Reservoir No. 11; Highlands Ranch Reservoir No. 10; Highlands Ranch Reservoir No. 8; Highlands Ranch Reservoir No. 7; Highlands Ranch Reservoir No. 6 (collectively the “Highlands Ranch Reservoirs”). A map showing the decreed locations of the Highlands Ranch Reservoirs is attached hereto as Exhibit 1.

3. Description of conditional water right for each structure: A. Highlands Ranch Reservoir No. 12: Originally decreed in Case No. 79CW319, Water Division 1, on December 2, 1981. Diligence decrees were entered in Case No. 85CW288, Water Division 1, on June 17, 1986; in Case No. 89CW168, Water Division 1, on May 30, 1990; in Case No. 96CW124, Water Division 1, on July 7, 1997; in Case No. 03CW266, Water Division 1, on December 27, 2006; in Case No. 12CW291, Water Division 1, on July 25, 2013; and in Case No. 19CW3139, Water Division 1, on July 29, 2019. Legal description: In the NW1/4 of Section 28 and the E1/2 of Section 29, T6S, R67W of the 6th P.M., Douglas County, commencing at the NE corner of said Section 29 and assuming the East line of said Section 29 to be North; thence South 51 degrees 30 minutes 00 seconds West 700 feet to the point of beginning; thence South 81 degrees 45 minutes 00 seconds East 1500 feet. Outlet located South 81 degrees 45 minutes 00 seconds East 600 feet from the point of beginning, Source: Big Dry Creek, Appropriation date: May 30, 1979, Amount: 4190 acre-feet, CONDITIONAL, Use: Domestic, municipal, industrial, irrigation, stockwatering, recreation, fish and wildlife propagation, and augmentation, including exchange. The dam is to be 100 feet high, 1500 feet long, with a total capacity of 4190 acre-feet, active capacity of 4000 acre-feet and dead storage of 190 acre-feet, B. Highlands Ranch Reservoir No. 11: Originally decreed in Case No. 79CW320, Water Division 1, on December 2, 1981. Diligence decrees were entered in Case No. 85CW289, Water Division 1, on June 17, 1986; in Case No. 89CW168, Water Division 1, on May 30, 1990; in Case No. 96CW124, Water Division 1, on July 7, 1997; in Case No. 03CW266, Water Division 1, on December 27, 2006; in Case No. 12CW291, Water Division 1, on July 25, 2013; and in Case No. 19CW3139, Water Division 1, on July 29, 2019, Legal Description: In the S1/2 of Section 22 and N1/2 of Section 27, T6S, R68W of the 6th P.M., Douglas County, commencing at the SW corner of said Section 22 and assuming the West line of said Section 22 to be North; thence North 67 degrees 00 minutes 00 seconds East 880 feet to the point of beginning; thence South 62 degrees 30 minutes 00 second East 1500 feet. Outlet located South 62 degrees 30 minutes 00 seconds East 750 feet from the point of beginning, Source: Pollock Gulch, Appropriation date: May 30, 1979, Amount: 2540 acre-feet, CONDITIONAL, Use: Domestic, municipal, industrial, irrigation, stockwatering, recreation, fish and wildlife propagation, and augmentation, including exchange. The dam is to be 85 feet high, 1500 feet long, with a total capacity of 2540 acre-feet, active capacity of 2300 acre-feet and dead storage of 240 acre-feet, C. Highlands Ranch Reservoir No. 10: Originally decreed in Case No. 79CW321, Water Division 1, on December 2, 1981. Diligence decrees were entered in Case No. 85CW290, Water Division 1, on June 17, 1986; in Case No. 89CW168, Water Division 1, on May 30, 1990; in Case No. 96CW124, Water Division 1, on July 7, 1997; in Case No. 03CW266, Water Division 1, on December 27, 2006; in Case No. 12CW291, Water Division 1, on July 25, 2013; and in Case No. 19CW3139, Water Division 1, on July 29, 2019, Legal description: In the SE1/4 of Section 2, T7S, R68W of the 6th P.M., Douglas County, commencing at the NE corner of said Section 2 and assuming the East line of said Section 2 to be North; thence South 29 degrees 21 minutes 30 seconds West 2940 feet to the point of beginning; thence South 43 degrees 17 minutes 00 seconds West 1044 feet along dam to location of outlet; thence South 14 degrees 56 minutes 50 seconds West 1164 feet, Source: Sand Creek, Appropriation date: May 30, 1979, Amount: 4530 acre-feet, CONDITIONAL, Use: Domestic, municipal, industrial, irrigation, stockwatering, recreation, fish and wildlife propagation, and augmentation, including exchange. The dam is to be 100 feet high, 2208 feet

long, with a total capacity of 4530 acre-feet, active capacity of 4000 acre-feet and dead storage of 530 acre-feet, D. Highlands Ranch Reservoir No. 8: Originally decreed in Case No. 79CW323, Water Division 1, on December 2, 1981. Diligence decrees were entered in Case. No. 85CW292, Water Division 1, on June 17, 1986; in Case No. 89CW168, Water Division 1, on May 30, 1990; in Case No. 96CW124, Water Division 1, on July 7, 1997; in Case No. 03CW266, Water Division 1, on December 27, 2006; in Case No. 12CW291, Water Division 1, on July 25, 2013; and in Case No. 19CW3139, Water Division 1, on July 29, 2019, Legal Description: In the SW1/4 of Section 25, SE1/4 of Section 26, NE1/4 of Section 35 and NW1/4 of Section 36, T6S, R68W of the 6th P.M., Douglas County, commencing at the NE corner of said Section 35 and assuming the East line of said Section 35 to be North; thence South 69 degrees 00 minutes 00 seconds West 1190 feet to the point of beginning; thence North 04 degrees 30 minutes 00 seconds East 1750 feet. Outlet located North 04 degrees 30 minutes 00 seconds East 500 feet from the point of beginning, Source: Beeman Creek, Appropriation date: May 30, 1979, Amount: 4000 acre-feet, CONDITIONAL, Use: Domestic, municipal, industrial, irrigation, stockwatering, recreation, fish and wildlife propagation, and augmentation, including exchange. The dam is to be 90 feet high, 1750 feet long, with a total capacity of 4000 acre-feet, active capacity of 3600 acre-feet and dead storage of 400 acre-feet, E. Highlands Ranch Reservoir No. 7: Originally decreed in Case No. 79CW324, Water Division 1, on December 2, 1981. Diligence decrees were entered in Case. No. 85CW293, Water Division 1, on June 17, 1986; in Case No. 89CW168, Water Division 1, on May 30, 1990; in Case No. 96CW124, Water Division 1, on July 7, 1997; in Case No. 03CW266, Water Division 1, on December 27, 2006; in Case No. 12CW291, Water Division 1, on July 25, 2013; and in Case No. 19CW3139, Water Division 1, on July 29, 2019, Legal Description: In the SW1/4 of Section 25, SE1/4 of Section 26, T6S, R68W of the 6th P.M., Douglas County, commencing at the SW corner of said Section 25 and assuming the West line of said Section 25 to be North; thence North 25 degrees 38 minutes 30 seconds East 690 feet to the point of beginning; then North 25 degrees 11 minutes 30 seconds West 1175 feet. Outlet located North 25 degrees 11 minutes 30 seconds West 300 feet from the point of beginning, Source: Beeman Creek, Appropriation date: May 30, 1979, Amount: 2073 acre-feet, CONDITIONAL, Use: Domestic, municipal, industrial, irrigation, stockwatering, recreation, fish and wildlife propagation, and augmentation, including exchange. The dam is to be 75 feet high, 1175 feet long, with a total capacity of 2073 acre-feet, active capacity of 1900 acre-feet and dead storage of 173 acre-feet, F. Highlands Ranch Reservoir No. 6: Originally decreed in Case No. 79CW325, Water Division 1, on December 2, 1981. Diligence decrees were entered in Case. No. 85CW294, Water Division 1, on June 17, 1986; in Case No. 89CW168, Water Division 1, on May 30, 1990; in Case No. 96CW124, Water Division 1, on July 7, 1997; in Case No. 03CW266, Water Division 1, on December 27, 2006; in Case No. 12CW291, Water Division 1, on July 25, 2013; and in Case No. 19CW3139, Water Division 1, on July 29, 2019, Legal Description: In the SW1/4 of Section 1, T7S, R68W of the 6th P.M., Douglas County, commencing at the NW corner of said Section 1; thence South 2500 feet along the West line of Section 1 to the point of beginning; thence South 1500 feet. Outlet located South 750 feet from the point of beginning, Source: Sand Creek, Appropriation date: May 30, 1979, Amount: 2350 acre-feet, CONDITIONAL, Use: Domestic, municipal, industrial, irrigation, stockwatering, recreation, fish and wildlife propagation, and augmentation, including exchange. The dam is to be 70 feet high, 1500 feet long, with a total capacity of 2350 acre-feet, active capacity of 2000 acre-feet and dead storage of 350 acre-feet. 4. Detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures: The subject conditional water rights for Highlands Ranch Reservoir Nos. 6, 7, 8, 10, 11, and 12 are one of the components of HRW's unified water supply system for Highlands Ranch. See paragraph 3.6 of the decree in Case No. 85CW415, District Court, Water Division 1. Highlands Ranch is a development consisting of approximately 22,000 acres in Douglas County, including the community of Highlands Ranch. HRW is responsible for providing a municipal water supply to Highlands Ranch. HRW's efforts toward development of the subject conditional water rights during the diligence period include, but are not limited to, the activities and expenditures described below. This list is not intended to be comprehensive and may be supplemented by additional evidence: A. HRW has included the Highlands Ranch Reservoirs in its periodic water supply and water facilities planning activities as alternative raw water storage sites. An update to HRW's water supply and water facilities planning is

conducted each year as part of the annual budget and capital improvement planning process, B. The Highlands Ranch Reservoirs are located in an 8,200 acre area located south of the HRW service area on land which is dedicated as open space and owned by the Highlands Ranch Community Association, Inc. (“HRCA”). The documents conveying the land to HRCA retained easements and other interests necessary for the construction and operation of the Highlands Ranch Reservoirs. HRCA periodically conducts a review of its plans for this land and is periodically reminded that HRW continues to retain its easements and interests in construction and operation of the subject water rights, C. HRW has been a leading participant in the Chatfield Reservoir Reallocation Project. The Final Feasibility Report and Environmental Impact Statement (FR/EIS) for that project was published in July 2013 and included, as one of the 38 alternatives, the development of the Highlands Ranch Reservoirs. In May 2014, the Chatfield Reservoir Reallocation Project received its Record of Decision approving the project described in the FR/EIS. In May 2020, the Chatfield Reservoir Reallocation Project received final approval from the Corps of Engineers. HRW spent approximately \$55,000,000 on the Chatfield Reservoir Reallocation Project, D. HRW is a member of the South Metro Water Supply Authority (“SMWSA”), which, among other activities, studies various water supply project alternatives to meet the collective needs of its members located in the South Metro Denver area. The SMWSA periodically produces Master Plans describing the alternatives for developing additional water sources and raw water storage. The SMWSA is currently in the process of updating its most recent Master Plan, and the subject water rights are included in the most recent SMWSA analysis, E. Starting in May 2024 and continuing to the present, HRW has been participating in a regional study with its neighboring districts Dominion Water and Sanitation District, Castle Pines North Water and Sanitation District, and Castle Pines Metro District examining the potential water supply development opportunities for the four entities. The alternative analysis for this study includes the potential development of the subject water rights, F. The subject water rights are part of a unified water supply system that is being constructed to supply water to Highlands Ranch for municipal and other purposes. HRW has spent approximately \$163,983,157 on system-wide improvements to develop its municipal water and wastewater systems. These costs include the following: raw water storage facilities, \$17,035,575; wastewater treatment plant improvements, \$59,819,894; water treatment plant improvements, \$71,508,275; water infrastructure, \$799,037; wastewater infrastructure, \$6,529,164; booster pump stations, \$401,954; and groundwater plant and wells, \$7,821,669, G. HRW incurred significant legal and engineering fees and costs associated with participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water rights, from injury due to claims of other water users. HRW continues to rely upon the subject conditional water rights and has no intention to abandon same. 5. If claim to make absolute in whole or part: Not applicable. 6. Name(s) and address(es) of owner(s) of 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: Highlands Ranch Community Association, Inc., 9568 South University Blvd., Highlands Ranch, Colorado 80125. WHEREFORE, all Co-Applicants request the Court to enter a decree determining that reasonable diligence has been shown toward completion of the appropriations for the conditional water rights for Highlands Ranch Reservoir Nos. 12, 11, 10, 8, 7 and 6 and continuing the conditional water rights for these reservoirs in full force and effect for an additional diligence period. (10 pages + Exhibit)

**CASE NUMBER 2026CW3036 (04CW322 & 18CW3115), JOGAN INC, LLC**, Attn: Matt Cristiano, PO Box 4017, Greenwood Village, Colorado 80155, Phone: 760-525-4610, Email: [matt.cristiano@joganinc.com](mailto:matt.cristiano@joganinc.com). Attorneys: Austin Hamre and Teri L. Pettitt, Hamre, Rodriguez, Ostrander & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, Phone: (303) 799-0200, Fax: (303) 779-3662, Email: [mail@hroplaw.com](mailto:mail@hroplaw.com); [ahamre@hroplaw.com](mailto:ahamre@hroplaw.com); [tpetitt@hroplaw.com](mailto:tpetitt@hroplaw.com). **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE, FOR A FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN CLEAR CREEK COUNTY.** The water rights that are the subject of this case, and the lands on which they are beneficially used (“Echo Mountain Ski Area”), were originally owned by EMJ Squaw Pass, LLC. On August 27, 2012, the water rights and lands were purchased by Pykkonen Capital, LLC. Subsequently, on

October 6, 2016, the water rights and lands were purchased by SkiEcho, LLC. On September 18, 2023, the water rights and lands were purchased by the Applicant, Jogan Inc, LLC.

**2. NAMES AND LEGAL DESCRIPTIONS OF STRUCTURES** (see Exhibit A):

**2.1. Well No. 1 (aka Poseidon Well)**, Well Permit No. 63586-F, WDID #0706101: SW 1/4 SW 1/4 of Section 24, Township 4 South, Range 73 West of the 6th PM, 1170 feet from the South section line and 324 feet from the West section line.

**2.2. Well No. 2 (aka Crackin' Well)**, Well Permit No. 63589-F (original) / Well Permit No. 90177-F (replacement well), WDID #0706102: SE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, 1134 feet from the South section line and 468 feet from the East section line.

**2.3. Well No. 3 (aka Eurotas Well)**, Well Permit No. 63588-F (original) / Well Permit No. 90178-F (replacement well), WDID #0706103: NE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, 2148 feet from the South section line and 175 feet from the East section line.

**2.4. Well No. 4 (aka Wahoo Well)**, Well Permit No. 63587-F-R (original) / Well Permit No. 81943-F (replacement well), WDID #0706104: NE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, 1830 feet from the South section line and 1040 feet from the East section line.

**2.5. Well No. 5 (aka Rock Star Well)**, Well Permit pending, WDID #0706105: To be generally located in the NE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, approximately 1665 feet from the South section line and 10 feet from the East section line.

**2.6. Well No. 6 (aka Stoked Well)**, Well Permit pending, WDID #0706106: To be generally located in the SW 1/4 SW 1/4 of Section 24, Township 4 South, Range 73 West of the 6th PM, approximately 594 feet from the South section line and 75 feet from the West section line.

**3. DESCRIPTION OF CONDITIONAL WATER RIGHTS:**

**3.1. Original Decree:** Water Division 1, Case No. 04CW322, July 23, 2012.

**3.2. Subsequent Decree:** Water Division 1, Case No. 18CW3115, February 16, 2020.

**3.3 Legal Descriptions:** See Paragraph 2, above.

**3.4. Source:** Ground water tributary to Clear Creek in fractured granitic rock.

**3.5. Amounts:** The combined annual maximum amount of pumping from all wells listed below may not exceed 30.0 acre-feet.

**3.5.1. Well No. 1 (Poseidon Well):**

**3.5.1.1.** 1.6 gpm (0.004 cfs) absolute.

**3.5.1.2.** 73.4 gpm (1.666 cfs) conditional.

**3.5.2. Well No. 2 (Crackin' Well):**

**3.5.2.1.** 26.2 gpm (0.058 cfs) absolute.

**3.5.2.2.** 48.8 gpm (0.112 cfs) conditional.

**3.5.3. Well No. 3 (Eurotas Well):**

**3.5.3.1.** 29.9 gpm (0.067 cfs) absolute.

**3.5.3.2.** 45.1 gpm (0.103 cfs) conditional.

**3.5.4. Well No. 4 (Wahoo Well):**

**3.5.4.1.** 100.0 gpm (0.21 cfs) conditional.

**3.5.5. Well No. 5 (Rock Star Well):**

**3.5.5.1.** 75.0 gpm (0.17 cfs) conditional.

**3.5.6. Well No. 6 (Stoked Well):**

**3.5.6.1.** 75.0 gpm (0.17 cfs) conditional.

**3.6. Appropriation Date:** July 5, 2004.

**3.7. Uses:** Applicant will make use of the water diverted at the Echo Mountain Ski Area and on the adjacent U.S. Forest Service lands for the following purposes: Domestic, sanitary, snowmaking, fire protection, storage and subsequent application to beneficial uses; exchange purposes, and for the replacement, exchange, or augmentation of diversions. In addition to the initial storage of such water, Applicant has the right to store for use, re-use, successive use of such water to extinction. Reuse and successive uses will be limited to the boundaries of the Echo Mountain Ski Area and the adjacent U.S. Forest Service lands. The Applicant may also fill and refill storage sites, and carryover stored water on the same terms, with the same appropriation date and for the same purposes as are described above.

**4. DETAILED OUTLINE OF WHAT WAS DONE TOWARD COMPLETION OF THE APPROPRIATION AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES:** Considerable efforts have been made by the Applicant and its predecessor in interest during the diligence period toward the continuing development of the conditional water rights decreed in Water Division 1, Case No. 04CW322 which are an integral part of the water supply system developed for the Echo Mountain Ski Area. These efforts include the following (expenditure numbers are rounded to the nearest \$500):

**4.1. Applicant and/or its predecessor in interest performed the following work associated with the development and maintenance of the water rights at issue herein, including its physical water delivery system:**

**4.1.1.** In 2025, the Applicant replaced the well meter and water line to Well No. 2 (Crackin' Well), at a cost of approximately \$45,000.

**4.1.2.** On August 4, 2025, Applicant obtained permits to replace Well No. 2 (Crackin' Well) and Well No. 3 (Eurotas Well). In October 2025, Well No. 2 (Crackin' Well) was redrilled, at a cost of at least \$75,000.

**4.1.3.** On March 28, 2025, Applicant and the Board of County Commissioners of Clear Creek County renewed the April 1, 2005, Water Leasing Agreement. Pursuant to the renewed Water Leasing Agreement, Clear Creek

agreed to lease to the Applicant a maximum of 15 acre-feet of the consumptive use water attributed to Clear Creek's Vidler Tunnel and Henderson Mine water rights and agreed to sub-lease a maximum of 15 acre-feet of storage space in the Golden Reservoirs Nos. 1, 2, and 3. The Applicant's agreement with Clear Creek to lease direct flow water and to sub-lease storage space expires on March 31, 2035, subject to renewal of the agreement or negotiation of a new agreement with Clear Creek. 4.2. In 2025, the Applicant removed and replaced a transformer to the bubbler located in Upper Reservoir No. 1, at a cost of approximately \$3,000. 4.3. During the diligence period, the Applicant made repairs to Upper Reservoir No. 1 and conducted standard maintenance including the removal of silt and the inspection of the lines, at a cost of approximately \$10,000. 4.4. In addition to work to maintain and upgrade the reservoirs and water collection and distribution system at the Echo Mountain Ski Area, the Applicant and its predecessor in interest added infrastructure to house equipment used at the resort and performed work to prevent soil erosion, maintain the buildings, and maintain the ski runs and chairlifts. During the diligence period, the Applicant and its predecessor in interest spent at least \$67,000 on these activities. 4.5. These water rights are part of a unified system for providing water to the Echo Mountain Ski Area. Applicant and its predecessor in interest have engaged Spheros Environmental (f.k.a. LRE Water) to assist with the development of these water rights, which include those rights decreed in WD-1, Case Nos. 04CW323 and 04CW324, and to manage and accurately account for Applicant's diversions and depletions under this decree, to report these diversions and depletions to the Division Engineer and to report annual diversions and depletions to Clear Creek County since before the application was filed in Water Division 1 in 2004. During the diligence period, Applicant and Applicant's predecessor in interest paid approximately \$67,000 to its engineering consultant Spheros Environmental for these services. 4.6. Applicant and its predecessor in interest have engaged legal counsel in the development of these water rights, legal defense and protection of its water rights, including continued engagement of legal counsel to review monthly resumes of applications filed in Water Division 1 and filing statements of opposition to applications which are deemed to have potentially adverse effects on the Applicant's water rights or its water development and delivery systems. Applicant and its predecessor in interest's legal expenses with regard to these water rights and those decreed in 04CW323 and 04CW324 total at approximately \$54,000 during the diligence period. **5. CLAIMS TO MAKE ABSOLUTE:** 5.1. The Applicant claims the following additional amounts as absolute (see Exhibit B): 5.1.1. Well No. 1 (Poseidon Well): 5.1.1.1. Date of diversion and application to beneficial use: September 16, 2024. 5.1.1.2. Amount: 3.4 gpm (0.007 cfs). 5.1.1.3. Place of Use: Echo Mountain Ski Area. 5.1.2. Well No. 2 (Crackin' Well): 5.1.2.1. Date of diversion and application to beneficial use: October 17, 2019. 5.1.2.2. Amount: 13.3 gpm (0.030 cfs). 5.1.2.3. Place of Use: Echo Mountain Ski Area. 5.1.3. Well No. 3 (Eurotas Well): 5.1.3.1. Dates of diversion and application to beneficial use: October 31, 2019. 5.1.3.2. Amount: 33.2 gpm (0.074 cfs). 5.1.3.3. Place of Use: Echo Mountain Ski Area. **6. NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED.** 6.1. Applicant. WHEREFORE, the Applicant respectfully requests that this Court enter a decree: (1) finding that the Applicant has executed reasonable diligence in the development of the above-referenced conditional water rights; (2) confirming that the above-described conditional water rights are part of an integrated water system and that due diligence as to any one component constitutes due diligence on all parts of such system; (3) awarding the above-described absolute water rights in the amounts described above; (4) continuing the remaining conditional water rights in full force as decree; and for such other and further relief as this Court deems just and proper. (Application and attachments are 10 pages)

**CASE NUMBER 2026CW3037 (89CW27, 02CW81, 11CW101, 18CW3056) SUBLETTE INC.** c/o Peter J. Coors, P.O. Box 21, Orchard, CO 80649. Email: [pj.coors@molsoncoors.com](mailto:pj.coors@molsoncoors.com). Telephone: 720-883-3508. **RIVERSIDE IRRIGATION DISTRICT AND RIVERSIDE RESERVOIR AND LAND COMPANY,** ("Riverside") c/o Mr. Don Chapman, 221 E. Kiowa

Ave., Fort Morgan, CO 80701. Email: dc@rivid.org. Telephone: 970-867-6586. Riverside Irrigation District and Riverside Reservoir and Land Company are jointly referred to as “Riverside.” **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD COUNTY.** B. Sublette Owners. In addition to Sublette Inc. and Riverside, the following entities currently own property and wells described in the decrees set forth in Paragraph 2, below, and have an interest in the water rights that are the subject of this application: Riverview Farms, 85 Morgan Co. Rd. X, Orchard, CO 80649. Telephone: 970-645-2247. The Town of Castle Rock, 175 Kellogg Court, Castle Rock, CO 80109, Telephone: 720-733-6001. 2. Prior Decrees. A. The conditional water rights described below are part of the water rights that were confirmed by the decree entered on April 30, 1996, in Case No. 89CW27, Water Court for Water Division 1 (“89CW27 Decree”). The 89CW27 Decree confirmed absolute and conditional water rights for a recharge project (“Sublette/Riverside Recharge Project”) that is used in conjunction with a plan for augmentation that was also decreed in that case. B. A decree was entered in Case No. 96CW1056 on November 20, 1997, changing the location of, and increasing the pump rate for, Sublette Well No. 1. C. A decree was entered in Case No. 02CW81 on June 7, 2005, making certain of the conditional water rights from the 89CW27 Decree absolute and finding that Applicants had been diligent and continuing the remaining conditional water rights. D. A decree was entered in Case No. 11CW101 on March 7, 2012, making the increased pumping rate decreed for Sublette Well No. 1 in Case No. 96CW1056 absolute and finding that Applicants had been diligent and continuing the remaining conditional water rights. E. A decree was entered in Case No. 18CW3056 on February 6, 2020, finding that Applicants had been diligent and continuing the remaining conditional water rights. F. A decree was entered in Case No. 19CW3231 on April 18, 2024, pursuant to which the Town of Castle Rock obtained the right to utilize its entitlement to recharge accretions generated by the Sublette/Riverside Recharge Project as a replacement source in the plan for augmentation decreed in Case No. 19CW3231. 3. Names of Structures for Remaining Conditional Water Rights. A. Riverside Canal – Maximum Annual Diversion. B. Riverside Reservoir. C. Sublette Well Nos. 2 through 5. 4. Description of Remaining Conditional Water Rights. A. Legal Description of Structures to Which Remaining Conditional Water Rights are Decreed: i. The Riverside Canal point of diversion is located on the north bank of the South Platte River in the SW1/4 SW1/4 of Section 20, T5N, R63W, 6th P.M., Weld County. ii. Riverside Reservoir is located in Sections 5, 7, and 8, T4N, R61W, 6th P.M., and Sections 12, 13, and 14, T4N, R62W, 6th P.M., all in Weld County. iii. Sublette Well Nos. 2 through 5 are decreed as follows, all in T4N, R61W, 6th P.M., Weld County: a. Sublette Well No. 2: SW1/4 NW1/4 of Section 14. b. Sublette Well No. 3: SW1/4 NE1/4 of Section 14. c. Sublette Well No. 4: NW1/4 SW1/4 of Section 11. d. Sublette Well No. 5: NW1/4 NW1/4 of Section 11. B. Source: Water in or tributary to the South Platte River. C. Appropriation Date and Amounts for Remaining Conditional Water Rights: The date of appropriation for all structures is March 11, 1985. The remaining conditional amounts are as follows: i. Riverside Canal - 5,004 acre-feet of the maximum combined annual diversion of 18,000 acre-feet for the surface water right decreed to the Riverside Canal and the water storage right decreed to Riverside Reservoir. ii. Riverside Reservoir - 1,792 acre-feet of the total 6,000 acre-feet water storage right decreed to Riverside Reservoir. iii. Sublette Well Nos. 2 through 5 - 3.33 cfs (1,500 gpm) each. D. Remaining Conditional Uses: i. The Riverside Canal water right for 150 cfs may be delivered through the Riverside Canal and Riverside Reservoir to the Sublette/Riverside Recharge Project recharge ponds up to the remaining conditional portion of the combined maximum annual diversion of 18,000 acre-feet and the water delivered to the Sublette/Riverside Recharge Project recharge ponds may be recharged and used

in accordance with the 89CW27 Decree. ii. The remaining 1,792 acre-feet of the Riverside Reservoir water storage right diverted at the Riverside Canal headgate may be delivered through the Riverside Canal for storage in Riverside Reservoir, with subsequent release for delivery to the Sublette/Riverside Recharge Project recharge ponds for recharge and use in accordance with the 89CW27 Decree, subject to the combined maximum annual diversion limit of 18,000 acre-feet. iii. Sublette Well Nos. 2 through 5 will be used in accordance with the 89CW27 Decree, including use on and for up to 600 acres located in the E1/2 NW1/4, the W1/2 NE1/4, the W1/2 SE1/4, and the SW1/4 of Section 11, the NW1/4 and the N1/2 SW1/4 of Section 14, and all of Section 15, except the SE1/4 SE1/4 of said Section 15, all in T4N, R61W, 6th P.M, Weld County. Sublette Well No. 1 has been made absolute on 260 of these acres. 5. Amount Claimed Absolute. As of the filing of this diligence application Applicants have not completed and/or exercised the water rights from the 89CW27 Decree so as to make absolute the remaining conditional rights or portions thereof as described in Paragraph 4 of this application. Applicants reserve the right to amend the application in this matter prior to entry of a decree to claim amounts as absolute, if justified by future activities. 6. 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. A. The water rights decreed in Case No. 89CW27 are part of a joint recharge and water use project. The Sublette/Riverside Recharge Project has been operating since 1985 and water has been diverted, recharged, and used by Sublette Inc., Riverside, and the Sublette Owners in accordance with the 89CW27 Decree on an annual basis. Those annual operations have not resulted in the remaining conditional water rights or portions thereof described in Paragraph 4 being made absolute during the subject diligence period running from March 31, 2018, through the date of filing of this application. Applicants are continuing to pursue the development of the water rights as decreed and therefore seek a finding of diligence concerning the remaining conditional water rights. A summary of work done by Sublette Inc., Riverside, and the Sublette Owners during the subject diligence period toward completion of the appropriations is described below. The Applicants reserve the right to identify during the pendency of the application additional work and expenditures done in the diligence period and to provide more specifics concerning the activities and costs described in Paragraph 6.B. B. Work done includes the following: i. Sublette Inc. and Riverside operated the Sublette/Riverside Recharge Project and diverted water for delivery to the project recharge ponds. Recharge accretions generated by these deliveries were used by Sublette Inc., Riverside, and the Sublette Owners, and will continue to be used in accordance with the 89CW27 Decree. ii. Sublette Inc., Riverside, and the Sublette Owners held annual operational meetings concerning the ongoing operation and maintenance requirements for the Sublette/Riverside Recharge Project, including review of well depletion and recharge amounts and the augmentation plan accounting related to the project, and review and setting of monetary assessments as required to operate the project each year. Project operations and maintenance duties include the development of work plans, daily operation of and accounting for the project, coordinating project water diversions and operations with Riverside, the Sublette Owners, and the Water Commissioner, reporting water diversions and recharge to the Division Engineer, and necessary maintenance of the conveyance structures, recharge facilities, and wells included in the Sublette/Riverside Recharge Project. iii. Since the filing of the last diligence application in Case No. 18CW3056, physical work on the Sublette/Riverside Recharge Project and related structures was done. This work included, but was not limited to: a. General work related to the maintenance and operation of the Sublette/Riverside Recharge Project and the conveyance structures, recharge ponds, and wells involved in the project, and other miscellaneous work and

related items, including the purchase of materials to accomplish this work. The work (and associated expenses) included maintenance of Sublette Inc. property and recharge structures associated with the Sublette/Riverside Recharge Project. b. In addition, Sublette Inc. conducted annual weed removal and ditch and lateral preparation and did routine observation and maintenance of ditch and lateral turnout structures. c. Sublette Inc. also spent time and resources evaluating current irrigation operations on the lands included in the 89CW27 Decree and the location and costs associated with the construction and use of Sublette Well Nos. 2, 3, 4, and 5. d. Sublette Inc. also dedicated time (and associated expense) to development of the conditional rights of exchange decreed in Case No. 06CW279. These rights of exchange allow Sublette to deliver excess recharge accretions from the Sublette/Riverside Recharge Project and other water into the project recharge ponds to generate additional augmentation water for the 89CW27 augmentation plan, thus assisting in the development of the remaining conditional water rights, including the rights for Sublette Well Nos. 2, 3, 4, and 5. iv. During the diligence period physical improvements attributable to the Sublette/Riverside Recharge Project were also made within the Riverside system. These included, but are not limited to, maintenance work on the Riverside Canal, maintenance work on Riverside Reservoir, work on the reservoir spillway, work on Riverside diversion facilities, legal and engineering expenses, and related items. v. Sublette Inc. and Riverside have also filed statements of opposition in other South Platte River water court cases during the diligence period or continued their participation as opposers in active cases, in order to monitor possible injury to the water rights decreed in Case No. 89CW27. vi. Expenditures by Sublette Inc. since the filing of the last diligence application in Case No. 18CW3056 for the work listed above, including management costs and other operating expenses, were in excess of \$50,000.00. Sublette Inc. also incurred additional expenditures for legal fees. Expenditures by Riverside for the work listed above totaled approximately \$4,456,505.00 during the diligence period. Riverside also incurred additional expenditures for legal fees, other consultant costs, and other operating expenses. In addition, the Sublette Owners also incurred expenditures during the diligence period related to the maintenance and operation of the conveyance structures and wells included in the Sublette/Riverside Recharge Project, use of the recharge accretions generated by the project, and legal expenses related to the project, its water rights and recharge accretions, and use of the Sublette Owners' entitlements to the recharge accretions. vii. During the diligence period the Town of Castle Rock filed the application in Case No. 19CW3231 in which it sought, in part, approval to use its entitlement to the recharge accretions generated by the Sublette/Riverside Recharge Project in the plan for augmentation claimed and decreed in Case No. 19CW3231. Sublette Inc. filed a statement of opposition in that case to ensure protection of the water rights and operations decreed in Case No. 89CW27 and incurred costs for legal and staff time participating in the case. In addition, Sublette Inc. and the Town spent time and incurred costs negotiating an agreement related to the Town's use of its entitlement to recharge accretions from the Sublette/Riverside Recharge Project in the 19CW3231 plan for augmentation.

7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool.

A. Riverside owns or has pre-existing rights to use the land upon which both the Riverside Canal, including its headgate, and Riverside Reservoir are located. B. Sublette Inc. owns the land upon which Sublette Well Nos. 2, 4, and 5 are or would be located and used. C. Riverview Farms, c/o Mike Groves, at 85 Morgan Co. Road X, Orchard, CO 80649, owns the land upon which Sublette Well No. 3 would be used. WHEREFORE, Applicants request a finding of reasonable diligence

and continuation of the remaining conditional rights decreed in Case No. 89CW27 for another diligence period. 12 pages.

**CASE NUMBER 2026CW3038 (04CW324 & 18CW3118), JOGAN INC, LLC**, Attn: Matt Cristiano, PO Box 4017, Greenwood Village, Colorado 80155, Phone: 760-525-4610, Email: [matt.cristiano@joganinc.com](mailto:matt.cristiano@joganinc.com). Attorneys: Austin Hamre and Teri L. Petitt, Hamre, Rodriguez, Ostrander & Prescott, P.C., 188 Inverness Drive West, Suite 430, Englewood, Colorado 80112-5204, Phone: (303) 799-0200, Fax: (303) 779-3662, Email: [mail@hroplaw.com](mailto:mail@hroplaw.com); [ahamre@hroplaw.com](mailto:ahamre@hroplaw.com); [tpetitt@hroplaw.com](mailto:tpetitt@hroplaw.com).

**APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS in CLEAR CREEK COUNTY.** The water rights that are the

subject of this case, and the lands on which they are beneficially used (“Echo Mountain Ski Area”), were originally owned by EMJ Squaw Pass, LLC. On August 27, 2012, the water rights and lands were purchased by Pykkonen Capital, LLC. Subsequently, on October 6, 2016, the water rights and lands were purchased by SkiEcho, LLC. On September 18, 2023, the water rights and lands were purchased by the Applicant, Jogan Inc, LLC. **2. NAMES AND LEGAL DESCRIPTIONS OF STRUCTURES** (see Exhibit A):

**2.1. Upper Reservoir No. 1:** The reservoir is located off-stream in the SE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, with the centerline of the dam located 290 feet from the East Section line and 1090 feet from the South Section line in Clear Creek County, Colorado. WDID #0703023. **2.2. Upper Reservoir No. 2:** The reservoir will be generally located off-stream in the SE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, with the centerline of the dam located approximately 230 feet from the East section line and 1260 feet from the South section line in Clear Creek County, Colorado. WDID #0703028. **2.3. Warren Gulch Reservoir No. 1:** The reservoir will be generally located on-stream in the SW 1/4 SW 1/4 of Section 13, Township 4 South, Range 73 West of the 6th PM, with the centerline of the dam located approximately 640 feet from the West section line and 900 feet from the South section line in Clear Creek County, Colorado. WDID #0703029.

**3. DESCRIPTION OF CONDITIONAL WATER RIGHTS:** **3.1. Original Decree:** Water Division 1, Case No. 04CW324, July 20, 2012. **3.2. Subsequent Decree:** Water Division 1, Case No. 18CW3118, February 16, 2020. **3.3 Legal Descriptions:** See Paragraph 2, above. **3.4. Sources of Water Supply:**

**3.4.1. Upper Reservoir No. 1:** **3.4.1.1. Well No. 1** (aka Poseidon Well), Well Permit No. 63586-F, WDID #0706101: Located in the SW 1/4 SW 1/4 of Section 24, Township 4 South, Range 73 West of the 6th PM, 1170 feet from the South section line and 324 feet from the West section line. **3.4.1.2. Well No. 2** (aka Crackin’ Well), Well Permit No. 63589-F (original) / Well Permit No. 90177-F (replacement well), WDID #0706102: Located in the SE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, 1134 feet from the South section line and 468 feet from the East section line. **3.4.1.3. Well No. 3** (aka Eurotas Well), Well Permit No. 63588-F (original) / Well Permit No. 90178-F (replacement well), WDID #0706103: Located in the NE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, 2148 feet from the South section line and 175 feet from the East section line. **3.4.1.4. Well No. 4** (aka Wahoo Well), Well Permit No. 63587-F-R (original) / Well Permit No. 81943-F (replacement well), WDID #0706104: Located in the NE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th PM, 1830 feet from the South section line and 1040 feet from the East section line. **3.4.1.5. Well No. 5** (aka Rock Star Well), Well Permit pending, WDID #0706105: To be generally located in the NE 1/4 SE 1/4 of Section 23, Township 4 South, Range 73 West of the 6th P.M., approximately 1665 feet from the South section line and 10 feet from the East section line. **3.4.1.6. Well No. 6** (aka Stoked Well), Well Permit pending, WDID #0706106: To be generally located in the SW 1/4 SW 1/4 of Section 24, Township 4 South, Range 73 West of the 6th P.M., approximately 594 feet from the South section line and 75 feet from the West section line.

**3.4.2. Upper Reservoir No. 2:** **3.4.2.1.** The reservoir will be filled by the six ground water wells described above in paragraphs 3.4.1.1. to 3.4.1.6. **3.4.3. Warren Gulch Reservoir No. 1:** **3.4.3.1.** The reservoir will be on-channel receiving its source of supply from Warren Gulch, tributary to Little Bear Creek, tributary to Clear Creek, including the recapture of snowmaking return flows. **3.4.3.2.** The reservoir will also be filled by the six ground water wells described above in paragraphs 3.4.1.1. to 3.4.1.6.

**3.5. Amounts:** **3.5.1. Upper Reservoir No. 1:** 2.91 acre-feet, absolute, 0.07 acre-feet, conditional; Off-channel reservoir rate of diversion

for filling: 1.0 c.f.s., conditional. 3.5.2. Upper Reservoir No. 2: 2.49 acre-feet, conditional; Off-channel reservoir rate of diversion for filling: 1.0 c.f.s., conditional. 3.5.3. Warren Gulch Reservoir No. 1: 47.8 acre-feet, conditional; On-channel reservoir rate of diversion for filling: 4.0 c.f.s., conditional. 3.6. **Appropriation Date:** July 5, 2004. 3.7. **Uses:** Applicant will use the water diverted and stored at the Echo Mountain Ski Area and on the adjacent U.S. Forest Service lands for the following purposes: Domestic, sanitary, snowmaking, fire protection, storage and subsequent application to beneficial uses; exchange purposes and for the replacement, exchange, or augmentation of diversions. In addition to the initial storage of such water, Applicant has the right to store for use, re-use, successive use of such water to extinction. Reuse and successive uses will be limited to the boundaries of the Echo Mountain Ski Area and the adjacent U.S. Forest Service lands. The Applicant may also fill and refill storage sites, and carryover stored water on the same terms, with the same appropriation date and for the same purposes as are described above. 4. **DETAILED OUTLINE OF WHAT WAS DONE TOWARD COMPLETION OF THE APPROPRIATION AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES:** Considerable efforts have made by the Applicant and its predecessors in interest during the diligence period toward the continuing development of the conditional water rights decreed in Water Division 1, Case No. 04CW324, which are an integral part of the water supply system developed for the Echo Mountain Ski Area. These efforts include the following (expenditure numbers are rounded to the nearest \$500): 4.1. Applicant and/or its predecessor in interest performed the following work associated with development and maintenance of the water storage rights at issue herein, including the wells which are a source of water supply for the reservoirs: 4.1.1. During the diligence period, the Applicant made repairs to Upper Reservoir No. 1 and conducted standard maintenance including the removal of silt and the inspection of the lines, at a cost of approximately \$10,000. 4.1.2. In 2025, the Applicant removed and replaced a transformer to the bubbler located in Upper Reservoir No. 1, at a cost of approximately \$3,000. 4.1.3. In 2025, the Applicant replaced the well meter and water line to Well No. 2 (Crackin' Well), at a cost of approximately \$45,000. 4.1.4. On August 4, 2025, Applicant obtained permits to replace Well No. 2 (Crackin' Well) and Well No. 3 (Eurotas Well). In October 2025, Well No. 2 (Crackin' Well) was redrilled, at a cost of at least \$75,000. 4.1.5. On March 28, 2025, Applicant and the Board of County Commissioners of Clear Creek County renewed the April 1, 2005, Water Leasing Agreement. Pursuant to the renewed Water Leasing Agreement, Clear Creek agreed to lease to the Applicant a maximum of 15 acre-feet of the consumptive use water attributed to Clear Creek's Vidler Tunnel and Henderson Mine water rights and agreed to sub-lease a maximum of 15 acre-feet of storage space in the Golden Reservoirs Nos. 1, 2, and 3. The Applicant's agreement with Clear Creek to lease direct flow water and to sub-lease storage space expires on March 31, 2035, subject to renewal of the agreement or negotiation of a new agreement with Clear Creek. 4.2. In addition to work to maintain and upgrade the reservoirs and water collection and distribution system at the Echo Mountain Ski Area, the Applicant and its predecessor in interest added infrastructure to house equipment used at the resort and performed work to prevent soil erosion, maintain the buildings, and maintain the ski runs and chairlifts. During the diligence period, the Applicant and its predecessor in interest spent at least \$67,000 on these activities. 4.3. These water rights are part of a unified system for providing water to the Echo Mountain Ski Area. Applicant and its predecessors in interest have engaged Spheros Environmental (f.k.a. LRE Water) to assist with the development of these water rights, which include those rights decreed in WD-1, Case Nos. 04CW322 and 04CW323, and to manage and accurately account for Applicant's diversions and depletions under this decree, to report these diversions and depletions to the Division Engineer and to report annual diversions and depletions to Clear Creek County since before the application was filed in Water Division 1 in 2004. During the diligence period, Applicant and Applicant's predecessor in interest paid approximately \$67,000 to its engineering consultant Spheros Environmental for these services. 4.4. Applicant and its predecessor in interest have engaged legal counsel in the development of these water rights, legal defense and protection of its water rights, including continued engagement of legal counsel to review monthly resumes of applications filed in Water Division 1 and filing statements of opposition to applications which are deemed to have potentially adverse effects on the Applicant's water rights or its water development and delivery systems. Applicant and its predecessor in interest's legal expenses with regard to these water rights and

those decreed in 04CW322 and 04CW323 total at least \$54,000 during the diligence period. **5. NAMES AND ADDRESSES OF OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED:** 5.1. Applicant. WHEREFORE, the Applicant respectfully requests that this Court enter a decree: (1) finding that the Applicant has executed reasonable diligence in the development of the above-referenced conditional water rights; (2) confirming that the above-described conditional water rights are part of an integrated water system and that due diligence as to any one component constitutes due diligence on all parts of such system; (3) continuing the remaining conditional water rights in full force as decree; and for such other and further relief as this Court deems just and proper. (Application and attachments total 9 pages)

**CASE NUMBER 2026CW3039 THE CONSOLIDATED MUTUAL WATER COMPANY, 12700 West 27th Avenue, Lakewood, Colorado 80215, (303) 238-0451, through counsel Evan D. Ela, Joseph W. Norris, and Madison P. Plasensia, Cockrel Ela Glesne Greher & Ruhland, P.C., 44 Cook Street, Suite 620, Denver, Colorado 80206, (303) 218-7200, APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE FOR CONDITIONAL WATER RIGHTS IN JEFFERSON COUNTY.** 1. Name, Address and Telephone Number of Applicant. The Consolidated Mutual Water Company, 12700 West 27th Avenue, Lakewood, Colorado 80215, (303) 238-0451. 2. Name of Structure. Maple Grove Reservoir (Maple Grove Reservoir Refill water storage right). 3. Previous Decrees. The Subject Water Rights (hereinafter defined) were originally decreed, with portions confirmed perfected and conditional portions continued, in the following actions of the District Court, Water Division 1. (a) Original Decree: Case No. 88CW224, entered March 14, 1991. The Decree in Case No. 88CW224 confirmed the Subject Water Rights of 130 acre-feet, absolute, and 942 acre-feet, conditional, for municipal including irrigation, domestic, commercial, industrial, recreational, fish and wildlife uses and 1,072 acre-feet, conditional, for exchange, replacement, and augmentation uses. (b) Prior Diligence Findings: Case Nos. 97CW122, entered April 24, 1998, 04CW112, entered November 17, 2004, Case No. 10CW279, entered August 31, 2012, and Case No. 18CW3135, entered February 25, 2020. (c) Decrees Confirming Perfection: Case No. 97CW122, entered April 24, 1998; an additional 89 acre-feet confirmed perfected for municipal including irrigation, domestic, commercial, industrial, recreational, fish and wildlife uses. Case No. 10CW279, entered August 31, 2012; an additional 505.94 acre-feet confirmed perfected for municipal including irrigation, domestic, commercial, industrial, recreational, fish and wildlife uses. Case No. 18CW3135, entered February 25, 2025; confirmed perfection of an additional 240.15 acre-feet for municipal including irrigation, domestic, commercial, industrial, recreational, fish and wildlife uses, and 965.09 acre-feet for exchange, replacement, and augmentation uses, the net result of which resulted in perfection of 965.09 acre-feet for all decreed uses and leaving 106.91 acre-feet conditional for all decreed purposes. 4. Description of the subject conditional Maple Grove Reservoir Refill rights (“Subject Water Rights”). (a) Location: In the S1/2 of Section 29 and N1/2 of Section 32, Township 3 South, Range 69 West of the 6th P.M., Jefferson County, Colorado. The east abutment of Maple Grove Dam bears N 41° 45’ E, a distance of 510 feet from the south quarter corner of said Section 29. The outlet of Maple Grove Reservoir bears N 01° 01’ W, a distance of 492 feet from the south quarter corner of said Section 29. (b) Source: Lena Gulch, also known as Green Mountain Creek and as Dry Creek, a tributary of Clear Creek, tributary of the South Platte River. (c) Date of Appropriation: November 3, 1988. (d) Amounts and Uses: 106.91 acre-feet (conditional), for municipal use, including irrigation, domestic, commercial, industrial, recreational, fish and wildlife, exchange, replacement, and augmentation use. A total of 965.09 acre-feet of the Subject Water Right has been previously decreed absolute for municipal use, including irrigation, domestic, commercial, industrial, recreational, fish and wildlife, exchange, replacement, and augmentation uses. 5. Outline of work done and funds expended by Applicant during the relevant diligence period (August 30, 2018 through February 28, 2026) toward completion of the appropriation. Applicant is the owner of other water rights, which together with the subject conditional water right form an integrated and unified municipal water supply system. Pursuant to § 37-92-301(4)(b), C.R.S., work on one feature of an integrated system shall be considered in finding that

reasonable diligence has been shown in the development of water rights for all features of the integrated system. Thus, work on any part of Applicant's integrated municipal water supply system must be considered in finding that reasonable diligence has been shown for the Subject Water Rights. (a) Applicant diverted and beneficially used water under the exchange from the Metro Outfall to Maple Grove Reservoir under a separate Metro Outfall Exchange right that was originally decreed in Case No. 94CW197, and was partially perfected in Case No. 23CW3015, which was prosecuted and adjudicated during the relevant diligence period. (b) Applicant expended over \$1,069,000 for maintenance of Maple Grove Reservoir, Fairmount Reservoir, and Welton Reservoir, all components of the Applicant's integrated municipal water system. (c) Applicant has expended approximately \$9,874,800 on improvements to, repair, operation, and maintenance of its municipal water treatment plant, which draws water from Maple Grove Reservoir. (d) Applicant has expended approximately \$1,609,000 to repair and maintain the ditch and related water control works, which convey water to Maple Grove Reservoir. (e) Applicant expended \$2,203,368 in assessment payments for its ownership interests in the Agricultural Ditch and Reservoir Company and \$206,192 in annual contractual payments for water from the Rocky Mountain Ditch Company. (f) Applicant expended over \$1,481,000 for legal costs and over \$417,000 for engineering and other consultant fees to increase, adjudicate, maintain, and defend Applicant's portfolio of water rights. (g) Applicant budgets and expends approximately \$5,665,900 for improvements to its water distribution system each year (approximately \$39,661,300 during the current diligence period). Additionally, Applicant has engaged in planning and engineering analyses associated with improving, managing, constructing, and operating its integrated municipal water supply system. (h) Applicant expended over \$250,000 to perform a Comprehensive Dam Safety Evaluation (CDSE) alongside a consulting engineer and CO Dam Safety to document and address the reliability of the Maple Grove Dam Crest Gates and Spillway. (i) Applicant has expended over \$400,000 to enhance the design of its Lena Gulch Sedimentation Basin and continues to explore improvements to this infrastructure and bypass system. 6. Name(s) and address(es) of owner(s) or reputed owner(s) of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure or existing storage pool is or will be constructed or upon which water is or will be stored. Not applicable as Maple Grove Reservoir is located on land currently owned by Applicant. WHEREFORE, the Applicant respectfully requests the judgment and decree of this Court finding that Applicant has diligently pursued perfection of the unperfected portion of the Subject Water Rights in the subject diligence period and for such other relief as this Court deems proper. (5 pages)

**CASE NUMBER 2026CW3040 GREATROCK NORTH WATER AND SANITATION DISTRICT,** c/o Lisa Johnson, CLA, 2001 16th Street, Ste. 1700, Denver, CO 80202. Matthew S. Poznanovic, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR APPROVAL OF PLAN FOR AUGMENTATION AND CHANGE OF WATER RIGHTS IN ADAMS COUNTY.** Description of plan for augmentation: Groundwater to be augmented: 16.6 acre-feet per year of not nontributary Upper Arapahoe aquifer groundwater as decreed in Case No. 2004CW165, District Court, Water Division 1, underlying approximately 278.9 acres of land located in part of the E 1/2 of Section 2, T 1 S, R 65 W of the 6th P.M., as shown on the attached Exhibit A. Water to be used for augmentation: Return flows from the use of not nontributary Upper Arapahoe aquifer groundwater and return flows and direct discharge of nontributary groundwater decreed in Case No. 2004CW165, and decrees referenced in Paragraph 3 below. Statement of plan for augmentation: The subject Upper Arapahoe aquifer groundwater may be used for uses decreed in Case No. 04CW165, as amended by decree entered January 27, 2026, including municipal use and augmentation use within the Applicant's service area boundary as it exists now as shown on the attached Exhibit A, and also areas that may be within the Applicant's service area in the future, through a central water supply system. Sewage treatment will be provided through non-evaporative septic systems. Consumptive use associated with in-house and commercial use will be approximately 10% of that use and consumptive use associated with irrigation use will be approximately 90% of that use. During pumping and pursuant to Section 37-90-137(9)(c), C.R.S., Applicant must replace an amount equal to 4% of the annual amount withdrawn to the affected stream system. Applicant estimates that depletions occur to the Box Elder Creek stream system.

Return flows from use of the subject rights to groundwater as described above will accrue to the South Platte River system and those return flows are sufficient to replace an amount equal to 4% of the annual amount withdrawn while the subject groundwater is being pumped. Applicant will reserve an adequate amount of nontributary groundwater described in Paragraph 2.2 above and Paragraph 3 below, to meet projected post-pumping augmentation requirements. Applicant reserves the right to claim return flows from use of this water which are in excess of the 4% replacement requirement. Applicant may withdraw this water in combination with the same type of Upper Arapahoe aquifer groundwater described below in Case Nos. 98CW266, 99CW040, 00CW200, 04CW17 and 08CW43 through wells to be located on any of the land which is the subject of this augmentation plan or these decrees. APPLICATION FOR APPROVAL OF CHANGE OF WATER RIGHTS Decree information for which changes are sought: Applicant has the right to use the following water rights for decreed uses, including municipal use within its boundaries. The land associated with the water rights described below is shown on Exhibit A hereto: The decree in Case No. 94CW142, District Court, Water Division 1, approved rights to withdraw the following groundwater underlying 320 acres located in the S1/2 of Section 3, T1S, R65W of the 6th P.M.

<u>Aquifer</u>	<u>Annual Amount</u>
Lower Arapahoe	54.4 acre-feet (NT)
Laramie-Fox Hills	68.2 acre-feet (NT)

The decree in Case No. 98CW266, District Court, Water Division 1, approved rights to withdraw the following groundwater underlying 320 acres located in the S1/2 of Section 3, T1S, R65W of the 6th P.M. An augmentation plan was also decreed in Case No. 98CW266 to use the not nontributary Upper Arapahoe aquifer groundwater (4% replacement requirement).

<u>Aquifer</u>	<u>Annual Amount</u>
Upper Arapahoe	19.04 acre-feet (NNT)

The decree in Case No. 99CW40, District Court, Water Division 1, approved the following rights to withdraw groundwater underlying 185 acres located in the W1/2 of Section 2, T1S, R65W of the 6th P.M. An augmentation plan was also decreed in Case No. 99CW40 to use the not nontributary Upper Arapahoe aquifer groundwater (4% replacement requirement).

<u>Aquifer</u>	<u>Annual Amount</u>
Upper Arapahoe	9.75 acre-feet (NNT)
Lower Arapahoe	31.1 acre-feet (NT)
Laramie-Fox Hills	35.8 acre-feet (NT)

The decree in Case No. 00CW200, District Court, Water Division 1, approved the following rights to withdraw groundwater underlying 519.4 acres located in Section 1, T1S, R65W of the 6th P.M. An augmentation plan was also decreed in Case No. 00CW200 to use the not nontributary Upper Arapahoe aquifer groundwater (Part actual and part 4% replacement requirement).

<u>Aquifer</u>	<u>Annual Amount</u>
Upper Arapahoe	30.9 acre-feet (NNT)
Lower Arapahoe	97.1 acre-feet (NT)
Laramie-Fox Hills	105.2 acre-feet (NT)

The decree in Case No. 04CW17, District Court, Water Division 1, approved the following rights to withdraw groundwater underlying 120.5 acres located in the SW1/4 of Section 2, T1S, R65W of the 6th

P.M. An augmentation plan was decreed in Case No. 08CW43 to use the not nontributary Upper Arapahoe aquifer groundwater (4% replacement requirement).

<u>Aquifer</u>	<u>Annual Amount</u>
Upper Arapahoe	9.2 acre-feet (NNT)
Lower Arapahoe	21.5 acre-feet (NT)
Laramie-Fox Hills	23.5 acre-feet (NT)

The decree in Case No. 07CW170, District Court, Water Division 1, approved the following rights to withdraw groundwater underlying 35.6 acres located in the NE1/4 of Section 3, T1S, R65W of the 6th P.M.

<u>Aquifer</u>	<u>Annual Amount</u>
Lower Arapahoe	5.7 acre-feet (NT)
Laramie-Fox Hills	7.5 acre-feet (NT)

The amended decree in Case No. 04CW165, District Court, Water Division 1, approved the following rights to withdraw groundwater underlying 278.9 acres of land located in part of the E 1/2 of Section 2, T 1S, R 65 W of the 6th P.M. An augmentation plan is requested in this application to use the not nontributary Upper Arapahoe aquifer groundwater (4% replacement requirement).

<u>Aquifer</u>	<u>Annual Amount</u>
Upper Arapahoe	16.6 acre-feet (NNT)
Lower Arapahoe	49.8 acre-feet (NT)
Laramie-Fox Hills	52.3 acre-feet (NT)

By changes of water rights approved by the decree in Case No. 08CW43, the total combined decreed amounts of groundwater in the same aquifers in Case Nos. 94CW142, 98CW266, 99CW40, 00CW200, 04CW17, and 07CW170, may be withdrawn through as many wells as may be necessary for the full production of the subject water in the annual decreed amounts set forth above in this Paragraph 3 and such wells may be located on any of the lands which are the subject of any of the decrees as shown on Exhibit A hereto, as well as through wells to be located anywhere within the Applicant's service area as it exists now as shown on the attached Exhibit A, and also areas that may be within the Applicant's service area in the future and subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). Applicant requests approval of the following changes for the water rights described in Paragraph 3: The decree in Case No. 04CW165 requires that wells to withdraw the decreed amounts of groundwater be located anywhere on the land which is the subject of that decree. By this change, Applicant requests that the total combined decreed amounts in the same aquifers in Case Nos. 94CW142, 98CW266, 99CW40, 00CW200, 04CW17, 07CW170, and 04CW165 be withdrawn through wells located on the land which is the subject of any of these decrees, as well as through wells that may be located on any lands that are the subject of the decree in Case No. 04CW165, as well as through wells to be located anywhere within the Applicant's service area as it exists now as shown on the attached Exhibit A and also areas that may be within the Applicant's service area in the future, and subject to Rule 11.B of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). WHEREFORE, Applicant prays that this Court enter a decree granting this application and for a finding that the augmentation plan and changes requested herein will not injuriously affect other owners or users of vested or conditional water rights, and for such other relief as may be warranted. 5 Pages.

**CASE NUMBER 2026CW3041 CITY OF BOULDER, Colorado** ("Boulder"), c/o Kim Hutton, P.E., Water Resources Manager, P.O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3200,

email: huttonk@bouldercolorado.gov. Attorneys: Jessica L. Pault-Atiase, CITY OF BOULDER, COLORADO, OFFICE OF THE CITY ATTORNEY, P. O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3020, email: pault-atiasej@bouldercolorado.gov, and Lisa M. Thompson, Esq., email: lthompson@troutlaw.com and Michael A. Kopp, Esq., mkopp@troutlaw.com, TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART, IN BOULDER COUNTY.** 1. Name, mailing address, email address and telephone number of applicant: As above. 2. Name of structure: Evert Pierson Kids' Fishing Ponds Augmentation Exchange ("Exchange"). 3. Describe conditional water right: a. Date of original decree, case number and court: Case No. 2017CW3195, entered on February 3, 2020, District Court, Water Division No. 1. b. List of all subsequent decrees awarding findings of diligence: Not applicable. c. Description of the substitution and exchange: The Exchange will operate to augment and replace out-of-priority depletions from the Evert Pierson Kids' Fishing Ponds and Evert Pierson Kids' Fishing Ponds Diversion Structure pursuant to the augmentation plan decreed in Case No. 2017CW3195. Water available to Boulder under the decreed sources of substitute supply are left in or returned to Boulder Creek at the terminus of "Segment C" of the instream flow reach on Boulder Creek, near the intersection of Boulder Creek and 75<sup>th</sup> Street, and at the outlet of the Boulder Creek Supply Canal to supply downstream appropriators and replace by exchange an equivalent amount of out-of-priority depletions accruing to Boulder Creek from operation of the ponds. The exchange-from and exchange-to locations for operation of the Exchange are described below and depicted on the map attached as **Exhibit A**. d. Locations of exchange-from points on Boulder Creek (Boulder County, Colorado): i. The terminus of "Segment C" of the instream flow reach on Boulder Creek at or near the 75th Street Bridge near the center of Section 13, Township 1 North, Range 70 West of the 6th P.M. ii. At or near the intersection of Boulder Creek and 75th Street, in the SW1/4 SW1/4 NE1/4, Section 13, Township 1 North, Range 70 West of the 6th P.M., at a point located approximately 2,500 feet from the north section line and 2,340 feet from the east section line of said Section 13, Boulder County, Colorado, which is the approximate location of Boulder's Wastewater Treatment Facility outfall; iii. The outlet of the Boulder Creek Supply Canal located on the north bank of Boulder Creek in the NW1/4 SW1/4, Section 13, Township 1 North, Range 70 West, 6th P.M., at a point located approximately 200 feet from the west section line and 2,500 feet from the south section line of said Section 13. e. Location of exchange-to point on Boulder Creek (Boulder County, Colorado): i. Evert Pierson Kids' Fishing Ponds Diversion Structure: The diversion structure for the Ponds is comprised of a constructed inlet channel and headgate, which are located on the north bank of Boulder Creek in the NE1/4 NE1/4 of Section 36, Township 1 North, Range 71 West of the 6th P.M., Boulder County, Colorado. The inlet channel diverts water from the main channel of Boulder Creek at a Universal Transverse Locator (UTM) coordinate of Zone 13, Northing 4429322 meters, Easting 475500 meters and conveys the diverted water to a headgate located at a UTM coordinate of Zone 13, Northing 4429339 meters, Easting 475532 meters. Diverted water enters the West Pond and then flows through the East Pond before returning to Boulder Creek through a return flow channel at a UTM coordinate of Zone 13, Northing 4429396 meters, Easting 475726 meters. The source of the above UTM coordinates is a Trimble R2 device with a 3 foot accuracy of location. f. Substitute supply: The water rights and water sources described in paragraph 9.b. in the decree entered in Case No. 2017CW3195. g. Dates of appropriation: December 21, 2017. h. Amounts: 5.0 c.f.s., conditional (0.008 c.f.s. claimed absolute herein, and 4.992 c.f.s. remaining conditional). i. Uses: Augmentation and replacement of depletions from the Evert Pierson Kids' Fishing Ponds. j. Decree conditions and limitations: The foregoing Exchange remains subject to all conditions and limitations described in the decree in Case No. 2017CW3195. 4. Integrated system: These water rights are part of Boulder's integrated water supply system. Pursuant to C.R.S. § 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. 5. 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, Boulder continued to plan for and pursue the use of the subject conditional water right as a component of

its integrated water supply system. In furtherance of such use, Boulder has expended more than \$50 million on its integrated water supply system during the diligence period on work related to exercise and use of the subject conditional water right. The work undertaken by Boulder during the diligence period includes but is not limited to the following, all of which relates to the completion of the appropriation and application of the subject conditional water right to beneficial use as decreed: (1) design and construction of facility updates at 63rd Water Treatment Facility at a cost of approximately \$31,500,000; (2) design, rehabilitation and enlargement of Lake Albion dam at a cost of approximately \$16,000,000; (3) inspection, design and rehabilitation of the Barker Gravity Pipeline (also known as the Boulder City Pipeline #3) at a cost of approximately \$21,000,000; (4) design and construction of facility and treatment process updates at Betasso Water Treatment Plant at a cost of approximately \$6,700,000; (5) Barker Reservoir dam and outlet works studies at a cost of approximately \$3,500,000; and (6) measurement equipment replacement for the ponds at a cost of approximately \$200. During the diligence period, Boulder also spent in excess of \$1.5 million for legal and engineering services in connection with the water rights that are part of its integrated water supply system and for participating as an objector in various Water Court cases to protect its water rights, including the subject conditional water right, from injury due to claims of other water users. 6. Claim to make absolute: a. Date and amount of water: Boulder operated the Exchange in the amount of 0.008 c.f.s. on July 5, 2021. Attached to this Application as **Exhibit B** are accounting records documenting operation of the Exchange in priority. b. Use and description of place of use: Boulder used water made available by operation of the Exchange to augment out-of-priority evaporative depletions attributable to the ponds pursuant to the decree in Case No. 2017CW3195. 7. Name and address of owner of 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, including any modification to the existing storage pool: No new diversion or storage structures or modification to any existing diversion or storage structure or existing storage pool is or will be constructed. Applicant is the owner of the land upon which water is or will be stored. WHEREFORE, Boulder requests the Court to enter a decree finding and determining that Boulder has exercised reasonable diligence in the development of the subject conditional water right, that the subject conditional water right for the Exchange has been made absolute in the amount of 0.008 c.f.s., and continuing the remaining portion of the subject conditional water right in the amount of 4.992 c.f.s. in full force and effect for an additional diligence period. (7 pages)

**CASE NUMBER 2026CW3042 CITY OF THORNTON, APPLICATION FOR CONDITIONAL STORAGE WATER RIGHT; APPROVAL OF A PLAN FOR AUGMENTATION; CONDITIONAL RIGHTS OF SUBSTITUTION AND EXCHANGE; CHANGES IN POINT OF DIVERSION AND USE; AND DETERMINATION OF NONTRIBUTARY GROUNDWATER RIGHTS, IN ADAMS, DENVER, JEFFERSON AND WELD COUNTIES.** 1. Name, Address, and Telephone Number of Applicant: City of Thornton (“Thornton”), Utilities Department, 9500 Civic Center Drive, Thornton, Colorado 80229, (303) 538-7200. 2. Please send all correspondence and pleadings to: Nathan Krob and Scotty P. Krob; KROB LAW OFFICE. LLC, 8400 E. Prentice Avenue, Suite 1500, Denver, CO 80111; (303) 694-0099; [nathan@kroblaw.com](mailto:nathan@kroblaw.com); [scott@kroblaw.com](mailto:scott@kroblaw.com). 3. Zadel Reservoir Storage Right. 3.1 Name of Structure and legal description: Zadel Reservoir, an off-channel lined gravel pit reservoir located in the SE 1/4 and the S 1/2 of the NE 1/4 of Section 24, Township 2 North, Range 67 West of the 6th P.M. See Exhibit A to application. 3.2 Storage Capacity: Total Capacity: 1,936 acre-feet (“AF”); Active Capacity: 1,936 AF; Dead Storage: 0 AF; Surface Area at High Water Line: 80.22 acres. 3.3 Sources: 3.3.1 Surface Water Sources: South Platte River and Little Dry Creek, tributary to the South Platte River. 3.3.2 Tributary Groundwater: Alluvial groundwater tributary to the South Platte River system, to be diverted solely for storage in Zadel Reservoir by the Zadel Wells described below. Applicant expressly acknowledges that all groundwater diverted pursuant to this paragraph is tributary to the South Platte River, subject to administration, and shall be operated only in accordance with a court-approved plan for augmentation, as described in Claim II, below. No independent groundwater right for direct use is claimed herein. 3.3.3 Local Inflows and Precipitation: Direct precipitation falling on the water surface of Zadel Reservoir and runoff generated within the reservoir footprint and immediately adjacent lands that naturally

drain to Zadel Reservoir (“local inflows”). Such precipitation and local runoff constitute incidental accretions filling the structure and are included as sources filling Zadel Reservoir. Local inflows and direct precipitation will be counted against all volumetric limits and are not claimed as separate appropriations or independent water rights, but are incidental to and part of the storage and operation of Zadel Reservoir, and shall be captured, stored, and administered only in accordance with the conditional storage right claimed herein and the court-approved plan for augmentation described below.

3.4 Points of and Rates:

3.4.1 Surface Points of Diversion:

3.4.1.1 Lupton Bottom Ditch; Source: South Platte River; Location: The headgate of the Lupton Bottom Ditch is located on the northwest bank of the South Platte River in the NW 1/4 of the SW 1/4, Section 19, Township 1 North, Range 66 West of the 6th P.M., Weld County, at a point approximately 2,110 feet North and 56 feet East of the Southwest corner of said Section 19; Rate: 115 cubic feet per second (“cfs”).

3.4.1.2 Meadow Island No. 1 Ditch; Source: South Platte River; Location: The Meadow Island No. 1 Ditch headgate is located on the northwest bank of the South Platte River in the NE 1/4 of the SW 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado; Rate: 50 cfs.

3.4.1.3 Zadel Reservoir Pump Station; Source: South Platte River; Location: The Zadel Reservoir Pump Station is to be located in the SE 1/4 of the SW 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado; Rate: 50 cfs.

3.4.1.4 Sand Hill Return Ditch Diversion; Source: South Platte River; Location: The Sand Hill Return Ditch Diversion is to be located on the east bank of the South Platte River approximately 825 feet north of the south section line and approximately 2360 feet east of the west section line in the SE 1/4 of the SW 1/4 of Section 19, Township 2 North, Range 66 West of the 6th P.M., Weld County, Colorado; Rate: 50 cfs.

3.4.1.5 Little Dry Creek Diversion; Source: Little Dry Creek, tributary to the South Platte River; Location: The Little Dry Creek Diversion is to be located on the east bank of Little Dry Creek 300 feet north of the south section line and 1480 feet west of the east section line of the SE 1/4 of Section 24, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado; Rate: 30 cfs.

3.4.2 Tributary Alluvial Wells (Zadel Wells): Applicant claims five tributary alluvial groundwater wells as points of diversion for the junior conditional storage right claimed herein. The source of water for the Zadel Wells is groundwater tributary to the South Platte River.

3.4.2.1 The Zadel Wells may be constructed at any five of the following specifically identified locations, all of which are depicted on Exhibit B, attached to the application: eleven locations in Section 24, Township 2 North, Range 67 West of the 6th P.M., Adams County, Colorado, more particularly described as follows: (1) two locations in the SE1/4 NE1/4 of said Section 24 at approximate distances of: 2,115 feet south of the north section line and 160 feet west of the east section line; and 2,398 feet south of the north section line and 157 feet west of the east section line.; and (2) nine locations in the NE1/4 SE1/4 of said Section 24 at approximate distances of: 2,508 feet north of the south section line and 155 feet west of the east section line; 2,233 feet north of the south section line and 713 feet west of the east section line; 2,229 feet north of the south section line and 430 feet west of the east section line; 2,225 feet north of the south section line and 152 feet west of the east section line; 1,951 feet north of the south section line and 710 feet west of the east section line; 1,947 feet north of the south section line and 428 feet west of the east section line; 1,943 feet north of the south section line and 149 feet west of the east section line; 1,661 feet north of the south section line and 146 feet west of the east section line; and 1,378 feet north of the south section line and 143 feet west of the east section line. No more than five wells total will be constructed pursuant to this claim.

3.4.2.2 Rates of Diversion and Total Annual Volumes claimed: Maximum individual well pumping rates of each Zadel Well will not exceed 1300 gallons per minute (“gpm”). The maximum combined pumping rate for the Zadel Wells is 2500 gpm, not to be exceeded regardless of the number of wells pumping simultaneously. The maximum annual volume diverted by any individual Zadel Well will be 2096 AF per Water Year. The maximum total annual volume diverted by the Zadel Wells will be 4031 AF per Water Year, inclusive of all diversions from all Zadel Wells in any combination. Diversions shall be limited to periods of demonstrated physical availability and shall account for well-to-well hydraulic interference within the well group.

3.4.2.3 Remarks regarding Zadel Wells: All diversions from the Zadel Wells are tributary to the South Platte River and shall be operated in strict accordance with a court-approved plan for augmentation to replace all out-of-priority depletions in timing, amount and location. See Claim II. Use of multiple wells concurrently shall not enlarge the conditional storage right claimed herein and

shall not increase the rate, volume, frequency, or timing of diversions beyond those expressly decreed. 3.5 Uses: Directly or by exchange or by substitution after storage, for irrigation, agricultural, commercial, industrial, and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns and grounds, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and replacement, adjustment and regulation of Thornton's water supply system, including further exchange within Thornton's system and with other water users. Thornton seeks the right to fully consume such water used through its municipal system and will do so by direct use, storage and subsequent release, reuse, successive use, further exchange, substitution and disposition. Following one or more uses, Thornton may use this water as substitute supply and to meet replacement or other obligations for any of its other decreed water rights. The place of use is the Thornton service area as it now exists or may exist in the future, any location capable of service with water produced by the exchanges and substitutions as previously decreed or sought herein, and the lands of other water users in the South Platte River Basin to whom Thornton may release water as substitute supply by exchange, or in satisfaction of replacement obligations. Additional Operational Sources and Conveyance: In addition to the sources identified above, water may be delivered to Zadel Reservoir through the South Platte River or its tributaries for storage, including (i) reusable return flows, effluent, or fully consumable water, and (ii) releases made from upstream reservoirs or structures for the purpose of delivery to and storage in Zadel Reservoir. Alternatively, water may be delivered after storage from Zadel Reservoir to legally available downstream storage structures. All such deliveries may rely upon the South Platte River and/or its tributaries solely as a means of conveyance and shall not constitute the appropriation of a new water right or claim for a separate priority date. All water so conveyed and stored shall retain its original character, priority, and limitations as decreed or contractually established, shall be subject to administration and accounting as required by the Division Engineer, and shall be stored in Zadel Reservoir pursuant to the conditional storage right claimed herein. 3.6 Appropriation Date: February 10, 2026, by adoption of a resolution of the Thornton City Council expressing its intent to appropriate the water rights described herein and authorizing the filing of this application. 3.7 Amount claimed: 1,936 AF, conditional, with the right to fill and refill when in priority, subject to a maximum total diversion in any Water Year of 5,800 AF from all sources identified in 3.3 and 3.4, above, combined, including surface diversions, tributary alluvial groundwater diverted by the Zadel Wells, and local inflows and precipitation. 3.8 Alternate Place of Storage. In the alternative to storage in Zadel Reservoir, water decreed under this claim for Zadel Reservoir may instead be stored in Koenig Reservoir, an off-channel reservoir located in the S1/2 of the SE1/4 of Section 13, Township 2 North, Range 67 West of the 6th P.M., in Weld County, Colorado. Storage in Koenig Reservoir shall not increase the decreed amount, rate, timing, frequency, or total volume of diversions or storage authorized under this decree, shall not cause injury to any vested or decreed water right; and all water stored in Koenig Reservoir pursuant to this claim shall retain the same priority, character, accounting treatment, and limitations as if stored in Zadel Reservoir. Koenig Reservoir would solely be used as an alternative place of storage and shall not be construed as creating a separate or additional storage right. 4. Description of Plan for Augmentation. 4.1 Name of Structures to be Augmented: The following structures will be augmented under this plan for augmentation: Zadel Wells 1-5, as described in 3.4.2 above; Thornton's non-tributary Zadel LFH-1 well, as described in 7, below, solely for the purposes of satisfying the statutory 2% relinquishment obligation associated with the use of water from that well; Thornton Well Right S-1, as described in 6.1 below; and Thornton Well Right S-8, as described in paragraph 6.1 below. 4.2 Replacement Supplies to be Used for Augmentation. Thornton owns water rights and has the contract right to use other sources of water, that collectively, are sufficient to meet the replacement obligations associated with this augmentation plan. Thornton maintains water accounting distinguishing those sources that are available for augmentation, such as in this augmentation plan, and those which are not. More particularly those sources of water that will be used in this plan can be broken down into sources derived based on Thornton's decrees and those it is entitled to use pursuant to contract, as follows: 4.2.1 Water Rights. Attached as Exhibit C to the application is a list of Thornton water rights that includes rights which have been decreed for augmentation purposes. These sources consist of, without limitation,

consumptive use credits attributable to changed irrigation rights in the South Platte Basin, transmountain sources, nontributary groundwater rights, water rights that have been originally decreed for augmentation purposes, including lawn irrigation return flows, and reusable return flows generated through municipal use. 4.2.2 Zadel Reservoir Storage Rights. The water rights applied for in this Application and described in 3 above, to the extent decreed for augmentation purposes. 4.2.3 Contract Supplies. Thornton controls and has the right to reusable and fully consumable supplies under agreements with Coors, Westminster, Public Service Company, Aurora, Arvada, and others, in amounts sufficient to meet replacement obligations as more fully described in the application. 4.2.4 Thornton will also use as augmentation supplies any other water rights or sources of water that Thornton then owns or controls, provided that they are decreed for augmentation purposes, trans-mountain water, developed water, or decreed as nontributary groundwater, and provided further that Thornton can make such supplies available at the locations necessary to prevent injury. 4.3 Statement of Plan for Augmentation: Tributary Wells. Diversions from the wells identified in 3.4.2 and 7 cause depletions to the South Platte River. Depletions will be calculated using accepted engineering methodologies based on well-specific parameters. Any depletions caused by the wells that are out of priority will be replaced in time, location and amount by the replacement supplies listed in 4.2 to prevent injury. All water pumped by the wells shall be considered to be 100% consumed solely for purposes of augmentation accounting under this plan, and not for purposes of determining reusable return flows associated with Thornton's municipal system. Thornton will operate the Zadel Reservoir storage right described in 3, above when it is in priority. Thornton will perform daily accounting of all water stored. Thornton will augment any out of priority inflows captured by Zadel Reservoir that are not released, including precipitation and other inflows, using the replacement supplies listed in paragraph 4.2. Thornton will release water from its augmentation supplies to replace depletions caused by the out-of-priority storage in time, location, and amount as necessary to prevent injury to senior vested water rights or decreed conditional water rights. The replacement supplies may also be utilized to satisfy the statutory 2% relinquishment component related to Thornton's non-tributary Zadel LFH-1 well right. 4.4 All wells, reservoirs, and augmentation structures will be equipped with adequate measuring devices. Thornton will develop and maintain accounting and reporting as required by the Division Engineer. Transit losses will be assessed and accounted for as required. 4.5 Location of Augmentation Releases. The majority of the augmentation water will be discharged by Metropolitan Wastewater Reclamation District outfall, the location of which is described below. Depending, however, upon the derivation of source of the augmentation water, the provision of water pursuant to this augmentation plan will also be provided from any of the following locations, but in each instance, above the calling water right and in a manner that is administrable and sufficient to prevent injury: 4.5.1 Metropolitan Waste Water Reclamation District Outfall, presently located in the SE 1/4 of the SW 1/4 of Section 1, T. 3 S., R. 68 W., 6th P.M., Adams County, Colorado or any such similar facility at which Thornton's treated effluent is discharged in the future. 4.5.2 The confluence of Sand Creek and the South Platte River located in the SE 1/4 of the SW 1/4 of Section 1, T. 3., S, R. 68 W., 6th P.M., Adams County, Colorado. 4.5.3 The confluence of Clear Creek and the South Platte River located in the SW 1/4 of the SE 1/4 of Section 36, T. 2 S., R 68 W., 6th P.M., Adams County, Colorado. 4.5.4 The confluence of Grange Hall Creek and the South Platte River located in the E 1/2 of the SE 1/4 of Section 8, T. 2 S., R. 67 W., 6th P.M., Adams County, Colorado. 4.5.5 The confluence of Cherry Creek and the South Platte River located in the NE 1/4 of the NW 1/4, Section 33, T. 3 S., R. 68 W., 6th P.M., Denver County, Colorado. 4.5.6 The confluence of Big Dry Creek and the South Platte River located in the NW 1/4 of the NW 1/4, Section 7, T. 1 N., R. 66 W., 6th P.M., Weld County, Colorado. 4.5.7 At the three locations for Thornton's taking credits for lawn irrigation return flows specified in paragraph 63.5.3 of the decree in Consolidated Cases 86CW401, etc. 4.5.8 Koenig Reservoir outlet to the South Platte River at a location on the west bank of the South Platte River 1265 feet north of the south section line, 1470 feet east of the west section line of the southwest quarter of Section 24 Township 2N Range 67 West, Weld County Colorado. 4.5.9 Sand Hill Return Ditch returns water to the South Platte River at the location described in 3.4.1.4, above. 4.5.10 Any other location that augmentation water can be released above the downstream calling water right in a manner so as to prevent injury. 4.6 Remarks: 4.6.1 Although the non-tributary groundwater is not subject to priority administration, the use of such water

carries a statutory obligation to relinquish 2% of withdrawals to the affected stream system. Thornton seeks to satisfy that obligation through releases made pursuant to this plan. 4.6.2 If additional nontributary wells are drilled, Thornton seeks the right to satisfy the 2% relinquishment obligations for those wells as part of this plan to the extent such wells are within the scope of the nontributary determination sought in Claim V and are operated consistent with applicable statutory requirements. 5. Name of new water rights claimed: Zadel Reservoir Exchanges. 5.1 Explanation of Application. This application claims conditional rights of substitution and exchange from Zadel Reservoir to various reservoirs, structures and facilities utilized by Thornton. All of the water exchanged may eventually be used for a variety of decreed uses in Thornton's municipal system as it exists now or in the future. The identified structures for these exchanges are shown on Exhibit D, attached to the application. 5.1.1 Thornton has the right to divert, and to store where storage vessels are involved, at the facilities described in 5.3, below. The maximum rates of flow for these exchanges are listed below in 5.4, and shall apply only to diversions made pursuant to the exchanges sought herein, but do not limit the rates of flow at which water may be diverted or stored under other water rights exercised at the same facility. 5.1.2 The location and capacity of Zadel Reservoir are as stated in 3, above. 5.2 Source and Exchange-From Points: Water stored in Zadel or Koenig Reservoir pursuant to 3, above may be released to the South Platte River at the following locations: 5.2.1 Sand Hill Return Ditch delivers water to the South Platte River at a the location identified in 3.4.1.4, above. 5.2.2 Koenig Reservoir outlet to the South Platte River at a location on the west bank of the South Platte River 1265 feet north of the south section line, 1470 feet east of the west section line of the southwest quarter of Section 24 Township 2N Range 67 West, Weld County, Colorado. Zadel Reservoir will be connected to the Koenig Reservoir and may release water from Zadel Reservoir through Koenig Reservoir to the South Platte River. 5.3 Exchange-To Points: Water that may be exchanged pursuant to this application from Zadel Reservoir to any or all of the structures identified in this paragraph. Diversions to such structures, made under the exchanges decreed in this case, are subject to the rate of flow limitations contained in 5.4. 5.3.1 Fort Lupton Pit; Location: In the W 1/2 of the SW 1/4, Section 7, T1N, R66W, 6th P.M.; and the E 1/2 of the SE 1/4, Section 12, T1N, R67W, 6th P.M., Weld County; Points of Diversion: a. The headgate of the Lupton Bottom Ditch, as described above. b. Big Dry Creek Diversion, on the west bank of the South Platte River in the SE 1/4 of the SE 1/4, Section 12, T1N, R67W, 6th P.M., Weld County, at a point approximately 4,691 feet South and 4,094 feet East of the Northwest corner of said Section 12. c. South Platte River Diversion, on the west bank of the South Platte River in the NE 1/4, Section 18, T1N, R66W, 6th P.M., Weld County, at a point approximately 1,547 feet South and 3,769 feet West of the Northeast corner of said Section 18. 5.3.2 Rogers Pit; Location: In the NE 1/4 of Section 1, T1S, R67W, and the SW 1/4 of the NW 1/4 of Section 6, T1S, R66W, 6th P.M., Adams County; Points of Diversion: a. The headgate of Brantner Ditch, on the north bank of the South Platte River in the NE 1/4 of the SW 1/4, Section 4, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,721 feet South and 2,140 feet East of the Northwest corner of said Section 4. b. The headgate of the Brighton Ditch, on the west bank of the South Platte River in the SE 1/4 of the SE 1/4, Section 11, T1S, R67W, 6th P.M., Adams County, at a point approximately 780 feet north and 1,120 feet west of the Southeast corner of said Section 11. c. South Platte Diversion A, on the west bank of the South Platte River in the NE 1/4 of the NE 1/4, Section 1, T1S, R67W, 6th P.M., Adams County, at a point approximately 1,000 feet south and 50 feet west of the Northeast corner of said Section 1. d. South Platte River Diversion B, on the northwest bank of the South Platte River in the NW 1/4 of the SW 1/4, Section 6, T1S, R66W, 6th P.M., Adams County, at a point approximately 2,480 feet south and 300 feet east of the Northwest corner of said Section 6. 5.3.3 Hammer Pit; Location: In the SE 1/4, the S 1/2 of the NE 1/4, and the SE 1/4 of the NW 1/4 of Section 14, and the E 1/2 of the NW 1/4, and NW 1/4 of the NE 1/4, Section 23, T1S, R67W, 6th P.M., Adams County; Points of Diversion: a. The headgate of the Brantner Ditch, as described above. b. South Platte River Diversion A, on the west bank of the South Platte River in the NE 1/4 of the NW 1/4 of Section 23, T1S, R67W, 6th P.M., Adams County, at a point approximately 1,100 feet south and 2,500 feet east of the Northwest corner of said Section 23. c. South Platte River Diversion B, on the west bank of the South Platte River in the SE 1/4 of the NE 1/4 of Section 14, T1S, R67W, 6th P.M., Adams County, at a point approximately 2,400 feet south and 580 feet west of the Northeast corner of said section 14. Cooley East Pit; Location: In the S 1/2 of Section 9, and the NW

1/4 of Section 16, T2S, R67W, 6th P.M., Adams County; Point of Diversion: The headgate of Fulton Ditch, on the east bank of the South Platte River in the NE 1/4 of the SE 1/4 of Section 17, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,815 feet South and 145 feet West of the Northeast corner of said Section 17. 5.3.5 Cooley West Pit (a.k.a. Thornton Pit); Location: In the NE 1/4, N 1/2 of the SE 1/4, NE 1/4 of the SW 1/4, and SE 1/4 of the NW 1/4, Section 17, T2S, R67W, 6th P.M., Adams County; Points of diversion: a. The combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch, on the north bank of Clear Creek in the SW 1/4 of the SE 1/4, Section 4, T3S, R68W, 6th P.M., Adams County, at a point approximately 1,200 feet North and 1,400 feet West of the Southeast corner of said section. b. South Platte River Diversion: On the northwest bank of the South Platte River in the SW 1/4 of the NW 1/4, Section 20, T2S, R67W, 6th P.M., Adams County, at a point approximately 3,780 feet North and 15 feet East of the Southwest corner of said Section 20. 5.3.6 West Sprat-Platte Pit; Location: SW 1/4, Section 17; and NW 1/4 of the NW 1/4, Section 20, T2S, R67W, 6th P.M., Adams County; Points of diversion: a. The combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch, as described above. b. South Platte River Diversion: On the northwest bank of the South Platte River in the SW 1/4 of the NW 1/4, Section 20, T2S, R67W, 6th P.M., Adams County, at a point approximately 3,780 feet North and 15 feet East of the Southwest corner of said Section 20. 5.3.7 East Sprat-Platte Pit (a.k.a. Sprat-Platte Ranch East Pit); Location: In the S 1/2 of the SW 1/4, SW 1/4 of the SE 1/4, Section 17, and NW 1/4, and NW 1/4 of the NE 1/4, Section 20, T2S, R67W 6th P.M., Adams County; Points of Diversion: a. The headgate of the Burlington Ditch, on the east bank of the South Platte River, in the SW 1/4 of the NE 1/4, Section 14, T3S, R68W, 6th P.M., Adams County, at a point approximately 2,300 feet South and 2,200 feet West of the Northeast corner of said section. b. South Platte River Diversion A (Srat-Platte Ranch East Pit) on the southeast bank of the South Platte River in the SW 1/4 of the NW 1/4, Section 20, T2S, R67W, 6th P.M., Adams County, at a point approximately 3,780 feet North and 15 feet East of the Southwest corner of said Section 20. c. South Platte River Diversion B (North Dahlia Pit and East Sprat-Platte Pit) on the southeast bank of the South Platte River in the SW 1/4 of the SE 1/4, Section 19, T2S, R67W, 6th P.M., Adams County, at a point approximately 582 feet North and 2,073 feet West of the Southeast corner of said Section 19. 5.3.8 North Dahlia Pit; Location: In the S 1/2 of the NE 1/4, and SE 1/4, Section 19; the W 1/2 of the SW 1/4, S 1/2 of the NW 1/4, Section 20, T2S, R67W, 6th P.M., Adams County. Points of Diversion: a. The headgate of the Burlington Ditch, as described above. b. South Platte River Diversion on the southeast bank of the South Platte River in the SW 1/4 of the SE 1/4, Section 19, T2S, R67W, 6th P.M., Adams County, at a point approximately 582 feet North and 2,073 feet West of the Southeast corner of said Section 19. 5.3.9 Croke Canal; Point of Diversion: On the north bank of Clear Creek in the NW 1/4 of the NE 1/4 of Section 26, T3S, R70W, 6th P.M., Jefferson County, at a point approximately 2,700 feet East and 250 South of the Northwest corner of said Section 26. 5.3.10 Farmer's High Line Canal; Point of Diversion: On the north bank of Clear Creek in the NW 1/4 of the SW 1/4 of Section 27, T3S, R70W, 6th P.M., Jefferson County, at a point which is approximately 950 feet East and 1,500 feet North of the Southwest corner of said Section 27. 5.3.11 Dahlia Pit (a.k.a. South Dahlia Pit); Location: Southeast of the South Platte River in the NE 1/4, NW 1/4 of the SE 1/4, and E 1/2 of the NE 1/4 of the SW 1/4 of Section 30, T2S, R67W, 6th P.M., Adams County; Point of Diversion: Burlington Ditch, as described above. 5.3.12 West Gravel Lakes; Location: Just west of the South Platte River in Sections 25 and 36, T2S, R68W, and Section 30, T2S, R67W, 6th P.M., Adams County; Point of Diversion: The combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch and/or the Burlington Ditch headgate, each as described above. 5.3.13 East Gravel Lakes (a.k.a. Tani Lakes); Location: Adjacent to the east bank of the South Platte River, in Section 25 and 36, T2S, R68W, and Sections 30 and 31, T2S, R67W, 6th P.M., Adams County; Points of Diversion: The combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch, as described above. 5.3.14 Brannan Lake; Location: In the SW 1/4 of Section 35, T2S, R68W, 6th P.M., Adams County; Point of Diversion: The combined headgate of the Lower Clear Creek Ditch and Colorado Agricultural Ditch, as described above. 5.3.15 Standley Lake Reservoir; Location: In parts of Sections 16, 17, 20, 21, 22, 27, 28 and 29, T2S, R69W, 6th P.M., Jefferson County; Points of Diversion: Through the Croke Canal and/or the Farmers' High Line Canal, as described above. 5.3.16 Thorn Creek Golf Course Diversion; Point of Diversion: The south bank of Big Dry Creek in the SW 1/4 of the

NE 1/4 of Section 27, T1S, R68W, 6th P.M., Adams County, at a point approximately 2,013 feet West and 1,980 feet South of the Northeast corner of said Section 27. 5.4 Rate of Zadel Reservoir Exchanges: A matrix of exchanges claimed is attached as Exhibit D to the application. Thornton seeks appropriative rights of exchange with the following conditional rates. 5.4.1 The maximum rate of exchange for each exchange claimed herein shall be 20.0 cfs, regardless of the exchange-to structure or point of diversion utilized, except as expressly provided below. 5.4.2 The maximum rate of exchange to the ThornCreek Golf Course Diversion shall be 5.0 cfs. 5.4.3 The aggregate rate of all simultaneous exchanges exercised under this decree shall not exceed 40.0 cfs. 5.4.4 The maximum exchange rates set forth herein apply only to diversions made pursuant to the exchanges sought in this case and shall not limit the rates of flow at which water may be diverted, conveyed, or stored under other rights exercised at the same facilities. 5.5 Date of appropriation: February 10, 2026, by adoption of a resolution of the Thornton City Council expressing its intent to appropriate the water rights described herein and authorizing the filing of this application. 5.6 Date water applied to beneficial use: Not applicable, conditional rights sought. 5.7 Proposed use of water: Substitute supplies exchanged from Zadel Reservoir may be stored and used for those uses described in 3.5, above. 5.8 Remarks: All exchanges claimed herein shall be operated only when the exchanged water is legally and physically available and only to the extent such operation does not cause injury to vested or decreed conditional water rights. 6. Change of Water Rights. 6.1 Name of rights: Thornton Well S-1-20552S, (“S-1”) and Thornton Well S-8-4014F, (“S-8”). 6.2 Original Decree: W-5525 entered on January 13, 1981, by the District Court in and for Water Division No. 1. 6.3 Original legal descriptions: S-1 the SE 1/4 NE 1/4, Section 25, Township 2 South, Range 68 West of the 6th P.M., Adams County, Colorado at a point which bears N 23°7’19” West, 654.16 feet from the E1/4 corner and S-8: located in the SE 1/4 NE 1/4, Section 25, Township 2 South, Range 68 West of the 6th P.M., Adams County, Colorado, at a point 350 feet South and 30 feet West of the NE corner of the SE 1/4 NE 1/4. 6.4 Source: Ground water tributary to the South Platte River. 6.5 Appropriation Dates: S-1 November 26, 1954 and S-8 October 31, 1962. 6.6 Decreed Amounts: S-1 - 0.69 cfs (conditional) and S-8 - 0.58 cfs (conditional). 6.7 Decreed Use: Municipal. 6.8 Amount of water Thornton intends to change: The entire conditional amounts of 0.69 cfs (S-1) and 0.58 cfs (S-8). 6.9 Remarks: Thornton seeks to change the points of diversion of the S-1 and S-8 water rights. The original wells have been consolidated and relocated to the location authorized under well permit 58631-F-R located within the SW 1/4 SW 1/4, Section 30, T2S, R68W of the 6th P.M., Adams County, at a point 921 feet south and 108 feet west of the northeast corner of said Section 30. Thornton seeks to change the points of diversion from the originally decreed locations described above to the well location authorized by Well Permit No. 58631-F-R. This change is sought without enlargement of the decreed amounts, and subject to decree terms and conditions that prevent injury to vested or decreed conditional water rights. 6.10 Change in Type of Use: Thornton also seeks to change the decreed use of the S-1 and S-8 water rights to include the additional uses, as described in 3.5, above. 7. Determination of Underground Water Rights. 7.1 Name: Zadel Well LFH-1, to be constructed into the Laramie-Fox Hills Aquifer, Denver Basin underlying Thornton’s Zadel Reservoir property. 7.2 Location: Groundwater will be withdrawn from beneath approximately 115 acres of land located in the southeast and northeast one quarters of Section 24, Township 2 North, Range 67 West of the 6th P.M., Weld County, Colorado as shown on attached Exhibit A. Thornton is the owner of the overlying land, as evidenced by the warranty deed attached to the application as Exhibit E. 7.3 Aquifer: Laramie-Fox Hills. 7.4 Amount claimed: 18 gpm and 22.8 AF annually, conditional. 7.5 Estimated depth to bottom of well: 200 feet below ground surface. 7.6 Uses: As stated in 3.5, above. 7.7 Remarks: Thornton requests a determination confirming the right to construct, permit, and operate a well at a location to be determined on the subject property to withdraw the allocated nontributary groundwater. 8. Thornton will propose terms and conditions in the final decree so that the conditional water rights, plan for augmentation, plan for substitution and exchange, and change of water rights will not injuriously affect the owner of or persons entitled to use water under a vested water right or decreed conditional water right. 9. Nothing in this application shall be construed to create any right of Thornton to utilize land or structures owned by parties other than Thornton for the diversion of water, nor construed to enlarge or diminish any right to use lands, structures, or facilities currently possessed by Thornton. Thornton may utilize existing water diversion, carriage, and storage structures only to the extent it then has acquired the right to so use

such structure from the appropriate entities, by purchase or other appropriate means. Similarly, Thornton may utilize land for the construction and operation of such structures only to the extent it has acquired the right to so use such land from the appropriate entities, by purchase or other appropriate means.<sup>10</sup> All appended exhibits are incorporated into this application by reference. 11. Name and Address of Owners of Land on Which Structures are Located. The names and addresses of owners of land upon which new structures will be built, and owners of existing structures which may require modification are as follows: Zadel Reservoir, the Little Dry Creek Diversion, the Zadel Wells, the well constructed pursuant to well permit 58631-F-R, and Zadel Well LFH-1 are or will be located on property owned by Thornton; Koenig Reservoir is located on property owned by Colorado Water Conservancy District, 3209 West 28th Street, Greeley, Colorado 800634; The Lupton Bottom Ditch headgate is located on property owned by the City of Aurora, 15151 East Alameda Parkway, Aurora, Colorado, 80012; Zadel Reservoir Pump Station is to be located on property owned by LG Everist Inc., 350 South Main Avenue Suite 400, Sioux Falls, South Dakota, 57104; The Meadow Island No. 1 Ditch headgate and the Sand Hill Return Diversion are located, or will be located, upon property owned by Darrell Bearson and Nevel M. Bearson, 9208 County Road 25, Fort Lupton, Colorado 80621. **WHEREFORE**, Applicant respectfully requests the Court enter a decree granting the requested conditional Zadel Reservoir Storage Right and conditional Zadel Reservoir Exchange Rights, approving the augmentation plan and requested changes in S-1 and S-8 water rights, and granting the determination of groundwater rights requested herein for the nontributary Laramie-Fox Hills aquifer, all as described in this application, and further relief as the Court deems appropriate. (18 pages + 5 exhibits)

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

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **APRIL 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.