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DISTRICT COURT, WATER DIVISION 1, COLORADO

JUNE 2026 WATER RESUME PUBLICATION

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

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

CASE NUMBER 2026CW4 LAURIE ASSEMAN, et al - APPLICATION FOR DETERMINATION OF UNDERGROUND WATER RIGHTS/JUDICIAL CORRECTION OF ADMINISTRATION IN THE DENVER BASIN AQUIFER IN ADAMS, ARAPAHOE, BOULDER, BROOMFIELD, DENVER, DOUGLAS, ELBERT, EL PASO, JEFFERSON, LARIMER, LINCOLN, MORGAN, TELLER, AND WELD COUNTIES. Applicants seek judicial correction of misadministration of the Denver Basin Aquifer system. Case assigned to Water Judicial Officer docket. Manner of notice pending.

CASE NUMBER 2026CW5 DALE ARNOLD – APPLICATION FOR CONDITIONAL WATER STORAGE RIGHT IN ADAMS COUNTY. Publication of application to be determined.

CASE NUMBER 2026CW6 JEFFERY S. NELSON AND LORI A. NELSON, TRUSTEES OF THE NELSON LIVING TRUST DATED JANUARY 21, 2011, 401 S. 22nd Avenue, Brighton, CO 80601. 303-507-6897. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Date of original decree: 06-24-20 in case 20CW2, WD1. Nelson Well (to be drilled) located SW1/4, NW1/4, S13, T9S, R74W of the 6th PM at a point approximately 2200 ft. from N and 600 ft. from W. AKA Lot 53, Filing 1; Lost Park Ranches Subdivision, 111 Spade Place. Source: Groundwater. Appropriation date: 06-30-77. Amount: 15 gpm Conditional. Use: Household use only in a single family dwelling including irrigation of not more than 2000 sf of home lawns and gardens. The Return flow from such uses shall be returned to the same stream system in which the well is located.

CASE NUMBER 2026CW7 HECTOR AND VANESSA REYNOSO, 14001 Cavanaugh Road, Hudson, CO 80642. 469-939-3791. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ADAMS COUNTY.** Subject Property: Parcel of land consists of 41.066 acres, more or less, located in S21, T1S, R64W of the 6th PM in Adams County. Permitted Well: Well Permit Number 201357 located NE 1/4, SE 1/4, S21, T1S, R64W of the 6th PM in Adams County also known as 14001 Cavanaugh Road, Hudson, CO 80642. Source: Upper Arapahoe. Depth: 410 ft. Date of appropriation: 05-01-97. Date water applied to beneficial use: 05-01-97. Claimed pumping rate: 30 gpm. Amount claimed in acre-feet annually: 1 af. Use: up to 3 single-family dwellings, irrigation of lawns and gardens. Additional well permits will be applied for up to 3 proposed wells to serve an up to 16-unit tiny home village. Water withdrawn from the wells will be used for domestic purposes inside each of the homes to be constructed on the subject property, including ordinary household use, irrigation and fire protection. Water will also be used for commercial purposes associated with the operation of the housing units. Wastewater will be treated through on-site septic systems and electrical needs for the homes will be

supplemented by solar power generation. All uses will occur on subject property. Applicants seek to adjudicate the Denver Basin ground water underlying the subject property in all the available aquifers. Applicants seek to adjudicate the existing well located on the property.

CASE NUMBER 2026CW3088 NORTH RANCH, LLC, c/o Robert L. Myers, 944 Cheyenne Blvd., Colorado Springs, CO 80905; Please direct all correspondence concerning the application to: Ryan W. Farr, Sedona E. Chavez, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921; Telephone Number: (719) 471-1212; Email: rwf@cowaterlaw.com; sec@cowaterlaw.com. **APPLICATION FOR AMENDMENT OF PLAN FOR AUGMENTATION IN EL PASO COUNTY.** Applicant seeks to amend the plan for augmentation decreed in Case No. 94CW198, District Court, Water Division 1 (“Original Augmentation Plan”), only as it concerns what was defined therein as the “Herbertson Parcel”, which is now owned by Applicant, as further described below (“Applicant’s Property” or “Herbertson Parcel”). The Original Augmentation Plan for the Herbertson Parcel allowed for the use of up to five individual Dawson aquifer wells on five individual lots, to provide up to 3 acre-feet of water per year, per lot for 100 years (up to 15 acre-feet of water per year) on the Herbertson Parcel. The Original Augmentation Plan found during-pumping replacement from the septic system return flows sufficient to meet during-pumping replacement obligations and reserved water in the nontributary Arapahoe and Laramie-Fox Hills aquifers to meet post-pumping replacement obligations. In 2007 one well was constructed pursuant to the Original Augmentation Plan, well permit no. 65108-F (“North Ranch Well No. 1”). This is the only well that has been constructed pursuant to the Original Augmentation Plan. Applicant seeks to amend the Original Augmentation Plan for the Herbertson Parcel to subdivide said property into 15 lots. Such amendment would allow for the construction of up to 13 new Dawson aquifer wells to serve 13 of the 15 lots within the subdivision. The North Ranch Well No. 1 would continue to serve one of the remaining lots and would be re-permitted according to the amended augmentation plan requested herein. The remaining lot would continue to be served by an existing exempt well, permit no. 49840-A. The amended augmentation plan would utilize return flows from the Dawson aquifer wells to meet during-pumping replacement obligations and would re-reserve the entirety of the Laramie-Fox Hills aquifer groundwater and a portion of the Arapahoe aquifer groundwater to provide for post-pumping replacement for when the augmented Dawson aquifer wells cease pumping. Property Description. Applicant owns an approximately 47.55-acre property that is depicted on the attached **Exhibit A** map, located in the SE1/4 SW1/4 of Section 15 and the E1/2 NW1/4 of Section 22, Township 11 South, Range 66 West of the 6th P.M., El Paso County, Colorado, specifically described in attached **Exhibit B**. Also known as 17675 State Highway 83, Colorado Springs, CO 80908, to which the El Paso County assessor has assigned Parcel ID No. 6100000369 (“Applicant’s Property”). Structures to be Augmented. The structures to be augmented are 14 Dawson aquifer wells, North Ranch Well Nos. 1-14, along with any replacement or additional wells as needed that are constructed to the Dawson aquifer underlying the Applicant’s Property. North Ranch Well No. 1 was constructed in 2007 and is currently operating under the Original Augmentation Plan. Upon approval of an amended plan for augmentation requested herein, Applicant will re-permit North Ranch Well No. 1 according to the amended plan. North Ranch Well Nos. 2-14 will be constructed to the Dawson aquifer to serve 13 lots within a proposed subdivision on the Applicant’s Property. Water Source. A prior Denver Basin groundwater adjudication was prosecuted along with the Original Augmentation Plan and a decree was issued that included a quantification of all Denver Basin groundwater underlying the Applicant’s Property in Case No. 94CW198, District Court, Water Division 1 (“94CW198 Decree”). The 94CW198 Decree adjudicated the following underlying Denver Basin groundwater amounts underlying the Applicant’s Property (as identified in the 94CW198 Decree as the “Herbertson Parcel”):

Aquifer	Saturated Thickness (ft)	Total Appropriation (Acre-feet)	Annual Avg. Withdrawal 100 Years (Acre-feet)
Dawson (NNT)	442	3,960	39.6
Denver (NNT)	560	4,590	45.9

Arapahoe (NT)	248	2,030	20.3
Laramie-Fox Hills (NT)	202	1,460	14.6

¹ The total amount available was reduced by 3 acre-feet annually for protection of an existing exempt well, identified by well permit number 49840-A.

North Ranch Well No. 1 has presumably been operating under the Original Plan for Augmentation since 2007 when it was constructed, or approximately 19 years. Since that time, North Ranch Well No. 1 has diverted approximately 57 acre-feet of Dawson aquifer groundwater. As such, the approximate remaining amount of Dawson aquifer groundwater available is 3,903 acre-feet total. The approximate 300-year annual average water supply from each of the not-nontributary aquifers is as follows:

Aquifer	Annual Avg. Withdrawal 300 Years (Acre-feet)
Dawson (NNT)	13.01
Denver (NNT)	15.3

Water Rights to be Used for Augmentation. The water rights to be used for augmentation during-pumping are the return flows resulting from the pumping of the not-nontributary Dawson wells, together with water rights from the nontributary Arapahoe and Laramie-Fox Hills aquifers for any injurious post pumping depletions. Statement of Plan for Augmentation. Applicant wishes to provide for the augmentation of stream depletions caused by pumping of the not-nontributary Dawson aquifer. Uses. Pumping from the Dawson aquifer will be a maximum of 10.71 acre-feet of water per year combined for North Ranch Well Nos. 1-14, with each lot pumping a maximum of 0.765 acre-feet per year. Such uses shall be for municipal, domestic, industrial, commercial, irrigation, stock watering, recreational, fish and wildlife, and any other beneficial purpose, both on and off the Applicant's Property, by immediate application or for storage and subsequent application, and for replacement of depletions resulting from use of water from other sources, and for augmentation purposes, as established in the 94CW198 Decree. Depletions. Pursuant to C.R.S. § 37-90-137(9)(c.5), withdrawals from the Dawson aquifer require replacement of actual stream depletions. As such, pumping from the Dawson aquifer will require the replacement of 23.29% of the water withdrawn annually, or 2.49 acre-feet. Should annual pumping be less than the 10.71 acre-feet total described herein, resulting depletions and required replacements will be correspondingly reduced. Augmentation of Depletions During Pumping. Depletions during pumping will be effectively replaced by residential return flows from non-evaporative septic systems. The annual consumptive use for non-evaporative septic systems is 10% per year per residence. At a conservative household use rate of 0.20 acre-feet per residence per year from 14 residences, 2.52 acre-feet is replaced to the stream system per year with the use of a non-evaporative septic systems. Thus, during pumping, stream depletions (2.49 acre-feet) will be adequately augmented. Augmentation for Post-Pumping Depletions. For the replacement of post-pumping depletions which may be associated with the use of the North Ranch Well Nos. 1-14 and to account for post-pumping depletions associated with use of the North Ranch Well No. 1 since 2007 as may be required, Applicant will reserve the entirety of the Laramie-Fox Hills aquifer (1,460 acre-feet) and 1,810 acre-feet of the Arapahoe aquifer underlying the Applicant's Property. The amount of nontributary Arapahoe and Laramie-Fox Hills aquifer groundwater reserved may be reduced as may be determined through this Court's retained jurisdiction as described in any decree. If the Court, by order, reduces the Applicant's obligation to account for and replace such post-pumping depletions for any reason, it may also reduce the amount of Arapahoe and Laramie-Fox Hills aquifer groundwater reserved for such purposes, as described herein. Applicant also reserves the right to substitute other legally available augmentation sources for such post-pumping depletions upon further approval of the Court under its retained jurisdiction. Even though this reservation is made, under the Court's retained jurisdiction, Applicant reserves the right in the future to prove that post-pumping depletions will be noninjurious. Pursuant to C.R.S. § 37-90-137(9)(b), no more than 98% of water withdrawn annually from a nontributary aquifer shall be consumed. This

Application was filed in both Water Divisions 1 and 2 because depletions from the pumping of the Dawson aquifer may occur in both the South Platte and Arkansas River systems. The return flows set forth herein will accrue to tributaries of the South Platte River system, where the majority of such depletions will occur, and it is Applicant's intent to consolidate the instant matter in Water Division 1 upon completion of publication. Applicant requests that the total amount of depletions to both the South Platte River and the Arkansas River systems be replaced to the South Platte River as set forth herein, and for a finding that those replacements are sufficient. Applicant requests a finding that it has complied with C.R.S. § 37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by the requested non-tributary wells upon the entry of a decree approving an amended plan for augmentation pursuant to C.R.S. § 37-90-137(9)(c.5). The term of this augmentation plan is for 300 years, however the length of the plan for a particular well may be extended beyond such time provided the total plan pumping allocated thereto is not exceeded. Post pumping stream depletions accrue to a particular well or wells only to the extent related to that well's actual pumping. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of groundwater withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. Applicant requests a finding that vested water rights of others will not be materially injured by the withdrawals of groundwater and the proposed amended plan for augmentation. All wells shall be installed and metered as reasonably required by the State and Division Engineer. The wells will be equipped with totalizing flow meters and Applicant, or its successors and assigns, shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer. Applicant, or its successors and assigns, shall also provide accountings to the Division Engineer and Water Commissioner as required by them to demonstrate compliance under this amended plan for augmentation. Applicant will comply with any landowner and lienholder notice provisions set forth in C.R.S. §§ 37-92-302(2)(b) and 37-90-137(4)(b.5)(I), and such notice will be sent within 14 days of the filing of this application. 5 Pages.

CASE NUMBER 2026CW3089 ROBERSON LIVING TRUST, c/o Tamara Roberson-George, Rex Roberson, Kevin Roberson, Co-Trustees, 18235 Black Forest Road, Colorado Springs, CO 80908; Please direct all correspondence concerning this application to: David M. Shohet, and Sedona E. Chavez, Monson, Cummins, Shohet & Farr, LLC, 13511 Northgate Estates Drive, Suite 250, Colorado Springs, CO 80921; Telephone Number: (719) 471-1212; Email: dms@cowaterlaw.com; sec@cowaterlaw.com. **APPLICATION FOR ADJUDICATION OF DENVER BASIN GROUNDWATER IN EL PASO COUNTY.** Applicant owns two parcels of land totaling 320 acres and is seeking to quantify the Denver Basin groundwater underlying the property. Property Description. Applicant's property lies in the E1/2 SW1/4 of Section 8 and the E1/2 NW1/4 and NE1/4 of Section 17, all in Township 11 South, Range 65 West of the 6th P.M., El Paso County, Colorado ("Applicant's Property"), as approximately shown in the attached **Exhibit A** map, and as more specifically described as follows: THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 8, THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 17, ALL IN TOWNSHIP 11 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNIY OF EL PASO, STATE OF COLORADO. a.k.a.: 18235 Black Forest Road, Colorado Springs, CO 80908. The El Paso County Assessor has assigned parcel ID nos. 5100000528 ("Parcel 1") and 5100000529 ("Parcel 2") to the two parcels making up Applicant's Property. Existing Wells. There is one existing, historic well on Parcel 2 of Applicant's Property, which is not permitted with the Division of Water Resources ("Existing Well"). The Existing Well was constructed in approximately the 1920s to the Dawson aquifer and is approximately 80 feet in depth. The Existing Well has been historically used for exempt purposes, including domestic uses, stock watering, and lawn and garden irrigation. Not-Nontributary. The groundwater to be withdrawn from the Dawson aquifer underlying Applicant's Property is not-nontributary. Pursuant to C.R.S. § 37-90-137(9)(c.5), the augmentation requirements for wells in the Dawson aquifer require the replacement of actual stream depletions. Nontributary. The groundwater to be withdrawn from the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying Applicant's Property is nontributary. Estimated Rates of Withdrawal. Pumping from the wells on Applicant's Property will vary according to aquifer conditions and

well production capabilities. Applicant requests the right to withdraw groundwater at rates of flow necessary to withdraw the entire decreed amounts.

Estimated Average Annual Amounts of Groundwater Available. Applicant requests a vested right for the withdrawal of all legally available groundwater in the Denver Basin aquifers underlying the Applicant’s Property. Said amounts may be withdrawn over a 100-year life of the aquifers, as required under C.R.S. § 37-90-137(4), or longer. Applicant estimates that the following values and average annual amounts are representative of the Denver Basin aquifers underlying the Applicant’s Property:

AQUIFER	NET SAND (Feet)	Total Appropriation (Acre-Feet)	Annual Avg. Withdrawal 100 Years (Acre-Feet)
Dawson (NNT)	478	30,127 ¹	301.27
Denver (NT)	460	24,936	249.36
Arapahoe (NT)	260	14,228	142.28
Laramie-Fox Hills (NT)	195	9,379	93.79

¹ Applicant may reserve 300 acre-feet of Dawson aquifer water to be utilized by an existing well, reducing the total amount available in the Dawson aquifer to the amount estimated above.

Decreed amounts may vary based upon the State’s Determination of Facts. Pursuant to C.R.S. § 37-92-305(11), the Applicant further requests that the Court retain jurisdiction to finally determine the amount of water available for appropriation and withdrawal from each aquifer. Requested Uses. Applicant requests the right to use the groundwater for beneficial uses upon the Applicant’s Property consisting of full domestic, indoor and outdoor irrigation, watering of stock and domestic animals, agricultural, commercial, fire protection, recreation, fish and wildlife, aesthetic, and also for storage and augmentation purposes associated with such uses. The Applicant also requests that the nontributary water may be used, reused, and successively used to extinction, both on and off the Applicant’s Property subject, however, to the requirement of C.R.S. § 37-90-137(9)(b), that no more than 98% of the amount withdrawn annually shall be consumed. Applicant may use such water by immediate application or by storage and subsequent application to the beneficial uses and purposes stated herein. Provided, however, Applicant shall only be entitled to use water from the not-nontributary Dawson aquifer pursuant to a decreed augmentation plan entered by this Court, covering the out-of-priority stream depletions caused by the use of such not-nontributary aquifer in accordance with C.R.S. § 37-90-137(9)(c.5) or pursuant to an exempt well permit. Well Fields. Applicant requests that it be permitted to produce the full legal entitlement from the Denver Basin aquifers underlying the Applicant’s Property through any combination of wells. Applicant requests that these wells be treated as a well field. Averaging of Withdrawals. Applicant requests that it be entitled to withdraw an amount of groundwater in excess of the average annual amount decreed to the aquifers beneath the Applicant’s Property, so long as the sum total withdrawals from all the wells in the aquifers do not exceed the product of the number of years since the date of issuance of the original well permit or the date of entry of a decree herein, whichever comes first, multiplied by the average annual volume of water which the Applicant is entitled to withdraw from the aquifers underlying Applicant’s Property. Owner of Land Upon Which Wells are to Be Located. The land and underlying groundwater upon which the wells will be located is owned by the Applicant. Applicant requests a finding that it has complied with C.R.S. § 37-90-137(4), and that the groundwater requested herein is legally available for withdrawal by not-nontributary wells, upon the entry of a decree approving a plan for augmentation pursuant to C.R.S. § 37-

90-137(9)(c.5), and nontributary wells. The Court will retain jurisdiction over this matter to provide for the adjustment of the annual amount of groundwater withdrawals to be allowed in order to conform to actual local aquifer characteristics from adequate information obtained from well drilling or test holes. Any wells constructed pursuant to a decree herein as may be authorized by future decree for a plan for augmentation shall be installed and metered as reasonably required by the State Engineer. Each well must be equipped with a totalizing flow meter and Applicant shall submit diversion records to the Division Engineer on an annual basis or as otherwise requested by the Division Engineer.

The Applicant waives the 600-foot well spacing requirement, pursuant to C.R.S. § 37-90-137(2)(b), for any wells to be located on Applicant's Property in relation to one another. This waiver does not apply to wells not located on Applicant's Property and/or not owned by the Applicant. Applicant owns the Applicant's Property free and clear of any liens, rendering the notice provisions set forth in C.R.S. §§ 37-92-302(2)(b) and 37-90-137(4)(b.5)(I) inapplicable to these proceedings. 6 Pages.

CASE NUMER 2026CW3090 APPLICATION FOR DETERMINATION OF UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN DOUGLAS COUNTY. 1. Name, Mailing Address, and E-Mail Address of Applicant. **THE PATRICK SHAWN BRODBENT AND CLAUDETTE LOUISE ST. PIERRE REVOCABLE LIVING TRUST DATED AUGUST 1, 2020**, c/o Patrick Shawn Brodbent and Claudette Louise St. Pierre, Trustees, 11539 E. Grant Road, Franktown, Colorado 80116; E-mail: patiscycling@gmail.com. Copies of all pleadings to: David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303) 442-1900; Fax: (303) 442-0191; E-mail: dfbower@j-rlaw.com and ccfrazier@j-rlaw.com. 2. Parcel Description Information. The parcel that is the subject of this application is approximately 5 acres of land located in the SW1/4 SE1/4 of Section 33, Township 7 South, Range 65 West of the 6th P.M., legally described as Lot 1, Grant Subdivision, County of Douglas, State of Colorado (the "Property"). The street address is 11539 E. Grant Road, Franktown, Colorado 80116. A map of the Property is attached to the application as **Exhibit A**. 3. Parcel Ownership Information. Title to the Property is vested in Applicant by Quit Claim Deed dated August 1, 2020, and recorded in the Douglas County real property records at Reception No. 2020072303, a copy of which is attached to the application as **Exhibit B**. 4. Certification of Notice to Interested Parties. Applicant owns the Property free and clear of all liens and encumbrances, and no other person or entity has a financial interest in the Property. Accordingly, Applicant certifies compliance with the notice requirements of C.R.S. § 37-92-302(2). 5. Source of Water. The tributary status of the Denver Basin groundwater underlying the Property, subject to confirmation from the State Engineer's Office, is as follows: a. Not Nontributary Water. The groundwater in the Upper Dawson aquifer underlying the Property is not nontributary ("NNT") groundwater as defined by C.R.S. § 37-90-103(10.7). Applicant shall not withdraw any NNT groundwater adjudicated pursuant to this application unless and until a plan for augmentation is approved permitting such withdrawal, subject to the applicable replacement requirements of C.R.S. § 37-90-137(9). This limitation does not apply to existing exempt Well Permit No. 144016, which shall continue to operate pursuant to its permit as described in paragraph 9 below. b. Nontributary Water. The groundwater in the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying the Property is nontributary ("NT") groundwater as defined by C.R.S. § 37-90-103(10.5). Applicant shall relinquish to the stream system two percent (2%) of all NT groundwater withdrawn on an annual basis, or otherwise demonstrate to the State Engineer that not more than ninety-eight percent (98%) of such NT groundwater withdrawn shall be consumed, pursuant to Rule 8 of the Denver Basin Rules, 2 CCR 402-6, as those rules may be amended from time to time. 6. Amounts and Rates. Applicant requests the right to withdraw all of the legally available Denver Basin groundwater underlying the Property, at rates necessary to withdraw the entire amount permitted under any decree granted pursuant to this application. No reduction to the amounts claimed is required for existing Well Permit No. 144016, which is an exempt well under C.R.S. § 37-92-602(1) whose cylinder of appropriation is zero pursuant to Rule 8.C.5 of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7 (the "Statewide Rules"). Applicant will withdraw the groundwater in all the adjudicated aquifers through a well or wells to be located anywhere on the Property. Said amounts may be (a) withdrawn over the 100-year life

of the aquifers as set forth in C.R.S. § 37-90-137(4); (b) withdrawn over a longer period based upon actual withdrawal or local government regulations; or (c) withdrawn subject to the banking provisions of Rule 8.A of the Statewide Rules. 7. Estimated Amounts Available. The estimated average annual amounts of withdrawal set forth below are based upon the Denver Basin Rules, 2 CCR 402-6, and DWR's Bedrock Aquifer Evaluation Tool (Receipt No. 0010980). Applicant requests the right to revise these estimates upward or downward without the necessity of amendment to or republication of this application, in any final decree. Applicant estimates that the following values and average annual amounts are representative of the aquifers underlying the Property:

<i>Aquifer</i>	<i>Overlying Land (acres)</i>	<i>Saturated Sand Thickness (feet)</i>	<i>Type</i>	<i>Annual Withdrawal (af/yr)</i>
Upper Dawson	5	140.5	NNT	1.41
Lower Dawson	5	71.8	NT	0.72
Denver	5	185.1	NT	1.57
Arapahoe	5	254.1	NT	2.16
Laramie-Fox Hills	5	202.4	NT	1.52
Total Not Nontributary (NNT) Claimed:				1.41
Total Nontributary (NT) Claimed:				5.97
Total Claimed:				7.38

8. Proposed Uses. Water withdrawn pursuant to this application may be used, reused, and successively used to extinction, both on and off the Property, for all beneficial uses, including without limitation domestic, municipal, industrial, commercial, irrigation, livestock watering, fire protection, recreational, fish and wildlife, augmentation, replacement, and exchange. The water may be immediately used or stored for subsequent use, used for direct replacement of depletions and for other augmentation and exchange purposes, including taking credit for all return flows resulting from the use of such water. The water may be leased, sold, or otherwise disposed of for any of the above uses. 9. Well Permit Information. The only Denver Basin well located on the Property is permitted under Well Permit No. 144016. This well is completed in the Upper Dawson aquifer and permitted for domestic and livestock use in the annual amount of one (1) acre-foot. The well is located in the SW1/4 SE1/4 of Section 33, Township 7 South, Range 65 West of the 6th P.M., at approximately 315 feet from the south section line and 2,469 feet from the east section line. Well Permit No. 144016 is an exempt well under C.R.S. § 37-92-602(1). Pursuant to Rule 8.C.5 of the Statewide Rules, the cylinder of appropriation of an exempt well is zero, and the overlying land claimed in this application therefore is not reduced on account of that well. Applicant accordingly claims all the NNT Upper Dawson groundwater underlying the Property, and the existing well shall continue to operate pursuant to its permit. Well permits necessary for withdrawing the NNT and NT groundwater adjudicated pursuant to this application will be obtained prior to drilling each such well. 10. Remarks. Applicant waives any 600-foot well spacing rules described in C.R.S. § 37-90-137(2) as between all wells located on the Property. Applicant reserves the right to withdraw the groundwater decreed to the Property through a single well or any combination of wells located anywhere on the Property pursuant to C.R.S. § 37-90-137(4) and Rule 14 of the Statewide Nontributary Ground Water Rules. **WHEREFORE**, Applicant respectfully requests that the Water Court enter a decree granting the underground water rights in the not nontributary and nontributary Denver Basin aquifers underlying the Property as requested herein. (4 pages plus exhibits)

CASE NUMBER 2026CW3091 CITY OF LONGMONT, Water & Waste Dept, Water Resources Div, 375 Airport Rd, Longmont, CO 80503. David S Hayes, John D Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR FINDING OF**

REASONABLE DILIGENCE IN BOULDER COUNTY. Name of conditional water right: Boulder County Fairgrounds Reservoir. Description of conditional water right: Decrees. The original decree for the Boulder County Fairgrounds Reservoir was entered by the District Court, Water Division No. 1 in Case No. 86CW399 on February 10, 1989. Findings of reasonable diligence were subsequently made in Case Nos. 94CW241 (decree entered November 25, 1998); 04CW290 (decree entered August 24, 2005); Case No. 11CW183 (decree entered January 9, 2014) in which a portion of the water right was made absolute; and 20CW3002 (decree entered June 17, 2020. Location. The Boulder County Fairgrounds Reservoir is located in the SW1/4 SW1/4 of Section 4, Township 2 North, Range 69 West, 6th P.M., Boulder County, as depicted on the map attached hereto as Exhibit A. The outlet is located on the north dike, 960 feet North of the South line and 960 feet East of the West line, Section 4. Source. St. Vrain Creek, via the Beckwith Ditch and Boulder County Fairgrounds Reservoir Inlet Ditch. Appropriation Date. October 15, 1986. Amount. 54 acre-feet, of which 14.33 acre-feet remains conditional, and 39.67 acre-feet was previously made absolute. Use. Recreational, including boating, fishing and fish propagation; agricultural, including irrigation of approximately 120 acres in the SW1/4 SW1/4 of Section 4, Township 2 North, Range 69 West, 6th P.M., Boulder County. Detailed outline of work done to complete project and apply water to beneficial use: The Boulder County Fairgrounds Reservoir water right is a component of the Resilient Saint Vrain Project (“RSVP”), which was initiated in the aftermath of the September 2013 flood event to protect City infrastructure, improve the flood conveyance capacity and the overall resiliency of the St. Vrain Creek, and restore the St. Vrain Greenway. The actions Longmont has taken to support a finding of reasonable diligence for this conditional water storage right include work on the RSVP as described in more detail in the Application, available for inspection at the office of the Water Clerk or via CCE. The list is not intended to be all inclusive and may be supplemented by additional evidence at any hearing in this matter. 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, City of Longmont. County of Boulder, 5201 St. Vrain Rd., Bldg. 1, Longmont, CO 80503. WHEREFORE, Longmont respectfully requests that the Court enter an order finding reasonable diligence for and continuing in full force and effect the remaining conditional portion (14.33 acre-feet) of the Boulder County Fairgrounds Reservoir water right described in Paragraph 3 above. 4 pages.

CASE NUMBER 2026CW3092 (02CW307, 13CW3004 and 19CW3197) TOWN OF ERIE (“Town” or “Applicant”), c/o Public Works Director, 645 Holbrook, Erie, CO 80516; Email: tfessenden@erico.gov; Phone: (303) 926-2895. Please direct all correspondence and pleadings to: Peter C. Johnson, Esq., Andrea A. Kehrl, Esq., Bradley N. Kershaw, Esq., Lyons Gaddis, P.C., P.O. Box 978, Longmont, CO 80502-0978; Email: pjohnson@lyonsgaddis.com; akehrl@lyonsgaddis.com; and bkershaw@lyonsgaddis.com; Phone: (303) 776-9900. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. Name of Structures: a. Vista Ridge Pump and Pipeline. b. Vista Ridge Storage System. c. The water rights decreed to the Vista Ridge Pump and Pipeline and the Vista Ridge Storage System are referred to collectively as the “Subject Water Rights.” 3. Description of Subject Water Rights: a. Date of original decree: Case No. 02CW307, District Court, Water Division No. 1, State of Colorado, entered on March 13, 2007 (“02CW307 Decree”). b. Subsequent decrees awarding findings of reasonable diligence: Case No. 13CW3004, District Court, Water Division No. 1, State of Colorado, entered on October 15, 2013; and Case No. 19CW3197, District Court, Water Division No. 1, State of Colorado, entered on June 17, 2020. c. Legal description of the structures: 1. The Vista Ridge Pump and Pipeline is located in the NW1/4 SE1/4 of Section 30, Township 1 North, Range 68 West, 6th P.M. in Weld County, approximately 2,320 feet from the south line and 2,560 feet from the east line of said Section 30. 2. The Vista Ridge Storage System reservoirs are located as follows: (a) Hole 7 Pond: SE1/4 SW1/4 of Section 32, Township 1 North, Range 68 West, 6th P.M., in Weld County, approximately 300 feet from the south line and 2,400 feet from the west line of said Section 32. (b) Hole 8A Pond: SW1/4 SE1/4 of Section 32, Township 1 North, Range 68 West, 6th P.M., in Weld County, approximately 300 feet from the south line and 1,970 feet from the east line of said Section 32. (c) Hole 8B Pond: SE1/4 SE1/4 of Section 32, Township 1 North, Range 68

West, 6th P.M., in Weld County, approximately 540 feet from the south line and 1,200 feet from the east line of said Section 32. (d) Hole 9 Pond: NE1/4 SE1/4 of Section 32, Township 1 North, Range 68 West, 6th P.M., in Weld County, approximately 1,670 feet from the south line and 1,320 feet from the east line of said Section 32. (e) Hole 13 Pond: NE1/4 SW1/4 of Section 33, Township 1 North, Range 68 West, 6th P.M., in Weld County, approximately 1,500 feet from the south line and 2,600 feet from the west line of said Section 33. (f) Hole 17 Pond: SE1/4 NE1/4 of Section 32, Township 1 North, Range 68 West, 6th P.M., in Weld County, approximately 1,300 feet from the north line and 1,170 feet from the east line of said Section 32. (g) Hole 18 Pond: NW1/4 SE1/4 of Section 32, Township 1 North, Range 68 West, 6th P.M., in Weld County, approximately 2,500 feet from the south line and 1,800 feet from the east line of said Section 32. 3. A map showing the approximate locations of the above-described structures is attached hereto as **Exhibit 1**. d. Sources of water: Coal Creek. In addition to water diverted and stored under the priorities claimed herein, the system has also diverted and stored water pursuant to the operation of lawful exchanges and reusable water leased or purchased from upstream water users. e. Date of appropriation and decreed amounts: October 28, 2001. 1. Vista Ridge Pump and Pipeline: 3.01 cfs, ABSOLUTE for irrigation and storage uses; 2.99 cfs, CONDITIONAL for irrigation and storage uses; and, 6.00 cfs CONDITIONAL for all other uses described in Paragraph 3.G below. 2. Vista Ridge Storage System: The amounts of water decreed as absolute and conditional are provided in the table below. All of the reservoirs listed in the table below are capable of receiving raw water from the Vista Ridge Pump and Pipeline, which raw water may be used in the future for irrigation and construction purposes.

NAME:	TOTAL AMOUNT (in acre-feet ("AF")):	ABSOLUTE PORTION OF TOTAL:	CONDITIONAL PORTION OF TOTAL:
Hole 7 Pond	5.41	All 5.41 AF is ABSOLUTE for lake level maintenance, fire protection, recreation, piscatorial, and storage uses.	All 5.41 AF is CONDITIONAL for irrigation and construction uses.
Hole 8A Pond	8.45	All 8.45 AF is ABSOLUTE for lake level maintenance, fire protection, recreation, piscatorial, and storage uses.	All 8.45 AF is CONDITIONAL for irrigation and construction uses.
Hole 8B Pond	2.56	All 2.56 AF is ABSOLUTE for lake level maintenance, fire protection, recreation, piscatorial, and storage uses.	All 2.56 AF is CONDITIONAL for irrigation and construction uses.
Hole 9 Pond	7.32	All 7.32 AF is ABSOLUTE for lake level maintenance, fire protection, recreation, piscatorial, and storage uses.	All 7.32 AF is CONDITIONAL for irrigation and construction uses.
Hole 13 Pond	30.83	19.59 AF is ABSOLUTE for irrigation and storage uses; and 11.24 AF is ABSOLUTE for lake level maintenance, fire protection, recreation, piscatorial, and storage uses.	There are no conditional uses associated with the 19.59 AF portion. 11.24 AF is CONDITIONAL for construction uses.
Hole 17 Pond	12.26	All 12.26 AF is ABSOLUTE for irrigation, lake level maintenance, fire protection,	All 12.26 AF is CONDITIONAL for construction uses.

		recreation, piscatorial, and storage uses.	
Hole 18 Pond	5.80	All 5.80 AF is ABSOLUTE for lake level maintenance, fire protection, recreation, piscatorial, and storage uses.	All 5.80 AF is CONDITIONAL for irrigation and construction uses.
TOTAL	72.63	72.63	53.04

f. Rate of Diversion for Filling Reservoirs: 6.0 cfs, 3.01 cfs of which is ABSOLUTE and 2.99 cfs of which is CONDITIONAL. g. Uses: Irrigation of the Vista Ridge Golf Course (now known as Colorado National Golf Club) and associated open space located in Sections 30, 32, and 33 of Township 1 North, Range 68 West of the 6th P.M. (the “Golf Course”), lake level maintenance, construction, fire protection, recreation, piscatorial, and storage. Such uses shall include the right to make a fully consumptive use of the water for the above-described purposes and to use, reuse, and successively use the water to extinction. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: The Town is a home rule municipality that operates an integrated system for water delivery and related wastewater treatment and water reuse. The Subject Water Rights are parts of the integrated system operated by the Town. During the subject diligence period running from November 1, 2019, through the date of filing this Application (“Diligence Period”), the Town engaged in activities and incurred costs, including but not limited to those activities and costs described in this Paragraph 5, related to the development and use of the Subject Water Rights, and operation of the Town’s integrated municipal water system. The activities and costs identified herein are not exhaustive, and the Town reserves the right to provide evidence of other work done and costs incurred during the Diligence Period as this case proceeds.

a. Operation and Use of the Subject Water Rights and Facilities: 1. Throughout the Diligence Period, the Town has continued to divert and use the Subject Water Rights for the operations and maintenance of the Golf Course and associated open space for purposes and up to the amounts that have previously been decreed absolute. Such diversion and beneficial use of the Subject Water is evidence of the Town’s reasonable diligence in the development of and completion of the appropriation of Subject Water Rights. 2. The facilities for the Subject Water Rights and Golf Course have been continuously operated and maintained throughout the Diligence Period, with all associated costs, planning, and staff time. Examples of specific operations and maintenance activities and expenses during the Diligence Period include, but are not limited to, the following: (1) The entire irrigation system at the Golf Course (which utilizes the Subject Water Rights) was rebuilt at a cost in excess of \$2,400,000. This system replaced aging irrigation infrastructure with a modern, centrally controlled system with many upgrades; (2) Turf conversion, irrigation enhancements, and landscape improvements at the Golf Course were completed at a cost in excess of \$3,700,000; and (3) The Town and Golf Course have expended substantial staff time and expense related to the daily operation, planning, maintenance, and use of the Subject Water Rights.

b. The Subject Water Rights are also a part of an integrated system to provide water to the Golf Course and associated open space, including two appropriative rights of substitution and exchange utilizing reuse water from the Town’s Windy Gap Units (individually “Exchange” and collectively “Exchanges”). 1. One Exchange was originally decreed in Case No. 02CW307, and was made absolute in Case No. 13CW20 on October 28, 2013. The other Exchange, known as the “NWRf Exchange,” utilizes releases of water to be exchanged from the Town’s North Reclamation Facility (“NWRf”) or from its reuse reservoir known as the “NWRf Reservoir.” The NWRf Exchange was originally decreed in Case No. 10CW293, and was made absolute in full during the Diligence Period in Case No. 25CW3123 (entered on March 4, 2026). 2. Operation of the Exchanges allows the Town to provide water to the Golf Course and associated open space when it would otherwise be unable to do so based on the priority of the Subject Water Rights. The costs in exercising those Exchanges include all operation and maintenance costs for the facilities required to make the exchange waters available, which include but are not limited to, the Town’s NWRf and the NWRf Reservoir. The Town has dedicated significant staff time and resources for this purpose during the

Diligence Period and has spent in excess of \$800,000 for the operations and maintenance of the NWRF Reservoir and the related facilities, such as the Town's reuse water system. Examples of specific operations and maintenance activities and expenses include, but are not limited to, the following: treatment chemicals, water quality testing, utilities, a seepage analysis of the NWRF Reservoir, maintenance, repairs, improvements, and preparation and publication of a Request for Proposals for the design of a modified outfall and sampling location at the NWRF Reservoir. In addition, during the Diligence Period, the Town has dedicated significant staff time and related resources to planning efforts related to the Subject Water Rights, Exchanges, and NWRF Reservoir. 3. During the Diligence Period, the Town has also retained a water resources engineer to maintain daily accounting for in-priority diversions of the Subject Water Rights and Exchanges and to submit such accounting on a monthly basis to the Office of the Division Engineer and the Water Commissioner at a cost in excess of \$50,000. c. Additional Diligence Activities: During the Diligence Period, the Town also engaged in the following activities and incurred the described costs for work related to the Subject Water Rights and/or the Exchanges described above and/or other aspects of its integrated water system, including but not limited to the following: 1. As described above, the Exchanges allow the Town to provide water to the Golf Course and associated open space when it would otherwise be unable to do so based on the priority of the Subject Water Rights. Throughout the Diligence Period, the Town has paid annual assessments to the Northern Colorado Water Conservancy District for its Windy Gap Units (which are an exchange source of substitute supply) as well as for its ongoing participation in the related Windy Gap Firming Project. 2. The Town has undertaken several efforts to improve the water quality in NWRF Reservoir, including continual water quality monitoring, testing and analysis via sampling plan by consultants, and amounting to a total expenditure of approximately \$68,000 during the Diligence Period. 3. The Town has also hired a consultant to complete a water rate and tap fee study, which is inherently related to its integrated water system, including future improvements. 4. The Town filed and/or adjudicated water court applications as the Applicant in the following Water Division 1 cases: 19CW3063, 19CW3064, 22CW3201, 25CW3052, and 25CW3123. 5. The Town participated in various water court cases as an opposer to monitor the impact of the rights claimed in those cases and to protect its water rights, including the Subject Water Right, from injury, such as the following Water Division 1 cases: 19CW3020, 19CW3201, 20CW3053, 20CW3131, 20CW3139, 21CW3138, 21CW3236, 22CW3176, 23CW3154, 24CW3062, 25CW3011, 25CW3034, 25CW3060, 25CW3155, and 25CW3181. 6. The Town expended in excess of \$1,400,000 on legal fees during the Diligence Period to support the Town's water rights applications, planning, development, and to protect its existing water rights, including the Subject Water Rights, from injury. 7. The Town expended over \$168,000 on water resources engineering consultant and staff time during the Diligence Period for purposes of ongoing water accounting, supporting the Town's own water rights applications as well as monitoring opposing cases, and for other integrated water system planning activities. 5. Continuing Need and Intent for the Subject Water Right: The Town's water supply system is managed based on existing and future demands. The Town has a continuing need for all of the water decreed to the Subject Water Rights and has a continuing plan and intent to put to beneficial use the Subject Water Rights, up to their maximum decreed amounts. 6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, the Town requests entry of a decree finding and confirming that the Town has exercised reasonable diligence in the continued development of the Subject Water Rights and continuing the remaining conditional portions of the Subject Water Rights in full force and effect for an additional diligence period. (12 pgs., 1 Exhibit)

CASE NUMBER 2026CW3093 (05CW295) (19CW3201) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY. 1. Name, Mailing Address, Phone Number, and E-mail Address of Applicant, CITY OF LAFAYETTE, c/o Cari Bischoff, Water Resources Manager, 1290 South Public Road, Lafayette, Colorado 80026; Phone: (303) 604-3542; E-mail: cari.bischoff@lafayetteco.gov. Copies of all pleadings to: David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: (303)

442-1900; E-mail: dfbower@j-rlaw.com and ccfrazier@j-rlaw.com. **2. Overview.** The City of Lafayette (“Lafayette”) seeks to continue conditional exchange rights on Coal Creek, Boulder Creek, South Boulder Creek, and Dry Creek involving reclaimable return flows from the Leyner-Cottonwood Ditch water rights changed in Case No. 05CW295. These reclaimable return flows are or will be diverted by exchange at (i) the Lafayette Ditch No. 1 and the Lafayette Ditch No. 4 on Coal Creek; (ii) the Lower Boulder Ditch and the Lafayette Boulder Creek Pipeline No. 1 on Boulder Creek; (iii) the Goodhue Ditch, the South Boulder and Bear Creek Ditch, the point where the New Dry Creek Carrier branches from South Boulder Creek, and Gross Reservoir on South Boulder Creek; and (iv) the Enterprise Ditch and the Leyner-Cottonwood Ditch on Dry Creek. If not needed for immediate use, the exchanged water can be stored in reservoirs which fill using the above-described diversion facilities. A map of the subject structures and exchanges is attached to the application as Exhibit A and an exchange matrix is attached to the application as Exhibit B. **3. Description of Conditional Exchange Rights.** (a) *Original and Subsequent Decrees.* The subject exchanges were conditionally decreed in Case No. 05CW295, Water Division 1, dated October 26, 2013. A decree granting a finding of diligence for the rights was entered in Case No. 19CW3201, Water Division 1, dated June 17, 2020. (b) *Description of Exchange Termini.* The reaches of the stream system affected by the exchanges can be described as follows: (i) Coal Creek. The upstream point is the Lafayette Ditch No. 1, located approximately 50 feet west of the east section line and 2,580 feet south of the north section line of Section 10, Township 1 South, Range 69 West, of the 6th P.M. The downstream point is the confluence of Coal Creek and Boulder Creek, located in the SE1/4 NE1/4 of Section 1, Township 1 North, Range 69 West, of the 6th P.M. (ii) Boulder Creek. The upstream point is the confluence of South Boulder Creek and Boulder Creek, located near the Southeast Corner of the NE1/4 SW1/4 of Section 22, Township 1 North, Range 70 West, of the 6th P.M. The downstream point is the confluence of Boulder Creek and Coal Creek, as described above. (iii) South Boulder Creek. The upstream point is Gross Reservoir, which is an on-stream reservoir located in Sections 19, 20, 21, 29, and 30, Township 1 South, Range 71 West, of the 6th P.M. The downstream point is the confluence of South Boulder Creek and Boulder Creek, as described above. (iv) Dry Creek a/k/a the Dry Creek Carrier and the New Dry Creek Carrier. The upstream point is the confluence of the New Dry Creek Carrier with South Boulder Creek, located in the SW1/4 SW1/4 of Section 3, Township 1 South, Range 70 West, of the 6th P.M. The downstream point is the confluence of Dry Creek with Boulder Creek, located in the NE1/4 SW1/4 of Section 17, Township 1 North, Range 69 West, of the 6th P.M. (c) *Legal Description of Diversion Structures.* The locations of the structures where the exchanged water can be diverted are described as follows: (i) Lafayette Ditch No. 1 [WDID 0600880]. The Lafayette Ditch No. 1 diverts from the north bank of Coal Creek at a point approximately 50 feet west of the east section line and 2,580 feet south of the north section line of Section 10, Township 1 South, Range 69 West, of the 6th P.M. (ii) Lafayette Ditch No. 4 [WDID 0600762]. The Lafayette Ditch No. 4 diverts from the west bank of Coal Creek at a point approximately 500 feet west of the east section line and 1,000 feet north of the south section line of Section 36, Township 1 North, Range 69 West, of the 6th P.M. (iii) Lower Boulder Ditch [WDID 0600538]. The Lower Boulder Ditch diverts from the south bank of Boulder Creek in the SW1/4 SW1/4 of Section 16, Township 1 North, Range 69 West, of the 6th P.M., at a point approximately 1,100 feet north and 600 feet east of the Southwest Corner of said Section 16. (iv) Lafayette Boulder Creek Pipeline No. 1 [WDID 0600948]. The Lafayette Boulder Creek Pipeline No. 1 diverts from the south bank of Boulder Creek in the SW1/4 NE1/4 of Section 13, Township 1 North, Range 70 West, of the 6th P.M., at a point approximately 2,476 feet south of the north section line and 2,500 feet west of the east section line of said Section 13. (v) Goodhue Ditch [WDID 0600650]. The Goodhue Ditch diverts from the south bank of South Boulder Creek in the SE1/4 NE1/4 of Section 20, Township 1 South, Range 70 West, of the 6th P.M., at a point approximately 2,250 feet south and 250 feet west of the Northeast Corner of said Section 20. (vi) South Boulder and Bear Creek Ditch [WDID 0600588]. The South Boulder and Bear Creek Ditch diverts from the north bank of South Boulder Creek in the SE1/4 NE1/4 of Section 20, Township 1 South, Range 70 West, of the 6th P.M., at a point approximately 200 feet west and 1,550 feet south of the Northeast Corner of said Section 20. (vii) New Dry Creek Carrier [WDID 0600902]. The New Dry Creek Carrier is a natural carrier stream that diverts from the east bank of South Boulder Creek in the SW1/4 SW1/4 of Section 3, Township 1 South, Range 70 West, of the 6th P.M., at a point

approximately 450 feet east and 70 feet north of the Southwest Corner of said Section 3. (viii) Enterprise Ditch [WDID 0600576]. The Enterprise Ditch diverts from the north bank of the New Dry Creek Carrier in the SW1/4 SW1/4 of Section 3, Township 1 South, Range 70 West, of the 6th P.M., at a point approximately 900 feet east and 70 feet north of the Southwest Corner of said Section 3. (ix) Leyner-Cottonwood Ditch [WDID 0600565]. The Leyner-Cottonwood Ditch diverts from the east bank of Dry Creek in the SW1/4 NW1/4 of Section 30, Township 1 North, Range 69 West, of the 6th P.M., at a point approximately 900 feet east and 2,500 feet south of the Northwest Corner of said Section 30. (d) Legal Description of Places of Storage. The locations of the structures where the exchanged water is or will be stored are described as follows: (i) Henry Waneka Reservoir [WDID 0604203]. Henry Waneka Reservoir is in Section 4, Township 1 South, Range 69 West, of the 6th P.M. (ii) Baseline Reservoir [WDID 0604173]. Baseline Reservoir is in Sections 2 and 3, Township 1 South, Range 70 West, and in Sections 34 and 35, Township 1 North, Range 70 West, of the 6th P.M. (iii) Goose Haven Reservoir Complex [WDID 0603998]. The Goose Haven Reservoir Complex is in Sections 15, 16, 21, and 22, Township 1 North, Range 69 West, of the 6th P.M. (iv) Gross Reservoir [WDID 0604199]. Gross Reservoir is an on-stream reservoir on South Boulder Creek in Sections 19, 20, 21, 29, and 30, Township 1 South, Range 71 West, of the 6th P.M. (e) Source. Municipal return flows associated with diversions of the Leyner-Cottonwood water rights changed in Case No. 05CW295. (f) Appropriation Date. January 21, 2011. (g) Amounts. 8 cfs, conditional, for all exchanges. (h) Uses. Municipal, domestic, irrigation, commercial, industrial, replacement, exchange, augmentation, recreational, piscatorial, and wildlife propagation purposes. The exchanged water can be treated for distribution to customers of the municipal utility system or used without treatment for the irrigation of Lafayette owned land and other greenbelt areas within the municipal service area. The water can also stored for use at later times. **4. Claim for Finding of Reasonable Diligence.** Lafayette seeks to continue as conditional all the exchanges decreed in Case No. 05CW295. During the subject diligence period from June 2020 through present, the following activities have been performed to put the subject water rights to beneficial use, and show that Lafayette continues to have a need for the conditional exchange rights: (a) Continued Operations and Accounting. Lafayette continues to operate exchanges from its other changed water rights on a regular basis, including as part of its normal water supply and operations. This is reflected in Lafayette's accounting submitted monthly to the Division of Water Resources. (b) Other Exchange Decrees. Lafayette prosecuted diligence applications in Case Nos. 20CW3017, 25CW3049, and 25CW3137, which involved other conditional exchange rights on Coal Creek, Boulder Creek, Dry Creek, and South Boulder Creek. The decrees were entered August 27, 2020, December 3, 2025, and March 19, 2026, respectively. (c) Goose Haven Expansion. The storage capacity of the Goose Haven Reservoir Complex continues to be expanded. In addition, a diligence application for its storage right was prosecuted in Case No. 22CW3070, with a decree entered on November 23, 2022. (d) Water Reclamation Improvements. The City retrofitted its wastewater treatment plant with new high-performance state-of-the-art technologies, which will both benefit regional water quality and be used as part of the exchange program. (e) Other System Improvements. Lafayette also continues to plan for, design, and implement other major water supply system improvements, including reuse lines, storage expansions, and new water treatment facilities. (f) Gross Reservoir Environmental Pool. Denver Water has continued to construct its Gross Reservoir Expansion Project. This enlarged capacity will be used, in part, to store exchanged water from Case No. 05CW295. Lafayette has paid Denver for its participation in the project and portion of the storage capacity in the Gross Reservoir Environmental Pool. Lafayette has also participated in the ongoing litigation regarding the project, including filing an amicus brief in the 10th Circuit appeal in Case No. 25-1137. (g) New Dry Creek Carrier Headgate Project. Lafayette is coordinating with other water users to replace and modernize the New Dry Creek Carrier diversion structure. The project will allow for more efficient operations on the New Dry Creek for these exchanges. (h) Shareholder Assessments. The City continues to participate in Boulder County ditch companies that are included as part of the changed shares exchanged under the subject water rights, including paying regular assessments. (i) Other Water Court Cases. Lafayette also coordinated with the City of Boulder on a water storage application for the Gross Reservoir Environmental Pool as envisioned in Intergovernmental Agreements with the City and County of Denver, acting by and through its Board of Water Commissioners, and the City

of Boulder. That decree was entered on February 11, 2021, in Case No. 17CW3212. Lafayette has also participated as an opposer in numerous Water Court matters to protect the conditional exchange rights being continued in this case. (j) General Costs. Lafayette has also incurred general operational, engineering, and legal costs during the subject diligence period relating to the subject rights, including diverting the subject rights, operating Lafayette's water and wastewater treatment system, and monitoring and evaluating other water rights cases on Coal Creek, Boulder Creek, South Boulder Creek, and Dry Creek to protect the subject exchanges and other water rights in its portfolio against injury. **5. Name and Address of Landowner Upon which any New or Modified Diversion or Storage Structure is Located**. There are no modified diversion or storage structures associated with this application. WHEREFORE, for all of the foregoing reasons, Lafayette respectfully requests that the Water Court enter a decree finding that Lafayette has been diligent with respect to developing the exchanges decreed in Case No. 05CW295, and order that such exchanges be continued in full force and effect for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute. (7 pages plus exhibits)

CASE NUMBER 2026CW3094 (2019CW3219, 2009CW071) APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON AND DENVER COUNTIES, RED ROCKS COUNTRY CLUB c/o Richard J. Mehren, Cameron J. Abatti, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 240, Boulder, CO 80302 (303) 443-8782 1. Name, address, and telephone number of applicant: Red Rocks Country Club ("Red Rocks"), c/o Ron Rottmann, Manager, 16235 West Belleview Avenue, Morrison, Colorado 80465 2. Description of conditional appropriative rights of exchange: The conditional water rights that are the subject of this Application ("Subject Conditional Exchanges") allow Red Rocks to exchange water from several exchange-from points on Bear Creek and Turkey Creek to the headgate of the Independent High Line Ditch on Turkey Creek for use directly or after storage in either Kingfisher Lake (WDID 0904297) or Willow Springs Reservoir (WDID 0903332). 2.1 Original decree: November 6, 2013, Case No. 2009CW071, District Court in and for Water Division No. 1. 2.2 Subsequent decrees granting findings of reasonable diligence and claims to make absolute: Case No. 2019CW3219, entered June 24, 2020, District Court, Water Division No. 1, State of Colorado. 2.3 Exchange reaches: The exchange-from points, exchange-to point, and exchange reaches for the Subject Conditional Exchanges are shown on the map attached as **Exhibit A**. 2.4 Red Rocks – EMD Exchange: 2.4.1 Exchange-from point: Water from Soda Lakes Reservoir Nos. 1 and 2 will be released through the outlet to Turkey Creek in the SW1/4 of Section 6, T5S, R69W of the 6th P.M., Jefferson County, Colorado. 2.4.2 Exchange-to point: The headgate of the Independent High Line Ditch, located on the South side of Turkey Creek near the center of the NW1/4 of Section 14, T5S, R70W of the 6th P.M., Jefferson County, Colorado. 2.4.3 Source of substitute supply: Up to 50 acre-feet per year of fully consumable water stored in Soda Lakes Reservoir Nos. 1 and 2, pursuant to decrees entered in Case Nos. 94CW150 and 00CW228, District Court, Water Division No. 1., in accordance with a Lease Agreement with the Evergreen Metropolitan District dated December 23, 2010, and as amended or extended ("EMD Agreement"). 2.4.4 Amount and rate: 23.01 acre-feet per year, absolute, 26.99 acre-feet per year, CONDITIONAL; 6 cfs, absolute, 14 cfs, CONDITIONAL. 2.4.5 Appropriation date: May 28, 2009. 2.5 Red Rocks – Mountain Mutual Exchange (Bear Creek): 2.5.1 Exchange-from point: The confluence of Bear Creek and Turkey Creek located in the NW1/4 of Section 5, T5S, R69W of the 6th P.M., Jefferson County, Colorado. 2.5.2 Exchange-to point: The headgate of the Independent High Line Ditch, as described in paragraph 0 above. 2.5.3 Source of substitute supply: Up to 80 acre-feet per year of fully consumable water from the following sources in accordance with an Option Agreement between Red Rocks and North Fork Associates, LLC and Mountain Mutual Reservoir Company dated November 1, 2007, and as amended or extended ("Mountain Mutual Agreement"): 2.5.3.1 Harriman Ditch, pursuant to decrees entered in Case Nos. 94CW168 and 01CW293, District Court, Water Division No. 1; and 2.5.3.2 Warrior Ditch, pursuant to decrees entered in Case Nos. 94CW168 and 01CW293, District Court, Water Division No. 1. 2.5.4 Amount and rate: 80.00 acre-feet per year, CONDITIONAL, in combination with the exchanges described in paragraphs 0 and 0 below; 20.0 cfs, CONDITIONAL. 2.5.5 Appropriation date: May 28, 2009. 2.6 Red Rocks – Mountain Mutual Exchange (South Platte River): 2.6.1 Exchange-from point: The confluence of

Bear Creek and the South Platte River located in Section 4, T5S, R68W of the 6th P.M., Denver County, Colorado. 2.6.2 Exchange-to point: The headgate of the Independent High Line Ditch, as described in paragraph 0 above. 2.6.3 Source of substitute supply: Up to 80 acre-feet per year of fully consumable water available to Red Rocks under the Mountain Mutual Agreement from the following sources: 2.6.3.1 Maddox Reservoir, pursuant to decrees entered in Case Nos. 00CW174 and 03CW238, District Court, Water Division No. 1 (“00CW174 Decree” and “03CW238 Decree”); 2.6.3.2 Slaughter Ditch, pursuant to the 03CW238 Decree; 2.6.3.3 Mack Ditch No. 2, pursuant to the 03CW238 Decree; 2.6.3.4 Guiraud 3T Ditch, pursuant to a decree entered on October 18, 1889, Water District 23; 2.6.3.5 Nickerson No. 2 Ditch, pursuant to the 00CW174 Decree; 2.6.3.6 Parmelee No. 1 Ditch, pursuant to the 00CW174 Decree; and 2.6.3.7 Carruthers No. 2 Ditch, pursuant to the 00CW174 Decree. 2.6.4 Amount and rate: 80.00 acre-feet per year, CONDITIONAL, in combination with the exchanges described in paragraphs 0 above and 0 below; 20.0 cfs, CONDITIONAL. 2.6.5 Appropriation date: May 28, 2009. 2.7 Red Rocks – Mountain Mutual Exchange (Soda Lakes): 2.7.1 Exchange-from point: The outlet of Soda Lakes Reservoir Nos. 1 and 2 on Turkey Creek, as described in paragraph 0 above. 2.7.2 Exchange-to point: The headgate of the Independent High Line Ditch, as described in paragraph 0 above. 2.7.3 Source of substitute supply: Up to 80 acre-feet per year of fully consumable water available to Red Rocks under the Mountain Mutual Agreement from Soda Lakes Reservoir Nos. 1 and 2, pursuant to decrees entered in Case Nos. 94CW168 and 01CW293, District Court, Water Division No. 1. 2.7.4 Amount and rate: 51.83 acre-feet per year, absolute, 28.17 acre-feet per year CONDITIONAL, for a total of 80.00 acre-feet per year in combination with the exchanges described in paragraphs 2.5 and 2.6 above; 5.23 cfs, absolute, 14.77 cfs, CONDITIONAL. 2.7.5 Appropriation date: June 9, 2008. 2.8 Red Rocks – Indian Hills Soda Lakes Exchange: 2.8.1 Exchange-from point: The outlet of Soda Lakes Reservoir Nos. 1 and 2 on Turkey Creek, as described in paragraph 0 above. 2.8.2 Exchange-to point: The headgate of the Independent High Line Ditch, as described in paragraph 0 above. 2.8.3 Source of substitute supply: Water available to one share of stock in the Soda Lakes Reservoir and Mineral Water Company pursuant to the April 16, 2007 Settlement Agreement between Red Rocks and Indian Hills Water District. 2.8.4 Amount and rate: 6 acre-feet per year, CONDITIONAL; 20.0 cfs, CONDITIONAL. 2.8.5 Appropriation date: May 28, 2009. 2.9 Use of the Subject Conditional Exchanges: Irrigation of the Red Rocks golf course, located in Sections 13, 14, 23 and 24, T5S, R70W of the 6th P.M., Jefferson County, Colorado, and for recreation, augmentation, and fish and wildlife preservation and propagation at the Red Rocks golf course, and for other beneficial uses at the Red Rocks golf course that are incidental to the recreational use made by Red Rocks. The location of the Red Rocks golf course is shown on the map attached as **Exhibit B**. The water diverted by operation of the Subject Conditional Exchanges may be used and reused for irrigation purposes at the Red Rocks golf course until extinction. Red Rocks may reuse the irrigation return flows from the first use of the exchanged supplies only to the extent said return flows have been quantified in a separate Water Court proceeding and only for purposes identified herein. All uses by either direct diversion or after storage in: 2.9.1 Kingfisher Lake (WDID 0904297): located in Section 13, T5S, R70W of the 6th P.M., Jefferson County, Colorado, the initial point of survey of the high water line being located at a point whence the West 1/4 corner of said Section 13 bears North 87° West, 1150 feet; and 2.9.2 Willow Springs Reservoir (WDID 0903332): located in Section 13, T5S, R70W of the 6th P.M., Jefferson County, Colorado, the initial point of survey of the high water line being located at a point whence the West 1/4 corner of said Section 13 bears South 38°40' West, 745 feet. 3. Outline of work and expenditures during the diligence period toward completion of the appropriation and application of water to beneficial use: The Subject Conditional Exchanges are part of Red Rocks’ integrated system that is used to provide a water supply for Red Rocks. “When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire project or system.” C.R.S. § 37-92-301(4)(b). The diligence period for the Subject Conditional Exchanges is June 2020 through June 2026 (“Diligence Period”). During the Diligence Period, Red Rocks worked to develop the Subject Conditional Exchanges, complete the appropriations, and place the water to beneficial use, as demonstrated by the following representative but non-exhaustive list of activities and expenditures: 3.1 Red Rocks paid the Evergreen Metropolitan District approximately \$95,404

to purchase sources of substitute supply under the EMD Agreement. 3.2 Red Rocks paid North Fork Associates, LLC and Mountain Mutual Reservoir Company approximately \$34,952 to purchase sources of substitute supply water under the Mountain Mutual Agreement. 3.3 Red Rocks paid more than \$29,920 in legal fees related to developing and protecting its water rights portfolio, including the Subject Conditional Exchanges. Costs included filing and prosecuting statements of opposition in Water Court to protect Red Rocks' water rights from injury; and preparing and prosecuting Water Court applications to maintain the water rights that make up Red Rocks' integrated irrigation system for the golf course. 3.4 Red Rocks paid its engineering consultants approximately \$317,052 for engineering services to support the legal work described in paragraph 3.3 above; to support completion of the lining of Willow Springs Reservoir; and for other general engineering services related to protecting and developing its water rights portfolio, including the Subject Conditional Exchanges. 3.5 On average during the Diligence Period, Red Rocks spent between \$1.6 million to \$1.7 million annually on general operating and maintenance expenses related to running the Red Rocks Country Club and golf course. 3.6 Over the course of the Diligence Period, Red Rocks spent more than \$9,450,502 on water capital projects including, but not limited to the following: \$1,779,309 on a winter watering system; \$1,367,467 on a french drain and a toe drain for Willow Springs Reservoir, rip-rap armoring for Kingfisher Lake, a new irrigation water transfer line across Belleview Avenue to move water between Willow Springs Reservoir and Kingfisher Lake, and for a new valve box to manage diversions of water from Turkey Creek; \$3,789,768 to renovate several greens on the golf course; \$28,570.00 on an acid injection system that is part of the Red Rocks irrigation system; \$50,220 to replace a pumphouse motor that is used to provide irrigation water to the golf course; \$3,321 on electrical upgrades for a pump station that is used to provide irrigation water to the golf course; \$11,413 on fountain pond improvements for a water feature on the golf course; \$26,579 on irrigation design for the golf course irrigation system; \$2,377,595 on a reservoir lining project for Willow Springs Reservoir that is used to supply water to the golf course; and \$16,260 on a water aeration system that is used to improve the water quality in Willow Springs Reservoir and King Fisher Lake. 4. Names and addresses of owner(s) of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: 4.1 Kingfisher Lake: Red Rocks. 4.2 Willow Springs Reservoir: Red Rocks. WHEREFORE, Red Rocks respectfully requests that the Court enter a decree (i) finding that Red Rocks has exercised reasonable diligence in completing the appropriation of the Subject Conditional Exchanges during the Diligence Period; and (ii) continuing those portions of the Subject Conditional Exchanges that remain conditional in full force and effect for an additional diligence period.

CASE NUMBER 2026CW3095 LOGAN WELL USERS, INC., P.O. Box 1172, Sterling Colorado, 80751, Lawrence Custer Grasmick Jones & Donovan LLP Attorneys for Applicant, Logan Well Users Inc. Ryan M. Donovan, #44435 and Regan M. O'Donnell, #62937 **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART, FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN LOGAN, MORGAN, AND WASHINGTON COUNTIES** 2. Previous Decrees. The water rights which are the subject of this Application were originally decreed in Case No. 2018CW3227 on June 1, 2020 in Water Division No. 1 (the "Original Decree"). 3. Groundwater Rights. The following conditional groundwater rights were adjudicated in the Original Decree. The water rights which are described in this Application are part of Applicant's integrated system as defined in C.R.S. § 37-92-301(4)(b), which integrated system is generally referred to as the "Logan Augmentation Plan," which was decreed in Case No. 2003CW195. 3.1. Name of Structure. Wernsman Family Farm Well (Permit No. 78739-F, LWU ID No. 6, 2nd LWU ID No. 471). 3.1.1. Owner. Decreed owner is Wernsman Family Farms, LLC, 15725 CR 34, Sterling, CO 80751. Current owner is Richard Jackson, 330 W Main St., Sterling CO 80751. 3.1.2. Location. SE1/4 SW1/4 of Section 10, Township 8 North, Range 53 West of the 6th P.M., Logan County Colorado, 891 feet from the South section line and 2,444 feet from the West section line. UTM Coordinates. NAD 83 Zone 13, Easting 644661, Northing 4503539. 3.1.3. Appropriation Date. December 28, 2018. 3.1.4. Amount. 925 g.p.m., conditional. 3.1.5. Source. Groundwater tributary to South Platte River. 3.1.6. Use. Irrigation of 120 acres

in the SE1/4 of Section 10, Township 8 North, Range 53 West of the 6th P.M. in Logan County, Colorado.

3.1.7. Remarks. A water right for Wernsman Family Farms Well was previously decreed on March 12, 1976 in Case No. W-5807, with an appropriation date of July 6, 1971, for 2.06 c.f.s. to be used for irrigation of 104 acres in the SW1/4 of Section 10, Township 8 North, Range 53 West of the 6th P.M. in Logan County, Colorado. The water right for Wernsman Family Farms Well decreed in W-5807 is already included in the Applicant's augmentation plan decreed in the 2003 Decree (as LWU ID No. 6). Nothing in this Application modifies the terms of the W-5807 decree.

3.2. Name of Structure. McKay Brothers LLC Well / Schafer Well No. 1 (Permit No. 7075-RR, 2nd LWU ID No. 500).

3.2.1. Owner. McKay Brothers LLC, 18385 County Road 22, Sterling, CO 80751.

3.2.2. Location. SE1/4 NW1/4 of Section 7, Township 7 North, Range 52 West of the 6th P.M., Logan County Colorado, located at a point from which the NW corner of Section 7 bears North 43°31'10" East, a distance of 3,597 feet. UTM Coordinates. NAD 83 Zone 13, Easting 649754, Northing 4496601.

3.2.3. Appropriation Date. December 28, 2018.

3.2.4. Amount. 1300 g.p.m., conditional.

3.2.5. Source. Groundwater tributary to South Platte River.

3.2.6. Use. Irrigation of 86 acres in the E1/2 SW1/4 and SE1/4 of Section 6, Township 7 North, Range 52 West of the 6th P.M. in Logan County, Colorado.

3.2.7. Remarks. A water right for McKay Brothers LLC Well was previously decreed on June 9, 1972 in Case No. W-944, with an appropriation date of December 31, 1940, for 2.22 c.f.s. to be used for irrigation of land in Section 7, Township 7 North, Range 52 West of the 6th P.M. in Logan County, Colorado. The water right for McKay Brothers LLC Well decreed in Case No. W-944 is already included in the Applicant's augmentation plan decreed in the 2003 Decree (as LWU ID No. 214). Nothing in this Application modifies the terms of the W-944 decree.

3.2.8. Transfer of Diligence Claim for McKay Brothers LLC Well to Case No. 25CW3160. The McKay Brothers LLC Well is the subject of a pending application in Case No. 25CW3159, which application requests approval to, among other claims, delete the McKay Brothers LLC Well from the Logan Augmentation Plan. The McKay Brothers LLC Well is also the subject of a pending application in Case No. 25CW3160, which application requests approval to, among other claims, add the McKay Brothers LLC Well to the Pawnee Well Users plan for augmentation decreed in Case No. 04CW46. Following the expiration of the time to file statements of opposition to this application, Logan Well Users and the applicants in Case Nos. 25CW3159 and 25CW3160 will file a motion in this case to sever the diligence claim for the McKay Brothers LLC Well from this case and transfer said diligence claim to Case No. 25CW3160. The motion will allow any person seeking to oppose the diligence filing for the McKay Brothers LLC Well to enter into Case No. 25CW3160 without amending their statement of opposition filed in this case.

3.3. Name of Structure. Platte Valley Real Estate LLC (LWU ID No. 501).

3.3.1. Owner. Platte Valley Real Estate LLC, 116 Spruce Road, Sterling, CO 80751.

3.3.2. Location. SW1/4 NW1/4 of Section 33, Township 8 North, Range 52 West of the 6th P.M., Logan County Colorado, 2,616 ft from the North section line and 68 ft from the West section line. UTM Coordinates. NAD 83 Zone 13, Easting 652145, Northing 4497966.

3.3.3. Appropriation Date. December 28, 2018.

3.3.4. Amount Claimed. 20 g.p.m., conditional.

3.3.5. Source. Groundwater tributary to South Platte River.

3.3.6. Use. Commercial drinking and sanitary uses associated with the Platte Valley Industrial Park Subdivision.

3.3.7. Remarks. In Case No. W-2093, entered June 22, 1978, this structure was decreed as an alternate point of diversion for 4.10 c.f.s. of the Sterling No. 2 Ditch to irrigate 64 acres of land in the S1/2 NW1/4 of Section 33, Township 8 North, Range 52 West of the 6th P.M. in Logan County, Colorado. The alternate point of diversion water right and well are included in the Applicant's augmentation plan decreed in Case No. 03CW195 (as LWU ID No. 363). Nothing in this Application modifies the terms of the W-2093 decree.

3.4. Name of Structure. Timmerman Feedyards LLC Well (LWU ID No. 503).

3.4.1. Owner. Timmerman Feedyards LLC, PO Box 1826, Sterling, CO 80751.

3.4.2. Location. SE1/4 SE1/4 of Section 8, Township 7 North, Range 53 West of the 6th P.M., Logan County Colorado, 60 ft from the South section line and 1,200 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 642183, Northing 4493489.

3.4.3. Appropriation Date. December 28, 2018.

3.4.4. Amount Claimed. 100 g.p.m., conditional.

3.4.5. Source. Groundwater tributary to South Platte River.

3.4.6. Use. Commercial feedlot and stock watering.

3.5. Name of Structure. Jason & Nicole Koester Well (Permit No. 274697, LWU No. 504).

3.5.1. Owner. Jason Koester and Nicole Koester, 11101 C R 35, Sterling, CO 80751.

3.5.2. Location. NE1/4 SE1/4 of Section 2, Township 7 North, Range 53 West of the 6th P.M., Logan County Colorado, 1,321 ft

from the South section line and 411 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 647230, Northing 4495694. 3.5.3. Appropriation Date. December 28, 2018. 3.5.4. Amount Claimed. 15 g.p.m., conditional. 3.5.5. Source. Groundwater tributary to South Platte River. 3.5.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering) and residential uses associated with an RV park, as permitted by Logan County, not to exceed 10 RV units.

3.6. Name of Structure. Caleb & Alexandra Weddle Well (Permit No. 135035, LWU ID No. 505). 3.6.1. Owner. Caleb Weddle and Alexandra Weddle, 11481 C R 370, Sterling, CO 80751. 3.6.2. Location. NW1/4 SE1/4 of Section 4, Township 7 North, Range 52 West of the 6th P.M., Logan County Colorado, 2,200 ft from the South section line and 1,980 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 653196, Northing 4496239. 3.6.3. Appropriation Date. December 28, 2018. 3.6.4. Amount Claimed. 15 g.p.m., conditional. 3.6.5. Source. Groundwater tributary to South Platte River. 3.6.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering).

3.7. Name of Structure. Donald Lebsack - River View Meadows Lot 1 Well (Permit No. 223997, LWU ID No. 506). 3.7.1. Owner. Decreed owner is Donald Lebsack, 15140 C R 370, Sterling, CO 80751. Current owner is QDC Ranch Services LLC, 15490 C R 370, Sterling, CO 80751. 3.7.2. Location. SW1/4 NE1/4 of Section 13, Township 8 North, Range 52 West of the 6th P.M., Logan County Colorado, 1,680 ft from the North section line and 2,763 ft from the West section line. UTM Coordinates. NAD 83 Zone 13, Easting 657631, Northing 4503304. 3.7.3. Appropriation Date. December 28, 2018. 3.7.4. Amount Claimed. 15 g.p.m., conditional. 3.7.5. Source. Groundwater tributary to South Platte River. 3.7.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering).

3.8. Name of Structure. Donald Lebsack - River View Meadows Lot 2 Well (LWU ID No. 507). 3.8.1. Owner. Decreed owner is Donald Lebsack 15140 C R 370, Sterling, CO 80751. Current owner is QDC Ranch Services LLC, 15490 C R 370, Sterling, CO 80751. 3.8.2. Location. SW1/4 NE1/4 of Section 13, Township 8 North, Range 52 West of the 6th P.M., Logan County Colorado, 2,230 ft from the North section line and 2,650 ft from the West section line. UTM Coordinates. NAD 83 Zone 13, Easting 657582, Northing 4503155. 3.8.3. Appropriation Date. December 28, 2018. 3.8.4. Amount Claimed. 15 g.p.m., conditional. 3.8.5. Source. Groundwater tributary to South Platte River. 3.8.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering).

3.9. Name of Structure. Donald Lebsack - River View Meadows Lot 3 Well (LWU ID No. 508). 3.9.1. Owner. Decreed owner is Donald Lebsack, 15140 C R 370, Sterling, CO 80751. Current owner is QDC Ranch Services LLC, 15490 C R 370, Sterling, CO 80751. 3.9.2. Location. SE1/4 NW1/4 of Section 13, Township 8 North, Range 52 West of the 6th P.M., Logan County Colorado, 2,470 ft from the North section line and 2,440 ft from the West section line. UTM Coordinates. NAD 83 Zone 13, Easting 657524, Northing 4503074. 3.9.3. Appropriation Date. December 28, 2018. 3.9.4. Amount Claimed. 15 g.p.m., conditional. 3.9.5. Source. Groundwater tributary to South Platte River. 3.9.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering).

3.10. Name of Structure. Kenneth & Alisa Lechman Well (LWU ID No. 509). 3.10.1. Owner. Kenneth Lechman and Alisa Lechman, 15500 Harris St., Sterling, CO 80751. 3.10.2. Location. SW1/4 NW1/4 of Section 17, Township 8 North, Range 52 West of the 6th P.M., Logan County Colorado, 2,615 ft from the North section line and 415 ft from the West section line. More specifically located on Lot 3 Block 2 of the Pleasant View Replat Subdivision. UTM Coordinates. NAD 83 Zone 13, Easting 650452, Northing 4502735. 3.10.3. Appropriation Date. December 28, 2018. 3.10.4. Amount Claimed. 15 g.p.m., conditional. 3.10.5. Source. Groundwater tributary to South Platte River. 3.10.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering).

3.11. Name of Structure. Brian & Tyler Barton Industrial Well (LWU ID No. 510). 3.11.1. Owner. Brian Barton and Tyler Barton, 16653 HWY 14, Sterling, CO 80751. 3.11.2. Location. SW1/4 SE1/4 of Section 8, Township 6 North, Range 51 West of the 6th P.M., Logan County Colorado, 295 ft from the South section line and 2,320 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 661602, Northing 4484627. 3.11.3. Appropriation Date. December 28, 2018. 3.11.4. Amount Claimed. 500 g.p.m., conditional. 3.11.5. Source. Groundwater tributary to South Platte River. 3.11.6. Use. Industrial and commercial use associated with aggregate and concrete production.

3.12. Name of Structure. Mark & Carrie Bauder Well (LWU ID No. 511). 3.12.1. Owner. Decreed owner is Mark Bauder and Carrie

Bauder, 11329 C R 33, Sterling, CO 80751. Current owners are Jacob Lehmkuhl and Chelsey Lehmkuhl, 11329 C R 33, Sterling CO 80751. 3.12.2. Location. NE1/4 SE1/4 of Section 3, Township 7 North, Range 53 West of the 6th P.M., Logan County Colorado, 1,430 ft from the South section line and 675 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 645509, Northing 4495649. 3.12.3. Appropriation Date. December 28, 2018. 3.12.4. Amount Claimed. 15 g.p.m., conditional. 3.12.5. Source. Groundwater tributary to South Platte River. 3.12.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering). 3.13. Name of Structure. Kelly & Patti Pickering Well (LWU ID No. 512). 3.13.1. Owner. Kelly Pickering and Patti Pickering, 15451 C R 22, Sterling, CO 80751. 3.13.2. Location. SE1/4 SW1/4 of Section 10, Township 7 North, Range 53 West of the 6th P.M., Logan County Colorado, 215 ft from the South section line and 2,470 ft from the West section line. UTM Coordinates. NAD 83 Zone 13, Easting 644916, Northing 4493625. 3.13.3. Appropriation Date. December 28, 2018. 3.13.4. Amount Claimed. 15 g.p.m., conditional. 3.13.5. Source. Groundwater tributary to South Platte River. 3.13.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering) and residential uses associated with an RV park, as permitted by Logan County. 3.14. Name of Structure. David & Cynthia Pickering Well (LWU ID No. 513). 3.14.1. Owner. David Pickering and Cynthia Pickering, 14765 HWY 14, Sterling, CO 80751. 3.14.2. Location. SE1/4 SE1/4 of Section 28, Township 8 North, Range 53 West of the 6th P.M., Logan County Colorado, 180 ft from the South section line and 1,265 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 643706, Northing 4498438. 3.14.3. Appropriation Date. December 28, 2018. 3.14.4. Amount Claimed. 15 g.p.m., conditional. 3.14.5. Source. Groundwater tributary to South Platte River. 3.14.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering) and residential uses associated with a RV park, as permitted by Logan County. 3.15. Name of Structure. Lori Serrato Well (Permit No. 167919, LWU ID No. 514). 3.15.1. Owner. Lori Serrato, 107 Parkview Dr., Sterling, CO 80751. 3.15.2. Location. NE1/4 NE1/4 of Section 36, Township 8 North, Range 53 West of the 6th P.M., Logan County Colorado, 975 ft from the North section line and 400 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 648747, Northing 4498291. 3.15.3. Appropriation Date. December 28, 2018. 3.15.4. Amount Claimed. 15 g.p.m., conditional. 3.15.5. Source. Groundwater tributary to South Platte River. 3.15.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering). 3.16. Name of Structure. Orlando & Rachel Munoz Well (Permit No. 206788-A, LWU ID No. 515). 3.16.1. Owner. Orlando Munoz and Rachel Munoz, PO Box 14, Sterling, CO 80751. 3.16.2. Location. SE1/4 SE1/4 of Section 23, Township 7 North, Range 53 West of the 6th P.M., Logan County Colorado, 400 ft from the South section line and 400 ft from the East section line. UTM Coordinates. NAD 83 Zone 13, Easting 647441, Northing 4490588. 3.16.3. Appropriation Date. December 28, 2018. 3.16.4. Amount Claimed. 15 g.p.m., conditional. 3.16.5. Source. Groundwater tributary to South Platte River. 3.16.6. Use. Residential (Domestic, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering) for 3 houses. 4. Outline of What Has Been Done Toward Completion. 4.1. Diligence Period. The Diligence period for the conditional rights that are subject of this Application is June 1, 2020, to June 30, 2026. During the diligence period, Applicant made annual projections and conducted annual accounting for the Logan Augmentation Plan pursuant to the terms of the decree entered in Case No. 03CW195, and Applicant operated the Logan Augmentation Plan, including delivering water to recharge ponds and ensuring replacement of out-of-priority depletions. During the diligence period, Applicant expended approximately \$735,000.00 in legal, engineering, and administrative services, as well as funds to install well telemetry, for certification of well meters, for reading of well meters, and maintenance of recharge ponds. 4.2. Applications. During the diligence period, Applicant filed numerous water court applications, including in case Nos. 2020CW3030, 2020CW3166, 2020CW3205, 2023CW3098, 2023CW3116, 2023CW3133, and 2024CW3122. 4.3. Oppositions. During the diligence period, Applicant filed statements of opposition in the following cases Nos. 2020CW3215, 2023CW3102, 2025CW3159, 2025CW3160, and 2025CW3161. 5. Claims to Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4). Applicant's consultant, Spronk Water Engineers, Inc., reviewed the State Engineer diversion records and Applicant's records to determine the diversions made pursuant to the conditional water rights described above. Applicant seeks a decree approving the

amounts of each water right as absolute, as described in ¶ 5.1 through 5.8 below. The remaining conditional water rights amounts set out in ¶ 3 and its subparts above should not be made absolute in this matter and should remain conditional. As described above, the water rights set out in this Application are part of an integrated system, the Logan Augmentation Plan. Applicant's water rights and recharge projects and each of the water rights and structures will provide augmentation, substitution, replacement, and exchange supplies under the decree entered in this matter and Applicant's other decrees collectively comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Applicant on any water rights or structures which are part of this integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b).

5.1. Wernsman Family Farms LLC Well (LWU ID No. 6, 2nd LWU ID No. 471). 384.1 g.p.m. was diverted on September 15, 2023 and should be made absolute; 540.9 g.p.m. should remain conditional.

5.2. McKay Brothers LLC Well/Shaffer Well No. 1 (LWU ID No. 214, 2nd LWU ID No. 500). 1,305.4 g.p.m. was diverted on June 25, 2020. The entire decreed pumping rate of 1,300 g.p.m. should be made absolute.

5.3. Jason & Nicole Koester Well (LWU ID No. 504). 15.0 g.p.m. was diverted on August 1, 2025. The entire decreed pumping rate of 15.0 g.p.m. should be made absolute.

5.4. Caleb & Alexandra Weddle Well (LWU ID No. 505). 15.0 g.p.m. was diverted on July 1, 2021. The entire decreed pumping rate of 15.0 g.p.m. should be made absolute.

5.5. Kenneth & Alisa Lechman Well (LWU ID No. 509). 15.0 g.p.m. was diverted on August 1, 2022. The entire decreed pumping rate of 15.0 g.p.m. should be made absolute.

5.6. Kelly & Patti Pickering Well (LWU ID No. 512). 15.0 g.p.m. was diverted on August 1, 2020. The entire decreed pumping rate of 15.0 g.p.m. should be made absolute.

5.7. Lori Serrato Well (LWU ID No. 14) 15.0 g.p.m. was diverted on August 1, 2021. The entire decreed pumping rate of 15.0 g.p.m. should be made absolute.

5.8. Orlando & Rachel Munoz Well (LWU ID No. 504). 15.0 g.p.m. was diverted on August 1, 2021. The entire decreed pumping rate of 15.0 g.p.m. should be made absolute.

6. Name and Addresses of Owners of the Structures. The names and addresses of the owners of the structures are set out above. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant has satisfied the statutory standard of steady application of effort to complete the appropriations 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 rights, that a portion of the water rights should be made absolute as described herein, and that the remaining conditional portion of the water rights, or the full amount of the water rights as the case may be, should continue. This document consists of 12 pages.

CASE NUMBER 2026CW3096 (Case No. 19CW3185, 08CW253, 98CW294) THE CITY OF AURORA, COLORADO, a municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise ("Aurora" or "Applicant"). **APPLICATION FOR A FINDING OF REASONABLE DILIGENCE IN PARK COUNTY** Attorneys for the City of Aurora, acting by and through its Utility Enterprise, please send all correspondence to: Stephen Cann, #24498 Ian Best, #46020 E-mail: scann@auroragov.org; ibest@auroragov.org. Applicant, the City of Aurora, Colorado, acting by and through its Utility Enterprise, ("Aurora" or "Applicant") hereby submits the following application for a finding of reasonable diligence.

1. NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF APPLICANT: The City of Aurora, Colorado, a municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise ("Aurora" or "Applicant") 15151 East Alameda Parkway, Suite 5300 Aurora, Colorado 80012-1555 Telephone: 303-739-7030 Email: CityAttorneyNotice@auroragov.org.

2. NAMES AND LEGAL DESCRIPTIONS OF STRUCTURES (shown on **Exhibit A**, attached hereto): **Spinney Mountain Reservoir**. The Spinney Mountain Reservoir dam is located in the South ½ of Section 25, Township 12 South, Range 74 West of the 6th P.M., in Park County, Colorado, on the Middle Fork of the South Platte River. WDID 2304013. **The Confluence of Tarryall Creek and the South Platte River**. The Confluence of Tarryall Creek and the South Platte River is located in the Northeast quarter of the Northwest quarter of Section 16, Township 11 South, Range 71 West, 6th P.M., in Park County, Colorado.

3. DESCRIPTION AND HISTORY OF CONDITIONAL WATER RIGHTS: In Water Division 1, Case No. 79CW375, two conditional exchanges were decreed:

1) up to 5,000 acre-feet on the South Platte River, from the confluence of Tarryall Creek upstream to Spinney Mountain Reservoir (“South Platte Exchange”); and 2) up to 20,000 acre-feet on Tarryall Creek, from its confluence with the South Platte River upstream to the proposed Spruce Grove Reservoir (“Tarryall Exchange”). The City of Thornton was the original applicant in Case No. 79CW375 and in two of the subsequent diligence proceedings. On November 21, 2003, Aurora acquired the water rights from Thornton. In Water Division 1, Case No. 08CW253, Aurora abandoned the Tarryall Exchange water right. This Application pertains to the South Platte Exchange only. **Date of Original Decree:** May 30, 1985, Case No. 79CW375, District Court, Water Division 1, Colorado. **Dates of Subsequent Diligence Decrees:** August 12, 1992, Case No. 89CW078, District Court, Water Division 1, Colorado. November 5, 2002, Case No. 98CW294, District Court, Water Division 1, Colorado. September 22, 2013, Case No. 08CW253, District Court, Water Division 1, Colorado. June 24, 2020, Case No. 19CW3185, District Court, Water Division 1, Colorado. **Legal Descriptions:** See Paragraph 2, above. **Sources:** The Original Decree describes the sources of replacement water for the South Platte Exchange as any source owned or controlled by Thornton capable of delivering water into Tarryall Creek. In 2003, Aurora obtained ownership of this water right as well as certain of those rights decreed as sources of replacement water for the South Platte Exchange herein. These sources are identified in Exhibit B, attached hereto. The Original Decree also provides that additional water rights to be exchanged may be incorporated into that decree upon motion, with notice to all objectors and such additional notice as the Water Court may require. Only those water rights specifically decreed for diversion at Spinney Mountain Reservoir may be used as a replacement source under the South Platte Exchange herein. **Exchange Reach** (shown on **Exhibit A**): Exchange To Point: Spinney Mountain Reservoir. Exchange From Point: Confluence of Tarryall Creek and the South Platte River. **Amount:** 5,000 acre-feet, total. Absolute: 3,731.32 acre-feet, operated at a maximum flow rate of 56.67 c.f.s. (decreed in Case No. 08CW253 and Case No. 19CW3185). Conditional: 1,268.68 acre-feet. No additional amount of the conditional portion of this right is sought to be made absolute herein. **Appropriation Date:** December 31, 1979. **Uses:** Water stored pursuant to the terms of the exchange decreed herein shall be used directly or by exchange for all beneficial uses including municipal uses, domestic, irrigation, mechanical, manufacturing, industrial, generation of electric power, power generally, fire protection, use for sewage treatment, street sprinkling, watering of parks, lawns and grounds, recreation, fish culture, agricultural uses located within the service boundaries of the Applicant, for maintenance and preservation of wildlife and aesthetic values and for the replacement, adjustment and regulation, including exchange, of the units of the City of Thornton municipal water system (now owned by Aurora) within themselves and with other water users. **4. DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATIONS AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED.** Pursuant to the Original Decree, the conditional exchange addressed herein is part of a unified extensive system for the collection, treatment and distribution of water operated by Aurora. For the purposes of showing diligence as to completion of the appropriative right of exchange decreed in the Original Decree, diligence as to any part of the Aurora water rights system used to operate or benefits from the exchange shall be diligence as to the completion of the exchange. **Project Specific Efforts:** During the diligence period of September 2019 through March 2026, Aurora has done at least the following work toward completion of the appropriation and application of the water rights decreed in the Original Decree (expenditure numbers are rounded to the nearest \$1,000). Spinney Mountain Reservoir: Aurora expended substantial funds for facility upgrades during the diligence period, including internal outlet works inspections, applications of protective coatings on outlet pipes, assessment, design and extension of the storm drainage systems below the dam, installation of filter trench drains, measurement devices, and installation of heater jackets over valve operators. Installed new energy dissipation hoods on the outlet works at Spinney, repaired spillway and upstream flume at a cost of \$1,708,000. Purchase of Johns Ranch. Located on Tarryall Creek, Johns Ranch historic irrigation rights are anticipated to yield consumptive use which may be exchanged to Spinney Mountain Reservoir under the exchange right herein. The purchase price in excess of \$10,300,000 for the Johns Ranch was paid at closing in December of 2021. A change case for the Ranch water rights was filed with the Division 1 Water Court in Case No. 2022CW3185 and is currently pending. **Systemwide Efforts:** During the diligence

period, Aurora has accomplished at least the following systemwide efforts that will be used to operate or benefit the conditional rights (expenditure numbers are rounded to the nearest \$1,000). South Platte River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the South Platte River Basin which are necessary for continuation of its reusable supplies from the South Platte River Basin. Metro Wastewater Reclamation District Charges: Aurora expended at least \$213,369,000 during this diligence period for fees for wastewater treatment of its water at the Metro Wastewater Reclamation facility. Such treatment is necessary for release of this water into the South Platte River Basin as a replacement source enabling maximum efficient use of the water conveyed to Aurora under its operations in the South Platte Basin. Sand Creek Water Reuse Plant Improvements: Aurora operates this 5-million-gallon per day facility that provides treated water used for irrigation throughout the City and for discharge into Sand Creek for use as a replacement source for the exchanges herein. Improvements of this facility and operating costs completed during this diligence period cost at least \$21,325,000. These improvements are necessary for use of this water as a substitute supply that enables maximum use of the water conveyed to Aurora under its operations in the South Platte Basin. Quantification and Determination of Lawn Irrigation Return Flows: Aurora obtained a decree in Case No. 02CW341, Water Division 1, on September 25, 2008, quantifying LIRFs from its municipal system (and subsequent requantifications as required by the Decree in 02CW341), generated as a result of use of transmountain water rights, fully consumable in-basin water rights, decreed and permitted non-tributary sources and any other fully consumable water available to Aurora. During this diligence period, Aurora has expended over \$3,000 in engineering costs requantifying the LIRFs adjudicated in Case No. 02CW341 available for exchange which enables maximum use of the water conveyed to Aurora by its operations in the South Platte Basin. Griswold Water Treatment Plant Renovations: This facility treats a portion of the raw water that is received from Spinney Mountain Reservoir before it is delivered to Aurora's customers. More than \$82,233,000 was spent by Aurora during this diligence period for improvements to this facility. This includes expenditures directly by Aurora for renovation of the facility. Wemlinger Water Treatment Plant Improvements: During this diligence period, Aurora spent more than \$30,186,000 for improvements to the Wemlinger Water Treatment Plant. This facility treats a portion of the raw water before it is delivered to Aurora's customers. Rampart Reservoir Improvement: More than \$24,422,000 was spent by Aurora during this diligence period for improvements to the Rampart Reservoir delivery system, including improvements to the 54" raw water transmission pipeline between Rampart Reservoir and storage and water treatment facilities within the city. Rampart Reservoir is used to store the water that has been exchanged from the Arkansas and Colorado River Basins and transported to the South Platte River before it is transported through the parallel 54" and 40" pipelines to Aurora. Rampart Reservoir is important for regulation of the flow through these parallel pipelines. Improvements to Extend or Improve Water Service in and to Aurora: More than \$164,159,000 was spent by Aurora during this diligence period for extension and upgrade of its water transmission and distribution system necessary to deliver the water to Aurora's customers. Prairie Waters Project: The Prairie Waters Project is a large comprehensive water recapture, supply, storage and treatment project which in part recovers reusable return flows from Aurora's water sources from the South Platte River. To facilitate this project Aurora obtained various decrees in Case Nos. 06CW104, 03CW414, and 03CW415, Water Division 1. This project allows further reuse of much of the water decreed to Aurora, including water conveyed to its municipal system by the rights herein. Reuse water recovered by this project is one of the sources at Aurora's water treatment plants for replacement under the operations at issue here. During the diligence period, Aurora obtained a decree in Case No. 13CW3088 (decreed November 4, 2020) and Aurora obtained a decree in Case No. 21CW3028, WD-1, (decreed December 9, 2021) finding reasonable diligence for the water rights decreed conditionally in 03CW415 (decreed March 2, 2015) and in 14CW3065, and Aurora filed an application in Case No. 23CW3175 seeking to make absolute portions of the rights decreed conditionally in Case No. 06CW104, and 15CW3064, WD-1, and seeking a finding of reasonable diligence on the remainder. Aurora has expended at least \$33,866,000 on elements of the Prairie Waters Project during this diligence period. Automated Meter Reading System: Aurora spent more than \$20,722,000 during this diligence period for upgrades to its automated utility reading system. Binney Water Purification Facility: This state-of-the-art water purification and recycling plant owned and operated by Aurora treats

water for use throughout the city. Over \$19,812,000 was spent by Aurora during the diligence period for improvements to this facility. Wild Horse Reservoir: Aurora is constructing an approximately 95,000 acre-foot off channel reservoir in Park County that will integrate with Aurora's Spinney Mountain Reservoir storage operations. <https://wildhorsereservoir.org>. Arkansas River Basin: Aurora made the following diligent efforts with regard to maintaining and enlarging its water supply system components in the Arkansas River Basin which are necessary for continuation and transport of its reusable supplies from the Arkansas River Basin. Revegetation: Aurora has expended at least \$1,057,000 during this diligence period for revegetation, including expenditures for expert revegetation classifications and reports, actual revegetation and weed control costs, as well as farm equipment purchases, office overhead and personnel costs, under Case No. 83CW18 and for revegetation and continued farming of historically irrigated lands pursuant to the decree in Case No. 99CW169(A). Pueblo Reservoir Storage: During the diligence period, Aurora paid the Bureau of Reclamation more than \$5,979,000 for use of Pueblo Reservoir in the storage and exchange of Arkansas River Basin water upstream for transport and use by Aurora in the South Platte Basin. Intergovernmental Agreement with SECWCD. On October 3, 2003, Aurora entered into an Intergovernmental Agreement with the Southeastern Colorado Water Conservancy District ("SECWCD"), replacing an agreement between the parties dated December 7, 2001. Aurora's use of Fryingpan-Arkansas facilities for certain water rights is discussed under this IGA. During the diligence period, Aurora made payments of more than \$1,021,000 to SECWCD under the IGA. Agreements for Use of the Holbrook Reservoir System Facilities: On March 1, 2005, Aurora entered into two agreements pertaining to the use of the diversion, conveyance and storage facilities of the Holbrook Mutual Irrigating Company ("Holbrook"). These agreements implement a program to recapture and store yield from foregone diversions of senior water rights. During this diligence period, Aurora made payments of approximately \$507,000 to Holbrook under this agreement. Aurora and Holbrook extended the storage Agreement on February 6, 2025, for an additional 5-year term. Recovery of Yield ("ROY"): On August 17, 2016, Aurora, along with Colorado Springs, the Pueblo Board of Water Works, the City of Fountain, and the Southeastern Colorado Water Conservancy District, obtained a decree in Case No. 06CW120 adjudicating exchanges necessary as a result of the 2004 Regional Intergovernmental Agreement ("IGA") between the various water providers and the City of Pueblo, whereby the water providers agreed to allow certain of their senior flows to pass through Pueblo's RICD reaches on the condition those flows could be diverted downstream and exchanged back upstream. Aurora expended significant sums on these efforts during the diligence period. The ROY partners have acquired land to prospectively be used as a reservoir site at a cost of more than \$945,000 to Aurora. The ROY partners are in the process of executing an agreement to form a water authority to facilitate the cooperative efforts of the ROY entities. The principals have executed the formation agreement, and the initial meeting of the ROY Authority is being scheduled. Box Creek Reservoir: Entered into a mining lease with Titan Au to mine precious metals within the Box Creek site for a term through December of 2028, providing resources to fund Aurora's water system development. Completed 30% design of the Box Creek Reservoir and appurtenant facilities in 2019. Intake pipeline alignment study to avoid potential wetlands bank on SLB property for \$5,000. Payment for assessments of Rocky Ford Ditch shares: Aurora spent more than \$1,713,000.00 during this diligence period for the original Rocky Ford Ditch shares changed in Case No. 83CW18 and 99CW169(A), Div. 2. Colorado River Basin: Aurora made the following diligent efforts with regard to its water supply system components in the Colorado River Basin that are necessary for continuation of its reusable supplies from the Colorado River Basin. Aurora has continued to pursue development of a joint project or projects as contemplated in a 1998 Memorandum of Understanding with Vail Associates, Upper Eagle River Regional Water Authority, Eagle River Water and Sanitation District, Cypress Climax Mining Company and the Colorado River Water Conservation District. On June 21, 2004, the City of Aurora entered into an additional Water Exchange Agreement with the Eagle Park Reservoir Company, the Colorado River Water Conservation District, the Eagle River Water and Sanitation District, the Upper Eagle Regional Water Authority, and Vail Associates, Inc. to supplement a 1998 Water Exchange Agreement. This agreement affects operations of the Homestake water rights and deliveries of reusable water to Aurora for use in the exchanges herein. On January 5, 2010, the City of Aurora entered into a Consolidated Water Exchange Agreement to supplement,

merge and consolidate the 1998 and 2004 agreements. Aurora seeks to further maximize the operations of the Homestake water rights with these projects. A diligence application was filed by the parties to the agreements in regard to the subject exchange rights in 2023CW3087, W.D. 5. Homestake Project: During this diligence period, work was done on the Homestake Arkansas River Diversion Channel to reduce erosion, including riprap and installation of a new roadway culvert. Additionally, Homestake Reservoir underwent resurfacing and improvement. Once water is transported under the Continental Divide to Twin Lakes Reservoir and then from there, through the Otero Pump Station and Homestake Pipeline, it is then transported to Spinney Mountain Reservoir in the South Platte Basin. During this diligence period, Aurora prosecuted Case No. 2023CW3031, 2020CW3024 and 2023CW3087 in Water Division 5 through the Homestake Partners, comprising the City of Aurora and the City of Colorado Springs Utility. These water court matters seek a decree confirming diligence and continuing in effect the conditional water rights originally decreed in Case No. 98CW270, which comprise part of the Homestake Project. During this diligence period, Aurora executed a Recovery Agreement (March 27, 2020) with the United States and Wildlife Service regarding the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program). The purpose of the Recovery Agreement is to formalize Aurora's participation in the Recovery Program, provide certainty that Aurora's Colorado River depletions can occur consistent with the Endangered Species Act, and provide that Aurora will take reasonable actions to support implementation for the Recovery Elements specified in the 1999 Programmatic Biological Opinion. During the previous diligence period, the Upper Colorado River Endangered Fish Recovery Program, Recovery Implementation Program and Recovery Action Plan Participation Agreement (November 1, 2013) was executed with Northern Colorado Water Conservancy District, and a Ruedi Insurance Water Cost Participation Agreement (November 1, 2013) with the City and County of Denver. Through implementation of these agreements, the east slope water users' commitment for 5412.5 acre-feet of water annually to the Recovery Program is being met. Aurora has and continues to provide its annual pro rata share of operation and maintenance costs associated with these agreements. In addition, Aurora participates and annually contributes to the Colorado Water Congress Colorado River Project for collaboration and support of the Recovery Program by the water users in Colorado, Utah, and Wyoming.

Non-Basin Specific: Protection Efforts: During this diligence period, Aurora spent more than \$5,000,000 on legal services for participation in Water Divisions 1, 2 and 5 cases to protect the rights and interests of Aurora with regard to its water supply system and prosecution of changes of water rights to integrate acquired water rights into Aurora's municipal water rights portfolio. Aurora reserves the right to identify additional relevant efforts that may be later discovered or to make upward adjustments to amounts expended on certain projects. Aurora has an extensive water rights portfolio, an extensive and complex water supply, collection, treatment and reuse system, and an extensive number of agreements, contracts, leases, etc. related to its facilities and the use, reuse and storage of its water rights. It is involved in many legal actions related to the collection, treatment, reuse and protection of its water rights. Further, the management, protection, and operation of the water rights and the facilities system involve numerous City of Aurora departments and staff members throughout the state. Aurora made diligent efforts with regard to this application to determine and quantify all efforts made by the City toward completion of the appropriations and application of the water rights decreed in the Original Decree to beneficial use. However, it is reasonably possible that relevant efforts or expenditures may have been overlooked or need further upward adjustment.

5. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF THE LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE OR EXISTING STORAGE POOL IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED: Spinney Mountain Reservoir is owned by Applicant, the City of Aurora. Wherefore, Applicant respectfully requests that the Court find diligence in the development of the appropriative rights described herein, and continue the conditional decree for said structures and remaining conditional amounts for the statutory period, and provide any other relief it finds just and appropriate in these circumstances.

CASE NUMBER 2026CW3097 (03CW371) (19CW3133) – WATER DIVISION 1 – APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. 1. Name, Address, Phone Number, and E-Mail Address of Applicants. MR. BENNETT AUSLAENDER AND MR. MARTIN AUSLAENDER, 10524 South U.S. Highway 85, Conifer, Colorado 80433; Phone: 303-489-6677; E-Mail: qatpartner@aol.com. Copies of all pleadings to David F. Bower and Cameron C. Frazier, Johnson & Repucci LLP, 850 W. South Boulder Road, Suite 100, Louisville, Colorado 80027; Phone: 303-442-1900; E-mail: dfbower@j-rlaw.com. 2. Overview. Applicants are the owners of 18 acres of land known as Bobcat Ridge (the “Property”), which is being developed into 15 single family homes. A map showing the general location of the Property is attached to the application as **Exhibit A**. The water supply for the development will be provided by up to 15 wells on the Property, known as the Bobcat Ridge Wells Nos. 1-15 (collectively, the “Bobcat Ridge Wells”). In this matter, Applicants seek a finding of reasonable diligence for the conditional underground water rights decreed to the Bobcat Ridge Wells. **3. Description of Conditional Underground Water Rights.** (a) *Original and Subsequent Decrees.* The Bobcat Ridge Wells were conditionally decreed in Case No. 03CW371, Water Division 1, dated July 20, 2013, and continued as conditional in Case No. 19CW3133, Water Division 1, dated June 17, 2020. (b) *Name and Legal Description of Structures.* The Bobcat Ridge Wells are located or decreed to be located within Section 14, Township 6 South, Range 71 West, of the 6th P.M., as follows: (i) Bobcat Ridge Well No. 1. Bobcat Ridge Well No. 1 is located in the SW1/4 SE1/4 of Section 14 at a point approximately 4,450 feet south of the north section line and 2,000 feet west of the east section line of said Section 14. (ii) Bobcat Ridge Well No. 2. Bobcat Ridge Well No. 2 will be located in the SW1/4 SE1/4 of Section 14 at a point approximately 1,290 feet north of the south section line and 2,400 feet west of the east section line of said Section 14. (iii) Bobcat Ridge Well No. 3. Bobcat Ridge Well No. 3 is located in the SW1/4 SE1/4 of Section 14 at point approximately 1,200 feet north of the south section line and 2,100 feet west of the east section line. (iv) Bobcat Ridge Wells Nos. 4-15. Bobcat Ridge Wells Nos. 4-15 will be located somewhere on the Property. The exact location of these wells will not be known until the subdivision of the Property is approved by Jefferson County. (c) *Appropriation Dates.* (i) Bobcat Ridge Well No. 1. January 27, 1975. (ii) Bobcat Ridge Well No. 2. March 7, 2003. (iii) Bobcat Ridge Well No. 3. March 7, 2003. (iv) Bobcat Ridge Wells Nos. 4-15. October 31, 2003. (d) *Source.* Ground water that is tributary to North Turkey Creek, tributary to Turkey Creek, tributary to Bear Creek, tributary to the South Platte River. (e) *Amounts.* (i) Bobcat Ridge Well No. 1. 5 gpm, absolute (as decreed in Case No. 96CW180, Water Division 1); 10 gpm, conditional. (ii) Bobcat Ridge Well No. 2. 15 gpm, conditional. (iii) Bobcat Ridge Well No. 3. 15 gpm, conditional. (iv) Bobcat Ridge Wells Nos. 4-15. 15 gpm, conditional. (f) *Uses.* Ordinary household purposes inside single family dwellings and fire protection purposes. **4. Claim for Finding of Reasonable Diligence.** Applicants seek to continue as conditional the water rights originally decreed in Case No. 03CW371 and continued in Case No. 19CW3133 as described above. During the subject diligence period, the following activities were performed proving Applicants’ intention to put the subject water rights to beneficial use and the actions taken by Applicants to do so: (a) *Development Activities.* Applicants have been active in developing the Property, including doing the development themselves and finding a buyer that would develop the Property using the subject water rights. Applicants have worked with Jefferson County Planning on development approvals, as well as protecting the Bobcat Ridge Well water rights and monitoring water usage from other nearby wells. (b) *Monitoring Wells.* Applicants have continued to monitor the groundwater underlying the property in Bobcat Ridge Well Nos. 1 and 3. As part of this monitoring work, Applicants have to replace the measuring equipment, in addition to the regular expenses incurred in having the measurements taken. (c) *Land Use Matters.* Applicants have also been active in monitoring and participating in other land use proceedings for adjacent developments, and have attended public meetings and other hearings regarding the other land use proposals in the area that will have a direct impact on the Property’s development and water rights. (d) *Accounting.* Applicants continue to provide responses to accounting requests from Mountain Mutual Reservoir Company (the party that provides replacement water under the original plan for augmentation approved in Case No. 03CW371), indicating that no water has been taken because the wells have not yet been developed. (e) *Other Activities.* Applicants also incurred legal fees associated with maintaining and developing the subject conditional water rights, as well as monitoring other applications

in Water Division 1 that could potentially injure the subject rights. 5. **Name of Landowner upon which any New or Modified Diversion Structure is Located.** All of the subject structures are on land owned by Applicants. WHEREFORE, Applicants respectfully requests that the Court enter a decree finding that they have been reasonably diligent in their efforts to develop the conditional water rights originally decreed in Case No. 03CW371, and continued as conditional in Case No. 19CW3133, for the conditional underground water rights for Bobcat Ridge Wells, and continue those rights for their full decreed conditional amounts and uses for an additional six-year diligence period or until such time as a determination is made that the rights have been made absolute in their entirety or are otherwise disposed of. (5 pages plus exhibit)

CASE NUMBER 2026CW3098 (19CW3030, 10CW245, and 86CW378/86CW379) 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 Casey J. Weaver, Esq., Lyons Gaddis PC, P.O. Box 978, Longmont, CO 80502-0978; Telephone: (303) 776-9900; Email: mwg@lyonsgaddis.com; cweaver@lyonsgaddis.com. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN DOUGLAS AND JEFFERSON COUNTIES.** 2. **Names of conditional water rights:** A map showing the general location of structures is attached as **EXHIBIT A**. 2.1. Castle Rock Well (“CR Well”) 176 through 181, inclusive; 2.2. Exchange from Chatfield Reservoir to CR Well 181; 2.3. Exchange from Confluence of East and West Plum Creeks to CR 181. 3. **Description of conditional water rights:** 3.1. **Original decree:** Consolidated Case Nos. 86CW378 and 86CW379, District Court, Water Division No. 1, entered on January 18, 1995. 3.2. **Subsequent diligence decrees:** Case No. 10CW245, entered on February 28, 2013, and Case No. 19CW3030, entered on June 25, 2020. 4. **Description of CR Well 176 through 181, inclusive:** A map showing the general location of structures is attached as **EXHIBIT A**. 4.1. **Decreed locations:** 4.1.1. *Castle Rock Well No. 176:* NW 1/4 NW 1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 450 feet from the west section line and 10 feet from the north section line. 4.1.2. *Castle Rock Well No. 177:* NW 1/4 NW 1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 650 feet from the west section line and 450 feet from the north section line. 4.1.3. *Castle Rock Well No. 178:* NW 1/4 NW 1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 950 feet from the west section line and 400 feet from the north section line. 4.1.4. *Castle Rock Well No. 179:* NW 1/4 NW 1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 1,000 feet from the west section line and 1,000 feet from the north section line. 4.1.5. *Castle Rock Well No. 180:* SW 1/4 NW 1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 1,250 feet from the west section line and 2,050 feet from the north section line. 4.1.6. *Castle Rock Well No. 181:* NE 1/4 SW 1/4 Section 25, T. 7 S., R. 68 W., 6th P.M., Douglas County, Colorado, 1,450 feet from the west section line and 3,050 feet from the north section line. 4.2. **Source for all wells:** Alluvium of West Plum Creek. 4.3. **Appropriation date for all wells:** March 3, 1992. 4.4. **Amount for each well:** 350 gpm. 4.5. **Uses for each well:** All municipal uses. 4.6. **Depth of each well:** 50 feet. 4.7. **Amount claimed absolute:** Not applicable. 5. **Description of Exchange from Chatfield Reservoir to CR Well 181:** 5.1. **Exchange-from point (downstream terminus):** Chatfield Reservoir, which is an existing reservoir formed by Chatfield Dam located on the mainstem of the South Platte River. The right abutment is located in Douglas County, in Sections 6 and 7, T. 6 S., R. 68 W. of the 6th P.M.; the left abutment is located in Jefferson County, in Section 1, T. 6 S., R. 69 W. of the 6th P.M. 5.2. **Exchange-to points (upstream termini):** CR Well 176 through CR Well 181, inclusive, described in paragraph 3.2., above. 5.3. **Source:** Sewered and unsewered return flows from Denver Basin Aquifer groundwater. 5.4. **Appropriation date:** March 3, 1992. 5.5. **Amount:** 4.7 cfs, cumulative among all exchange-to points. 5.6. **Uses:** All municipal and augmentation uses. 5.7. **Amount claimed absolute:** Not applicable. 6. **Description of Exchange from Confluence of East and West Plum Creeks to CR Well 181.** 6.1. **Exchange-from point (downstream terminus):** Confluence of East and West Plum Creeks in the SW 1/4 SE 1/4 Section 23, T. 7 S., R. 68 W., 6th P.M. 6.2. **Exchange-to points (upstream termini):** CR 176 through CR 181, inclusive, described in paragraph 3.2., above. 6.3. **Source:** Sewered and unsewered return flows from Denver Basin Aquifer groundwater. 6.4. **Appropriation date:** March 3, 1992 6.5. **Amount:** 4.7 cfs, cumulative among all exchange-to points.

6.6. **Uses:** All municipal and augmentation uses. 6.7. **Amount claimed absolute:** Not applicable. 7. **Integrated water supply system:** The conditional water rights are component parts of Applicant's integrated water supply system, which consists of tributary water rights, augmentation plans, appropriative rights of exchange, conditional water rights, and non-tributary groundwater rights. Pursuant to C.R.S. § 37-92-301(4)(B), work on one component of the system shall be considered in finding that reasonable diligence has been shown for all components of the system. 8. **Work done toward completion of the appropriations from June 2020 to June 2026:** During the most recent diligence period, Applicant has incurred more than \$88 million to conduct the following work specific to the completion of these conditional water rights and on its integrated system: 8.1. Collaborated with Colorado Rural Water Association using state and federal grant funding to update the Applicant's Source Water Protection Plan in 2022 to incorporate West Plum Creek and to incorporate the portion of East Plum Creek from the Meadows Parkway Bridge downstream to the confluence with West Plum Creek. 8.2. Purchased additional storage capacity in Chatfield Reservoir and paid assessments to the Chatfield Reservoir Mitigation Company, Inc. at a cost of approximately \$6,356,000. 8.2.1. Associated legal and administrative costs totaled approximately \$10,000. 8.2.2. As of the date of the filing of this Application, Applicant owns 977 acre-feet of capacity in Chatfield Reservoir and plans to exercise an option to acquire additional capacity up to 2,000 acre-feet of conditional storage. 8.3. Conducted studies on, designed, and constructed the expansion to Plum Creek Water Reclamation Authority's Wastewater Treatment Plant at a cost to Applicant of approximately \$31,000,000. 8.4. Completed the following work related to the Plum Creek Water Purification Facility: 8.4.1. Designed the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$1,600,000. 8.4.2. Constructed the Plum Creek Water Purification Facility's advanced treatment at a cost of approximately \$28,600,000. 8.4.3. Converted to Liquid Ammonium Sulfate at the Plum Creek Water Purification Facility at approximate cost of \$426,000. 8.4.4. Designed and engineered the expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$2,874,000. 8.4.5. Began construction for expansion of Plum Creek Water Purification Facility Advanced Treatment from 6 MGD to 12 MGD at an approximate cost of \$30,844,000. 8.5. Performed alluvial well rehabilitation and equipment replacement program at a cost of approximately \$959,000. 8.6. Conducted an alternatives analysis for Plum Creek Diversion upgrades at an approximate cost of \$476,000. 8.7. Performed East Plum stream stabilization and CR-1 Diversion upgrades at an approximate cost of \$956,000. 8.8. Designed, constructed, and expanded upgrades to Castle Rock Reservoir Nos. 1 and 2 at a cost of approximately \$14,657,000. 8.9. 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 \$535,000. 8.10. Conducted legal and engineering work to determine whether to acquire certain senior water rights for use in Applicant's municipal water system. 8.11. Began and/or continued to oppose applications that could injure Applicant's water rights, including these water rights, in Case Nos. 18CW3038, 18CW3039, 18CW3232, 19CW3211, 19CW3253, 20CW3005, 20CW3031, 20CW3214, 20CW3215, 21CW3022, 21CW3091, 21CW3193, 22CW3032, 22CW3103, 22CW3111, 23CW3121, 23CW3124, 23CW3129, 23CW3180, 24CW3088, 24CW3094, 25CW3001, 25CW3046, 25CW3062, 25CW3177, 25CW3195, 26GW01, 26CW3023, 26CW3037, and 26CW3040. 8.12. Filed and/or continued to prosecute applications in Case Nos. 19CW3039, 19CW3229, 19CW3231, 19CW3232, 20CW3175, 21CW3046, 21CW3047, 21CW3109, 21CW3142, 21CW3185, 22CW3064, 22CW3145, 22CW3150, 22CW3155, 23CW3002, 23CW3061, 24CW3037, 25CW3119, 25CW3133, 26CW3026, 26CW3028 and 26CW3029. 9. **Owners of land upon which the structures are or will be located:** 9.1. CR Wells 176 through 181, inclusive, will be located on land owned by Double HH Ranch, LLC, 14787 W. Cedar Ave, Golden, CO 80401. 9.2. Chatfield Reservoir is located on land owned by U.S. Army Corps of Engineers, 9307 S. Wadsworth Blvd., Littleton, CO 80128. (7 pages, 1 exhibit)

CASE NUMBER 2026CW3099 Name and Address of Applicants. **JANICE E. DYER**, 26405 County Road 74, Eaton, CO 80615 with all correspondence connected herewith being sent to Applicant's counsel, David Jones or Ryan Donovan, Lawrence Custer Grasmick Jones & Donovan, LLP, 5245 Ronald Regan

Blvd, Suite 1, Johnstown, CO 80634, 970-622-8181. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY.** 2. Name of Structure. Mason Reservoir Enlargement. 3. Description of Conditional Water Right including Information from Previous Decree. 3.1. Date of Original Decree. December 15, 2013, in Case No. 12CW285, District Court, Water Division 1. 3.2. Date of Subsequent Decree. June 24, 2020, in Case No. 19CW3241, District Court, Water Division 1. 3.3. Legal Description of Structure. Located in the West One-Half of Section 33, Township 7 North, Range 64 West of the 6th P.M., beginning at a point from whence the West 1/4 corner of Section 33; thence North 1°0' West 371 Feet; thence North 90° 0' West 377 feet to the "Point of Beginning"; thence North 3° 16' West 392 feet; thence North 2° 51' East 216 Feet; thence North 16 ° 11' West 385 feet; thence North 27° 29' East 105 feet; thence North 49° 46' East 308 feet; thence North 79° 30' East 92 Feet; thence South 75° 52' East 298 Feet; thence South 46° 35' East 104 feet; thence South 10° 45' East 178 feet; thence South 33° 17' East 103 feet; thence South 16° 48' East 98 feet; thence South 13° 40' East 320 feet; thence South 15° 46' East 119 feet; thence South 41° 53' East 236 feet; thence South 32° 15' East 116 Feet; thence South 21° 15' East 134 feet; thence South 21° 29' East 81 feet; thence South 54° 23' East 145 feet; thence South 49° 55' East 63 feet; thence South 8°10' East 53 feet; thence South 19° 34' East 326 feet ; thence South 52° 22' West 223 feet; thence North 89° 01' West 149 feet; thence North 56° 15' West 89 feet; thence North 30° 24' West 428 feet; thence South 84° 30' West 216 feet; thence South 11° 32' West 212 feet; thence North 40° 23' West 111 feet; thence North 13° 56' West 208 feet; thence North 26° 13' West 289 feet; North 55° 08' West 149 feet back to "Point of Beginning." See Figure 1 (to original decree). 3.4. Legal Description of Diversion Point. 2015 feet east of the west section line and 2,550 feet north of the south section line of Section 33, Township 7 North, Range 64 West of the 6th P.M. 3.5. Source of Water. Waste, seepage and flood water from Poverty Gulch via the Owl Creek Irrigation Canal and from the Larimer and Weld Canal. 3.6. Appropriation Date. March 6, 2012. 3.7. Amount. 250 acre feet, conditional. 3.8. Uses. Irrigation, fire-protection, recreation and wildlife, piscatorial, livestock, watering, non-potable domestic. Recreation use shall be within the high water line of the reservoir. Irrigation us is limited to lands in NE 1/4 of Section 32 and Section 33 all in Township 7 North, Range 64 West of the 6th P.M. 3.9. Remarks. 61.5 acre-feet was made absolute for all beneficial uses in Case No. 19CW3241, with the balance of 188.5 acre-feet maintained as conditional. 4. Outline of Work Done Toward Completion of the Appropriation. During the diligence period, water was diverted and stored under the subject water right, and was subsequently released for decreed beneficial uses, including irrigation. Applicants took steps and incurred expenses to operate, maintain and develop the conditional water right, including making repairs to pumps and pipes used for irrigation. Applicants also purchased fish stock in furtherance of the piscatorial, recreation and wildlife uses of the reservoir. 5. Claim for Finding of Reasonable Diligence. Pursuant to § 37-92-301(4), Applicants hereby request a finding that they have been reasonably diligent in the development of the conditional amount for the Mason Reservoir Enlargement water right described herein and further request a decree maintaining the Mason Reservoir Enlargement as conditional. 6. Name and Address of Owners of Structures of Lands. Applicants own the structures and the land upon which the structures are located. The original application consists of 4 pages.

CASE NUMBER 2026CW3100 (1994CW285), **CITY OF BOULDER, COLORADO.** Attorneys for Applicant City of Boulder: Jessica L. Pault-Atiase, #36739, City of Boulder, Colorado, Office of the City Attorney, 1777 Broadway, P.O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3020, Email: pault-atiasej@bouldercolorado.gov; Lisa M. Thompson, #35923, Michael A. Kopp, #43204, Trout Raley, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963, Email: lthompson@troutlaw.com; mkopp@troutlaw.com. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE IN BOULDER COUNTY, COLORADO.** 1. Name, mailing address, email address and telephone number of applicant: City of Boulder ("Boulder"), c/o Kim Hutton, P.O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3115, Email: huttonk@bouldercolorado.gov. 2. Name of structures: North Boulder Farmers Return Flow Substitutions and Exchanges ("Exchange"). 3. Describe conditional water rights: a. Date of original decree, case number and court: Case No. 1994CW285, entered on December 22, 1997,

District Court, Water Division No. 1 (“94CW285 Decree”). b. List of all subsequent decrees awarding findings of diligence: Decree entered on July 24, 2006, Case No. 2003CW440; decree entered on January 9, 2014, Case No. 2012CW187; and decree entered on June 24, 2020, Case No. 2020CW3013, all in District Court, Water Division No. 1. c. Description of substitutions and exchanges: Appropriative rights of substitution and exchange whereby fully consumable municipal return flows from the use of the water rights represented by Boulder’s North Boulder Farmers Ditch shares, changed in the 94CW285 Decree, are left in Boulder Creek at the Boulder Municipal Wastewater Treatment Plant (also known as the Boulder Water Resource Recovery Facility) Outfall on Boulder Creek near 75th Street to supply downstream appropriations and an equivalent amount of water is diverted from Middle Boulder Creek or its tributaries at one or more of the structures described below, and/or from North Boulder Creek at one or more of the structures described below. The exchange-from and exchange-to locations for operation of the Exchanges are depicted on the map attached to the Application as Exhibit A. d. Legal descriptions: The structures to be used in the Exchange are as follows: i. Downstream point of substitutions and exchanges (exchange-from point): Boulder Municipal Wastewater Treatment Plant (also known as the Boulder Water Resource Recovery Facility or WRRF) Outfall: Located on Boulder Creek in Section 13, Township 1 North, Range 70 West of the 6th P.M. ii. Upstream points of substitutions and exchanges on Middle Boulder Creek (exchange-to points): a. Boulder City Pipeline #3: The pipeline intake from Barker Meadow Reservoir, located on Middle Boulder Creek at a point whence the northwest corner of Section 17, Township 1 South, Range 72 West, 6th P.M., bears North 16°04’ West a distance of 1,920± feet. b. Barker Meadow Reservoir: Barker Meadow Reservoir is located on the mainstem of Middle Boulder Creek in the W 1/2 of Section 17 and in Section 18, Township 1 South, Range 72 West, of the 6th P.M. and in the E 1/2 of Section 13, Township 1 South, Range 73 West, of the 6th P.M. c. Skyscraper Reservoir: Skyscraper Reservoir is located in the SW 1/4 SE 1/4, Section 16, Township 1 South, Range 74 West of the 6th P.M. iii. Upstream points of substitutions and exchanges on North Boulder Creek (exchange-to points): a. Silver Lake Reservoir: Silver Lake Reservoir is located in Sections 20, 21, 28 and 29 of Township 1 North, Range 73 West, 6th P.M. b. Island Lake: Island Lake is located in Sections 20 and 29, Township 1 North, Range 73 West, 6th P.M. c. Goose Lake: Goose Lake is located in Sections 19 and 30, Township 1 North, Range 73 West, 6th P.M. d. Lake Albion: Lake Albion is located in Section 18, Township 1 North, Range 73 West, 6th P.M. e. Green Lakes Reservoir #1: Green Lakes Reservoir #1 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. f. Green Lakes Reservoir #2: Green Lakes Reservoir #2 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. g. Green Lakes Reservoir #3: Green Lakes Reservoir #3 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. e. Water and water rights to be used for substitution and exchange: Water available for use by Boulder pursuant to the terms of the 94CW285 Decree. f. Date of appropriation: December 29, 1994. g. Amounts: North Boulder Farmers Return Flow Substitutions and Exchanges: 2.2 c.f.s., ABSOLUTE; 2.3 c.f.s., CONDITIONAL (4.5 c.f.s. claimed herein as fully absolute, with no amount remaining conditional). h. Uses: All municipal purposes including, without limitation, domestic, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge and for all other beneficial uses, within the Boulder service area or outside Boulder’s service area for such extraterritorial customers as Boulder may serve from time to time pursuant to City Charter and contracts. Such use includes the right to use, reuse and successively use, lease, sell and/or otherwise dispose of to extinction all water diverted and/or stored by substitution and exchange hereunder. i. Decree conditions and limitations: The foregoing rights of substitution and exchange remain subject to all conditions and limitations described in the 94CW285 Decree. 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. 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; and (5) Barker Reservoir dam and outlet works studies at a cost of approximately \$3,500,000. 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 full amount of 4.5 c.f.s. on April 23, 2026. Attached to the 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 for municipal purposes pursuant to the 94CW285 Decree. c. 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 and that the subject conditional water right for the Exchange has been made fully absolute in the amount of 4.5 c.f.s. This application consists of seven pages and two exhibits.

CASE NUMBER 2026CW3101 TOWN OF LASALLE, 128 North 2nd Street, LaSalle, Colorado 80645, through counsel Evan D. Ela, Joseph W. Norris, and Madison P. Plasencia, 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 WELD COUNTY**. 1. Name, Address and Telephone Number of Applicant. Town of LaSalle (“LaSalle”), 128 North 2nd Street, LaSalle, Colorado 80645, (970) 284-6931. 2. Name of Structures. LaSalle Reservoir, Dove Hill Well, and Stewart Well No. 1. 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. 04CW130, entered October 19, 2012. The Decree in Case No. 04CW130, *inter alia*, confirmed (i) the LaSalle Reservoir Water Storage Right in the amount of 36 acre-feet, conditional, and a filling rate of 10.0 cfs, conditional, for use within LaSalle’s municipal water system for the following purposes: replacement, augmentation, exchange (although no exchange is confirmed by this decree), piscatorial, wildlife, fire protection, recreation and irrigation, including any losses incidental to such uses; (ii) the Dove Hill Well (Well Permit No. 68211-F) in the amount of 996 gpm (2.22 cfs), conditional, for irrigation within the LaSalle service area as it presently exists or may exist in the future; and (iii) the Stewart Well No. 1 (Well Permit No. 75206-F) in the amount of 1400 gpm (3.12 cfs), conditional, for irrigation within the LaSalle Service area as it presently exists or may exist in the future and on the Stewart farm located in the SW/4 of Section 32, Township 5 North, Range 65 West, of the 6th P.M., in Weld County, Colorado, and commercial including, without limitation the following purposes: construction water, oil well service water and other commercial uses that could occur in the operation of LaSalle’s municipal water supply system. b. Prior Diligence Decree: Case No. 18CW3186, entered June 2, 2020. The Decree in Case No. 18CW3186 confirmed and continued (i) the LaSalle Reservoir Water Storage Right in the amount of 36 acre-feet, conditional, and a

filling rate of 10.0 cfs, conditional, for use within LaSalle's municipal water system for the following purposes: replacement, augmentation, exchange (although no exchange is confirmed by this decree), piscatorial, wildlife, fire protection, recreation and irrigation, including any losses incidental to such uses; (ii) the Dove Hill Well (Well Permit No. 68211-F) in the amount of 0.32 cfs (443.6 gpm), absolute, 1.9 cfs (852.4 gpm), conditional, for irrigation within the LaSalle service area as it presently exists or may exist in the future; and (iii) the Stewart Well No. 1 (Well Permit No. 75206-F) in the amount of 0.56 cfs (251.3 gpm), absolute, 2.56 cfs (1148.7 gpm), conditional, for irrigation within the LaSalle Service area as it presently exists or may exist in the future and on the Stewart farm located in the SW/4 of Section 32, Township 5 North, Range 65 West, of the 6th P.M., in Weld County, Colorado, and commercial including, without limitation the following purposes: construction water, oil well service water and other commercial uses that could occur in the operation of LaSalle's municipal water supply system. 4. Description of the subject conditional water rights ("Subject Water Rights"). a. LaSalle Reservoir Water Storage Right. (1) Location of Reservoir. LaSalle Reservoir, an off-channel reservoir, will be located in the SE/4 of the SW/4 of Section 29, Township 5 North, Range 65 West of the 6th P.M., with its approximate center located at a point 2,300 feet east of the west section line of said Section 29 and 300 feet north of the south section line of said Section 29, in Weld County, Colorado. (2) Location of Points of Diversion. (a) Godfrey Ditch (a.k.a. Section No. 3 Ditch). The Godfrey Ditch diverts from the South Platte River at a point located in the SE/4 of Section 4, Township 4 North, Range 66 West, of the 6th P.M., in Weld County, Colorado. (b) Lower Latham Ditch. The Lower Latham Ditch diverts from the South Platte River at a point located in the NW/4 of the NE/4 of Section 31, Township 5 North, Range 65 West, of the 6th P.M., in Weld County, Colorado. This point of diversion is not authorized under this decree unless and until LaSalle obtains an agreement with the Lower Latham Ditch Company. If LaSalle obtains such an agreement, it shall file a copy with the Court and serve all parties hereto, and LaSalle's use of the point of diversion shall be controlled by the terms of such agreement, subject to the terms and conditions of this decree. (c) LaSalle Pump Station. The LaSalle Pump Station will be constructed on the south bank of the South Platte River in the SW/4 of Section 29, Township 5 North, Range 65 West, of the 6th P.M., in Weld County, Colorado. The LaSalle Pump Station shall only divert surface water flowing in the South Platte River and shall not divert ground water. The LaSalle Pump Station has not yet been constructed as of the date of this decree and shall be constructed such that no ground water is diverted at the Pump Station. (3) Source. South Platte River. In addition to storing water in LaSalle Reservoir under the storage right decreed herein, LaSalle may also store water in LaSalle Reservoir attributable to the replacement water sources identified in Paragraph 18, of the Decree in Case No. 04CW130. (4) Date of Initiation of Appropriation. September 9, 2003, by virtue of Applicant's decision at a public meeting of the LaSalle Board of Trustees to obtain an adjudicated augmentation plan independent of the South Platte Well Users Association utilizing water rights owned or controlled by LaSalle. (5) Amount. 36 acre-feet, CONDITIONAL; filling rate of 10.0 cfs, CONDITIONAL. (6) Use. Use within LaSalle's municipal water system for the following purposes: replacement, augmentation, exchange (although no exchange is confirmed by this decree), piscatorial, wildlife, fire protection, recreation and irrigation, including any losses incidental to such uses. (a) Any use of the LaSalle Reservoir Water Storage Right in an augmentation or replacement plan, or exchange, other than pursuant to the augmentation plan decreed in Case No. 04CW130, must be approved by subsequent water court decrees. Releases from LaSalle Reservoir for these purposes shall be made directly to the South Platte River through a gravity outlet structure or by pumped release, and such releases will occur in the vicinity of the SE/4 of the SW/4 of Section 29, Township 5 North, Range 65 West of the 6th P.M., at a point on the south bank of the South Platte River approximately 2,200 feet east of the west section line of said Section 29, in Weld County, Colorado, or directly to the Lower Latham Ditch. (b) Irrigation use will occur within the LaSalle service area as it presently exists, or may exist in the future. The current LaSalle service area is located within portions of Sections 31 and 32, Township 5 North, Range 65 West, of the 6th P.M., Sections 5 and 6, Township 4 North, Range 65 West, of the 6th P.M., and Section 1, Township 4 North, Range 66 West, of the 6th P.M., all in Weld County, Colorado. b. Dove Hill Well, Permit No. 68211-F. (1) Location. The Dove Hill Well is located in the SW/4 of Section 31, Township 5 North, Range 65 West, of the 6th P.M., in Weld County, Colorado, more particularly described as 223 feet North and 400 feet East of the Southwest

corner of said Section 31. (2) Source. Ground water tributary to the South Platte River. (3) Date of Initiation of Appropriation. July 19, 2010. (4) Amount. 0.32 cfs (143.6 gpm), ABSOLUTE, 1.9 cfs (852.4 gpm), CONDITIONAL. (5) Use. Irrigation within the LaSalle service area as it presently exists or may exist in the future (more particularly described in Paragraph 4(a)(6)(b) above). c. Stewart Well No. 1 (Well Permit No. 75026-F). (1) Location. The Stewart Well No. 1 is located in the SW/4 of the SW/4 of Section 32, Township 5 North, Range 65 West, of the 6th P.M., in Weld County, Colorado, more particularly described as 515 feet north of the south section line and 924 feet east of the west section line of said Section 32. (2) Source. Ground water tributary to the South Platte River. (3) Date of Initiation of Appropriation. July 19, 2010. (4) Amount. 1400 gpm (3.12 cfs), CONDITIONAL. (5) Use. Irrigation, within the LaSalle service area as it presently exists or may exist in the future (more particularly described in Paragraph 4(a)(6)(b) above) and on the Stewart farm located in the SW/4 of Section 32, Township 5 North, Range 65 West, of the 6th P.M., in Weld County, Colorado, and commercial including, without limitation the following purposes: construction water, oil well service water and other commercial uses that could occur in the operation of LaSalle's municipal water supply system. 5. Outline of work done and funds expended by Applicant during the relevant diligence period 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 or expenditures on any part of Applicant's integrated municipal water supply system during the relevant diligence period must be considered in a finding that reasonable diligence has been shown for the subject conditional water rights. a. Applicant expended over \$142,000 for maintenance, repair, and operation of its nonpotable water supply system, which is used for irrigation of public parks and the Dove Hill subdivision. b. Applicant has engaged in planning and engineering analyses associated with improving, managing, constructing, and operating its integrated municipal water supply system, and to obtain leases for additional augmentation water as a reserve. c. Applicant expended over \$22,000 for legal fees and over \$54,000 for engineering and other consultant fees associated with participation in water court cases, operation of LaSalle's augmentation plan, keeping and reporting water rights accounting, and planning related to Applicant's portfolio of water rights. d. Applicant has solicited qualifications and proposals for a study concerning the construction and costs of LaSalle Reservoir. Selection of a contractor to perform the study is ongoing as of the time of this Application. WHEREFORE, 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. (7 pages)

CASE NUMBER 2026CW3102 BIJOU IRRIGATION COMPANY ("BIJOU") 15551 Highway 34, P.O. Box 972, Fort Morgan, CO 80701, office@bijouirrigation.com, Telephone: 970-867-2222. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN WELD AND MORGAN COUNTIES.** 2. Names of Structures. A. Bijou Canal B. Layton Lateral C. Dailey Lateral D. No. 2 Bijou Lateral E. No. 3 Bijou Lateral F. Recharge Areas, as listed in Exhibit B of the 04CW357 Decree ("Recharge Areas") Maps showing the general location of these structures are attached to this application as **Exhibits A-1, A-2, A-3, and A-4.** 3. Prior Decrees. A. The original decree for the water right described below (the "04CW357 water right") was entered on October 5, 2012, in Case Nos. 2004CW357, 2001CW189, 2002CW317, and 2003CW406, Water Court for Water Division No. 1 ("Case No. 04CW357"). That original decree is referred to in this application as the "04CW357 Decree." As part of a settlement agreement with certain opposers in the above cases, Bijou combined the water rights claimed in each of the cases into one water right. B. On June 24, 2020, the Water Court for Water Division No. 1 entered a decree in Case No. 18CW3177 ("18CW3177 Decree") confirming a portion of the 04CW357 water right as absolute and making findings of reasonable diligence for the remaining conditional portion of the 04CW357 water right. 4. Description of Water Right. A. Legal Description of the Structures: i. Point of Diversion. The Bijou Canal is an existing ditch that diverts from the south side of the South Platte River at a point in the NE1/4 NE1/4 of Section 13, Township 4 North, Range 63 West, 6th P.M., Weld County, Colorado. A description

of the reaches of the Bijou Canal decreed in Case No. 04CW357 is set forth in Exhibit B and Exhibit C of the 04CW357 Decree. ii. The Layton Lateral, Dailey Lateral, No. 2 Bijou Lateral, and No. 3 Bijou Lateral are existing lateral conveyance structures that receive water deliveries from the Bijou Canal. Descriptions of the reaches of the Layton Lateral, the Dailey Lateral, the No. 2 Bijou Lateral, and the No. 3 Bijou Lateral decreed in Case No. 04CW357 are set forth in Exhibit B and Exhibit C of the 04CW357 Decree. iii. The locations of the Recharge Areas that can receive deliveries of water under the 04CW357 water right are set forth in Exhibit B to the 04CW357 Decree, as updated by post-decree filings in Case No. 04CW357 for Recharge Areas and related recharge sites constructed following entry of the 04CW357 Decree. B. Source. South Platte River C. Appropriation Date and Amount. i. Date of appropriation: December 7, 2004 ii. Amount decreed: 500 cubic feet per second (“cfs”) at the Bijou Canal Headgate, conditional, up to a total annual maximum volume of 73,600 acre-feet and a 20-year running volumetric limit of 475,520 acre-feet. iii. In Case No. 18CW3177, the Court confirmed that 269 cfs of the 04CW357 water right had been made absolute (leaving a remaining conditional portion of 231 cfs) and that 29,779 acre-feet of the annual maximum volume was diverted during one water accounting year. D. Use. Bijou has entered into written agreements (“Recharge Agreements”) that provide for the construction and operation of the Recharge Areas, and which govern the allocation of the augmentation credits generated by the exercise of the 04CW357 water right. The augmentation credits are used to provide supplemental augmentation water to augment structures included in Bijou’s previously decreed company augmentation plan in Case Nos. W-2704 and W-9172-78, Water Court for Water Division No. 1, which structures are listed in Exhibit D to the 04CW357 Decree, and to replace well depletions that are caused by those wells listed in Exhibit E to the 04CW357 Decree that are owned by individuals who have the right to receive augmentation credits pursuant to the Recharge Agreements, and which are included in decreed augmentation plans or substitute water supply plans that are approved by the state engineer pursuant to C.R.S. Section 37-92-308(4) or a successor statute. The use of all augmentation credits generated from all diversions authorized by the 04CW357 Decree, regardless of who owns or leases such credits, shall be limited to use for replacement of depletions from the wells listed in Exhibit D and Exhibit E of the 04CW357 Decree, and shall be subject to the terms and conditions of that decree. 5. Amount Claimed Absolute. As described in Section 4.C.iii, above, Bijou diverted the 04CW357 water right at a maximum rate of 269 cfs during the prior diligence period and that portion of the decreed flow rate is absolute. During the subject diligence period running from October 30, 2018, through the date of filing this application, Bijou diverted water under the 04CW357 water right for delivery to the Recharge Areas when the right was in priority. The maximum daily diversion attributable to the 04CW357 water right at the Bijou Canal headgate during the subject diligence period was 230.8 cfs. Bijou is therefore not claiming any additional portion of the decreed flow rate as absolute in this application. The diverted water has, however, been recharged into the alluvium of the South Platte River and has been used to replace depletions from the wells described in Exhibit D and Exhibit E to the 04CW357 Decree or will be used for that purpose in the future as the water accretes to the river. The remaining 231 cfs of the 500 cfs diversion rate decreed to the 04CW357 water right is still conditional. 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. Bijou owns several irrigation, storage, and recharge water rights that are decreed for diversion through the Bijou Canal. As confirmed in paragraph 27 of the 04CW357 Decree, the recharge water right that is the subject of this application is part of an integrated system operated by Bijou. During the diligence period, Bijou made diversions under its various water rights when the rights were in priority, and has otherwise managed its irrigation, storage, and recharge operations to best utilize its water rights and operate its decreed plan for augmentation. Such activities included diversions at the Bijou Canal Headgate under the 04CW357 water right, and delivery of the diverted water through the Bijou Canal and the identified laterals to the Recharge Areas. In addition, the following work and expenditures are relevant to Bijou’s water delivery operations, its integrated system, and the development of the 04CW357 water right. The activities and costs identified in this application are not all inclusive and Bijou reserves the right to provide evidence of other work done and costs incurred during the subject diligence period during the proceedings for this application. A. During the diligence period Bijou did maintenance and other work on the Bijou Canal and other structures within its integrated water diversion

and delivery system. This work included maintenance, grading, and cleaning of the Bijou Canal and maintenance of structures along the canal and updates to measuring structures at the tail of the ditch. Total expenditures for this maintenance were approximately \$614,909.00. B. Bijou also incurred costs during the diligence period for operation of the Bijou Canal and associated structures, including employee salaries and capital outlay costs. These expenditures were approximately \$1,227,113.00. C. During the diligence period Bijou completed construction on new outlet gates for Empire Reservoir, a significant component of its integrated water delivery system. Total expenditures for this project were approximately \$731,144.00. D. During the diligence period Bijou also participated in other water court cases as an opposer to protect its water rights and system operations, including the water rights and operations decreed in Case No. 04CW357. Bijou incurred costs for the work on these cases, including legal and engineering fees and staff time. E. Bijou also incurred other miscellaneous costs during the diligence period related to the 04CW357 water right, including consultant fees for accounting operations. Bijou intends to pursue the diversion and beneficial use of the remaining 231 cfs of the 04CW357 water right and the allowed volumetric amounts, and seeks a determination from the Court that it has been reasonably diligent in the development of the water right, including the remaining conditional portion, pursuant to C.R.S. § 37-92-301(4)(b). 7. Continuing Need and Intent for the 04CW357 Water Right. Bijou's integrated water diversion and delivery system is operated based on daily river hydrology and user demand. Bijou and the landowners with which it has the Recharge Agreements have a continuing need for the full diversion rate and volumetric amounts decreed in Case No. 04CW357 and confirmed in Case No. 18CW3177, and have a continuing plan and intent to develop and put to beneficial use the 04CW357 water right up to its maximum decreed diversion rate and volumes. Bijou intends to pursue the diversion and beneficial use of the remaining 231 cfs of the 04CW357 water right and the allowed volumetric amounts, and seeks a determination from the Court that it has been reasonably diligent in the development of the water right, including the remaining conditional portion, pursuant to C.R.S. § 37-92-301(4)(b). 8. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool. A. Bijou owns or has pre-existing rights to use the land upon which the Bijou Canal, including its headgate, the Layton Lateral, the Dailey Lateral, the No. 2 Bijou Lateral, and the No. 3 Bijou Lateral are located. B. The Recharge Areas to which the 04CW357 water right may be delivered are described in Exhibit B to the 04CW357 Decree, and Bijou does not propose any new Recharge Areas or modifications to the decreed Recharge Areas by this application. The current owners of the Recharge Agreements that govern the delivery of water to the Recharge Areas are as follows: i. Tom Bender; 22017 Hwy. 39, Weldona, CO 80653 ii. Bijou Creek Ranch, LLC and Little Bijou Ranch, LLC, c/o Dave Koffler; 720 S. Colorado Blvd., PH-N, Denver, CO 80246 iii. Steve Bruntz; 3506 Morgan County Road T, Wiggins, CO 80654 iv. Fort Morgan Farms, LLC, c/o Rob Graves; 5821 County Road 54E, Bellvue, CO 80512 v. Empire Dairy, c/o Norm Dinis; 1473 Morgan County Road S, Wiggins, CO 80654 vi. Geisick Brothers, c/o Bob Geisick; 20413 Morgan County Road 6, Wiggins, CO 80654 vii. Mary Ann Goedert; 15884 Morgan County Road 10, Fort Morgan, CO 80701 viii. Charles and Nora Feldpausch, 34600 County Road 31, Greeley, CO 80631 ix. Groves Farms, c/o Mike Groves; 21020 Morgan County Road 6.5, Weldona, CO 80653 x. Horizon Turf, c/o Dick Ruppel; 154701 Morgan County Road 11, Fort Morgan, CO 80701 xi. Brenda Langford; 42996 Hwy. 34, Orchard, CO 80649 xii. McCracken Brothers, c/o Dave McCracken; 13490 Morgan County Road T, Fort Morgan, CO 80701 xiii. Chip Morrison; 3282 S. Wadsworth, Denver, CO 80227 xiv. Todd Muck; 5768 Lower Twin Creek Rd., Castle Rock, CO 80104 xv. Neb Brothers, c/o Dean Neb; 206 High Street, Wiggins, CO 80654 xvi. Jerry Newman, c/o Justin Mook; 2975 Morgan County Road U, Wiggins, CO 80654 xvii. Silz Land Company, LLC, c/o Bob Nelson; P.O. Box 1248, Fort Morgan, CO 80701 xviii. Bijou Agricultural Water Activity Enterprise; 8301 E. Prentice Ave. #120, Greenwood Village, CO 80111 xix. Sonny Weimer, c/o Mike Baessler; 20011 Morgan County Road 13, Fort Morgan, CO 80701 xx. Wiggins Farms, LLC, c/o Evan Snyder; P.O. Box 1866, Sterling, CO 80751 Bijou provides accounting to the owners of the Recharge Agreements, provides other communications with these owners about the status of recharge deliveries, and holds an annual meeting to discuss the status of the 04CW357 water right and Bijou's recharge operations. WHEREFORE, Bijou requests that the Court enter a decree

determining that it has exercised reasonable diligence in the development of the water right originally decreed in Case Nos. 2004CW357, 2001CW189, 2002CW317, and 2003CW406 under the requirements of Colorado law and that this right be confirmed for its full decreed diversion rate and related volumetric amounts as described in the 04CW357 Decree and continued for another diligence period. 14 pages incl. exhibits.

CASE NUMBER 2026CW3103 BIJOU AGRICULTURAL WATER ACTIVITY ENTERPRISE, 15366 MCR O, Fort Morgan, Colorado 80701, E-mail: admin@bawae.com, Telephone Number: (303) 902-2564 Please provide all correspondence and other communications to Stuart Corbridge and Katherine Carter using the contact information in the caption of this application. **APPLICATION FOR CHANGE OF POINT OF DIVERSION AND CHANGE OF DECREED ACREAGE FOR UNDERGROUND WATER RIGHT IN MORGAN COUNTY.** 2. Summary of Application. The Bijou Agricultural Water Activity Enterprise (“BAWAE”) is the successor in interest to the applicants and owners and operators of the plan for augmentation and water operations that were adjudicated in the decree entered on December 11, 2006, in Case No. 2003CW263, Water Division 1 (“03CW263 Decree”), and now operates that plan for augmentation (“03CW263 Plan”). BAWAE obtained a decree in Case No. 23CW3036 on April 10, 2026 (“23CW3036 Decree”), that confirms and adjudicates conditional groundwater rights for three wells located in Morgan County, Colorado, and adds those three wells as augmented structures in the 03CW263 Plan. During the pendency of Case No. 23CW3036, BAWAE obtained permits to construct well structures at the locations claimed in the application filed in that case and described in the 23CW3036 Decree. Additional evaluation of BAE Well 1 indicated the location described in the 23CW3036 Decree is not going to be suitable for the intended water use operations. In addition, following the filing of the application in Case No. 23CW3036, property that is adjacent to the BAE Parcel 1 described in the 23CW3036 Decree was obtained and the footprint of BAE Parcel 1 has changed. One purpose of this application is to change the authorized point of diversion for the groundwater right decreed to BAE Well 1 in Case No. 23CW3036 so the well can be operated at a better location. The second purpose of this application is to obtain a change of the groundwater right for BAE Well 1 to allow water pumped from the well to be used for the decreed purposes of commercial feedlot, commercial dairy, and irrigation use within the entirety of the changed footprint for BAE Parcel 1. In seeking these changes, BAWAE is not seeking any new types of use or an enlarged pumping rate or annual volume limit for the BAE Well 1 groundwater right. BAE Well 1 and its 23CW3036 groundwater right are included in the 03CW263 Plan as an augmented structure and BAWAE intends to operate BAE Well 1 and its decreed groundwater right under the changes requested in this application in accordance with the augmentation requirements and terms and conditions of the 03CW263 Decree and the 23CW3036 Decree. **BAE WELL 1 GROUNDWATER RIGHT (AS DECREED IN CASE NO. 23CW3036)** 3. The groundwater right for BAE Well 1 confirmed in the 23CW3036 Decree is as follows. a. Legal description. SE1/4 SE1/4 of Section 21, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, at a point located as follows: Easting 596242 m; Northing 4450939 m; Zone 13, NAD83. b. Source. Groundwater tributary to the South Platte River c. Depth. N/A d. Appropriation Date. January 1, 2023 e. Amount. i. 500 gallons per minute (“gpm”) (1.11 cfs), conditional ii. 775 acre-feet annually, conditional f. Uses. i. Commercial feedlot and commercial dairy use purposes at BAE Parcel 1. ii. Irrigation of up to 750 acres at BAE Parcel 1 located in the S1/2 of Section 27, the N1/2 and SE1/4 of Section 28, and the N1/2 NE1/4 of Section 29, all in Township 3 North, Range 58 West, 6th P.M. iii. BAE Parcel 1 and the location of the irrigated acres decreed in Case No. 23CW3036 are shown on **Exhibit A. CHANGES OF POINT OF DIVERSION AND DECREED ACRES** 4. Change of Decreed Point of Diversion for BAE Well 1. a. Following the filing of the application in Case No. 23CW3036, BAWAE submitted a monitoring well permit for BAE Well 1 at the location included in the application to allow for construction and testing of the well. Based on additional site evaluation, BAWAE concluded this location for the well would not meet its operational requirements. It thus obtained a second monitoring well permit for the well at an alternate location, Permit No. 334535. The monitoring well is permitted and constructed at the location described below, which is the changed point of diversion for the groundwater right for BAE Well 1 sought by BAWAE pursuant to the filing of this application. b. Legal description of

Changed Point of Diversion. NE1/4 SE1/4 of Section 21, Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado, at a point located as follows: Easting 595926 m; Northing 4451688 m; Zone 13, NAD83 (UTM coordinates taken from the Well Construction Report for Permit No. 334535). c. Updated Glover Values for BAE Well 1 for the 03CW263 Plan operations. The AWAS Glover values decreed to BAE Well 1 in Case No. 23CW3036 for the original well location are: i. X (distance from the river to the well location): 27,455 ft ii. W (width of the aquifer on the side of the river where the well is located): 27,621 ft iii. T (transmissivity of the aquifer between the well and the river): 93,017 gpd/ft iv. S (specific yield of the aquifer): 0.2 For purposes of determining the amount and timing of lagged depletions from pumping BAE Well 1 at the changed point of diversion, BAWAE will use the following AWAS Glover alluvial aquifer parameters. i. X: 25,757 ft ii. W: 27,045 ft iii. T: 126,470 gpd/ft iv. S: 0.2 d. Lagged Depletion Impacts. The 23CW3036 Decree describes the location of stream depletions from pumping BAE Well 1 as the NE1/4 NE1/4 of Section 35, Township 4 North, Range 58 West. Depletions from pumping BAE Well 1 at the changed point of diversion will impact the South Platte River in the NW1/4 NE1/4 of Section 35, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. e. BAWAE's engineering analysis for the changed point of diversion for BAE Well 1 is ongoing and BAWAE reserves the right as this case progresses to update the AWAS Glover alluvial aquifer parameters to be used for BAE Well 1 at the changed location and the location of stream depletions, based on new or updated information.

5. Changed Acreage for Uses Decreed to the Groundwater Right for BAE Well 1. a. The footprint of BAE Parcel 1 described in the 23CW3036 Decree has been expanded to include a portion of the SE1/4 of Section 20, the SW1/4 SW1/4 of Section 21, and the S1/2 SW1/4 of Section 22, all in Township 3 North, Range 58 West of the 6th P.M., Morgan County, Colorado. These additional acres are shown on **Exhibit A**. b. In addition to use of the groundwater right decreed to BAE Well 1 on BAE Parcel 1 as described in the 23CW3036 Decree, BAWAE seeks approval to use water pumped from BAE Well 1 for commercial feedlot and commercial dairy use and for irrigation purposes on the additional acres that are associated with BAE Parcel 1 as described in Paragraph 5.a. This would include irrigation of approximately 210 additional acres at BAE Parcel 1, changing the total irrigated acres to 960 acres located in all or portions of the S1/2 of Section 27, the N1/2 and SE1/4 of Section 28, the N1/2 NE1/4 of Section 29, the SE1/4 of Section 20, the SW1/4 SW1/4 of Section 21, and S1/2 SW1/4 of Section 22, all in Township 3 North, Range 58 West, 6th P.M. c. Use of the groundwater right decreed to BAE Well 1 in Case No. 23CW3036 for these uses will continue to be limited to an instantaneous pumping rate of 500 gpm and up to 775 acre-feet annually in accordance with the requirements of the 03CW263 Decree and the 23CW3036 Decree.

6. Names and addresses of the owners 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. a. The changed point of diversion for BAE Well 1 is located on property owned by Teague Enterprises LLC, whose mailing address is 15366 Morgan County Road O, Fort Morgan, Colorado 80701. WHEREFORE, BAWAE requests entry of a decree in this matter that: 1) adjudicates a change of point of diversion for BAE Well 1 as described in Paragraph 4; 2) confirms the Glover values for BAE Well 1 at the changed point of diversion as described in Paragraph 4 and the location of lagged stream depletions; and 3) confirms the changed acres for BAE Parcel 1 as described in Paragraph 5 and authorizes use of the groundwater right decreed to BAE Well 1 for the decreed purposes on the expanded acres associated with BAE Parcel 1. (8 pages incl. exhibit)

CASE NUMBER 2026CW3104 TANYA SUE RELANDER TRUST & SHAUNDR A R BLINZLER FAMILY TRUST. Tanya Sue Relander Trust, ATTN: Tanya Relander, Trustee, 38929 N. 56th Circle, Cave Creek, AZ 85331. Shaunda R Blinzler Family Trust, ATTN: Shaunda Blinzler, Trustee, 28150 N. Alma School Pkwy, Suite 103-284, Scottsdale, AZ 85262. Philip E. Lopez, Eric K. Trout, Fairfield and Woods, P.C., 1801 California Street, Suite 2600, Denver, CO 80202. **APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT-NONTRIBUTARY SOURCES IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AQUIFERS AND THE NOT-NONTRIBUTARY UPPER DAWSON AQUIFER IN DOUGLAS COUNTY.** 2. Subject Property: Two parcels, Parcel 1 being 28.44 acres and

Parcel 2 being 242.536 acres, totaling 270.976 acres, generally located in the E1/2 of the W1/2 of the NW1/4, the E1/2 of the NW1/4, the NE1/4, and the NE1/4 of the SW1/4, all in Section 9, Township 8 South, Range 65 West of the 6th P.M., Douglas County, State of Colorado, as shown on **Exhibit A** (collectively the “Subject Property”). 3. Lien Holder Certification: Applicants certify that there are no mortgage or lien holders that have an interest in the Subject Property, therefore no notice is required under C.R.S. § 37-92-302(2)(b). 4. Well Permits: There is one existing Upper Dawson Aquifer well on the Subject Property under Well Permit Number 66476 (“Well 66476”), which will continue operating under its existing permit. Additional well permits will be applied for prior to construction of additional wells. See Exhibit A. 4.1 Incorrect Wells: The Division of Water Resources Map Viewer shows Well Permit No. 70786 as being located on Parcel 1 and Well Permit No. 79610 as being located on Parcel 2 of the Subject Property. These wells are not physically located on or associated with the Subject Property. 5. Source of Water Rights: The Upper Dawson Aquifer is not-nontributary as defined in C.R.S. § 37-90-103(10.7), and the Lower Dawson, Denver, Arapahoe, and Laramie-Fox Hills aquifers are nontributary as defined in C.R.S. § 37-90-103(10.5). 6. Estimated Volume: Applicants desire to leave no additional groundwater unadjudicated, except the volume specified for Well 66476 below. Applicant estimates the following volumes may be available for withdrawal, based on a 100-year withdrawal period:

Parcel 1 – 28.44 Acres		
Aquifer	Annual Volume (acre-feet)	Total Volume (acre-feet)
Upper Dawson (NNT)	9.3	930
Lower Dawson (NT)	5.3	530
Denver (NT)	8.9	890
Arapahoe (NT)	12.5	1,250
Laramie-Fox Hills (NT)	8.8	880
Parcel 2 – 242.536 Acres		
Aquifer	Annual Volume (acre-feet)	Total Volume (acre-feet)
Upper Dawson (NNT)*	80.3	8,030
Lower Dawson (NT)	47.1	4,710
Denver (NT)	76.3	7,630
Arapahoe (NT)	105.3	10,530
Laramie-Fox Hills (NT)	76.3	7,630

*The total estimated volume in the not-nontributary Upper Dawson Aquifer is 81.3 acre-feet per year. 1 acre-foot per year is reserved for existing Well Permit No. 66476. 7. 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. 8. 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). 9. Remarks: 9.1 Applicants claim the right to withdraw more than the average annual amounts estimated in Paragraph 6 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. 9.2 Applicants request the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. Applicants request the Court approve the above underground water rights, 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. (7 pages with exhibits)

CASE NUMBER 2026CW3105 TROUTDALE RANCH, LLC, 2455 Broadway Street, Boulder, CO 80304; Email: acebuna@aol.com; Telephone Number: (303) 530-4766 and Mountain Mutual Reservoir Company, 6949 Highway 73, Suite MW5, Evergreen, CO 80439; Email: norm@hch20.com; Telephone Number: (303) 989-6932. Please address all correspondence for Troutdale Ranch, LLC and Mountain Mutual Reservoir Company to: Aaron S. Ladd, Esq. and Rachel L. Bolt, Esq., Dickinson Wright, PLLC, 1125 17th Street, Suite 550, Denver, CO 80202; Email: aladd@dwlaw.com; rbolt@dickinson-wright.com; Telephone Number: (303) 723-8400. **APPLICATION FOR APPROVAL OF A PLAN FOR AUGMENTATION INCLUDING EXCHANGE IN JEFFERSON AND PARK COUNTIES, COLORADO.** 2. Summary of Claims: Troutdale is the owner of an approximately 1,070 acre parcel located in portions of Sections 2, 11, 12, 13, 14, & 24, Township 10 South, Range 77 West of the 6th P.M., in Park County, Colorado, presently known as 43820 Hwy 9, Fairplay, Colorado, 80440 ("Troutdale Ranch"). Troutdale Ranch is adjacent to and in the drainage of the Middle Fork of the South Platte River. This application seeks an augmentation plan to replace out-of-priority depletions from the evaporation of two ponds to be constructed on the channel of two unnamed tributaries to the Middle Fork of the South Platte River on the Troutdale Ranch ("Troutdale Ponds"). 3. Name of Structures to be Augmented: This augmentation plan will replace evaporative losses from the Troutdale Ponds. The Troutdale Ponds will be comprised of two ponds with a combined surface area of 19 acres, to be located on the channel of two unnamed tributaries to the Middle Fork of South Platte River in the W1/2 SW1/4, Section 12 and the NE1/4 NE1/4 SE1/4 of Section 11, both in Township 10 South, Range 77 West, the general location of which are shown on the map attached as **Exhibit A**. Applications for new well permits for the Troutdale Ponds will be submitted to the Colorado Division of Water Resources when the augmentation plan sought herein is approved. The ponds will be used to support a fish population, for piscatorial, recreation, wildlife and waterfowl habitat, and fire protection. 4. Water Rights to be Used for Augmentation Purposes: Troutdale has purchased 261.7 shares of Mountain Mutual Reservoir Company ("MMRC") stock from North Fork Associates, LLC, representing a firm yield of 8.218 acre-feet of direct flow water rights and 7.478 acre-feet of storage space. In addition, Troutdale is the owner of 34.8 shares of MMRC stock previously dedicated to the augmentation plan in Case No. 97CW194, which was intended to augment evaporative losses from three ponds upstream of the Troutdale Ponds. One of these three ponds, referred to as the North Pond in the 97CW194 decree, was never constructed; 18.6 shares of the 34.8 shares, representing a firm yield of 0.584 acre-feet of direct flow water and 0.410 acre-feet of storage space allocated to replace depletions from the never-constructed North Pond will be dedicated to the augmentation plan in this case and will no longer be available for use in the 97CW194 augmentation plan. The total for this plan is therefore 280.3 MMRC shares, which represents a total firm yield of 8.802 acre-feet of MMRC's direct flow water rights and 7.888 acre-feet of storage space to satisfy the anticipated future replacement needs associated with the Troutdale Ponds. a. The water rights associated with the MMRC shares include the following: i. Guiraud 3T Ditch. MMRC owns 3.481 cubic feet per second of the water rights decreed in the Guiraud 3T Ditch as follows: Adjudication Date: Oct. 18, 1889 (Original Adjudication Water District 23). Appropriation Date: July 1, 1867. Amount: 20 cfs. The Guiraud 3T Ditch headgate is located on the South bank of the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., Park County, Colorado, at a point whence the Northeast Corner of the NE1/4 of said Section 8 bears North 63° 35" East, 1,305 feet. Originally decreed for irrigation uses, this water right has been subject to various change proceedings. Past decrees have determined the average annual consumptive use under the Guiraud 3T Ditch to be 21.825 acre-feet per year per 1.0 cfs. MMRC therefore owns 75.972 acre-feet of consumptive use replacement water associated with its 3.481 cfs interest in the Guiraud 3T Ditch. The firm yield of Guiraud 3T Ditch owned by MMRC is attached as **Exhibit B**. ii. Slaght Ditch: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Slaght Ditch was awarded a direct flow priority of May 1, 1863, for 2.0 cubic feet per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion for the

Slaght Ditch was originally established to be a point on the North bank of the North Fork of the South Platte River in the NE1/4 SE1/4, of Section 21, Township 7 South, Range 73 West, 6th P.M., approximately 2,060 feet North and 490 feet West of the SE Corner of Section 21. Pursuant to a Decree entered by the District Court for Water Division 1 in Case No. 82CW472, on October 3, 1983, the Maddox Reservoir Feeder Ditch was approved as an alternate point of diversion for the Slaght Ditch water right. The point of diversion of the Maddox Reservoir Feeder Ditch is located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22. In Case No. 79CW339, 0.12 of a cubic foot per second of the Slaght Ditch priority was changed to a new location, with the water continuing to be used for irrigation purposes. Of the remaining 1.872 cubic feet per second, 0.481 of a cubic foot per second was transferred by MMRC in Case No. 03CW238 and 0.727 was transferred in Case No. 16CW3197. iii. Mack Ditch No. 2: In accordance with the Decree entered in Civil Action No. 1678 of the Park County District Court, on May 22, 1913, the Mack Ditch No. 2 was awarded a direct flow priority of May 1, 1863, for 1.0 cubic foot per second for irrigation purposes. The source of water is the North Fork of the South Platte River. The point of diversion of the Mack Ditch No. 2 was originally established to be on the South bank of the North Fork of the South Platte River at a point in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., Park County, Colorado whence the E1/4 Corner of said Section 21 bears North 43° East, a distance of 984 feet more or less. By an Order of the Park County District Court entered on October 17, 1927, the point of diversion was moved approximately 789 feet upstream to a point on the South bank of the North Fork of the South Platte River in the NE1/4 SE1/4, Section 21, Township 7 South, Range 73 West, 6th P.M., whence the E1/4 Corner of said Section 21 bears North 79° 30' East, a distance of 1,292 feet, more or less. In Case Nos. W-7503, W-7548, 80CW080, 80CW455, 81CW143, 81CW298, and 89CW081, a total of 0.1191 of a cubic foot per second of Mack Ditch No. 2 water right was transferred out of the ditch for uses other than irrigation. Of the remaining 0.8809 of a cubic foot per second, 0.44045 of a cubic foot per second was transferred by MMRC in Case No. 03CW238. iv. Firm Yield of Slaght Ditch Rights: The Slaght Ditch and Mack Ditch No. 2 water rights described herein shall hereinafter be referred to collectively as "Slaght Ditch Rights." The Decree issued in Case No. 03CW238, dated October 24, 2006, quantified the historic consumptive use associated with the Slaght Ditch Rights. The terms and conditions under which these water rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 03CW238, as follows: (1) The Slaght Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1 or the Maddox Reservoir. (2) The maximum rate of diversion under the Slaght Ditch Rights is 0.5 of a cubic foot per second. (3) Diversions to storage and/or assignment for in-stream augmentation credits are limited to the period May 1 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Slaght Ditch headgates on the North Fork of the South Platte River. If the May 1, 1867, priority is not fully satisfied to the extent of 2.0 cubic foot per second for the Slaght Ditch and 1.0 cubic foot per second for the Mack Ditch No. 2, MMRC's diversions are limited to its prorated entitlement to the water when physically and legally available. (4) Maximum annual diversions of the portion of the Slaght Ditch Rights changed in Case No. 03CW238 are limited to 41 acre-feet per year. During any consecutive ten-year period, the total diversions are further limited to 342 acre-feet. (5) Pursuant to the Decree issued in Case No. 16CW3197, the historic consumptive use associated with an additional 0.727 cfs of the Slaght Ditch water right yields 31.8 acre-feet of consumptive use water. The Slaght Ditch Rights are claimed as an alternate supply in this matter. v. Nickerson No. 2 Ditch: The Nickerson No. 2 Ditch, with a South Platte Priority No. 262 and North Fork Drainage Priority No. 24 has an appropriation date of May 1, 1872, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.65 of a cubic-foot-per-second. The headgate is located on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet and has historically irrigated approximately 35 acres adjacent to Deer Creek in the SE1/4 Section 9, NW1/4 Section 15, and NE1/4 Section 16, Township 7 South, Range 72 West of the 6th P.M. all in Park County. vi. Parmalee No. 1 Ditch: The Parmalee No. 1 Ditch, with a South Platte Priority No. 251 and North Fork

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

vii. Carruthers No. 2 Ditch: The Carruthers No. 2 Ditch, with a South Platte Priority No. 250 and North Fork Drainage Priority No. 13 has an appropriation date of May 1, 1867, as adjudicated by the District Court for Park County on May 22, 1913, in the amount of 0.52 of a cubic-foot-per-second. In that Decree the headgate was located on the North bank of Deer Creek at a point whence the S1/4 Corner between Sections 31 and 32, Township 6 South, Range 72 West of the 6th P.M., bears North 85° 30' East, 1,398 feet. Water Division No. 1 District Court Case No. W-7434 changed the location of the headgate for 0.28 of a cubic-foot-per-second to the Nickerson No. 2 Ditch, as shown above. This 0.28 of a cubic-foot-per-second is included in this contract.

viii. Firm Yield of Nickerson Ditch Rights: The Nickerson No. 2, Parmalee No. 1, and Carruthers No. 2 Ditches are referred to herein as the “Nickerson Ditch Rights.” The Decree issued in Case No. 00CW174, dated October 11, 2002, quantified the historic consumptive use associated with the Nickerson Ditch Rights. The terms and conditions under which the Nickerson Ditch Rights are used for augmentation, replacement, exchange and storage purposes were also defined and approved in Case No. 00CW174, as follows: (1) The Nickerson Ditch Rights may be left in the stream system to offset depletions from water use by MMRC shareholders. The water may also be stored in the Lower Sacramento Creek Reservoir No. 1, Maddox Reservoir and other MMRC reservoirs within the South Platte River Basin located above South Platte, Colorado; provided, however, that the details of storage in another reservoir will be published in the Water Court Resume, or such storage is approved by the State Engineer pursuant to Sections 37-80-120 and 37-92-308, C.R.S. (2002). (2) The maximum rate of diversion under the Nickerson Ditch Rights is 0.8 of a cubic foot per second. Diversions are limited to the May 1, 1867, priorities decreed to the Parmalee Ditch No. 1 and the Carruthers Ditch No. 2. (3) Diversions to storage and/or assignment for in-stream augmentation credit are limited to the period April 23 through October 31 of each year, and are further limited to those times when water is physically and legally available for diversion at the historic Nickerson Ditch No. 2 headgate on Deer Creek. If the May 1, 1867, priority is not fully satisfied to the extent of 0.8 of a cubic foot per second, the diversion rate is reduced to the flow, which is then physically and legally available. (4) Maximum monthly diversions under the Nickerson Ditch Rights are limited as follows: April, 2.0 acre-feet; May, 16.0 acre-feet; June, 19.0 acre-feet; July, 16.0 acre-feet; August, 10.0 acre-feet; September, 7.0 acre-feet; and October, 4.0 acre-feet. Maximum annual diversions are limited to 62 acre-feet per year. During any consecutive ten-year period, total diversions are further limited to 486 acre-feet. The firm yield of the Nickerson Ditch rights is attached as **Exhibit C**.

ix. Maddox Reservoir: The Maddox Reservoir is located in the NE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. in Park County. It was adjudicated on November 11, 1971, with an appropriation date of May 31, 1905. It is decreed for multiple purposes including irrigation, domestic, fish culture and recreation with a capacity of 54.0 acre-feet. It is filled by the Maddox Reservoir Feeder Ditch, which diverts from the North Fork of the South Platte River in the NE1/4 SE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M. and decreed as an alternate point of diversion for the Slaght Ditch. Allocation of storage in Maddox Reservoir for this Augmentation Plan is attached as **Exhibit D**.

x. Lower Sacramento Creek Reservoir: The Lower Sacramento Creek Reservoir Company, a Colorado corporation, owns and operates the Lower Sacramento Creek Reservoir No. 1. The reservoir is located in the NE1/4 NW1/4, Section 32, and the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., Park County, Colorado. North Fork Associates owns 932 shares of a total of 3,700 shares in the Company (a 25.2% interest). The reservoir has been constructed and is entitled to store water under the following Decrees:

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

The water may be used for domestic, municipal, commercial, industrial, irrigation, fish and wildlife propagation, recreational and all other beneficial purposes, including exchange to compensate for depletions in the South Platte River and its tributaries. Other owners in the reservoir have transferred water rights to Lower Sacramento Creek Reservoir No. 1 in which Applicants have no interest. Allocation of storage in Lower Sacramento Creek Reservoir for this Augmentation Plan is attached as **Exhibit E. 5. Statement of Plan for Augmentation**: This augmentation plan will replace out-of-priority evaporative losses from the two on-channel Troutdale Ponds. Applicants are claiming phreatophyte credit for 97% of the area of the Troutdale Ponds currently occupied by sub-irrigated grass and willows. In addition, the period that the Troutdale Ponds will normally be frozen was determined using the average temperature of 32 degrees Fahrenheit based on the pond elevation of 9,700 ft. This plan will require 8.802 acre-feet of replacement water.

Table 1

					Replacement Requirements	Replacement Requirements	Replacement Requirements
Use	Water Requirements	Units	Quantity AF	CU Rate	Total Ac-Ft	Summer Ac-Ft	Winter Ac-Ft
Pond Evaporation	0.426 AF/AC	19 acres	8.094	100 %	8.094	0.917	7.177
Tran. Chg.	0.15%/Mi	85	0.708	100 %	0.708	0.000	0.708
Total			8.802		8.802	0.917	7.885

The monthly pond depletions are as follows in acre-feet:

Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
1.786	0.000	0.000	0.000	0.000	1.986	0.089	0.152	0.149	0.112	0.415	3.405

This equates to a maximum stream depletion of 26.0 gallons per minute. a. The total consumptive use water requirement will be met with 7.938 acre-feet of Guiraud 3T Ditch as described above, 0.864 of an acre-foot of the annual yield from the Nickerson Ditch Rights, 5.932 acre-feet of storage in Maddox Reservoir, and 1.956 acre-feet of storage in Lower Sacramento Creek Reservoir (See **Exhibits "B", "C", "D", and "E"**, respectively). The calculated requirements of the direct flow water rights from May through September are a total of 0.917 acre-feet and 7.885 acre-feet from October through April at the point of depletion on the unnamed tributaries in the W1/2 SW1/4, Section 12, Township 10 South, Range 77 West of the 6th P.M. The point of delivery of this water, including the 5.932 acre-feet to be delivered to Maddox Reservoir, will be the former headgate of the Guiraud 3T Ditch on the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West of the 6th P.M., the Nickerson headgate on the North bank of Deer Creek at a point whence the E1/4 Corner, Section 9, Township 7 South, Range 72 West of the 6th P.M., bears North 58° 15' East, 2,320 feet, the outlet of Maddox Reservoir in the SE1/4 SW1/4, Section 22, Township 7 South, Range 73 West of the 6th P.M and the outlet of the Lower Sacramento Creek Reservoir in the NE1/4 NW1/4, Section 32, Township 9 South, Range 77 West. During the irrigation season during the months of May through October, out-of-priority depletions to the stream system will be continuously augmented by MMRC foregoing the diversion of a portion of its Guiraud 3T Ditch and Nickerson Ditch Rights. During the non-irrigation season during the months of November through April, and at times when the Nickerson Ditch Rights and Guiraud 3T Ditch Rights are not in priority, replacement will be made by release from Maddox Reservoir and Lower Sacramento Creek Reservoir. b. The required volume of augmentation water will be provided from the sources described in Paragraph No. 4, above. Due to the small volume of annual stream depletions projected to occur under this plan, instantaneous stream depletions may be aggregated and replaced by one or more releases of short duration. 6. Water Exchange Project: Since the points of depletion associated with the Troutdale Ponds are upstream of some of the

augmentation supplies, Applicants assert exchange project rights pursuant to Sections 37-92-103(9), 37-92-302(1)(a), 37-92-302(5), 37-92-305(3), 37-92-305(5), and 37-92-305(8)(a), C.R.S., and/or, as applicable, appropriative rights of exchange pursuant to Sections 37-80-120 and 37-83-104, C.R.S. MMRC seeks the right to exchange its water rights using the following exchange reaches: (1) from the confluence of the North Fork of the South Platte River and the South Platte River in SW1/4 SE1/4, Section 25, Township 7 South, Range 70 West, thence up the South Platte River to the confluence of the South Platte River and the Middle Fork of the South Platte River in the NE1/4 NE1/4, Section 14, Township 12 South, Range 75 West, thence up the Middle Fork of the South Platte River to the confluence of the Middle Fork of the South Platte River and an unnamed creek in the SW1/4 NE1/4, Section 24, Township 10 South, Range 77 West, thence up the unnamed creek to the point of depletion in the W1/2 SW1/4, Section 12, Township 10 South, Range 77 West, at a rate of 0.1 cfs; (2) from the Guiraud 3T Ditch headgate located on the South bank of the Middle Fork of the South Platte River in the NE1/4, Section 8, Township 11 South, Range 76 West, 6th P.M., thence up the Middle Fork of the South Platte River to the confluence of the Middle Fork of the South Platte River and an unnamed creek in the SW1/4 NE1/4, Section 24, Township 10 South, Range 77 West, thence up the unnamed creek to the point of depletion in the W1/2 SW1/4, Section 12, Township 10 South, Range 77 West, at a rate of 0.1 cfs; (3) from the confluence of the North Fork of the South Platte River and the South Platte River in SW1/4 SE1/4, Section 25, Township 7 South, Range 70 West, thence up the North Fork of the South Platte River to the point of diversion of the Maddox Reservoir Feeder Ditch located on the North bank of the North Fork of the South Platte River in the NW1/4 SW1/4, Section 22, Township 7 South, Range 73 West, 6th P.M., approximately 1,240 feet East and 1,740 feet North of the SW Corner of Section 22 at a rate of 0.2 cfs; and (4) from any of the exchange-from points identified above, up the Middle Fork of the South Platte River to its confluence with Sacramento Creek in the SE1/4 SW1/4, Section 29, Township 9 South, Range 77 West, 6th P.M., thence up Sacramento Creek to the inlet for Lower Sacramento Creek Reservoir in the NW1/4 NW1/4, Section 32, Township 9 South, Range 77 West, 6th P.M., at a rate of 0.2 cfs. In the event that there is a senior call within an exchange reach which precludes the exchange to make downstream replacements, the Applicants can have replacement water delivered via Lower Sacramento Creek Reservoir upstream, make replacements via trucking above the calling water right, or draw down the ponds in the amount of the evaporation. The exchanges rights will operate to replace depletions to the flow of water in the stream system as the depletions occur or to store water for later release. The water exchange rights will be operated and administered with a priority date of June 30, 2026. 7. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Co-Applicant, Troutdale Ranch. WHEREFORE, Applicants request the entry of a decree approving this Application, specifically (1) granting the appropriations sought in this Application, (2) authorizing use of the augmentation supplies described in this Application, (3) determining that the source and location of delivery of augmentation water are sufficient to prevent material injury to vested water rights. The Applicants also request entry of an Order directing the State Engineer to issue well permits, or amended or replacement well permits, for the use of the Troutdale Ponds consistent with the final decree entered in this case. (11 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 **AUGUST 2026** (forms available on 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.