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## DISTRICT COURT, WATER DIVISION 1, COLORADO

### MAY 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 **MAY 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 2026CW3078 CHRISTINE AND MARK HENDRICKSON**, 1817 Elk Valley Drive, Evergreen, CO 80439. **APPLICATION FOR ABSOLUTE UNDERGROUND WATER RIGHT FOR EXEMPT WELLS IN CLEAR CREEK COUNTY**. Please send all pleadings and correspondence to: L. James Eklund, Esq., Hannah S. Mink, Esq., Erick J. Franz Hughes, Esq., Taft Stettinius & Hollister LLP, 675 15 St, Suite 2300, Denver, Colorado 80202. Email: [hmink@taftlaw.com](mailto:hmink@taftlaw.com). **FIRST CLAIM**. 2. Well name and permit: 1815 Elk Valley Well; Well Permit No. 259345. Total area of parcel on which well is located: 2.9 acres. A copy of the well permit, pump installation report, and well construction and test report are attached as **Exhibit A**. 3. Well location and point of diversion: NE 1/4, NW 1/4, Section 3, Township 4 South, Range 72 West, 6th Principal Meridian, 840 feet from the North Section line and 1,190 feet from the West Section line. UTM coordinates: 462414(x), 4398787(y). Street address: 1815 Elk Valley Drive, Evergreen, CO 80439; Saddleback Ridge Estates, Lot 2, Block 3, Filing 3. A map of the well location is attached as **Exhibit B**. 4. Date of appropriation: August 25, 2004, by filing a well permit application to the State Engineer's Office. Date applied to beneficial use: February 3, 2005. 5. Source: Groundwater tributary to Clear Creek, tributary to the South Platte River. Depth of well: 501 feet. 6. Amount: 15 gpm, absolute. 7. Uses: Ordinary household use inside one single-family dwelling. 8. Landowner information: The well is located and put to use on land owned by Applicants. **SECOND CLAIM**. 10. Well name and permit: 1817 Elk Valley Well; Well Permit No. 207242. Total area of parcel on which well is located: 3 acres. A copy of the well permit, pump installation report, and well construction and test report are attached as **Exhibit C**. 11. Well location and point of diversion: NE 1/4, NW 1/4, Section 3, Township 4 South, Range 72 West, 6th Principal Meridian, 1,044 feet from the North Section line and 1,555 feet from the West Section line. UTM coordinates: 462525(x), 4398729(y). Street address: 1817 Elk Valley Drive, Evergreen, CO 80439; Saddleback Ridge Estates, Lot 16, Block 2, Filing 2. A map of the well location is attached as **Exhibit B**. 12. Date of appropriation: December 9, 1997, by filing a well permit application to the State Engineer's Office. Date applied to beneficial use: May 29, 1998. 13. Source: Groundwater tributary to Clear Creek, tributary to the South Platte River. Depth of well: 426 feet. 14. Amount: 15 gpm, absolute. 15. Uses: Ordinary household use inside one single-family dwelling. 16. Landowner information: The well is located and put to use on land owned by Applicants. Remarks: A. The State Engineer's Office approved permit location amendments on February 22, 2026, correcting the legal descriptions for the wells claimed herein to reflect the wells' actual physical locations on Applicants' properties; the amended locations are consistent with the street address and subdivision information shown on the original well permits. B. The groundwater rights claimed herein are for exempt wells approved under CRS § 37-92-602(3) and, pursuant to CRS § 37-92-602(4), are entitled to their original priority dates regardless of the date of this Application. Applicants do not waive the well exemptions by this adjudication. WHEREFORE, Applicants request that the Court enter a decree granting the above underground water rights, and such other and further relief as the Court deems proper. (Application consists of 5 pages and 3 exhibits)

**CASE NUMBER 2026CW3079 EAST CHERRY CREEK VALLEY WATER AND SANITATION DISTRICT** (“ECCV”), c/o David Kaunisto, General Manager, 6201 South Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800; **UNITED WATER AND SANITATION DISTRICT** (“United”), c/o Robert Lembke, President, 8301 East Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, Telephone: (303) 773-1005. The above-listed parties shall be collectively referred to as the “Applicants.” **APPLICATION FOR CHANGE OF WATER RIGHTS, PLAN FOR AUGMENTATION, AND APPROPRIATION OF RETURN FLOWS IN LARIMER AND WELD COUNTIES.** Please send all pleadings and correspondence to: Brian M. Nazareus, Esq.; Sheela S. Stack, Esq.; William D. Wombacher, Esq.; Stacy L. Brownhill, Esq.; Nazareus Stack & Wombacher LLC 5105 DTC Parkway, Suite 200, Greenwood Village Colorado 80111, (Attorneys for ECCV); David F. Bower, Esq.; Joseph J. Przyuski, Esq.; JOHNSON & REPUCCI LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027, (Attorneys for United). 2. Introduction. Applicants seek to change the use of the decreed water rights associated with 7.5 shares out of the 64 outstanding shares in the Box Elder Ditch Company (the “Company”) for use by ECCV. ECCV also seeks to appropriate the historical return flow obligations associated with ECCV’s Box Elder Shares and a plan for augmentation to provide additional and/or alternative sources of replacement water to replace the historical return flow obligations associated with ECCV’s Box Elder Shares. 3. Summary of Subject Water Rights. The 7.5 shares at issue are currently owned by United and represented by stock certificate numbers 369, 376, 377, and 382 (“ECCV’s Box Elder Shares”). **CLAIM FOR CHANGE OF WATER RIGHTS** 4. Decreed Water Rights for Which Change is Sought and Structure Associated with the Decreed Water Rights. 4.1. Name of Structure. Box Elder Ditch. 4.2. Decreed Point of Diversion: The decreed point of diversion for the Box Elder Ditch is located on the south side of the Cache la Poudre River, in the SE1/4 of Section 20, Township 7 North, Range 68 West of the 6th P.M., Larimer County, Colorado. The actual point of diversion is located on the south bank of the Cache la Poudre River within the SW1/4 of the SE1/4 of the NE1/4 of Section 20, Township 7 North, Range 68 West, 6th P.M. 4.3. Date of Original and Selected Subsequent Decrees. The water rights for the Box Elder Ditch were originally decreed in Civil Action No. 320, Water District No. 3, Larimer County District Court, on April 11, 1882. 4.4. Source. Cache la Poudre River. 4.5. Dates of Appropriation and Amounts.

**Table 1: Dates of Appropriation and Amounts**

Appropriation Date	Decreed Amount (cfs)	Case No.	Adjudication Date
March 1, 1866	32.5	Civil Action No. 320, District Court, Larimer County	April 11, 1882
May 25, 1867	8.33	Civil Action No. 320, District Court, Larimer County	April 11, 1882
July 1, 1868	11.93	Civil Action No. 320, District Court, Larimer County	April 11, 1882

Historical Use. ECCV’s Box Elder Shares were historically used to irrigate the lands described below and shown on the map attached as **Exhibit 1**. 5.1. Grant Farm. Two and one half (2.5) shares of the Company, represented Stock Certificate No. 369, were historically used to irrigate 98.8 acres located in the SW1/4 of Section 3, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. The farm cropping consisted primarily of a mix of pasture grass, alfalfa, sugar beets, barley, and beans. 5.2. Swift Farm. The Swift Farm is located in the N1/2 of Section 10, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. A total of five (5) shares of the Company were used on the Swift Farm to irrigate 190 acres of alfalfa, corn, and pasture grass. The historical consumptive use of those shares was previously quantified in Case No. 94CW15. Three (3) of the five (5) Swift Farm shares were changed to new uses in Case No. 94CW15 and one additional share was changed in Case No. 14CW3176 in reliance on the quantification of historical consumptive use from Case No. 94CW15. Applicants own the one (1) remaining

share from the Swift Farm that was quantified but not changed in the prior cases. Applicants' share is represented by Stock Certificate No. 376. 5.3. Three Bells Farm. The Three Bells Farm is located in portions of Sections 11, 12, 13, and 14 of Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado. As many as six (6) shares of the Company were historically used to irrigate between 231 and 262 acres on the Three Bells Farm that consisted of a mix of pasture grass, corn, alfalfa, barley, and beans. Applicant owns three and one half (3.5) shares of the Company that were historically used on the Three Bells Farm, represented by Stock Certificate No. 377. 5.4. Weiderspon Farm. The Weiderspon Farm is located in the SE1/4 of Section 34, Township 7 North, Range 68 West of the 6th P.M., Weld County, Colorado. A total of two (2) shares of the Company were historically used to irrigate 79.6 acres of corn grain, alfalfa, sugar beets, and barley on the Weiderspon Farm. The historical consumptive use of the 2 Weiderspon shares was quantified in Case No. 09CW30. Applicants own a one-half (0.5) share represented by Stock Certificate No. 382, out of the total 2 shares that were historically used on the Weiderspon Farm.

6. Proposed Change of ECCV's Box Elder Shares. 6.1. Change in Type of Use. The uses described below may occur directly, following storage, following recharge, and/or by exchange. 6.1.1. Use in ECCV's Augmentation Plans. ECCV seeks to use the water attributable to ECCV's Box Elder Shares as a source of replacement water in ECCV's augmentation plans including those decreed in Case Nos. 02CW403 and 02CW404/03CW442, as amended by the decree entered in 10CW306, 13CW3026, 19CW3075, and 19CW3084, 20CW3096, and 20CW3117. In addition, ECCV seeks to use the water attributable to ECCV's Box Elder Shares as a source of replacement water in any pending or future ECCV plan for augmentation. 6.1.2. Source for ECCV's Recharge Projects. ECCV seeks to deliver ECCV's Box Elder Shares to ECCV's recharge facilities including those located in the Beebe Draw and on 70 Ranch pursuant to the decrees entered in Case Nos. 02CW404/03CW442 and 10CW306, and will store excess accretion credits generated therefrom in any reservoir available to ECCV including, but not limited to, Milton Lake. ECCV will also deliver its ECCV's Box Elder Shares to ECCV's recharge facilities decreed in Case No. 16CW3196. In addition, ECCV seeks to deliver ECCV's Box Elder to any existing, pending, or future recharge site, aquifer storage and recovery project, and aquifer recharge and recovery project to which ECCV is legally permitted to store and/or recharge water. 6.1.3. Source for ECCV's Exchanges. ECCV will deliver ECCV's Box Elder Shares as a source of substitute supply in ECCV's exchanges including those decreed in Case Nos. 11CW285, 16CW3196, 19CW3075, and 22CW3209. ECCV may also use ECCV's Box Elder Shares as a source of supply in any pending or future exchange operated or decreed for use by ECCV. 6.1.4. Places of Storage. ECCV may store ECCV's Box Elder Shares in any facility ECCV is legally permitted to store water, including: 6.1.4.1. United Reservoir No. 3. United Reservoir No. 3 is an off-channel reservoir located in the E1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado. 6.1.4.2. Barr Lake. Barr Lake is an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir. 6.1.4.3. Milton Lake. Milton Lake is an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado, and is owned and operated by FRICO. Water stored in Barr Lake can be delivered to Milton Lake via the Beebe Seep Canal. The inlet to Milton Lake from the Beebe Seep Canal is located near the center of Section 22, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado. 6.1.4.4. Milliken Reservoir (a/k/a Gilcrest Reservoir). Milliken Reservoir is a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West, and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. The points of diversion for Milliken Reservoir are as follows: 6.1.4.4.1. Jay Thomas Ditch Diversion Dam (a/k/a the "South Diversion"). This point of diversion for Milliken Reservoir will be located adjacent to the Jay Thomas Ditch Diversion Dam, on the East bank of the South Platte River, in the NW1/4 of the NW1/4 of Section 11, Township 3 North, Range 67 West of the 6th P.M., Weld County, Colorado. 6.1.4.4.2. North Diversion. This point of diversion for Milliken Reservoir will be located on the South Platte River, downstream of the confluence of the South Platte and St. Vrain Rivers, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado, to allow for the diversion of surface water from the South Platte River and pumping into Milliken Reservoir for storage. 6.1.4.4.3. Milliken Pump(s).

A pump is currently installed near the North Diversion, in the NE1/4 of the SW1/4 of Section 26, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado. A pump was formerly located and operated in the SW1/4 of the SW1/4 of Section 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 1). ECCV may place another pump at that location in the future. A pump may also be installed near the confluence of the South Platte and St. Vrain Rivers, in Section 34, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado (Pump Station No. 2).

6.1.4.5. 70 Ranch Reservoir. 70 Ranch Reservoir is a lined off-channel reservoir located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M. and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado. The diversion structure for 70 Ranch Reservoir is located on the South Platte River, in the SE1/4 of Section 34, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.1.4.6. Serfer Pit. Serfer Pit is an off-channel lined gravel pit reservoir on the north side of the Cache la Poudre River, located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado. The point of diversion for Serfer Pit is located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Weld County, Colorado.

6.1.4.7. Binder Reservoir. Binder Reservoir is an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. Water can be diverted into Binder Reservoir by the Brighton Lateral via United Diversion Facility No. 3, the Burlington Canal, and the Binder Pipeline.

6.1.4.8. Holton Lake. Holton Lake is an off-channel reservoir located in portions of the SE1/4 of the SW1/4, the SW1/4 of the SW1/4, and the SW1/4 of the SE1/4 of Section 6, and the NE1/4 of the NW1/4, the NW1/4 of the NW1/4, and the NW1/4 of the NE1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado. The points of diversion for Holton Lake are as follows:

6.1.4.8.1. North Diversion. A point of diversion from the South Platte River, to be located in the SW1/4 of Section 6, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

6.1.4.8.2. South Diversion. A point of diversion from the South Platte River, to be located in the NW1/4 of Section 7, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

6.1.4.9. Three Bells Reservoir. Three Bells Reservoir is an off-channel reservoir located in the W1/2 of the SE1/4 and the SE1/4 of the SE1/4 of Section 11, Township 6 North, Range 68 West of the 6th P.M. Larimer County, Colorado. The points of diversion for Three Bells Reservoir are as follows:

6.1.4.9.1. A point of diversion will be located in the NW1/4 of the SE1/4 of Section 11, Township 6 North, Range 68 West of 6th P.M., Weld County, Colorado.

6.1.4.9.2. A point of diversion will be located in the NW1/4 of the SE1/4, the NE1/4 of the SE1/4, the SW1/4 of the SE1/4 or the SE1/4 of the SE1/4 (the entire SE1/4) of Section 11, Township 6 North, Range 68 West of 6th P.M., Weld County, Colorado.

6.1.4.10. Parsons Pit. Parsons Pit is a series of off-channel gravel pits located in the N1/2 of the NE1/4 of Section 36, Township 6 North, Range 67 West of the 6th P.M. and W1/2 of the SW1/4 of Section 30, Township 6 North, Range 66 West of the 6th P.M. in Weld County, Colorado. The points of diversion for Parsons Pit are as follows:

6.1.4.10.1. A point of diversion will be located in the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4 (or the W1/2 of the NE1/4) of Section 36, Township 6 N, Range 67 West of 6th P.M. in Weld County, Colorado.

6.1.4.10.2. A point of diversion will be located in the W1/2 of the NW1/4 of Section 31, Township 6 North, Range 66 West of 6th P.M., Weld County, Colorado.

6.1.4.11. Other Facilities. Any existing or future storage facility in which ECCV is legally permitted to store water.

6.1.5. Replacement of Return Flow Obligations. ECCV seeks to use ECCV's Box Elder Shares to replace return flow obligations associated with ECCV's Box Elder Shares and with all water rights previously changed by ECCV, including in Case Nos. 02CW403, 02CW404/03CW442, 06CW40, 12CW73, 13CW3026, 05CW58/11CW151, 16CW3200, 19CW3084, 20CW3096, 16CW3196, and 20CW3117 and with any additional water rights changed in the future.

6.1.6. Use in ACWWA's Augmentation Plans and Delivery to ACWWA's Recharge Projects. ECCV may lease and/or trade water attributable to ECCV's Box Elder Shares to Arapahoe County Water and Wastewater Authority ("ACWWA") for use as a source of augmentation and replacement water in ACWWA's augmentation plans and recharge projects, including those decreed in Case Nos. 10CW306, 13CW3026, 16CW3195, 19CW3074, 19CW3084, 20CW3117 and 20CW3142 any pending and future plans for augmentation and to replace return flow obligations.

6.1.7. All Municipal Uses. ECCV seeks to use the water attributable to ECCV's Box Elder Shares for all municipal uses via augmentation and

exchange, including after recharge or storage. ECCV's municipal uses include but are not limited to irrigation, domestic, mechanical, manufacturing, commercial, industrial, exchange, augmentation and replacement, recharge, substitute supply, including further exchange with other water systems and with other water users, and for all other beneficial uses within ECCV's present and future service area. 6.1.8. Right of Reuse, Successive Use, and Disposition. ECCV reserves the right to reuse, successively use, and dispose of by sale, lease, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted, and/or impounded pursuant to the decree entered in this case. As such, ECCV's Box Elder Shares will be fully consumable water after this change. 6.2. Change in Place of Use. ECCV seeks to use the water attributable to ECCV's Box Elder Shares on lands within ECCV's present and future service area, at such locations as to allow ECCV to pump water at the ECCV/ACWWA Well Field or provide direct deliveries for municipal use within ECCV's present and future service area, and at locations as necessary to operate the augmentation plans, recharge projects, and exchanges described herein. 7. Delivery of the Subject Water Rights. ECCV's Box Elder Shares will continue to be diverted at the Box Elder Ditch headgate, and Applicants will take delivery of ECCV's Box Elder shares at their historical locations or, upon agreement with Box Elder and/or any requisite third-party structure owner, as may be applicable, via existing augmentation stations or future augmentation stations constructed on the Box Elder Ditch. 8. Return Flow Obligations. ECCV will maintain historical surface runoff and groundwater return flows on a daily basis whenever the downstream calling water right senior to May 11, 2026, consistent with the plan for augmentation sought herein. ECCV will not make return flow replacements during free river. ECCV shall meet its return flow obligations for ECCV's Box Elder Shares by any of the sources described in the attached **Exhibit 2**, either directly, by substitution, by exchange, or following storage or recharge. ECCV may also deliver water from other fully consumable sources, either directly, by substitution, by exchange, or following storage or recharge, owned or controlled by ECCV or any other available sources so long as the sources are decreed for augmentation purposes by the Water Court, or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 and -309 of the Colorado Revised Statutes, or successor statutes, or are otherwise lawfully available for such use. **APPROPRIATION OF RETURN FLOWS** 9. ECCV's Independent Claim to Appropriate Return Flows Associated with its Box Elder Shares. 9.1. Points of Diversion and Locations of Retention. 9.1.1. Serfer Pit, the point of diversion and location of this structure is described in paragraph 6.1.4.6, above. 9.1.2. 70 Ranch Reservoir, the points of diversion and location of this structure are described in paragraph 6.1.4.5, above. 9.1.3. Milliken Reservoir, the points of diversion and location of this structure are described in paragraph 6.1.4.4, above. 9.1.4. Three Bells Reservoir, the points of diversion and location of this structure are described in paragraph 6.1.4.9, above. 9.1.5. Parsons Pit, the points of diversion and location of this structure are described in paragraph 6.1.4.10, above. 9.2. Claim to Appropriate Return Flows. When the calling right downstream of the point the return flows historically accrued to the Cache la Poudre River is junior to May 11, 2026, or there is no call from downstream of the point the return flows historically accrued to the Cache la Poudre River, or ECCV is returning more return flow water to the river than is otherwise owed, ECCV seeks the right to divert, use, retain, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 6, above, the historical return flow portion of its irrigation season delivery of the ECCV's Box Elder Shares and the winter return flow portion of its prior irrigation season deliveries of the ECCV's Box Elder Shares. 9.3. Date of Appropriation. May 11, 2026. 9.4. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 9.5. Date Water First Applied to Beneficial Use. Not Applicable. 9.6. Source. Cache la Poudre River. 9.7. Amount Claimed. Any and all amounts of return flows determined to be attributable to the ECCV's Box Elder Shares, conditional. 9.8. Claimed Uses. For the same uses as described in paragraphs 6, above. **CLAIM FOR APPROVAL OF PLAN FOR AUGMENTATION** 10. Purpose of the Plan for Augmentation. Through this plan for augmentation, ECCV will provide sources of replacement water to replace the historical return flow obligations associated with ECCV's Box Elder Shares. At such times as there is a call senior to May 11, 2026, ECCV shall make replacements under this plan to ensure that all return flows that have not been appropriated in priority pursuant to the return flow appropriation above and are owed to a senior water right during a call senior to May 11, 2026, are replaced as required by the final

decree entered in this case. 11. Location of Return Flows. The locations where the return flows associated with ECCV's Box Elder Shares historically accrued are shown in **Exhibit 1**. 12. Replacement Sources. ECCV will use water derived from the sources described in paragraph 8, above, to replace the historical return flow obligations associated with ECCV's Box Elder Shares in time, location, and amount in order to prevent injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 13. Future Acquired Sources. ECCV intends to acquire and/or lease additional water supplies in the future for use as a source of replacement in the plan for augmentation described in this Application. Those supplies may be acquired and/or leased to replace or supplement water from the sources identified in paragraph 8. ECCV will add future acquired sources to the plan for augmentation claimed in this Application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes. 14. Names and Addresses of the Owners of the Structures and Diversion Facilities Listed Above. 14.1. Milliken Reservoir, United Milliken Reservoir Enterprise LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 14.2. 70 Ranch Reservoir, 70 Ranch LLC, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111. 14.3. Three Bells Reservoir, Steamboat Partners Investments LLC, 3350 Eastbrook Dr. Suite 260, Fort Collins, Colorado 80525. 14.4. Parsons Pit, Martin Marietta Materials, Inc., 2424 Ridge Road, Rockwall, Texas 75087. WHEREFORE, Applicants request that the Court enter a decree granting the change of water rights and the conditional appropriation of return flows, approving the plan for augmentation, and for such other relief which it deems proper. (12 pages, 2 exhibits).

**CASE NUMBER 2026CW3080 (2002CW335) THE GROUND WATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT 3209 West 28th Street Greeley, Colorado 80634 Telephone: (970) 330-4540. Bradley C. Grasmick, David L. Strait, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, [brad@lcwaterlaw.com](mailto:brad@lcwaterlaw.com); [dstrait@lcwaterlaw.com](mailto:dstrait@lcwaterlaw.com) APPLICATION TO ADD WELLS TO DECREED PLAN FOR AUGMENTATION IN WELD COUNTY.** 2. Plan for Augmentation. Applicant operates a plan for augmentation decreed in Case No. 2002CW335 (the "GMS Plan"). ¶14.5 of the decree in Case No. 2002CW335 (the "GMS Decree") allows the addition of Member Wells to the plan subject to the terms and conditions. 3. Structures to be Added (collectively, the "Wells"). 3.1 Name of Structure to be Added. Flack Well No. 1, WDID 0106539, Permit No. 14525-R3.1.1 Name and Address of Owner of Well. Deborah L. Klippert 30916 Weld County Road 388 Kersey, Colorado 80644. 3.1.2 Location of Well. SW1/4 of the NE1/4, Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County; 2,140 feet South and 2,630 feet East of the NE corner of said Section 19. 3.1.3 GMS Contract No. 1370 3.1.4 Prior Decree. W-3595 3.2 Name of Structure to be Added. Flack Well No. 2, WDID 0106541, Permit No. 14526-R. 3.2.1 Name and Address of Owner of Well. Deborah L. Klippert 30916 Weld County Road 388 Kersey, Colorado 80644 3.2.2 Location of Well. NE1/4 of the SE1/4, Section 19, Township 5 North, Range 63 West of the 6th P.M., Weld County; 2,200 feet South and 610 feet East of the NE corner of said Section 19. 3.2.3 GMS Contract No. 1370 3.2.4 Prior Decree. W3595 3.3 Name of Structure to be Added. Moore Well No. 5, WDID 0207357, Permit No. 14049-R.3.3.1 Name and Address of Owner of Well. Little Platte Farm, LLC 2901 E. Exposition Ave. Denver, Colorado 80209 3.3.2 Location of Well. NE1/4 of the NE1/4 of Section 25, Township 4 North, Range 67 West of the 6th P.M., in Weld County, Colorado; 796 feet West and 1,611 feet North of the E1/4 corner of said Section 25. 3.3.3 GMS Contract No. 1353 3.3.4 Prior Decrees. W-2082, 2003CW99 3.3.4.1 The subject well was originally included in the augmentation plan for Applicant's Well Augmentation Subdistrict ("WAS"), decreed in Case No. 2003CW99, and was subsequently removed. 4. Proposed Terms and Conditions. 4.1 Flack Well Nos. 1 and 2. 4.2 Consumptive Use Factors. The terms and conditions for the Added Wells will be the same as for the other Member Wells in the Decree. The consumptive use factors will be 60% for flood irrigated acres and 80% for sprinkler irrigated acres. The method for determining future well depletions will be those set out in the Decree at ¶ 17.3.3.2. The Added Wells will be subject to all terms and conditions for operation as for other Member Wells in the Decree. 4.3 Net Stream Depletions. Depletions resulting from the use of groundwater will be lagged back to the South Platte River using the Glover bound alluvial aquifer method and the following parameters. Refer to WDID tables 0106539 and 0106541 in the original application. 4.4

Moore Well No. 5. 4.4.1 Consumptive Use Factors. The terms and conditions for the Added Wells will be the same as for the other Member Wells in the Decree. The consumptive use factors will be 60% for flood irrigated acres and 80% for sprinkler irrigated acres. The method for determining future well depletions will be those set out in the Decree at ¶ 17.3.3.2. The Added Wells will be subject to all terms and conditions for operation as for other Member Wells in the Decree. 4.4.2 Net Stream Depletions. Depletions resulting from the use of groundwater will be lagged back to the South Platte River using the Glover bound alluvial aquifer method and the following parameters. Refer to WDID 0207357 in the original application. 5. Names and Addresses of Owners of Land on Which Structures are Located. 5.1 Deborah L. Klippert, 30916 Weld County Road 388 Kersey, Colorado 80644. 5.2 Little Platte Farm, LLC, 2901 E. Exposition Ave. Denver, Colorado 80209. This application consists of five (5) pages.

**CASE NUMBER 2026CW3081 TOWN OF FIRESTONE**, 9950 Park Ave., Firestone, CO 80504, (303) 833-3291. Bradley C. Grasmick, Wesley S. Knoll, David L. Strait, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, [brad@lcwaterlaw.com](mailto:brad@lcwaterlaw.com); [wes@lcwaterlaw.com](mailto:wes@lcwaterlaw.com); [dstrait@lcwaterlaw.com](mailto:dstrait@lcwaterlaw.com). **APPLICATION FOR CHANGE OF WATER RIGHTS IN BOULDER AND WELD COUNTIES**. 2. **Description of the Application**. The Town of Firestone (“Applicant” or “Firestone”) owns 227 shares in the New Coal Ridge Ditch Company (“Coal Ridge”) represented by share certificate no. 282, hereinafter the “Shares.” The Shares were previously quantified and changed by the City of Louisville in Case No. 80CW451 whereby Louisville changed the point of diversion for the Shares and decreed the shares for storage and municipal use. By this Application, Firestone desires to change the use of the Shares so that the water will be diverted at the Lower Boulder Ditch Headgate and delivered into the Coal Ridge Ditch. Firestone will take delivery of the Shares at headgates located, or to be located along the Coal Ridge Ditch as described in paragraph 4.2 below. From there, water from the Shares will be delivered by Firestone to Central Park Reservoir, Firestone Reservoir No. 1, Firestone Reservoir No. 2, Firestone Reservoir No. 3 for storage or directly to the stream or recharge facilities. The Shares shall be diverted at the Lower Boulder headgate and run down the Lower Boulder Ditch to the Coal Ridge Ditch, except for transit and contract user deductions assessed by Lower Boulder. 3. **Decreed water right for which change is sought:** 3.1. **Name of Structure:** Coal Ridge Ditch 3.2. **Legal description of diversion location:** The Lower Boulder Ditch diverts water through its headgate located on the South bank of Boulder Creek at a point in the SW 1/4 of the SW 1/4 of Section 16, Township 1 North, Range 69 West of the 6th P.M., Boulder County, Colorado, located approximately 1,300 feet North and 600 feet East of the SW corner of said Section 16. 3.3. **Source:** Boulder Creek at the Lower Boulder Ditch headgate. 3.4. **Water Rights owned by the New Coal Ridge Ditch Company.** The New Coal Ridge Ditch Company owns several different water rights, including shares in the Lower Boulder Ditch Company. The water rights owned by the New Coal Ridge Ditch Company are listed as follows: 3.4.1. Lower Boulder Preferred: October 1, 1859 and June 1 (25 cfs), June 1, 1870 (the first 23 cfs of 97 cfs decreed), decreed in Civil Action No. 1282 (New Coal Ridge Ditch Company ownership: 48.67 of 199.9767 Preferred); 3.4.2. Lower Boulder Common: June 1, 1870 1282 (the next 48 cfs of the 97 cfs decreed after the first 48 cfs is delivered to Preferred shares, the last 26 cfs being shared equally between Preferred and Common shares), decreed in Civil Action No. 1282 (New Coal Ridge Ditch Company ownership: 6 of 197.7793 Common shares); 3.4.3. Central Ditch: May 15, 1866, decreed in Civil Action No. 1282 (Coal Ridge owns all 2.667 cfs remaining from original appropriation); 3.4.4. South Ditch: June 1, 1866, decreed in Civil Action No. 1282, (Coal Ridge owns the remaining 1 cfs of the original appropriation); 3.4.5. Enterprise Ditch: February 1, 1865 (34.08 cfs), decreed in Civil Action No. 1282 (New Coal Ridge Ditch Company ownership: 5 of 44 shares or 3.872 cfs); and 3.4.6. Dry Creek Davidson: May 1, 1863 (19.791 cfs), decreed in Civil Action No. 1282 (New Coal Ridge Ditch Company ownership: 5/38ths interest the right or 2.604 cfs). 3.5. **Decreed use:** The Shares were changed for all municipal purposes by the City of Louisville and for irrigation in Case No. 80CW451. The changes included, but were not limited to, alternate points of diversion and storage of the water derived from the Shares. 4. **Proposed change:** 4.1. **Change of Use:** The Shares were previously changed to include municipal use as well as storage for use by the City of Louisville. Firestone intends to continue to use all 227 Shares for municipal uses including storage. Such use includes, but is not limited to

augmentation, irrigation, commercial, industrial, replacement and use as a supplemental supply with the right to totally consume the consumable portion of the Shares whether on first use, successive use or disposition. Such use includes use of the Shares as an augmentation supply in the augmentation plan decreed in Case No. 19CW3236 or any subsequent augmentation plan decreed by Firestone. Firestone may re-use all effluent generated by the delivery and use of this water in its system after treatment at the St. Vrain Sanitation District Wastewater Treatment Plant consistent with the calculations set forth in the decree entered in Case No. 19CW3236.

**4.2. Places of Delivery for Coal Ridge Shares:** Louisville previously changed the Shares to be diverted at alternate points of diversion on Boulder Creek. With this change, the shares will be diverted at the Lower Boulder Ditch headgate with all other water rights decreed and diverted at that location. There, the water will be conveyed in a manner consistent with other NCRDC shares through the Lower Boulder Ditch system and into the Coal Ridge Ditch. Firestone is proposing to take delivery of the 227 NCRDC shares at three turnouts on the Coal Ridge Ditch, and any other location as may be approved in the future by the New Coal Ridge Ditch Company:

4.2.1. A new turnout to be constructed by Firestone, located in the NW 1/4 SW 1/4 or the SW 1/4 NW 1/4 of Section 9, Township 2 North, Range 67 West, of the 6th P.M., in Weld County, Colorado. From this point of diversion, Firestone could deliver the 227 NCRDC shares to Firestone Reservoir No(s). 1 or 2 (decreed in Case No. 19CW3236) or Firestone Reservoir No. 3 (currently pending in Case No. 23CW3009).

4.2.2. A new turnout to be constructed by Firestone, located in the N 1/2 NE 1/4 of Section 20, Township 2 North, Range 67 West, of the 6th P.M., in Weld County, Colorado. From this point of diversion, Firestone could deliver the 227 NCRDC shares to Central Park Reservoir.

4.2.3. The existing turnout into an irrigation lateral that was historically used to deliver NCRDC shares to the Ruge Farm, located in the SW 1/4 NW 1/4 of Section 10, Township 2 North, Range 67 West, of the 6th P.M., in Weld County, Colorado. Firestone acquired NCRDC shares historically used to irrigate the Ruge Farm. Firestone intends to use the historical Ruge Farm lateral to deliver NCRDC shares to the property for recharge.

**4.3. Places of Storage.**

4.3.1. Firestone Reservoir Nos. 1 & 2 and Central Park Reservoir, all as decreed in Case No. 19CW3236.

4.3.2. Firestone Reservoir No. 3, pending in Case No. 23CW3009.

4.3.3. Any other storage facilities which utilizes diversions from the Lower Boulder Ditch or Coal Ridge Ditch, consistent with C.R.S. §37-87-101(3).

**4.4. Diversion Period.** April 15 through October 31.

**5. Headgate Diversions.** Firestone shall divert the Shares at the Lower Boulder Ditch headgate on Boulder Creek, subject to transit and contract user deductions assessed by Lower Boulder and Coal Ridge companies. Transit loss assessed by Coal Ridge on the Shares shall be the same as transit loss assessed to all other Coal Ridge shareholders on a per share percentage basis.

**6. Historical Consumptive Use.** The consumptive use of the Shares was determined to be 319-acre feet of fully consumable water per year in Case No. 80CW451, based upon a total irrigation efficiency of 60% for the Shares.

**7. Ditch Loss:** The Shares will be assessed ditch loss on a proportionate basis, consistent with other shares in the Coal Ridge system.

**8. Return Flows:** Applicant will replace the amounts of the historical return flows to the stream, utilizing a portion of the deliveries from the Shares or such other sources of water that Applicant has available for such purposes.

**9. Names and addresses of owners, if other than Applicant, of land on which structures are located:** New Coal Ridge Ditch Company, 10879 Weld County Road 17, Longmont, CO 80504, New Consolidated Lower Boulder Reservoir and Ditch Company, P.O. Box 119, Longmont, CO 80502. This application consists of six (6) pages.

**CASE NUMBER 2026CW3082 MARICK'S FARM** C/O Coy Marick 28105 County Road 75 Crook, CO, 80726 Telephone: (970) 520-6056 Lawrence Custer Grasmick Jones & Donovan, LLP Attorneys for Applicant, Lower Logan Well Users, Inc., Ryan M. Donovan, #44435 **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART, FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL UNDERGROUND WATER RIGHTS IN LOGAN COUNTY.**

2. Name of Structure. Carwin Well No. 1.

3. Description of Conditional Water Right.

3.1. Date of Original Decree. Case No. 2019CW3184, Water Division No. 1, decree entered May 18, 2020 ("Original Decree").

3.2. Legal Description of Point of Diversion. SE1/4 of the SE1/4, Section 28, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado, at a point 70 North and 1150 feet west of the SE Corner of said Section 28.

3.3. Source of Water. Groundwater tributary to the South

Platte River. 3.4. Appropriation Date. September 27, 2019. 3.5. Amount Claimed. 2.50 cubic feet per second (c.f.s.). 3.6. Use. Irrigation of 45 acres in the SE1/4 of the SE1/4 in Section 28 and NE1/4 of the NE1/4 of Section 33, both in Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. 3.7. Remarks. A water right was decreed for Carwin Well No. 1 in Case No. W-3852, with an appropriation date of December 31, 1942, for irrigation of 12 acres in the SE1/4 of the SE1/4, Section 28, Township 10 North, Range 50 West of the 6th P.M., Logan County, Colorado. Applicant is not abandoning its rights decreed in W-3852 and nothing in this Application seeks to change or modify Applicant's rights as decreed in W-3852. Carwin Well No. 1 is currently permitted under permit number 19046-F, WDID 6405257. Out-of-priority depletions caused by diversions of the Carwin Well No. 1 for irrigation use as decreed in Case No. W-3852 are augmented by Lower Logan Well Users, Inc. ("Lower Logan") pursuant to the plan for augmentation decreed in Case No. 03CW208 ("03CW208 Decree"). The out-of-priority depletions caused by diversions of Carwin Well No. 1 for the uses approved in the Original Decree will also be augmented by Lower Logan pursuant to the terms of the 03CW208 Decree. 4. Outline of What Has Been Done Toward Completion. 4.1. The Diligence period for the conditional rights that are subject of this Application is May 18, 2020, to May 31, 2026. 4.2. During the diligence period, Applicant installed a pivot sprinkler to irrigate the land described in paragraph 3.6 above. In addition, Applicant diverted and beneficially used water pursuant to the water right decreed in the Original Decree. All out-of-priority depletions associated with such use have been replaced pursuant to the Lower Logan plan for augmentation. 5. Claims for Findings of Reasonable Diligence and to Make Absolute Pursuant to C.R.S. § 37-92-304. Applicant seeks a decree approving the amount of water as absolute, as described below. The remaining conditional water right amounts set out in paragraph 3.5 should remain conditional. 5.1. Carwin Well No. 1. 1.78 c.f.s. was diverted on April 13, 2026 and should be made absolute; 0.72 c.f.s. should remain conditional. 6. Name and Address of Owners of Structures. Applicant owns the structures and the land upon which the structures are located. 7. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant has satisfied the statutory standard of steady application of effort to complete the appropriation described above in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the conditional water right, that a portion of the water right should be made absolute as described herein, and that the remaining conditional portion of the water right should continue. This application consists of 4 pages.

**CASE NUMBER 2026CW3083 THE WATER SUPPLY AND STORAGE COMPANY**, P.O. Box 2017, Fort Collins, CO 80522-2017, Attn: Eric Westlind, General Manager, 970-214-4427. Please send all further pleadings to: Brent A. Bartlett 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 AND CLAIM TO MAKE ABSOLUTE IN LARIMER AND WELD COUNTIES**. 2. Application. WSSC owns Curtis Lake, an on-channel, earthen, reservoir originally constructed on or about 1885, located in Sections 16 and 17, Township 8 North, Range 69 West, 6th P.M. together with a conditional storage right, and also owns the conditional water right decreed to Trap Lake II in Case No. 82CW289, District Court, Water Division 1. Trap Lake II is a proposed on-channel reservoir to be located on Trap Creek in the S 1/2 of Section 21, Township 7 North, Range 75 West, 6th P.M. With this Application, WSSC seeks a finding of reasonable diligence for the conditional water storage right and the alternate point of diversion and storage right decreed in Case No. 17CW3194, District Court, Water Division 1, on May 14, 2020 ("Original Decree"), and to make a portion of the Curtis Lake conditional storage right absolute. 3. Description of Conditional Water Storage Right for Curtis Lake. 3.1. Name of Structure: Curtis Lake Reservoir. 3.2. Location. Curtis Lake Reservoir is an existing on-channel reservoir located in the NE 1/4 of Section 17, and the West 1/2 of Section 16, Township 8 North, Range 69 West, 6th P.M., in Larimer County. 3.3. Sources and Points of Diversions: 3.3.1. Cache la Poudre River: The Larimer County Canal, which diverts water from the Cache la Poudre River in the SW 1/4 of the SE 1/4 of the SW 1/4 of Section 13, Township 8 North, Range 70 West, 6th P.M., in Larimer County. 3.3.2. Unnamed tributary of Dry Creek: At the location of the dam of Curtis Lake Reservoir in the NW 1/4 of Section 16, Township 8 North, Range 69 West, 6th P.M., in Larimer County. 3.4. Amount: 1,500 acre-feet,

CONDITIONAL. 3.5. Date of Appropriation. September 13, 2017. 3.6. Use. Irrigation, commercial, industrial and municipal, either directly or by exchange. The right to use, reuse and successively use the water diverted under the water decreed herein for Curtis Lake Reservoir. 4. Description of Alternate Place of Storage and Alternate Point of Diversion for Trap Lake II. 4.1. Name of Structure: Trap Lake II. 4.2. Previous decree: Case No 82CW289, District Court, Water Division No. 1, dated April 19, 1988. 4.3. Originally Decreed Location: Trap Lake II will be located on Trap Creek in the S 1/2 of Section 21, Township 7 North, Range 75 West, 6th P.M. The northerly point of the main embankment will be located at a point from which the NW Corner of Section 27 bears South 66 degrees, 30' East 5457 feet; the northerly point of the NE embankment will be located at a point from whence the NW Corner of Section 27 bears South 42 degrees 18'20" East 3136 feet; and the northerly point beginning of the southeast embankment will be located at a point whence the NW Corner of Section 27 bears South 69 degrees 41'35" East 2363 feet. 4.4. Source: Trap Creek, a tributary to the Cache la Poudre River. 4.5. Appropriation Date and Amount: July 16, 1982 for 3,800 acre-feet. 4.6. Decreed uses: Agricultural, industrial, municipal, recreational and fisheries. Note: the conditional water right for Trap Lake II was previously the subject of changes of use decreed in Consolidated Case Nos. 86CW401, 86CW402, 86CW403 and 87CW332, and Case Nos. 03CW421, 03CW422, 07CW190, and 11CW265. 4.7. Alternate Point of Diversion and Alternate Point of Storage: In the Original Decree, a portion of the conditional water storage right decreed to Trap Lake II, in the amount of 1,500 acre feet, was changed to add an alternate point of diversion at the Larimer County Canal as described in Paragraph 3.3 above and an alternate place of storage in Curtis Lake Reservoir as described in Paragraph 3.2 above. After being diverted into storage at Curtis Lake Reservoir, the Trap Lake II water right will subsequently be used for the originally decreed purposes. 5. Claim for Findings of Reasonable Diligence. Curtis Lake Reservoir is part of Applicant's integrated water supply system, which system is comprised of several different water rights, features and facilities. During the diligence period, Applicant expended approximately \$13,205 annually on operating expenses, and approximately \$1,870,689 on total capital expenses for Curtis Lake Reservoir. Applicant also consistently maintained and improved Curtis Lake Reservoir in a manner that will allow for full storage and diversion of water that is legally and physically available and regularly maintained its ditches and diversion structures and continued to supply water to its stockholders. Applicant also participated in numerous water court proceedings in an effort to protect its water rights and integrated water supply system. 6. Claim for Absolute Amounts. During this diligence period, Applicant diverted 492.1 acre-feet to storage in Curtis Lake Reservoir under the water right described in Paragraph 3 above and put such water to the decreed beneficial uses. 7. Right to Supplement. Applicant reserves the right to supplement this Application with additional information on Applicant's work and expenses related to its continued diligence toward making absolute the conditional rights described herein. 8. Notice Requirement, Section 37-92-302(2)(b). Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Amrize Cement, Inc., c/o CT Corporation System, 7700 E. Arapahoe Rd, Ste 220, Centennial, CO, 80112. WHEREFORE, Applicant respectfully requests a ruling and decree for the following: A. Applicant has made the 492.1 acre-feet of the conditional water rights set forth in Paragraph 3 ABSOLUTE, in accordance with Paragraph 6 above leaving 1007.9 acre-feet CONDITIONAL; B. In the event that for whatever reason the Court concludes that any portion of the foregoing conditional water right has not been made absolute, Applicant has exercised due and reasonable diligence during the six years following entry of the decree in Case No. 17CW3194 towards completion or for completion of the appropriation and application of water therein decreed, and for such other relief as the Court may determine proper; C. Applicant further prays that this Court continue in full force and effect any remaining portion of the water right as CONDITIONAL for an additional six-year period, and for such other relief as the Court may deem proper; and D. Applicant has demonstrated continued intent and progress towards finalizing the remaining portion of the conditional water right and further demonstrated that it has satisfied the requirements of "can and will". (Application consists of 5 pages).

**CASE NUMBER 2026CW3084** (06CW108; 19CW3251) Applicant. **SCHOOL DISTRICT 27J**, 630 South 8th Avenue, Brighton, Colorado 80601, hereinafter “Applicant” or “District.” Wesley S. Knoll, #48747, Lawrence Custer Grasmick Jones & Donovan LLP, 5245 Ronald Reagan Blvd, Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181; Email: [wes@lcwaterlaw.com](mailto:wes@lcwaterlaw.com). **APPLICATION FOR REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN ADAMS COUNTY.** 2. Name of Structure: Prairie View School Well (Permit No. 1-64623-F, WDID 0209872). 3. Conditional Water Right: 3.1. Original Decree and Subsequent Diligence Filings: The original decree for the Applicant which is the subject of this Application was entered in Case No. 06CW108 on December 6, 2013, Water Division No. 1. Diligence decreed in Case No. 19CW3251 on May 19, 2020 making 84.31 gpm absolute and continuing the remainder of the right as conditional. 3.2. Location. In the SE 1/4 of the SW 1/4 of Section 36, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado at a point 1185 feet from the South Section line and 1350 feet from the West Section line. 3.3. Appropriation Date. May 1, 2006. 3.4. Amount Claimed. 1.55 c.f.s, (696 g.p.m.) conditional. 3.5. Source. Groundwater tributary to the South Platte River. 3.6. Use. Irrigation of up to 52.4 acres of fields and landscaping at the Prairie View High School and Middle School. 4. Augmentation Plan. This well is augmented pursuant to the augmentation plan decreed in Case No. 06CW108. 5. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures and amounts diverted and beneficially used to justify absolute decree: The well continued to be used for the irrigation of the Prairie View High School and Middle School during the diligence period. A maximum pumping rate of 159.3 gpm occurred in May 2024. 6. Name and Address of Owner of Structure. Applicant owns the structure and the land upon which the structure is located. 7. Wherefore, Applicant requests the court to enter a decree finding that Applicant has been diligent in the development of the water right, making an additional 74.99 gpm absolute, for a total of 159.3 gpm of the water right absolute as described herein, continuing the remaining conditional portion of the water right (536.7 gpm), and such other and further relief as the court finds just. This application consists of three (3) pages.

**CASE NUMBER 2026CW3085 (09CW106)(19CW3160) APPLICATION TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN PART AND FOR FINDING OF REASONABLE DILIGENCE IN BOULDER AND GILPIN COUNTIES.** 1. **Name, Address, Phone Number, and E-Mail Address of Applicant.** **ELDORA ENTERPRISES LLC**, c/o Andrew Gast, President & General Manager, 2861 Eldora Ski Road, Nederland, Colorado 80466; Phone: 303-440-8700; E-mail: [Andrew@Eldora.com](mailto:Andrew@Eldora.com). Copies of all pleadings to Richard A. Johnson and David F. Bower, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: 303-442-1900; E-mail: [rajohnson@j-rlaw.com](mailto:rajohnson@j-rlaw.com) and [dfbower@j-rlaw.com](mailto:dfbower@j-rlaw.com). 2. **Overview.** Applicant operates Eldora Mountain Resort, which is located primarily in the Middle Boulder Creek basin and partially in the South Boulder Creek basin west of the Town of Nederland. A general location map of the resort and its water rights features is attached hereto as Exhibit A. By this application, Applicant seeks to (i) make absolute 126.33 acre-feet of the conditional fully reusable water right decreed to Peterson Lake in Case No. 09CW106, and (ii) continue the remaining 13.77 acre-feet of the subject right as conditional. 3. **Description of Conditional Water Storage Right.** (a) Name of Structure. Peterson Lake [WDID 0603985]. (b) Original and Subsequent Decrees. The Peterson Lake fully reusable storage right was originally decreed for 32.4 acre-feet, absolute, and 226.6 acre-feet, conditional, in Case No. 09CW106, Water Division 1, dated August 18, 2013. The conditional right was made absolute for an additional 86.5 acre-feet and continued for 140.1 acre-feet in Case No. 19CW3160, Water Division 1, dated May 18, 2020. (c) Legal Description of Reservoir. The dam centerline is located 65 feet north of the south section line and 1,354 feet east of the west section line of Section 21, Township 1 South, Range 73 West of the 6th P.M. (Zone 13, NAD 83, Easting 451300.0, Northing 4421340.0). (d) Amount. 118.9 acre-feet, absolute, and 140.1 acre-feet, conditional, with the right to fill and refill. (e) Source. Peterson Creek, and local inflows, seepage, and springs tributary to Peterson Creek, tributary to Middle Boulder Creek, tributary to Boulder Creek. (f) Uses. In-house potable and commercial uses, snowmaking, domestic, irrigation, stock watering, wildlife,

piscatorial, industrial, recreation, augmentation, replacement, and exchange, with the right to use, recapture, and reuse to extinction. (g) Appropriation Date. June 2, 2009. (h) Remarks. Peterson Lake is a 221 acre-foot natural on-channel lake that also stores 38 acre-feet of water above the natural lake level. In addition to the right decreed in Case No. 09CW106, Peterson Lake was decreed a single-use storage right in Case No. 82CW239 and a 100 acre-foot conditional fully reusable enlargement right in Case No. 23CW3176. **4. Claim to Make Absolute**. In 2023, 245.23 acre-feet of water was stored under the Peterson Lake fully reusable water storage right. Therefore, an additional 126.33 acre-feet of the subject right should be made absolute. A letter report, prepared by Applicant's water rights engineer, BBA Water Consultants, Inc. ("BBA"), demonstrating that Peterson Lake was filled in-priority for the amount claimed, is attached hereto as Exhibit B. **5. Claim for a Finding of Reasonable Diligence**. Applicant also requests a finding of reasonable diligence for the 13.77 acre-feet of the Peterson Lake fully reusable water storage right not made absolute in this matter. The following activities were undertaken during the diligence period toward completion and application of the entire subject Peterson Lake fully reusable water storage to its decreed beneficial uses. (a) Maintenance and Operation of Peterson Lake. Applicant has continued to maintain and operate Peterson Lake to store water under subject right, as well as other water rights decreed to be stored in Peterson Lake. As part of this work, BBA has continued to optimize storage operations in Peterson Lake. In addition, Applicant has operated and maintained pumping, measuring, and recording equipment to divert, release, and account for inflows, outflows, and storage in the reservoir. (b) Peterson Lake Enlargement. Applicant has started planning for an enlargement of Peterson Lake, including by obtaining a decree for an additional 100 acre-foot conditional storage right in the reservoir, as decreed in Case No. 23CW3176, entered on December 19, 2025. (c) General Engineering Costs. Applicant incurred significant expenses for general water resources consulting and engineering services. As part of this work, BBA: (i) accounted for and coordinated the operation of Eldora's plan for augmentation and return flow recapture plan approved in Case Nos. 02CW400 and 08CW305, as well as the diversion and storage of Eldora's other water rights, including the subject fully reusable storage right decreed in Case No. 09CW106; (ii) prepared and submitted Eldora's monthly water rights accounting required to the Division Engineer's Office; (iii) actively assisted Applicant in its acquisition of new water rights for use at the Resort, including providing expert witness services in conjunction with cases in the Division 1 Water Court; and (iv) produced engineering reports to assist Applicant in its long-term water rights planning. (d) Protection of Existing Water Rights. To protect its existing water rights, including the subject storage right, Applicant actively participated in water rights cases filed by other parties and has incurred expenses as a result. **6. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located, Including Any Modification to the Storage Pool**. No new or modified structures are required by this application. WHEREFORE, Applicant respectfully requests that the Water Court enter a decree finding (i) that the Peterson Lake fully reusable water storage right decreed in Case No. 09CW106 has been made absolute for an additional 126.33 acre-feet, bringing the total amount of the right made absolute to 245.23 acre-feet, and (ii) that Applicant has been reasonably diligent in its efforts to make absolute the remaining 13.77 acre-feet conditional Peterson Lake fully reusable water storage right, and to therefore continue the conditional portion of the right for an additional six years or until the right is otherwise disposed of. (5 pages plus exhibits)

**CASE NUMBER 2026CW3086 (19CW3194) DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, P.O. Box 2038, Greeley, CO 80632 (970) 475-2507. CONCERNING THE APPLICATION FOR WATER RIGHTS OF: BRYAN AND MIRANDA RAFFERTY. APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD COUNTY, COLORADO.** 1. Name, Address, Telephone Number, and Email Address of Applicant: Bryan and Miranda Rafferty (the "Applicants"), 18803 County Road 5, Berthoud, CO 80513, Telephone: (720) 987-6418, Email: [raffertyranchllc@gmail.com](mailto:raffertyranchllc@gmail.com) Direct All Pleadings to: Bushong & Holleman PC, Attn: Steven J. Bushong, Lesley Lawrence-Hammer, and Cassidy L. Woodard, 1966 13th Street, Suite 270, Boulder, CO 80302, [sbushong@BH-lawyers.com](mailto:sbushong@BH-lawyers.com); [lhammer@BH-Lawyers.com](mailto:lhammer@BH-Lawyers.com); [cwoodard@BH-lawyers.com](mailto:cwoodard@BH-lawyers.com) 2. Names of Structures and Diversion Facilities: 2.1. Rafferty Pond 1; 2.2.

Rafferty Pond 2; 2.3. Rafferty Diversion 1; and 2.4. Rafferty Diversion 2. Collectively, Rafferty Pond 1 and Rafferty Pond 2 will be referred to herein as the “Structures” and Rafferty Diversion 1 and Rafferty Diversion 2 will be referred to herein as the “Diversion Facilities.” 3. Descriptions of Conditional Water Rights: 3.1. Prior decrees: The Structures and Diversion Facilities were originally decreed in the District Court in and for Water Division No. 1, State of Colorado (“Water Court”), in Case No. 19CW3194 on May 18, 2020, 3.2. Legal Descriptions of the Structures: 3.2.1. Rafferty Pond 1: an off-channel reservoir including a non-jurisdictional dam with centerline located at UTM coordinates 498,338 meters Easting, 4,458,236 meters Northing, UTM Zone 13 North, North American Datum 1983, 3.2.2. Rafferty Pond 2: an off-channel reservoir including a non-jurisdictional dam with centerline located at UTM coordinates 498,316 meters Easting, 4,458,323 meters Northing, UTM Zone 13 North, North American Datum 1983, 3.2.3. Remarks: The Structures are depicted on the map attached hereto as **Exhibit A**. Waste, runoff, seepage water, and spring water will be diverted in priority at the Diversion Facilities, described below in Paragraph 3.3, and stored in Rafferty Pond 1 before being released via outlet gate and delivered by gravity to Rafferty Pond 2. Water will also enter the Structures from surface runoff from adjacent land. No groundwater will be intercepted by the Structures. The Structures will be equipped with an outlet gate capable of releasing all out-of-priority inflows, 3.3. Descriptions of the Diversion Facilities: 3.3.1. Rafferty Diversion 1: (498,495 meters E, 4,458,100 meters N), Maximum Rate: 1 cfs. Rafferty Diversion 1 is a point on the Rafferty Parcel in a natural drainage that carries waste, runoff, seepage water, and water arising in springs located in the NW1/4 of Section 33, Township 4 North, Range 68 West of the 6th P.M. in Weld County., 3.3.2. Rafferty Diversion 2: (498,432 meters E, 4,458,080 meters N), Maximum Rate 1 cfs. Rafferty Diversion 2 is a point on the Rafferty Parcel in a natural drainage that carries waste, runoff, seepage water, and water arising in springs located in the SW1/4 of Section 33, Township 4 North, Range 68 West of the 6th P.M. in Weld County., 3.3.3. Remarks: The Diversion Facilities are depicted on the map attached hereto as **Exhibit A**, 3.4. Sources: Weld County Land Investors Spring Nos. 2, 3, 4, and 5, all tributary to the Little Thompson River and which drain to the Diversion Facilities specified above; waste, seepage, runoff, and all in-priority surface waters collecting at the Diversion Facilities specified above, 3.5. Appropriation Date: October 8, 2019, 3.6. Amounts: 3.6.1. Rafferty Pond 1: 30 acre-feet, conditional. Surface area at high water line: 3.5 acres. Vertical height of dam 9 feet. Length of dam: approximately 310 feet. 0 acre-feet dead storage, 3.6.2. Rafferty Pond 2: 20 acre-feet, conditional. Surface area at high water line: 3 acres. Vertical height of dam: 9 feet. Length of dam: approximately 480 feet. 0 acre-feet dead storage, 3.6.3. Applicant may exercise the water rights decreed to the Structures to fill and refill the Structures to a maximum aggregate amount of 100 acre-feet per year, 3.7. Uses: stock watering, agricultural irrigation, wildlife habitat, maintenance of fish habitat, and storage for all purposes described herein. Area to be irrigated includes the entire parcel labeled “Bryan Rafferty Farm” in **Exhibit A**, attached, less roads, buildings, and reservoirs for an approximate irrigable acreage of 75 acres. 4. Request for Findings of Reasonable Diligence: Applicants request findings that they have exercised reasonable diligence in the development of the conditional water storage rights decreed to the Structures and the Diversion Facilities as described in Paragraph 3 above in their full decreed amounts and for all decreed uses and that said conditional amounts and uses continue in full force and effect. 5. Diligence Activities: The Structures and the Diversion Facilities together are part of an integrated water supply system. As such, “[w]hen a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). During the diligence period, Applicants have performed the following activities that demonstrate they have exercised reasonable diligence in the development of the conditional water rights decreed to the Structures and Diversion Facilities: 5.1. During the diligence period, Applicants started construction on the Structures by excavating more than 50,000 cubic yards of material from the area that is to become Rafferty Pond 1. Additionally, Applicants constructed the dam for Rafferty Pond 1 and installed a 30-inch reinforced concrete inlet pipe to direct water from the Diversion Facilities. Water is routinely removed from the storage area to allow excavation work to continue. Attached as **Exhibit B** are photographs showing progress made on the construction of Rafferty Pond 1. Upon its completion, Applicants intend to commence construction of Rafferty Pond 2,

5.2. Applicants own an excavation company and are completing all construction on the Structures and Diversion Facilities themselves. In the course of business for the excavation company, and in the process of constructing the Structures and Diversion Facilities, Applicants have acquired approximately \$1 million in heavy equipment and machines. Examples of such heavy equipment and machines include, but are not limited to, excavators (including a 60-foot-long reach excavator, as photographed in **Exhibit B**), dump trucks and trailers to remove material from the construction site, bulldozers, skid steers, a scraper, and a compactor. The heavy equipment and machines are being used for construction of the Structures and Diversion Facilities and were essential purchases for Applicants' ability to complete the construction, 5.3. Additionally, Applicants have purchased approximately \$87,800 in water-related infrastructure to be used directly in connection with construction of the Structures and Diversion Facilities. Examples of such infrastructure include the following: two 12-inch by 15-inch Parshall flumes to be installed on the Diversion Facilities; two custom designed 12-inch headgates for the Diversion Facilities; a containerized generator, propane tank, and water pump to remove water from the excavation area; culverts to be placed upon the property; and various sets of pipes to direct the flow of water, 5.4. Applicants also stay in regular contact with the Water Commissioner. 6. Land ownership: Applicants. WHEREFORE, Applicants respectfully request that the Court enter an order (1) granting Applicants' request for findings of reasonable diligence for the conditional water storage rights decreed to the Structures and the Diversion Facilities as described in Paragraph 3 above including all beneficial uses decreed thereto and continuing said conditional rights in full force and effect; and (2) granting such other and further relief as deemed appropriate.

(6 pages + Exhibits)

**CASE NUMBER 2026CW3087 HAVEN EDUCATION – APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER AND PLAN FOR AUGMENTATION IN EL PASO COUNTY.** Order granting motion to request no publication order by Division 1 entered June 1, 2026. Application filed in Water Division 2 Case number 2026CW3029 and Water Division 2 to publish.

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 **JULY 2026** (forms available on [www.coloradojudicial.gov](http://www.coloradojudicial.gov) 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.