DISTRICT COURT, WATER DIVISION 1, COLORADO
APRIL 2020 WATER RESUME PUBLICATION

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 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 during the month of **APRIL 2020** for each County affected.

20CW15 JOHN HARDEN, 10531 Hwy 73, Conifer, CO 80433. 303-594-6906. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. Date of original decree: 03-23-00 in case 96CW1130; Subsequent decrees: 03-07-07 in case 06CW34; 04-01-14 in case 13CW30 all WD 1; Structures: Harden Well No 1 located SE1/4, SW1/4, S14, T6S, R71W, 6th PM at a point 1320 ft from S line and 2340 ft from W line. Well was originally an exempt well under Well Permit No 158499, was re-permitted as non-exempt under Well Permit No 76998-F as required for new uses; Harden Well No 2 located SE1/4, SW1/4, S14, T6S, R71W, 6th PM at a point 910 ft from S line and 2480 ft from W line; Harden Well No 3 located NE1/4, SW1/4, S14, T6S, R71W, 6th PM at a point 1480 ft from S line and 2400 ft from W line; Harden Well No 4 located NE1/4, SW1/4, S14, T6S, R71W, 6th PM at a point 1820 ft from S line and 2400 ft from W line; Harden Well No 5 located NE1/4 SW1/4, S14, T6S, R71W, 6th PM at a point 2140 ft from S line and 2170 ft from W line; Harden Reservoir No 1: The center line of the dam at the outlet shall be located SE1/4, SW1/4, S14, T6S, R71W, 6th PM at a point 1320 ft from S line and 2290 ft from W line; Harden Reservoir No 2: The center line of the dam at the outlet shall be located NE1/4, SW1/4, S14, T6S, R71W, 6th PM at a point 2470 ft from S line and 2230 from W line; Harden Reservoir No 3: The center line of the dam at the outlet shall be located SE1/4, SW1/4, S14, T6S, R71W, 6th PM at a point 570 ft from S line and 2350 ft from W line. Source: Groundwater tributary to North Turkey Creek, a tributary of Turkey creek, Tributary to South Platte River; Appropriation Date: Harden Wells No 1; 01-02-92; Harden Well Nos 2-5; 12-31-96; Amount: 15gpm for Harden Well Nos 1-5; Use: domestic, commercial, stock watering, irrigation, recreation, fire protection, augmentation, substitution and exchange, including the right to use, reuse and make a succession of uses to extinction. Applicant's irrigation will be limited to no more than 1 acre located on approximately 10.35 acres in the E1/2 SW1/4, S14, T6S, R71W, 6th PM.

20CW16 MARK D. MCMILLEN, 15220 Bronco Dr., Colorado Springs, CO 80921. 719-930-5445. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY. Date of original decree: 09-20-78 in case W-7328-77, WD1; Subsequent decrees: 4-25-85 in case 82CW288, WD1; 04-27-87 in case 86CW212, WD1; 11-22-93 in case 93CW54, WD1; 3-29-00 in case 99CW190, WD1; 6-15-07 in case 06CW82; 4-02-14 in case 13CW41, WD1. Burnham Spring E located SE1/4, NE1/4, S32, T1N. R72W of the 6th PM; Burnham Spring F located SE1/4, NE1/4, S32, T1N, R72W of the 6th PM; Burnham Spring G located NW1/4, SW1/4, S33, T1N, R72W of the 6th PM. Source: Spring waters tributary to Boulder Creek, tributary to S. Platte River. Appropriation date for all springs is 01-01-68. Amounts for each spring; 0.0111 cfs (5 gpm) Conditional. Use: Burnham Spring E and G; Domestic and commercial; Burnham Spring F; Domestic, stockwatering and commercial.

20CW3049 COMPLAINT FOR DELCARATORY JUDGMENT AND INJUCTIVE RELIEF. PLAINTIFF: South Side Ditch Company, 1574 W. CR 16, Loveland, CO 80537; Attorneys; Brian M. Nazarenus and Stacy L. Brownhill, 8301 E. Prentice Ave., Ste. 100, Greenwood Village, CO 80111. 720-647-5661 v. Broken Triangle Water Association, Inc, 5724 Long Branch Court, Loveland, CO 80537.

20CW3050 Board of County Commissioners of the County of Weld ("Weld County"), 1150 O St., Greeley, CO 80632 c/o Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534 (970)622-8181. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHT ABSOLUTE in **WELD COUNTY**,

COLORADO. 2. **Name of Structure:** East Davis Dust Control Well #3 ("Well #3"). 3. **Description of Water Right:** Underground Water Right. 3.1. **Well:** The Well is East Davis Dust Control Well #3 ("Well #3"), which is permitted under Well Permit #76222. 3.2. **Original Decree:** Case No. 12CW109, Weld County District Court, entered April 21, 2014, nunc pro tunc April 2, 2014. 3.3. **Legal Description:** Well #3 is located in the NE1/4 of the SE1/4 of Section 1, Township 5 North, Range 65 West of the 6th P.M. in Weld County, Colorado. 3.4. **Source and Depth:** The source of water for Well #3 is the Cache la Poudre River alluvium. 3.5. **Appropriation Date**: May 18, 2012. 3.6. **Amount of Water Claimed:** 1000 gallons per minute and 30 acre feet annually were decreed conditional in Case No. 12CW109. Based on diversion and application to beneficial use, Weld County requests that 900 gallons per minute and 24.01 acre feet annually be decreed as absolute. The remaining 100 gallons per minute and 5.99 acre feet would continue as a conditional. 3.7. **Use:** Weld County will continue to use water from Well #3 in gravel mining operations and public works projects including operating air emissions control devices; controlling fugitive particulate emissions; washing and processing sand, gravel and aggregate; washing equipment; accounting for evaporative losses of water from mined materials stockpiled at the site or removed from the site; irrigating and reclaiming mine sites and maintaining wetlands; construction and maintenance of roads, irrigation of landscaping, reclamation of construction sites for public facilities, and fire suppression and emergency response. 4. **Detailed outline of what has been done toward completion of the appropriation:** Well #3 is an integral facility in Weld County's overall water portfolio and Weld County anticipates continued and growing demand for Well #3 due to the growth presently being experienced in Weld County and the corresponding increase in Capital Improvement Projects being undertaken by the Weld County Public Works Department. In addition, Weld County is presently located within the maintenance area for PM10 particulate matter. As traffic levels on Weld County's 2,500 miles of gravel roads increase and regulatory requirements for PM10 levels become more stringent Weld County's use of Well #3 is expected to continue and grow in order to maintain those roads and provide necessary air emissions, dust suppression and particulate controls. Well No. 3 and the associated truck load out facility used to fill water trucks was constructed at a total cost of $83,928.50. 5. **Claim to Make Absolute.** Weld County has diverted at rates up to 900 gallons per minute. In 2018, Weld County diverted and beneficially used a total of 24.01 acre feet from Well No. 3. 6. **Name and address of owner of land on which well is located:** Applicant owns the structure and land upon which the water will be beneficially used. Wherefore, Weld County requests the court to find that it has made the appropriation absolute in the amount of 900 gallons per minute and 24.01 acre feet annually, has proceeded with reasonable diligence to complete the remaining 100 gallons per minute and 5.99 acre feet of its conditional appropriation and that such right be continued as conditional and such other and further relief as the court deems just.

20CW3051 Class One Enterprises, LLC, P. O. Box 435, Masonville, CO 80541; (970) 214-5259. (P. Andrew Jones, #29076, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534, Telephone: (970) 622-8181, E-mail: paj@ljcglaw.com). Application for Conditional Water Right in **LARIMER COUNTY**. 2. Name of Structure: Stowers Waterfall Right Diversion One. a. Location of Point of Diversion: GPS coordinates: i. Format: UTM. ii. Zone: 13. iii. Units: Meters. iv. Datum: NAD 83. v. Setting: True North. vi. Northing: 4,486,001. vii. Easting: 478,865. b. Source: Un-named tributary of Buckhorn Creek. c. Date of Appropriation: Date of filing of Application. d. How appropriation was initiated: Field inspection, formation of intent and filing of application. e. Amount claimed: 5 c.f.s., conditional. f. Use: Irrigation of 48 acres in the Northeast Quarter of Section 5, Township 6 North, Range 70 West of the Sixth P.M. and the Southeast Quarter of Section 32, Township 7 North, Range 70 West of the 6th P.M., livestock watering, piscatorial, wildlife development, dust suppression, through direct application or storage in Stowers Pond, adjudicated in 07CW306. g. Name and address of land where structures will be located: Paulanna Property Holdings LLC, 9848 Buckhorn Rd., Loveland CO 80538. This application consists of three (3) pages.

20CW3052 (02CW382; 13CW3073) CRANE HOLLOW LLC (f/k/a Crane Hollow LLLP), Steven A. Demos, Managing Partner, 11666 Crane Hollow Drive, Longmont, Colorado 80503 (c/o Jennifer M. DiLalla, Gregor A. MacGregor, Moses, Wittemyer, Harrison and Woodruff, P.C., 2595 Canyon Boulevard, Suite 300, Boulder, Colorado 80302) APPLICATION FOR A FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE IN PART **IN BOULDER COUNTY** 1. Name, address, and telephone number of Applicant: Crane Hollow LLC (f/k/a Crane Hollow LLLP), c/o Steven A. Demos, Managing Partner, 11666 Crane Hollow Drive, Longmont, Colorado 80503, (303) 443-3470 ext. 401 2. Crane Hollow Pond Nos. 1, 2, and 3 ("Crane Hollow Ponds"): 2.1 Type of structures: Pond wells. 2.2 Permit Nos.: Crane Hollow Pond No. 1: 66542-F; Crane Hollow Pond No. 2: 66543-F; Crane Hollow Pond No. 3: 77772-F. 2.3 Original decree: Case No. 02CW382, Water Division No. 1, entered July 3, 2007 ("02CW382 Decree"). 2.4 Prior diligence decree: Case No. 13CW3073, Water Division No. 1, entered April 14, 2014 ("13CW3073 Decree"). 2.5 Legal descriptions: 2.5.1 Crane Hollow Pond No. 1: Located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 35, T3N, R70W of the 6th P.M., Boulder County, Colorado, with the approximate centroid of the pond being located at a point 1,250 feet south of the north section line and 400 feet west of the east section line of said Section 35, as shown on **Exhibit A**. 2.5.2 Crane Hollow Pond No. 2: Located in the SE1/4 of the NE1/4 of Section 35, T3N, R70W of the 6th P.M., Boulder County, Colorado, with the approximate centroid of the pond being located at a point 1,850 feet south of the north section line and 400 feet west of the east section line of said Section 35, as shown on **Exhibit A**. 2.5.3. Crane Hollow Pond No. 3: Located in the NE1/4 of the NE1/4 of Section 35, T3N, R70W of the 6th P.M., Boulder County, Colorado, with the approximate centroid of the pond being located at a point 900 feet south of the north section line and 250 feet west of the east section line of said Section 35, as shown on **Exhibit A**. 2.6 Source: Ground water in the alluvium of St. Vrain Creek, which is tributary to the South Platte River. 2.7 Appropriation date: December 17, 1996 for augmentation and replacement of lake and reservoir evaporation ("1996 Appropriation"); December 31, 2002 for all other uses ("2002 Appropriation"). 2.8 Amount: 18.5 acre-feet per year, conditional, cumulatively among Crane Hollow Pond Nos. 1, 2, and 3. 2.9 Use: Augmentation and replacement of lake and reservoir evaporation; aesthetic, recreation, and fish and wildlife preservation and propagation. 2.10 Depth: Crane Hollow Pond No. 1: 8 feet; Crane Hollow Pond No. 2: 10 feet; Crane Hollow Pond No. 3: 8 feet. 3. Foothills Reservoir Exchange: 3.1 Description of exchange: Under the 02CW382 Decree, Crane Hollow has the right to exchange fully consumable water into storage in Foothills Reservoir during the irrigation season for subsequent release and beneficial use during the non-irrigation season. Foothills Reservoir is owned and operated by the Highland Ditch Company, with which Crane Hollow has a perpetual lease for use of five acre-feet per year of active storage capacity in Foothills Reservoir. The exchange is referred to in this Application as the "Foothills Reservoir Exchange." 3.2 Original decree: 02CW382 Decree. 3.3 Prior diligence decree: 13CW3073 Decree. 3.4 Legal description of exchange reach: 3.4.1 Exchange-from point: Headgate of the Webster-McCaslin Ditch, located on the South Branch of St. Vrain Creek in the SW1/4 of the SW1/4 of Section 26, T3N, R70W of the 6th P.M., Boulder County, Colorado, as shown on **Exhibit A**. 3.4.2 Exchange-to point: Point of diversion for the Foothills Reservoir Inlet Ditch, located on St. Vrain Creek in the NW1/4 of the SE1/4 of Section 21, T3N, R70W of the 6th P.M., Boulder County, Colorado, as shown on **Exhibit A**. 3.5 Source of substitute supply: Fully consumable water attributable to Crane Hollow's interest in the Webster-McCaslin Ditch, located as described in paragraph 3.4.1 above. The Webster-McCaslin Ditch water right was adjudicated on June 2, 1882, in Civil Action No. 1349, District Court of Boulder County, Colorado, with an appropriation date of July 5, 1865, for diversion of 13.23 cfs from St. Vrain Creek, tributary to the South Platte River. The 02CW382 Decree changed 0.91 cfs of Crane Hollow's interest in the Webster-McCaslin Ditch for augmentation use, including by exchange, and for other beneficial uses. 3.6 Appropriation date: October 11, 2005. 3.7 Amount: 5 acre-feet per year at a maximum exchange rate of 0.91 cfs, conditional. 3.8 Use: Augmentation and replacement of depletions resulting from evaporation of ground water exposed in commercial gravel mining operations, lake and reservoir evaporation, and aesthetic, recreation, and fish and wildlife preservation and propagation uses. 4. Crane Hollow Water Rights: Together, the water rights decreed to the Crane Hollow Ponds and the

Foothills Reservoir Exchange are referred to in this Application as the "Crane Hollow Water Rights." 5. Detailed outline of work and expenditures toward completion of the appropriations and application of the water to beneficial use: 5.1 Diligence Period: The diligence period for the Crane Hollow Water Rights is May 2014 through the present ("Diligence Period"). 5.2 Integrated system: Along with Crane Hollow's interest in the Webster-McCaslin Ditch and the augmentation plan approved in the 02CW382 Decree, the Crane Hollow Water Rights are part of an integrated system to supply water to the property located as described in paragraph 1 above ("Crane Hollow Property") and as shown on **Exhibit A**. "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). 5.3 Diligence work and expenditures: During the Diligence Period, Crane Hollow worked diligently to develop the Crane Hollow Water Rights, complete the appropriations, and place the water to beneficial use, as demonstrated by the following activities and expenditures: 5.3.1 Crane Hollow invested significant resources in operation and maintenance of the Crane Hollow Ponds and the integrated system that supplies water to the Crane Hollow Property ("Crane Hollow Integrated System"). Those resources included personnel time devoted to operation of the Crane Hollow augmentation plan and Crane Hollow's interest in the Webster-McCaslin Ditch, which is the source of substitute supply for the Foothills Reservoir Exchange and which is part of the Crane Hollow Integrated System. 5.3.2 Crane Hollow made lease payments of $500 per year to the Highland Ditch Company for use of 5 acre-feet of capacity in Foothills Reservoir. 5.3.3 Crane Hollow engaged Hendrix Wai Engineering, Inc., to develop updated accounting and an updated operations protocol for the Crane Hollow Water Rights and for the augmentation plan and Webster-McCaslin Ditch change of water rights approved in the 02CW382 Decree. Crane Hollow spent approximately $7,867 for these engineering consulting services. 5.3.4 Crane Hollow engaged Moses, Wittemyer, Harrison and Woodruff, P.C., to advise Crane Hollow regarding development and perfection of the Crane Hollow Water Rights and development of an operations protocol for the Crane Hollow Integrated System. Crane Hollow spent approximately $23,823 for these legal consulting services. 5.3.5 Crane Hollow employs one full-time property manager who devotes approximately 20% of his time to operation, maintenance, monitoring, and repair of, as well as accounting for, the Crane Hollow Integrated System. 5.3.6 Crane Hollow conferred regularly with the District 5 Water Commissioner regarding operation of and accounting for the Crane Hollow Water Rights, Crane Hollow's interest in the Webster-McCaslin Ditch, and the augmentation plan approved in the 02CW382 Decree. 6. Claims to make absolute: 6.1 Methodology for determining Crane Hollow Ponds' in-priority diversions for beneficial use: Crane Hollow's methodology for determining the pond wells' in-priority diversions for beneficial use is documented in the Hendrix Wai Engineering, Inc. report attached as **Exhibit B** ("HWE Report"). 6.2 Crane Hollow Ponds – 1996 Appropriation: 6.2.1 Date water diverted in priority and placed to beneficial use: November 1998 through October 1999, which was the 1999 Water Year in Crane Hollow's accounting. 6.2.2 Amount: 14.78 acre-feet, leaving 3.72 acre-feet conditional. 6.2.3 Use: Replacement of evaporation from the Crane Hollow Ponds. The beneficial use occurs as ground water infiltrates into the ponds to keep them full following evaporative loss. 6.2.4 Place of beneficial use: Crane Hollow Pond Nos. 1 and 2: the Crane Hollow Property; Crane Hollow Pond No. 3: property adjacent to the Crane Hollow Property and owned by Alexandra Vorbeck ("Vorbeck Property"); all located as shown on **Exhibit A**. 6.2.5 Evidence of in-priority diversion for beneficial use: The HWE Report. 6.3 Crane Hollow Ponds – 2002 Appropriation: 6.3.1 Date water diverted in priority and placed to beneficial use: November 2014 through October 2015, which was the 2015 Water Year in Crane Hollow's accounting. 6.3.2 Amount: 12.59 acre-feet, leaving 5.91 acre-feet conditional. 6.3.3 Use: Aesthetic, recreation, and fish and wildlife preservation and propagation. On the Crane Hollow Property, Crane Hollow has stocked the Crane Hollow Ponds with fish, resulting in a healthy and reproducing population of fish, turtles, and several amphibians, and supporting a thriving population of herons, osprey, pelicans, bald eagles, ducks, and geese. 6.3.4 Place of beneficial use: The Crane Hollow Property and the Vorbeck Property, located as shown on **Exhibit A**. 6.3.5 Evidence of in-priority diversion for beneficial use: The HWE Report. 6.4 Foothills Reservoir Exchange: 6.4.1 Date water diverted in priority and

stored for subsequent beneficial use: June 15, 2019 through June 20, 2019 ("Exchange Period"). 6.4.2 Amount: 0.91 cfs; 5 acre-feet (fully absolute). 6.4.3 Use: Exchange into storage for subsequent release and use for augmentation and replacement of depletions resulting from evaporation of ground water in the Crane Hollow Ponds and aesthetic, recreation, and fish and wildlife preservation and propagation uses. 6.4.4 Place of beneficial use: The Crane Hollow Property and the Vorbeck Property, located as shown on **Exhibit A**. 6.4.5 Evidence of in-priority diversion into storage for subsequent beneficial use: As documented by the District 5 water commissioner and as summarized in the HWE Report, during the Exchange Period, when there was no call in the exchange reach, the Highland Ditch Company diverted 5 acre-feet of water into storage in Crane Hollow's account in Foothills Reservoir at a rate of 0.91 cfs. 6.5 Comment: The claims to make absolute described above are also the subject of the application pending in Case No. 19CW3235 in this Court. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure, is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: 7.1 Crane Hollow Pond Nos. 1 and 2: Applicant. 7.2 Crane Hollow Pond No. 3: Alexandra Vorbeck, 7215 Hygiene Road, Longmont, CO, 80503. 7.3 Foothills Reservoir: Highland Ditch Company, 4309 State Hwy. 66, Longmont, CO, 80504. Wherefore, Crane Hollow requests that the Court enter a decree (i) granting this Application; (ii) finding that Crane Hollow exercised reasonable diligence in developing and completing the appropriations of the Crane Hollow Water Rights during the Diligence Period; (iii) making the Crane Hollow Water Rights partially absolute as described in paragraph 6 above; and (iv) continuing those portions of the Crane Hollow Water Rights that remain conditional in full force and effect for six years from the month in which a final decree is entered in this case.

20CW3053, CITY OF BOULDER ("Boulder"), c/o Kim Hutton, P.E., Water Resources Manager, P.O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3200, email: huttonk@bouldercolorado.gov. Attorneys: Jessica L. Pault-Atiase, CITY OF BOULDER, COLORADO, OFFICE OF THE CITY ATTORNEY, P. O. Box 791, Boulder, Colorado 80306-0791, Telephone: (303) 441-3020, email: pault-atiasej@bouldercolorado.gov and Douglas M. Sinor, Esq., TROUT RALEY, 1120 Lincoln Street, Suite 1600, Denver, Colorado 80203, Telephone: (303) 861-1963, email: dsinor@troutlaw.com. APPLICATION FOR APPROVAL OF CONDITIONAL WATER STORAGE RIGHT AND CONDITIONAL APPROPRIATIVE RIGHT OF SUBSTITUTION AND EXCHANGE, **IN BOULDER COUNTY**, COLORADO. 1. Name, Mailing Address, Email Address and Telephone Number of Applicant: As above. 2. Introduction: By this application ("Application"), Boulder seeks approval of a conditional water storage right for Panama Reservoir and conditional appropriative right of substitution and exchange on Boulder Creek and its tributaries. The water storage right and the exchange will meet some of Boulder's needs for additional fully consumable water and will operate in coordination with Boulder's water rights decreed in Case No. 2016CW3160. The source of supply for the exchange will be water released from storage in Panama Reservoir to Boulder Creek under the conditional water storage right claimed herein for direct diversion and storage further upstream on Middle Boulder Creek and North Boulder Creek for all municipal and related purposes. The water storage right will also be used as a source of irrigation supply for Boulder's open space lands. 3. Description of Conditional Water Storage Right: a. Name of Reservoir: Panama Reservoir Enlargement. b. Legal Description: Panama Reservoir No. 1 (a.k.a. Six Mile Reservoir No. 2) is located primarily in Section 35, Township 2 North, Range 69 West, 6th P.M., Boulder County, as depicted on the map attached to the application as **Exhibit A**; the center of said reservoir generally located at 105° 5' 0.76"W and 40° 5' 40.90" N. The outlet is located on the east side of said Section 35, T2N, R69W and is also depicted on **Exhibit A**. Water will be released to Boulder Creek through the proposed Release Structure described in Section 4(b)(1) and depicted on **Exhibit B** attached to the application. c. Source: Boulder Creek and Goose Creek. d. Filling Structure: The Panama Reservoir is filled via (i) the Boulder and White Rock Ditch, with a diversion structure located on the north side of Boulder Creek in Section 30, Township 1

North, Range 70 West, 6th P.M., Boulder County, east of the Twelfth Street Bridge in the City of Boulder, and (ii) the Leggett Ditch, with a diversion structure located on the east bank of Boulder Creek at a point from whence the east quarter corner of Section 18 in Township 1 North, Range 69 West, 6th P.M., Boulder County bears south 11° 45' east 785 feet. e. Date of Appropriation: April 23, 2020, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing date of this Application. f. Amount: 4,713 acre-feet, new conditional enlargement. The rate of diversion in cubic feet per second for filling the reservoir is 134.13 c.f.s. through the Boulder and White Rock Ditch, conditional; and 65 c.f.s. through the Leggett Ditch, conditional. g. Uses of Panama Reservoir Enlargement Water Storage Right: i. All municipal purposes, including, without limitation, domestic, storage, irrigation, commercial, industrial, power generation, fire protection, recreation, fish and wildlife preservation and propagation, exchange, substitution, augmentation, replacement and recharge, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts; irrigation of open space lands owned or controlled by Boulder. ii. Reuse and Successive Use: Boulder claims the right to make a fully consumptive first use of the water and to use, reuse and successively use and dispose of the water to extinction for the purposes described in this Application. Boulder has a specific plan and intent to divert, store or otherwise capture, possess and control a specific quantity of water for the specific beneficial uses described above, including reuse and successive use by exchange as claimed in this Application. Boulder will quantify return flows from municipal indoor use of the Panama Reservoir Enlargement water storage right using the methodology decreed for Boulder in Case No. 2015CW3047, District Court, Water Division 1, October 18, 2016. h. Structure Details: i. Surface Area of High Water Line: The exact parameters of the enlarged storage structure(s) will not be known until final design and construction is completed, but are initially estimated to be 380 acres. ii. Vertical Height of Main Enlarged Dam: 51 feet. iii. Length of Dam: 10,000 LF. i. Total Capacity of Reservoir in Acre-Feet: The exact parameters of the enlarged storage structure will not be known until final design and construction is completed. 4. Description of Conditional Substitution and Exchange: Pursuant to Sections 37-80-120, 37-83-104 and 37-92-302(1)(a), C.R.S., Boulder seeks adjudication of appropriative rights of substitution and exchange on Boulder Creek, Middle Boulder Creek, and North Boulder Creek, whereby water attributable to the Panama Reservoir Enlargement water storage right will be released from Panama Reservoir and delivered to Boulder Creek to supply downstream appropriators, and an equivalent amount of water will be diverted from (i) Middle Boulder Creek and its tributaries at Barker Meadow Reservoir, Boulder City Pipeline #3, and/or Skyscraper Reservoir; and (ii) North Boulder Creek and its tributaries at Lakewood Pipeline, Silver Lake Pipeline, Silver Lake Reservoir, Island Lake, Goose Lake, Lake Albion, Green Lakes Reservoir #1, Green Lakes Reservoir #2, Green Lakes Reservoir #3, Green Lakes Reservoir #4 and/or Green Lakes Reservoir #5, for direct use or for storage for subsequent use by Boulder for the uses described in Section 4(h), below. a. Exchange Reaches: The lower terminus of the exchange is the Release Structure, as described more particularly below. i. Middle Boulder Creek Exchange. The upper terminus of the substitution and exchange reach on Boulder Creek/Middle Boulder Creek is Skyscraper Reservoir. ii. North Boulder Creek Exchange. The upper termini of the substitution and exchange reach on Boulder Creek/North Boulder Creek are Goose Lake and Green Lakes Reservoir #5. iii. The individual exchange locations are described in more detail below. b. Exchange-From Location (Boulder County, Colorado): i. Release Structure: Boulder will release water through the Panama Reservoir outlet to the Release Structure for delivery to Boulder Creek. The proposed location for the Release Structure is described below and depicted on **Exhibit B**.

	LAT/LONG		**UTM zone 13N**	
Structure	*x_coord*	*y_coord*	*Easting*	*Northing*
Release Structure No. 6	-105.0560561	40.0914679	495221.459	4437910.851

c. Exchange-To Locations Middle Boulder Creek (all in Boulder County, Colorado): i. Boulder City Pipeline #3: The pipeline intake from Barker Reservoir, located 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 1920± feet. ii. 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. iii. Skyscraper Reservoir: Skyscraper Reservoir is located in the SW1/4 SE1/4, Section 16, Township 1 South, Range 74 West of the 6th P.M. d. Exchange-To Locations North Boulder Creek (all in Boulder County, Colorado): i. Lakewood Pipeline: The pipeline intake from Lakewood Reservoir, also known as Headgate No. 1 of the Boulder City Pipeline (Lakewood Pipeline) is located at a point whence the southeast corner of Section 1, Township 1 South, Range 73 West of the 6th P.M., bears South 3°15' East a distance of 2,300 feet. ii. Silver Lake Pipeline: Headgate No. 3 of the Boulder City Pipeline, located at a point whence the NW corner of Section 34, Township 1 North, Range 73 West of the 6th P.M., bears North 77°35' West a distance of 1076+ feet. iii. 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. iv. Island Lake: Island Lake is located in Sections 20 and 29, Township 1 North, Range 73 West, 6th P.M. v. Goose Lake: Goose Lake is located in Section 19 and 30, Township 1 North, Range 73 West, 6th P.M. vi. Lake Albion: Lake Albion is located in Section 18, Township 1 North, Range 73 West, 6th P.M. vii. Green Lakes Reservoir #1: Green Lakes Reservoir #1 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. viii. Green Lakes Reservoir #2: Green Lakes Reservoir #2 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. ix. Green Lakes Reservoir #3: Green Lakes Reservoir #3 is located in Section 18, Township 1 North, Range 73 West, 6th P.M. x. Green Lakes Reservoir #4: Green Lakes Reservoir #4 is located in the Northwest Quarter of the Northwest Quarter of Section 18, Township 1 North, Range 73 West of the 6th P.M. and the North Half of the Northeast Quarter of Section 13, Township 1 North, Range 74 West of the 6th P.M. xi. Green Lakes Reservoir #5: Green Lakes Reservoir #5 is located in the Southeast Quarter of the Northwest Quarter and the North Half of the Southwest Quarter of Section 13, in Township 1 North of Range 74 West of the 6th P.M. A map showing the approximate locations of the above-described structures and the substitution and exchange reaches is attached to the application as **Exhibit C**. e. Water and Water Right to be Used for Substitution and Exchange: The source of substitute water supply for the exchange is the Panama Reservoir Enlargement water storage right, as more particularly described in Section 3 above. f. Date of Appropriation: April 23, 2020, on which date there was a concurrence of intent to appropriate and overt acts in furtherance of such intent, including, without limitation, the filing date of this Application. g. Amount: The rate of diversion at each of the above-described facilities by exchange from the Release Structure shall be the lesser of 100 c.f.s. or the diversion capacity of the facility, CONDITIONAL. h. Uses of Water Diverted by Substitution and Exchange: All municipal purposes, including, without limitation, irrigation, industrial and recreational, within the Boulder service area and outside the Boulder service area for such extra-territorial customers as Boulder may serve from time to time pursuant to City Charter and contracts, and irrigation of open space lands owned or controlled by Boulder. Such use shall include the right to make a fully consumptive first use of the water and to use, reuse and successively use and dispose of the water to extinction for the purposes described above. 5. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new or existing 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: Panama Reservoir and Boulder and White Rock Ditch: Boulder and White Rock Ditch and Reservoir Company Boulder and Weld Reservoir Company Six Mile No. 2 Reservoir Company P.O. Box 1826 Longmont, Colorado 80502 Leggett Ditch and Reservoir Company P.O. Box 1292, Longmont, CO 8-5-2-1292 Release Structure: Clyde and Jan Canino 9968 Lookout Rd Lafayette, CO 80026 Extraction Oil & Gas, LLC 370 17th Street Suite 5300 Denver, CO 80202 All Other Structures: Applicant, City of Boulder P.O. Box 791 Boulder, Colorado 80306 WHEREFORE, Boulder requests the Court to enter a decree confirming and approving the water storage right and the appropriative right of substitution and exchange described herein. (9 pages).

20CW3054 THE CITY OF GREELEY, ACTING BY AND THROUGH ITS WATER AND SEWER BOARD ("Greeley"), c/o Jennifer Petrzelka, Water Resources Operations Manager 1001 11th Avenue, Second Floor Greeley, Colorado 80631. Attorneys: Carolyn F. Burr, James M. Noble, Jens Jenson, Welborn Sullivan Meck & Tooley, P.C., 1125 17th Street, Suite 2200, Denver, Colorado, 80202, and Daniel J. Biwer, Greeley City Attorney's Office, 1100 10th Street, Suite 401, Greeley, Colorado 80631. APPLICATION FOR REASONABLE DILIGENCE IN **LARIMER COUNTY**. 2. General Description of the Application. By this application, Greeley seeks a finding of reasonable diligence for a conditional water storage right for the Milton Seaman Reservoir Enlargement. For clarification, Greeley also owns an absolute water right decreed to Milton Seaman Reservoir in the amount of 4,328 acre feet by virtue of the original construction of the reservoir (Civil Action 11217, Larimer County, entered September 10, 1953), and an absolute water right decreed to the reservoir in the additional amount of 680 acre feet by virtue of an initial enlargement (Case No. 87CW042, District Court, Water Division No. 1, entered June 25, 1992). Neither of these rights are the subject of this application. **Conditional Storage Right** 3. Milton Seaman Reservoir Enlargement. a. Date of Original and Subsequent Decrees. The original decree for the Milton Seaman Reservoir Enlargement conditional water right was entered on December 27, 1993 in Case No. 90CW226, by District Court Water Division No. 1. Previous diligence decrees were entered on March 22, 2001 in Case No. 99CW233, on September 19, 2007 in Case No. 2007CW68, and on April 23, 2014 in Case No. 13CW3122. b. Legal Description of the Structure. Milton Seaman Dam is located in the SW1/4, NE1/4 and SE1/4, NW1/4 of Section 33, Township 9 North, Range 70 West of the 6th P.M. in Larimer County. The initial point of survey was made at a point mid-length along the crest of the dam whence the center of said Section 33, Township 9 North, Range 70 West of the 6th P.M. bears South 15 degrees 40 minutes West 295 feet. The reservoir is located in Sections 33 and 28, Township 9 North, Range 70 West of the 6th P.M. See Exhibit A. c. Source. The waters of the North Fork of the Cache la Poudre River and its tributaries originating upstream of the Milton Seaman Dam. d. Appropriation Date. March 1, 1980. e. Total Decreed Amount. 9,992 acre-feet, conditional. f. Decreed Uses. All municipal uses, including domestic; industrial; commercial; manufacturing; recreation; fire protection; power generation; replacement; augmentation; exchange; irrigation of lawns, gardens, parks, and city property; storage for later use; and other beneficial uses relating to the operation of Greeley's municipal water system. **Finding of Diligence** 4. Integrated System. As decreed in Case No. 07CW68, the Milton Seaman Reservoir Enlargement was and is conceived and planned to be constructed and operated as a component of Greeley's integrated municipal water supply system that includes other water supply facilities owned by Greeley in the Cache la Poudre River basin, including, without limitation, the Bellvue Water Treatment Plant and Water Transmission Pipeline, and the following reservoirs: Barnes Meadow, Peterson Lake, Hourglass, Comanche, Twin Lakes, and the Overland Trail Reservoirs. Work on one feature of Greeley's municipal water supply system shall be considered toward a finding of diligence for all features of the entire system. 5. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures rounded to the nearest thousand dollars. a. Milton Seaman Reservoir. Greeley spent approximately $506,000 during this diligence period on projects to repair the outlet and effluent tunnel at Milton Seaman Reservoir. Additionally, Greeley spent approximately $11,336,000 on the federal permitting process and other activities associated with its planned expansion of Milton Seaman Reservoir. b. Bellvue Water Treatment Plant and Associated Infrastructure. In order to use water from Milton Seaman Reservoir in its municipal water system, Greeley must treat the water at its Bellvue Water Treatment Plant, located northwest of Fort Collins, and deliver it via water transmission pipelines to its customers. i. Greeley spent approximately $38,368,000 during this diligence period on its Bellvue Water Transmission Pipeline, including on the installation of approximately 30 miles of 60-inch pipeline from the Bellvue Water Treatment Plant. ii. Greeley spent approximately $998,000 during this diligence period on repairs to the Bellvue Water Treatment Plant diversion structure. iii. Greeley spent approximately $9,878,000 during this diligence period on maintenance and improvements at its Bellvue Water Treatment Plant. Relevant projects included, without limitation, general facilities rehabilitation,

additional sludge drying bed construction, cleaning and relining a holding pond, the addition of and continued work on a clarifier geodesic dome, designing a new filter media system, rehabilitation of chemical and raw water lines, conducting a needs assessment, and design and construction of a new treatment facility. c. Work by Greeley Staff, Outside Counsel, and Consultants. Greeley expended significant amounts of time, money, and other resources through its participation as an objector in a number of Division 1 Water Court cases during this diligence period, to prevent injury to this and other of its vested and decreed water rights in the Big Thompson, Cache la Poudre, and South Platte River basins. 6. Water Rights Remaining Conditional. Though it has progressed with reasonable diligence toward completion of the appropriation described in this application, Greeley did not divert and put to beneficial use any water attributable to the conditional Milton Seaman Reservoir Enlargement storage right during this diligence period. Accordingly, the Milton Seaman Reservoir Enlargement storage right remains wholly conditional. 7. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored. a. United States of America, Rocky Mountain National Park, General Delivery, Washington, D.C. 20410. b. City of Fort Collins, Water Department, P.O. Box 580, Fort Collins, Colorado 80522-0580. c. State of Colorado, Department of Natural Resources, 6060 Broadway, Denver, Colorado 80216. d. United States of America, Rocky Mountain National Park, 2150 Centre Avenue, Building E, Fort Collins, Colorado 80526-8119. e. State Board of Land Commissioners, 1127 Sherman Street, Suite 300, Denver, Colorado 80203-2206. f. United States Department of Agriculture, Forest Service, Inspector General, 2850 McClelland Drive, Fort Collins, Colorado 80525-2586. g. James R. Kahn, 6065 Obenchain Road, LaPorte, Colorado 80535. h. Overview Business Holdings, LLC, 379 State Route 34, Locke, New York 13092. i. Colorado State University, State School Land Board of Land Commissioners, 1313 Sherman Street, Denver, Colorado 80203-2236. j. Linda A. McMurry Trust and Murry R. McMurry Trust, 3673 Bradford Street NE, Grand Rapids, Michigan 49525. WHEREFORE, Greeley requests the Court enter a decree finding that Greeley satisfied the statutory standard of steady application of effort to complete the above-described appropriation in a reasonably expedient and efficient manner under all the facts and circumstances, and that Greeley exercised reasonable diligence toward completion of the above-described appropriation during this diligence period. Greeley also requests that the Court continue the subject conditional water right for another diligence period of six years. [5 pages].

20CW3055 Groundwater Management Subdistrict of the Central Colorado Water Conservancy District ("GMS" or "Applicant"), C/O Lawrence Jones Custer Grasmick, LLC, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534, (970)622-8181. APPLICATION TO ADD STRUCTURES TO AUGMENTATION PLAN IN WELD COUNTY. 2. **Augmentation Plan**. Applicant operates an augmentation plan decreed in Case No. 02CW335 ("GMS Plan"). ¶14.5 of the decree in Case No. 02CW335 (Decree) allows the addition of wells to the plan subject to notice and terms and conditions. A report prepared by White Sands Water Engineers supporting this application is attached hereto as Exhibit 1. 3. **Structures to be Added and Augmented**. 3.1. Name of Structure. EPH Corp. Well #4 7169-R (WDID 0106453) ("EPH Well"). 3.1.1. Name of Owner, 70 Ranch, LLC. 3.1.2. Previous Decree W-2596. A decree was entered in Water Court, Water Division No. 1, Case No. W-2596 on June 30, 1954 adjudicating the EPH Corp. Well #4 in the SW1/4 NE1/4 2,000 feet South and 2,610 feet West of the NE Corner, Section 31, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. 3.1.3. GMS Contract. No. 1242. 3.1.4. Remarks: This well was previously included in the GMS Augmentation Plan. It was deleted from the GMS Augmentation Plan in 2013 and was thereafter included in the augmentation plan decreed by the Lower Latham Reservoir Company in Case Nos. 03CW47/06CW291. Depletions from pumping through November 2019 are being covered the Lower Latham Reservoir Company. GMS continues to augment depletions from pumping that occurred prior to 2013; therefore, there are no additional post pumping depletions to be added to the GMS Plan. 3.2. Name of Structure: Nichols Well 2-11584RR. 3.2.1. Name of Owner: Ten Hand Trust. 3.2.2. Location of Structure: In the SE1/4 of the NW1/4, 2,638 feet South and 2,310 feet East of the NW

Corner, of Section 9, Township 2, Range 65 West of the 6th P.M. Weld County, Colorado. 3.2.3. GMS Contract No.: 1092. 3.2.4. Remarks: This Well is used for irrigation. Nichols Well No. 2-11584 was included in the GMS Plan; however, that well was re-drilled 700 feet from its permitted location and re-permitted and decreed in Case No. 97CW53 as Nichols Well No. 11584-RR. All post pumping depletions attributable to Well No. 2-11584 will continue to be replaced under the GMS Augmentation Plan. 3.3. Name of Structure: Hale Well No. 1, Permit No. 45550-F. 3.3.1. Name of Owner: Arthur and Virginia Hale. 3.3.2. Location of Structure: 515720 meters East, 4422496 meters North. 3.3.3. GMS Contract No.: 1245. 3.3.4. Remarks: This Well is used for irrigation at a single family residence. Replacement water was previously supplied by the City of Aurora pursuant to a lease agreement with the owner. All post pumping depletions from pumping through 2019 are being covered by the owner pursuant to their lease with the City of Aurora as described in the White Sands Water Engineers Report attached hereto. 4. **Proposed Terms and Conditions**. The terms and conditions for the structures added to the GMS Plan by this Application will be the same as for the other structures in the Decree. A report prepared by White Sands Water Engineers Inc. summarizing the aquifer parameters and terms and conditions is attached as Exhibit 1. 4.1. Consumptive Use Factors. Net depletions from future pumping of these Wells will be determined using a presumptive depletion factor of 60 percent for flood irrigation and 80% for sprinkler irrigation. 4.2. Net Stream Depletions. Depletions resulting from the future use of groundwater and accretions resulting from deep percolation of groundwater applied for irrigation will be lagged back to the South Platte River using the Glover alluvial aquifer method and the following parameters: AQUIFER PARAMETERS FOR ADDED WELLS

Table **Error! No text of specified style in document.**-1
Aquifer Parameters for Added Wells

WDID	**Stream**	**Distance (feet)**		**Harmonic Mean Transmissivity (gpd/ft)**	**GMS Admin. Reach**
		To Stream from Aquifer Boundary	To Stream from Well		
		(1)	(2)	(3)	(4)
0106453	Box Elder Creek	12,130	1,480	226,700	E
0205481	Beebe Draw	15,730	5,640	149,600	D
0210029	South Platte River	19,360	10,360	82,000	F

Notes: Specific yield equal to 0.2 (1), (2) Shortest measured [20]. (3) Equal to (2) divided by the sum of the quotient of the length of the path across each crossed grid cell and that cell's transmissivity value [20]. (4) Per 02CW335. 5.Names and addresses of owners of land on which structures are located: 70 Ranch, LLC, 8301 E. Prentice Avenue, #100, Greenwood Village, CO, 80111; Ten Hand Trust, David A. Dechant, 8029 WCR 39, Fort Lupton, CO, 80621, Arthur and Virginia Hale, 14120 Country Hills Dr. Brighton CO 80601.

20CW3056 Previous Case Nos. (13CW3116; 07CW121; 98CW456), GOLDEN LAND COMPANY, LLC, Reginald V. Golden, PO Box 54, Longmont, CO 80502. (Please serve all pleadings on: Jeff Kahn, Carey Smith, Lyons Gaddis, PO Box 978, Longmont, CO 80502-0978; (303) 776-9900) **Application for Finding of Reasonable Diligence and to Make Absolute in Part in BOULDER COUNTY.** 2. **Name of Water Right:** Golden Drain, Permit No. 051736-F 3. **Describe conditional water right including the following information from the previous decree**: A. **Date of original decree**: Case No. 98CW456, District Court for Water Division No. 1, entered March 12, 2001. B. **Subsequent decrees awarding findings of diligence:** No. 07CW121, District Court for Water Division No. 1, entered October 5, 2007. Case No. 13CW3116, District Court for Water Division No. 1, entered

April 16, 2014. C. **Legal description of point of diversion:** This drain is located in the SE1/4 and SW1/4 of Section 36, Township 3 North, Range 70 West of the 6th P.M., Boulder County, Colorado. The outlet is located in the SE1/4 of the SE1/4 of Section 36, approximately 300 feet west of the east section line and 450 feet north of the south section line. See attached **EXHIBIT A** for a map illustrating the location of the structure. D. **Source of Water**: Alluvium of the St. Vrain River. E. **Appropriation Date:** December 30, 1998 **Amount:** 800 gpm F. **Uses**: Amount Conditional: 800 gpm for livestock, industrial, augmentation and exchange and 750 gpm for irrigation. 50 gpm was found absolute for irrigation in Case 07CW121, October 5, 2007. See attached **EXHIBIT B** for area of irrigation. 4. **Work done toward completion of the appropriation from April 16, 2014 until April 30, 2020**: During the relevant diligence period, Applicant has incurred more than $18,000 to conduct the following work on this conditional water right: A. The land on which water from the Golden Drain will be used for industrial use and for augmentation and exchange uses is leased for gravel extraction to Aggregate Industries, WCR, Inc. ("Aggregate"). Aggregate holds a current DRMS permit to mine gravel at the site of the Golden Drain. In anticipation of mining and within the diligence period, Aggregate has monitored the groundwater levels at the site, contracted for a wetland delineation report and contracted for a wildlife impact report. Representatives of the Applicant and Aggregate have met with Boulder County representatives, US Army Corps of Engineers and US Fish and Wildlife Service to determine how mining and reclamation will impact the property during mining and post mining. B. During the diligence period, Applicant repaired the pipe and stabilized the creek bank adjacent to the manhole where the Golden Drain Connects from the creek to the manhole after the 2013 flood to restore operation of the Golden Drain. The Cost of this work was approximately $10,000. C. Applicant has continued to upgrade the infrastructure to divert the full decreed amount. During the diligence period, the Applicant obtained the use of a bigger pump in order to utilize a greater amount of the water right. The pump has a cost of approximately $8,000. 5. **Claim to make absolute in part**: A. Date full amount of water first applied to beneficial use: May 25, 2019. B. Amount: 800 gpm C. Use: Irrigation D. Supporting evidence: Applicant has compared their pumping records with the Division of Water Resources call records. Applicant pumped 800 gpm in priority and applied to irrigation use from May 25 through May 31, 2019, and June 18 through July 13, 2019. E. Description of place of use where water is applied to beneficial use: Please see attached **EXHIBIT B.** 6. **Owner of land upon which the structures are or will be located**: Applicant. 7. Applicant reserves the right to base its absolute claim on any diversions and use occurring after the filing of this application and prior to the entry of a decree**.** WHEREFORE, Applicant respectfully requests the Court enter a decree finding that Applicant has made the entire conditional water right absolute for irrigation use, and been reasonably diligent in maintaining the conditional water right for livestock, industrial, augmentation and exchange. DATED: April 29, 2020 Application is three pages with two exhibits.

20CW3057 TOWN OF BENNETT, 207 Muegge Way, Bennett, CO, 80102. Matthew S. Poznanovic, Eric K Trout, Petrock Fendel Poznanovic, P.C., 700 17th Street, Suite 1800, Denver, CO, 80202. Application for Finding of Reasonable Diligence and to Make Absolute in **ARAPAHOE COUNTY**. Decree Information: Originally decreed in Case No. 06CW175 on February 15, 2007. In Case No. 13CW25, on April 17, 2014, a finding of reasonable diligence for the conditional water rights was decreed. Name of structure: East Antelope Hills Lake. Source of water: storm runoff on an unnamed tributary to Wolf Creek. Date of appropriation: April 28, 1998. Amount: 38 acre-feet for domestic and commercial and the right to refill (conditional). In Case No. 13CW25, 38 acre-feet was decreed absolute for irrigation, fish and wildlife, recreation, and piscatorial uses. Location of Structure: East Antelope Hills Lake is located on channel in the SW1/4 NW1/4 of Section 13 and the SE1/4 NE1/4 of Section 14, Township 4 South, Range 63 West of the 6th P.M., Arapahoe County. The Lake is at a point approximately 2,097 feet from the North and 328 feet from the West section lines of said Section 13. The Lake is lined. Size of Reservoir: Surface Area: Approximately 3.5 acres. Total Capacity of Reservoir: Active Capacity: 38 acre-feet. Uses: domestic, commercial, irrigation, fish and wildlife, recreation, and piscatorial. Place of Use: The subject water right will be used for the above-described uses at the

Antelope Hills Golf Course and additional lands generally located in Section 14, Township 4 South, Range 63 West of the 6th P.M., Arapahoe County, Colorado. Applicant has acquired the Antelope Hills Golf Course, and intends to develop the property as an open space area and regional park. Application To Make Absolute. In 2008 and 2009, 38 acre-feet of the conditional water right was diverted and stored in priority in East Antelope Hills Lake. Between May 4, 2009 and July 20, 2009, 38 acre-feet was put to the decreed beneficial uses of irrigation, fish and wildlife, recreation, and piscatorial. Subsequently, an additional 38 acre-feet was diverted and stored in priority in the East Antelope Hills Lake, and 14 acre-feet was put to the decreed beneficial use of irrigation in July 2011. The decree in Case No. 13CW25 decreed 38 acre-feet of the conditional water right absolute for irrigation, fish and wildlife, recreation, and piscatorial. Applicant seeks to make the 38 acre-feet of the East Antelope Hills Lake water right absolute for the remaining conditional uses of domestic and commercial pursuant to C.R.S. § 37-92-301(4)(e), which provides a decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure. In the alternative and if this amount is not made absolute, Applicant requests that a diligence finding also be made to continue this amount pursuant to the activities described below. The right to refill for the East Antelope Hills Lake water right shall remain conditional. Application For Finding Of Reasonable Diligence. This Application for Finding of Reasonable Diligence is filed pursuant to the Water Right Determination and Administration Act of 1969, Sec. 37-92-302, C.R.S. During this diligence period, in continuing the development of the conditional water right, Applicant has been engaged in the legal defense and protection of said water right and has been diligent in the continued use and development of the water right involved. These activities include, but are not limited to, the following: Applicant's consultant has prepared and submitted accounting to the Office of the Division Engineer for the East Antelope Hills Lake conditional storage water right. Applicant has applied for an Arapahoe County Open Spaces grant. If approved, part of the grant funding will be used for design and construction of ADA compliant improvements to the East Antelope Hills Lake, including a parking area, access staircase and ramp, shaded picnic area and fishing dock, as well as to extend the existing clay liner. Applicant obtained the support of the Colorado Parks and Wildlife and Natural Resources Conservation Service for the Arapahoe County Open Spaces grant. Applicant initiated discussions with Colorado Parks and Wildlife to stock the East Antelope Hills Lake for recreational fishing. Applicant checks the water levels and performs routine trash and debris removal from lands surrounding the East Antelope Hills Lake. Applicant has incurred additional expenses for legal, consulting, and engineering work related to the project. During the diligence period, legal counsel for Applicant has reviewed the resume of applications as published by the Water Clerk for Water Division 1 to determine whether to advise Applicant of the need to file Statements of Opposition to protect the water right. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Names and addresses of owners of land upon which structure for the water right is located: Applicant. WHEREFORE, Applicant prays that this Court enter a decree finding that Applicant has made 38 acre-feet of the conditional water right absolute for domestic and commercial uses, has exercised reasonable diligence in the development of the remaining conditional water right, continuing the remaining conditional water right, and for such other and further relief as this Court deems just and proper in the premises. 5 Pages.

20CW3058 CITY OF AURORA, COLORADO, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE ("Aurora Water"), 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012-1555. Attorney: Stephanie J. Neitzel, Assistant City Attorney, City of Aurora, Colorado, 15151 East Alameda Parkway, Suite 5300, Aurora, Colorado 80012. APPLICATION FOR FINDING OF REASONABLE DILIGENCE in **ADAMS COUNTY**. 2. NAME OF THE STRUCTURES: 2.1. Aquifer Recharge and Recovery Facility B ("ARR-B"). 2.2. Tucson South Reservoir. 3. DESCRIPTION OF CONDITIONAL WATER RIGHTS ("Subject Water Rights"): 3.1. Date of Original Decree: August 1, 2007; 03CW414, District Court, Water Division 1. 3.2. Subsequent Decrees: April 22, 2014; 13CW3088, District Court, Water Division 1. 3.3. Location (Legal Description): The centroid of the

Tucson South/ARR-B facility is located in the NW1/4 of the SE1/4, Section 1, T1S, R67W, 6th P.M. The facility will occupy all or portions of the following sections: the N1/2 of the SE1/4, the SW1/4 of the SE1/4, and the SW1/4, all in Section 1, T1S, R67W, 6th P.M. See Figure 1. 3.4. Source: South Platte River. 3.5. Appropriation Date: December 8, 2003. 3.6. Amount: 3.6.1. Capacity of ARR-B: 920 acre-feet, conditional. 3.6.2. Tucson South Reservoir: 5,200 acre-feet, conditional. 3.7. Location of Points of Diversion and Rates of Division from South Platte River: 3.7.1. Brighton Ditch: The headgate of the Brighton Ditch on the west bank of the South Platte River in the SE1/4SE1/4, Section 11, T1S, R67W, 6th P.M. in Adams County, at a point approximately 780 feet north and 1,120 feet west of the SE corner of said Section 11. Rate of diversion to storage: 60 c.f.s., conditional. 3.7.2. Brantner Ditch: The headgate of the Brantner Ditch on the north bank of the South Platte River in the NE1/4SW1/4, Section 4, T2S, R67W, 6th P.M., Adams County, at a point approximately 2,721 feet south and 2,140 feet east of the NW corner of Section 4. Rate of diversion to storage: 110 c.f.s., conditional. 3.8. Uses: All municipal and domestic purposes including without limitation fire protection, irrigation, commercial and industrial use, recreational purposes, fish and wildlife propagation, stock watering, reservoir evaporation replacement, storage and maintenance of storage reserves, exchange and augmentation purposes, for use and reuse until extinction. The location of use will be any area Aurora Water is capable of serving by these diversion and storage points within the existing or future water service area of Aurora Water located in Adams, Arapahoe and Douglas Counties or any extra-territorial area in which the Aurora Water contracts to provide treated or raw water service or any area in which Aurora Water has augmentation or delayed return flow obligations. 4. PROVIDE A DETAILED OUTLINE OF WHAT HAS BEEN DONE TOWARD COMPLETION OR FOR COMPLETION OF THE APPROPRIATION AND APPLICATION OF WATER TO A BENEFICIAL USE AS CONDITIONALLY DECREED, INCLUDING EXPENDITURES. Pursuant to C.R.S. §37-92-301(4)(b), the measure of reasonable diligence is the steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system shall be considered finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. Project Specific Efforts Including Integrated PWP Project. Pursuant to paragraph 41 of the decree in Case No. 03CW414, the ARR-B/Tucson South Reservoir facility is part of Aurora Water's integrated system of water rights and structures that comprise Aurora's Prairie Waters Project ("PWP"). Therefore, Aurora Water's work on any part of the PWP constitutes reasonable diligence on the conditional water rights decreed in Case No. 03CW414. Since filing its last application for finding of reasonable diligence in in Case No. 13W3088, Aurora has diligently prosecuted the following features of the PWP, including the Subject Water Rights: 4.1. Case No. 14CW3065, D-1. On March 2, 2015, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for Aurora Reservoir, Quincy Reservoir and East Reservoir, originally decreed in 03CW415. 4.2. Case No. 15CW3064, D-1. On December 1, 2017, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for ARR-A/Gravel Pit Reservoir A; conditional tributary ground water rights for the PWP Well Field; conditional appropriative rights of exchange for 28 reaches on the lower South Platte River; and a plan for augmentation for the PWP Well Field, originally decreed in Case No. 06CW104. 4.3. Case No. 18CW3096, D-1. On April 16, 2019, Aurora was granted a decree for findings of reasonable diligence decree for conditional storage rights for Aurora-Everist Reservoir No. 1 originally decreed in Case No. 02CW330. 4.4 Case No. 15CW3080, D-1. On August 15, 2016, Aurora was granted a decree for findings of reasonable diligence for conditional storage rights for the Robert W. Walker Reservoir originally decreed in Case No. 06CW129. 4.5. Case No. 15CW3079, D-1. On August 15, 2016, Aurora was granted a decree making partially absolute and for findings of reasonable diligence for the remaining conditional storage rights for the Stillwater Ranch Reservoir originally decreed in Case No. 06CW130. 4.6. Case No. 13CW3080, D-1. On January 6, 2015, Aurora was granted a decree for conditional water rights for Everist Reservoir No.2. 4.7. Case No. 13CW3042, D-1. On May 12, 2015, Aurora obtained a decree granting conditional water rights to add in-fill wells to the PWP Well Field and to the plan for augmentation originally decreed in Case No. 06CW104. 4.8. Case No. 14CW3177, D-1.

On April 26, 2018, Aurora obtained a decree granting a change of its New Brantner Ditch Company shares. 4.9. Case No. 18CW3121, D-1. Aurora filed its application for change of its Lupton Bottom and Lupton Meadows Ditch Company shares on July 31, 2018 and amended this application on February 28, 2020. This case is pending. 4.10. Water Rights Purchases. Aurora expended over $33 million to purchase water rights, including associated infrastructure and land, on the South Platte River that will be diverted for use by Aurora Water through the PWP facilities, including those associated with the Subject Water Rights. 4.11. Integrated Water Master Plan. In September 2017 Aurora completed its Final Draft Integrated Water Master Plan that integrates short-term and long-range planning across the water resources, treatment and distribution disciplines within Aurora Water. 4.12. North Campus Master Plan. The North Campus System is a raw water collection and delivery system developed as a part of the PWP system. In 2019, Aurora Water completed a draft of the North Campus Master Plan that supports the planning of capital progress and expenditure to maintain current conditions, address challenges, and meet future expansion needs for the North Campus System facilities. 4.13. Land Purchases. Aurora purchased 2 parcels of land (Horiuchi/Faudoa and Marrs) for the Tucson South Reservoir at a total cost of $348,000. 4.14. Negotiations for Gravel Pit Storage. Aurora is in the process of re- negotiating its agreement with Aggregate Industries to complete the reservoir facilities for the Subject Water Rights. 4.15. Gilcrest Reservoir. In 2015, Aurora purchased 570 acres that is a portion of the property known as Gilcrest Reservoir (f/k/a Platte Valley Trust Reservoir). 4.16. Legal and Engineering Fees. Aurora expended at least $2.4 million for legal and engineering services for the work included under this Paragraph 4. 4.17. Protection Efforts. Aurora expended at least $3 million for legal and engineering services in its participation in water court cases and other efforts for the purpose of protecting the Subject Water Rights and Integrated PWP Project. 5. IF CLAIM IS TO BE MADE ABSOLUTE: N/A. 6. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH ANY NEW DIVERSION OR STORAGE STRUCTURE, OR MODIFICATION TO ANY EXISTING DIVERSION OR STORAGE STRUCTURE IS OR WILL BE CONSTRUCTED OR UPON WHICH WATER IS OR WILL BE STORED, INCLUDING ANY MODIFICATION TO THE EXISTING STORAGE POOL: 6.1. Aggregate Industries – WCR Inc., 1687 Cole Blvd Suite 300, Lakewood, CO 80401. 6.2. The Brighton Ditch Company owns the Brighton Ditch. Address: P.O. Box 185, 3286 Weld County Road 23, Ft. Lupton, CO 80621. 6.3. The New Brantner Extension Ditch Company owns the Brantner Ditch. Address: P.O. Box 739, Fort Lupton, CO 80621. WHEREFORE, Applicant requests that the Court enter a decree finding that Applicant has been reasonably diligence in the steady application of effort to complete the appropriation of the conditional water rights that are the subject of this application in a reasonably expedient and efficient manner under the facts and circumstances and continuing the following conditional rights in full force and effect, and continuing these conditional water rights and such other relief as the Court deems just and appropriate: A. ARR-B: 920 acre-feet (conditional). B. Tucson South Reservoir: 5,200 acre-feet (conditional). C. Brighton Ditch Diversion: 60 cfs (conditional). D. Brantner Ditch Diversion: 110 cfs (conditional). Number of pages of Application: 8.

20CW3059 BOY SCOUTS OF AMERICA – DENVER AREA COUNCIL; 10455 West 6th Avenue, Suite 100, Denver, CO 80215. Stephen H. Leonhardt, Esq., Bernard F. Gehris, Esq.; BURNS, FIGA & WILL, P.C.; 6400 Fiddler's Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN PART IN ELBERT COUNTY. B.** Conditional Water Rights Decrees: **1.** Original Case Nos.: 91CW024 and 98CW460. **2.** Decree dates: 91CW024 - October 29, 1991; 98CW460 - September 20, 1999. **3.** Dates of appropriation: **a.** Abrahamson Reservoir: December 31, 1973. **b.** Cris Dobbins Lake: December 31, 1984. **c.** Family Enrichment Camp Lake (a.k.a. Magness Lake): March 31, 1991. **d.** Family Enrichment Camp Lake (a.k.a. Magness Lake) – First Enlargement: April 4, 1993. **4.** Last Diligence Decree: Case No. 13CW3077, entered on April 2, 2014. This decree made a finding of reasonable diligence continuing the conditional water rights for the Abrahamson Reservoir, Cris Dobbins Lake, the Family Enrichment Camp Lake (a.k.a. Magness Lake), and the Family Enrichment Camp Lake - First Enlargement. **5.** Prior Change Decree: The Decree in Case

No. 97CW333 added fire protection to the decreed uses for Abrahamson Reservoir, Cris Dobbins Lake and Family Enrichment Camp Lake. **C.** Conditional Water Rights. **1.** Abrahamson Reservoir. **a.** Location: NW1/4 NW1/4 of Section 11 and NE1/4 NE1/4 of Section 10, Township 10 South, Range 64 West, 6th P.M., Elbert County. The outlet is at a point approximately 200 feet South and 200 feet East of the NW corner of Section 11. **b.** Source: Springs and runoff tributary to Kiowa Creek. **c.** Amount and Use: 10 a.f. absolute (with right to fill and refill when water is legally available) for irrigation of 110 acres, recreation, fish and wildlife, stock water and fire protection uses; and conditional for augmentation. **2.** Cris Dobbins Lake. **a.** Location: SE1/4 NW1/4 and NE1/4 SW1/4, Section 14, Township 10 South, Range 64 West, 6th P.M., Elbert County, Colorado. The outlet is at a point approximately 2300 feet South and 1550 feet East of the NW corner of Section 14. **b.** Source: Springs and runoff tributary to Kiowa Creek. **c.** Amount and Use: 75 a.f. total (with right to fill and refill when water is legally available). Of this amount, 11 a.f. is absolute for recreation, fish and wildlife, stock water, fire protection, aggregate camping and commercial uses; and 64 a.f. is conditional for recreation, fish and wildlife, stock water, fire protection, aggregate camping and commercial uses. The entire 75 a.f. is conditional for domestic, irrigation, dust suppression, and augmentation. **3.** Family Enrichment Camp Lake (a.k.a. Magness Lake). **a.** Location: NW1/4 of Section 15, Township 10 South, Range 64 West, 6th P.M., Elbert County, Colorado. The outlet is at a point approximately 1500 feet South and 1500 feet East of the NW corner of Section 15. **b.** Source: Springs and runoff tributary to Kiowa Creek. **c.** Amount and Use: 40.3 a.f. total (with right to fill and refill when water is legally available). Of this amount, 8 a.f is absolute for recreation, fish and wildlife, aggregate camping and commercial; and 32.3 a.f. is conditional for recreation, fish and wildlife, aggregate camping and commercial uses. The entire 40.3 a.f is conditional for domestic, stock water, dust suppression, fire protection, and augmentation. **4**. Family Enrichment Camp Lake (a.k.a. Magness Lake) - First Enlargement. **a.** Location: NW1/4 of Section 15, Township 10 South, Range 64 West, 6th P.M., Elbert County, Colorado. The outlet is at a point approximately 1500 feet South and 1500 feet East of the NW corner of Section 15. **b.** Source: Springs and runoff tributary to Kiowa Creek. **c.** Amount and Use: 22.5 a.f. conditional enlargement, with right to fill and refill when water is legally available, for recreation, fish and wildlife, domestic, stock water, commercial, dust suppression, fire protection, aggregate camping uses, and augmentation. This is in addition to the previously decreed amount of 40.3 acre-feet, with right to fill and refill as water is available, decreed in Case No. 91CW024. **D.** 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: **1.** All three lakes have been filled and used each year. The lakes have been filled in part with groundwater permitted by the Ground Water Commission, and in part with surface water decreed in Case No. 91CW024. **2.** DAC has inspected the three dams annually, has assisted the Colorado Division of Water Resources (DWR) with its inspections of the dams for Dobbins Lake and Magness Lake, and has been implementing the resulting recommendations as described below. **3.** DAC has completed spillway repairs, tested the outlet gate, and replaced the previously installed staff gage at Magness Lake, and has completed design of dam, spillway and dam outlet improvements for Dobbins Lake, including staff gage replacement, at a cost of $25,500. The DWR has approved the Dobbins Lake design, and DAC is raising funds to complete the improvements. **4.** DAC has continued performing necessary maintenance on all three reservoirs: brush removal, weed control, rodent eradication, and the clearing of the spillways of trees and debris. **5.** DAC is currently planning for dredging sediment from the lake beds and controlling vegetation to improve water quality and fishery habitat. **6.** DAC has pursued and obtained approval from the Elbert County Commissioners in 2019 for a Planned Unit Development for Peaceful Valley Camp property, including the lakes and related facilities. **7.** DAC has cooperated with its tenant in making substantial improvements to irrigation and stock watering systems on the property, consistent with Natural Resources Conservation Service guidelines. **8.** DAC has conducted forestry improvements on the Peaceful Valley Camp property, which improves water quality and sustainability of the lakes. **9.** DAC has completed substantial improvements to the domestic water supply system for portions of the Camp property, at a cost of $46,500. **10.** DAC has engaged engineering consultants to design substantial improvements to wastewater treatment and discharge facilities for the Camp, at a cost of $35,000. These

improvements are designed to improve water quality for the lakes and other surface water bodies. **11.** DAC has also retained water lawyers and engineers to develop and protect their rights for integrated use of underground water and surface water, including water stored in the reservoirs. The cost of this legal work done on behalf of DAC for such activities at the Peaceful Valley Camp during the current diligence period is approximately $4,600. DAC also has retained Wright Water Engineers to assist with water issues at Peaceful Valley Camp during the diligence period, at a cost in excess of $35,000. It is not yet clear whether a plan for augmentation or replacement plan will be needed for any of the planned water uses at Peaceful Valley. DAC would prefer to avoid the need for such a plan if possible. However, DAC intends to use one or more of the reservoirs for augmentation or replacement use in the event such a plan is ever required. It is the firm intent of DAC to continue to develop the conditional water rights decreed to all three reservoirs. This work evidences DAC's continuing intent to develop the conditional water rights. Full development of these conditional rights by DAC is feasible, and there is no intent to abandon any of the conditional water rights. **E.** Notice to Abandon Other Conditional Rights: DAC has elected to abandon the portions of its conditional water rights listed below. This filing serves as notice of DAC's intent to abandon only the conditionally decreed uses specified below. DAC does not intend to abandon any other water rights, structures or uses, whether those rights, structures or uses are currently conditional or absolute. **1.** Abrahamson Reservoir conditional rights for irrigation use on an additional 134 acres, commercial, dust suppression, aggregate camping, and exchange uses. **2.** Conditional rights decreed for exchange use for Chris Dobbins Lake, Family Enrichment Camp Lake (a.k.a. Magness Lake), and Family Enrichment Camp Lake (a.k.a. Magness Lake) - First Enlargement. **F.** Claim to Make Absolute in Part. During the diligence period, the following amounts of surface water were stored under the structure's decreed priority, as shown by DAC's accounting, at times when there were no senior downstream calls, and were applied to beneficial use for storage and the structure's other decreed purposes. **1.** Chris Dobbins Lake. Water Applied to Beneficial Use November 2015 - October 2016. Amount: 16 acre-feet, in addition to the 11 acre-feet currently absolute (27 acre-feet total). Use: Storage for other decreed purposes: (recreation, fish and wildlife, aggregate camping, commercial, domestic, stock water, dust suppression, fire protection, and augmentation). **2.** Family Enrichment Camp Lake (a/k/a Magness Lake). Water Applied to Beneficial Use November 2015 – August 2016. Amount: 12 acre-feet, in addition to the 8 acre-feet currently absolute (20 acre-feet total). Use: Storage for other decreed purposes (recreation, fish and wildlife, aggregate camping, commercial, domestic, stock water, dust suppression, fire protection, and augmentation). WHEREFORE, the Applicant, Denver Area Council - Boy Scouts of America, requests that the Court enter a decree (1) making absolute an additional 16 acre-feet of the water right conditionally decreed to Chris Dobbins Lake, and an additional 12 acre-feet of the water right conditionally decreed to Family Enrichment Camp Lake (a/k/a Magness Lake), in Case No. 91CW024; and (2) finding reasonable diligence with respect to each of the above-referenced conditional water rights to the extent that they have not previously been decreed absolute, by reason of the activities and expenditure of monies by DAC. No. of pages in Application: 7.

20CW3060 COORS BREWING COMPANY; P.O. Box 4030, Golden, CO 80401. Stephen H. Leonhardt, Esq., Bernard F. Gehris, Esq.; BURNS, FIGA & WILL, P.C.; 6400 Fiddler's Green Circle, Suite 1000, Greenwood Village, CO 80111; (303) 796-2626. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN JEFFERSON COUNTY. 2.** Description of conditional water rights: **2.1.** Date of Original Decree: April 15, 1977 in Consolidated Case Nos. W-8036-75 and W-8256-76, District Court, Water Division No. 1. Since that time, the Court has found Coors to have been diligent in the development of the subject conditional water rights and accordingly has entered decrees making certain amounts absolute and continuing the remaining conditional portion of such rights in full force and effect in Case Nos. 81CW110, 85CW090, 89CW040, 98CW419, 05CW240, and 13CW3111 (entered April 2, 2014). **2.2.** Names and locations of structures: **2.2.1.** Underground Spring No. 115: Located in the SE1/4 of SE1/4 of Section 19, Township 3 South, Range 69 West of the 6th P.M., at a point 720 feet west of the east line and 460 feet north of the south line of said Section 19. **2.2.2.** Underground Spring No. 116: Located in the SE1/4 of SE1/4 of Section 19, Township 3 South, Range 69 West of the 6th P.M.

at a point 250 feet west of the east line and 60 feet north of the south line of said Section 19. **2.2.3.** Underground Spring No. 117: Located in the NW1/4 of NW1/4 of Section 29, Township 3 South, Range 69 West of the 6th P.M. at a point 200 feet east of the west line and 410 feet south of the north line of said Section 29. **2.2.4.** Underground Spring No. 118: Located in the NW1/4 of NW1/4 of Section 29, Township 3 South, Range 69 West of the 6th P.M. at a point 550 feet east of the west line and 780 feet south of the north line of said Section 29. **2.2.5.** Underground Spring No. 120: Located in the SW1/4 of SW1/4 of Section 24, Township 3 South, Range 70 West of the 6th P.M. at a point 600 feet east of the west line and 500 feet north of the south line of said Section 24. **2.2.6.** Underground Spring No. 121: Located in the SW1/4 of SW1/4 of Section 24, Township 3 South, Range 70 West of the 6th P.M. at a point 1200 feet east of the west line and 530 feet north of the south line of said Section 24. **2.2.7.** Underground Spring No. 122: Located in the SE1/4 of SW1/4 of Section 24, Township 3 South, Range 70 West of the 6th P.M. at a point 1810 feet east of the west line and 580 feet north of the south line of said Section 24. **2.2.8.** Underground Spring No. 123: Located in the SE1/4 of SW1/4 of Section 24, Township 3 South, Range 70 West of the 6th P.M. at a point 2480 feet east of the west line and 620 feet north of the south line of said Section 24. **2.2.9.** Underground Spring No. 124: Located in the NW1/4 of NW1/4 of Section 25, Township 3 South, Range 70 West of the 6th P.M. at a point 650 feet east of the west line and 110 feet south of the north line of said Section 25. **2.2.10.** Underground Spring No. 125: Located in the NW1/4 of NW1/4 of Section 25, Township 3 South, Range 70 West of the 6th P.M. at a point 1280 feet east of the west line and 90 feet south of the north line of said Section 25. **2.2.11.** Underground Spring No. 126: Located in the NE1/4 of NW1/4 of Section 25, Township 3 South, Range 70 West of the 6th P.M. at a point 1890 feet east of the west line and 110 feet south of the north line of said Section 25. **2.2.12.** Underground Spring No. 127: Located in the SE1/4 of SW1/4 of Section 24, Township 3 South, Range 70 West of the 6th P.M. at a point 2500 feet east of the west line and 20 feet north of the south line of said Section 24. **2.2.13.** Underground Spring No. 133: Located in the NE1/4 of SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. at a point 3100 feet west of the east line and 2830 feet south of the north line of said Section 27. **2.2.14.** Underground Spring No. 134: Located in the NE1/4 of SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. at a point 3300 feet west of the east line and 3070 feet south of the north line of said Section 27. **2.2.15.** Underground Spring No. 135: Located in the NE1/4 of SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. at a point 3350 feet west of the east line and 2860 feet south of the north line of said Section 27. **2.2.16.** Underground Spring No. 136: Located in the SE1/4 of NW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. at a point 3270 feet west of the east line and 2620 feet south of the north line of said Section 27. **2.2.17.** Underground Spring No. 1: Located in the NE1/4 of SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. at a point 3300 feet west of the east line and 3090 feet south of the north line of said Section 27. **2.2.18.** Underground Spring No. 2: Located in the NE1/4 of SW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. at a point 3320 feet west of the east line and 3120 feet south of the north line of said Section 27. **2.2.19.** Underground Spring No. 9: Located in the SE1/4 of NW1/4 of Section 27, Township 3 South, Range 70 West of the 6th P.M. at a point 3050 feet west of the east line and 2380 feet south of the north line of said Section 27. **2.3.** Source: Groundwater, tributary to Clear Creek, a tributary of the South Platte River. **2.3.1.** Appropriation Date: May 30, 1976, for all of the subject rights. **2.3.2.** Priority Date: May 30, 1976, for all of the subject rights. **2.3.3.** Decreed Uses: Domestic, commercial, industrial, municipal and fire protection purposes. **2.4** Amounts:

	Underground Spring No.	**Amounts Previously Made Absolute in cfs**	**Remaining Conditional Rights Amounts in cfs**
1.	Underground Spring No. 115	--	0.75
2.	Underground Spring No. 116	--	0.75
3.	Underground Spring No. 117	--	0.75

4.	Underground Spring No. 118	--	0.75
5.	Underground Spring No. 120	--	0.5
6.	Underground Spring No. 121	--	0.5
7.	Underground Spring No. 122	--	0.5
8.	Underground Spring No. 123	--	0.5
9.	Underground Spring No. 124	--	0.5
10.	Underground Spring No. 125	--	0.5
11.	Underground Spring No. 126	0.25	0.25
12.	Underground Spring No. 127	--	0.5
13.	Underground Spring No. 133	--	0.3
14.	Underground Spring No. 134	--	0.2
15.	Underground Spring No. 135	--	0.2
16.	Underground Spring No. 136	--	0.2
17.	Underground Spring No. 1	0.03	0.27
18.	Underground Spring No. 2	0.36	0.44
19.	Underground Spring No. 9	--	0.3

3. Notice to Abandon Conditional Right: Coors has elected to abandon its conditional water right for Underground Spring No. 5, that was conditionally decreed in Case No. W-7809-74, and for which diligence was most recently found in Case No. 13CW3111. This filing serves as notice of Coors's intent to abandon the conditional right for Underground Spring No. 5. Coors does not intend to abandon any other water rights or structures, whether those structures are currently active or inactive, conditional or absolute. **4.** Work Done Toward Development of Conditional Water Rights: In support of this Application for Finding of Reasonable Diligence, it is stated that during this diligence period, in continuing the development of the conditional water rights for this system, Applicant has been engaged in use, construction and completion of some of the diversion facilities and water rights involved. In addition, Applicant has been engaged in the legal defense and protection of said water rights, and has continued in the planning, designing and exploration of the physical and business arrangements associated with the construction and use of the water rights involved. An outline of work done during the diligence period toward completion, or for completion, of the appropriation and application of water to a beneficial use as conditionally decreed, include the following activities: **4.1.** Diligence activities directly related to the Underground Springs in this application include: **4.1.1.** Continued operation of Coors's Underground Springs system to supply water for decreed purposes; **4.1.2.** Expenditures of approximately $750,000 for pump installation and replacement, operation, maintenance, and repairs to Coors's Underground Springs system; and **4.1.3.** Expenditures of approximately $20,000 for development and approval of measurement and accounting systems for Coors's Underground Springs in compliance with applicable rules of the State Engineer. **4.2.** Unified System Activities. The Underground Springs in this Application are integral features in Coors' unified water system developed by Coors for beverage and food production, malting, irrigation, domestic and other commercial and industrial uses, as this Court found in the decree entered in Case No. 05CW240 (paragraph 9.2). Other components of the unified water system include the Straight Creek Tunnel Drainage and Effluent System (Case Nos. W-1665 in Water Division No. 5 and W-7097 in Water Division No. 1); Coors Golden Milling Right (Civil Action No. B-9675, Jefferson County District Court); other Coors Underground Springs (Case No. W-7809-74); Jefferson Storage System (Case Nos.

W-152 and 88CW206); Idaho Springs Reservoir (Case No. 84CW671); the nontributary wells which are the subject of Case No. 85CW051; Coors Industries Ditch (Case Nos. W-224 and W-7585); the Coors Augmentation Plans I, II and III decreed in Case Nos. W-8036(75), W-8256(76), 88CW271, 89CW234, and 99CW236; Coors Augmentation Plan IV (application pending in Case No. 17CW3177); the Cosmic Decree (Case No. 88CW271); and related exchanges decreed in Case Nos. 88CW268, 88CW272, and 96CW1117 (all cases are decrees entered in Water Division No. 1, except where otherwise noted); as well as a complete water treatment, cooling and distribution system at the plant site in Golden, Colorado. As described below, Coors and its affiliated entities, including Molson Coors Beverage Company, MillerCoors LLC, and Rocky Mountain Water Company, have expended substantial effort in the development of Coors's overall unified system of which the rights identified in this Application are integral components. During this diligence period, Coors has continued the development of the unified water supply system of which the exchanges that are the subject of this Application are an integral part. This Court has determined that continued development and maintenance of Coors's unified water system constitutes diligence for the individual water rights associated with that system as found by this Court. *See, e.g.*, Decree in Case No. 12CW155 at pages 21-22, ¶13.2 (March 20, 2013). Coors has also been engaged in the legal defense and protection of said water rights and has continued in the planning, design, and exploration of the physical and business problems associated with the construction and use of the diversion facilities and water rights involved. During this diligence period, Coors and its affiliates, including MillerCoors, have undertaken the following activities and expended at least $1,900,000 for the development and maintenance of Coors's unified water supply system: **4.2.1.** Expenditures in excess of $70,000 for contractual obligations under the Cosmic Agreement and related agreements, including expenditures for Standley Lake operations and maintenance; **4.2.2.** Expenditures in excess of $265,000 for operation of deliveries and exchanges of water pursuant to Case No. 96CW1117 to the extent water has been available for such deliveries and exchanges; **4.2.3.** Coors' activities related to the Jefferson Storage System, including: (1) storage of water in the Jefferson Storage System, including 3,735 acre-feet stored in B-4 Lake and applied to decreed beneficial uses for storage and other decreed purposes; (2) new engineering studies of the remaining Jefferson Storage System conditional storage rights and alternative water storage locations, costing in excess of $150,000; and (3) an application filed on December 28, 2018 (Case No. 18CW3225) for changes of conditional storage locations to reflect a realignment of structures for future construction, and an alternate point of diversion for conditional water storage rights for multiple reservoirs in the Jefferson Storage System; **4.2.4.** Engineering costs in excess of $200,000 relating to Coors's water rights and water supply system; **4.2.5.** Expenditures in excess of $540,000 for ditch companies supporting Coors's unified water system; **4.2.6.** Expenditures in excess of $800,000 on capital projects in support of Coors' unified water system; and **4.2.7.** Expenditures in excess of $46,000 to participate in the South Platte Water Related Activities Program (SPWRAP). Such participation will facilitate future federal permitting that may be necessary in connection with improvements or enlargement of storage structures in Coors's unified water system, and will facilitate future storage and releases pursuant to the subject conditional exchanges. **4.3.** During the diligence period, Coors has also participated in a number of water cases adjudicating matters required for the production of water used in Coors's unified water system, including but not limited to following cases:**4.3.1.** Case No. 15CW3179 and appeal (application to amend Coors' Augmentation Plans); **4.3.2.** Case No. 17CW3177 (change of Miles and Eskins Ditch for Coors Augmentation Plan IV); **4.3.3.** Case No. 13CW3094 (diligence on Augmentation Plan III Exchanges); **4.3.4.** Case No. 13CW3112 (diligence on Augmentation Plan II Exchange); **4.3.5.** Case No. 18CW3225 (Jefferson Storage System storage realignment); **4.3.6.** Case No. 19CW3037 (diligence and making conditional rights absolute on Jefferson Storage System); **4.3.7.** Case No. 19CW3055 (diligence on Coors Cosmic Exchange rights); and **4.3.8.** Coors has also filed statements of opposition to a number of water court applications to prevent injury to Coors' water rights, including those which are the subject of this Application. Coors's legal expenses in pursuing these applications and filing statements of opposition to continue and protect the unified system water rights exceeded $1,300,000 during the diligence period. WHEREFORE, Applicant prays that this Court find and determine: A. That Applicant has exercised reasonable diligence in the development of the conditional

water rights which are the subject of this Application, continuing such conditional rights in full force and effect; and B. For such other and further relief as this Court deems just and proper. Number of pages in Application: 9.

20CW3061 Lower South Platte Water Conservancy District Water Activity Enterprise, 100 Broadway Plaza, Suite 12, Sterling, CO 80751. Please send correspondence and pleadings to: Ryan M. Donovan and Alyson K. Scott, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534. (970) 622-8181; ryan@ljcglaw.com; alyson@ljcglaw.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, in **SEDGWICK COUNTY**. Applicant is a Water Activity Enterprise of the Lower South Platte Water Conservancy District formed pursuant to §37-45-101, *C.R.S.*, by Resolution dated May 11, 1993. The Lower South Platte Water Conservancy District is a Conservancy District formed pursuant to §37-45-120, C.R.S. on May 8, 1964 by Order of the District Court for Sedgwick County in Civil Action No. 10647. One of the purposes of the Enterprise is the development and operation of a plan for augmentation for groundwater wells. Applicant operates an augmentation plan decreed in Case No. 02CW320 ("02CW320 Decree"). Paragraph 21.6 of the 02CW320 Decree allows the addition of wells to the plan subject to notice and terms and conditions. Applicant obtained a decree in Case No. 08CW24 on April 14, 2014, to, as relevant to this application, adjudicate a recharge water right to be used as an additional source of augmentation water and for other decreed uses as described herein below. 2. Previous Decree: Case No. 2008CW24, Water Division No. 1. 2.1. Name of Structure: Heyborne Recharge and Wildlife Project ("HRWP"). 2.1.1. Diversion Point. Heyborne Lift Station ("Lift Station") pumping from the South Platte River in the NE1/4 SW1/4 of Section 11, Township 11 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado. GPS Coordinates Northing 4536086, Easting 724154. All GPS coordinates herein are NAD83. *See* Figures 1 and 2 attached. 2.1.2. Amount Claimed. 7.1 c.f.s., absolute; 2.9 c.f.s, conditional. 2.1.3. Volumetric Limit. 4,200 acre feet per year as a 20 year average annual volume. No volume limit on free river diversions. 2.1.4. Source. South Platte River. 2.1.5. Appropriation. January 8, 2008. 2.1.6. Description of Recharge and Wildlife Uses. Water diverted at the Lift Station will be delivered to HRWP Ponds No. 1-4 and Heyborne Slough. The water delivered to the ponds will percolate into the underground aquifer for the uses described in paragraph 2.1.7. The water delivered to the Heyborne Slough will be used for the uses described in paragraph 2.1. 7. The ponds and sloughs may be modified and other ponds or sloughs added as long as 1) the source of water is from the Lift Station; 2) Applicant provides notice to the objectors and the Division Engineer, pursuant to paragraph 10 of the 02CW320 Decree; 3) the Division Engineer approves modification of the existing pond or slough or use of the new pond or slough. 2.1.6.1. HRWP Pond No. 1. In the NE1/4 NW1/4, Section 14, Township 11 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado. GPS Coordinates Northing 4535273, Easting 724231. Surface area when full 5.9 acres. 2.1.6.2. HRWP Pond No. 2. In the NE1/4 NW1/4, Section 14, Township 11 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado. GPS Coordinates Northing 4535146, Easting 724250. Surface area when full 4.8 acres. 2.1.6.3. HRWP Pond No. 3. In the NE1/4 SW1/4, Section 14, Township 11 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado. GPS Coordinates Northing 4534551, Easting 724242. Surface area when full 6.5 acres. 2.1.6.4. HRWP Pond No. 4. In the NE1/4 SW1/4, Section 14, Township 11 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado. GPS Coordinates Northing 4534312, Easting 724264. Surface area when full 10.5 acres. 2.1.6.5. Heyborne Slough. In the S1/2, Section 11, Township 11 North, Range 45 West of the 6th P.M., Sedgwick County, Colorado. GPS Coordinates Northing 4536078, Easting 724188. See Figure 2. Diversions to the Heyborne Slough will be metered separately from diversions to the recharge ponds. Heyborne Slough is connected to the South Platte River and therefore water delivered to Heyborne Slough will return to the river immediately. Diversions to Heyborne Slough do not deplete the South Platte River and do not require augmentation. 2.1.6.6. New Heyborne Slough is expected to expose groundwater; therefore out-of-priority depletions at the river attributable to evaporation from New Heyborne Slough shall be augmented. The total length of the New Heyborne Slough Reaches No. 1-3 is expected to be approximately 4700 feet with an average width of 18 feet with total area of exposed

groundwater of 2.0 acres. There will be no diversions into the New Heyborne Slough by Applicant under the terms of this decree. The source of water for New Heyborne Slough is groundwater. 2.1.6.7. New Heyborne Slough Reach No. 1 begins at a point located at approximately: GPS Coordinates Northing 4535993, Easting 724072 in the NE1/4 SW1/4 Section 11, Township 11N, Range 45 W of the 6th P.M., Sedgwick County, Colorado and traverses generally southeast to an endpoint and convergence with Reach 2 at approximately: GPS Coordinates Northing 4535779, Easting 724435 in the SW1/4 SE1/4 of said Section. 2.1.6.8. New Heyborne Slough Reach No. 2 begins at a point located at approximately: GPS Coordinates Northing 4535788, Easting 724160 in the SE1/4 SW1/4 Section 11, Township 11N, Range 45 W of the 6th P.M., Sedgwick County, Colorado and traverses generally east to an endpoint and convergence with Reach 1 at approximately: GPS Coordinates Northing 4535779, Easting 724435 in the SW1/4 SE1/4 of said Section. 2.1.6.8. New Heyborne Slough Reach No. 3 begins at a point where Reach 1 and Reach 2 converge, located at approximately: GPS Coordinates Northing 724435, Easting 4535779 in the SW1/4 SE1/4 Section 11, Township 11N, Range 45W of the 6th P.M., Sedgwick County, Colorado and traverses generally east to an endpoint at approximately: GPS Coordinates Northing 4535881, Easting 725049 in the NE1/4 SE1/4 of said Section.2.1.7. Use. Water diverted into the ponds will be used for recharge, wildlife and wildlife recovery, livestock, and augmentation, directly and by exchange for all Member Wells which may be augmented pursuant to the 02CW320 Decree and for those structures which are listed in Table 2 attached. Any excess recharge accretions may be sold, leased or otherwise conveyed in accordance with the terms of the 02CW320 Decree. Water diverted into the Heyborne Slough will only be used for wildlife and wildlife recovery and no recharge use is decreed herein. 2.1.8. Terms and Conditions. HRWP will be subject to the same terms and conditions as other recharge projects set out in the 02CW320 Decree, at paragraphs 10-14, as modified by the decree in Case No. 05CW63, at paragraph 11. Applicant shall determine the timing and location of accretions to the South Platte River, tributary or drain, by means of analytical equations described by Glover (Glover 1977) and others as set out in paragraph 14.8. The Glover parameters, W, Harmonic T, S and X for Ponds No. 1-4 are set out in Table 1 attached. Applicant shall obtain approval of the Water Commissioner prior to diverting water to the HRWP. 3. Outline of What Has Been Done Toward Completion. The HWRP water rights is part of Applicant's integrated system of water rights and structures, as decreed in paragraph 44 of Applicant's plan for augmentation decree in Case No. 02CW320 and paragraph 25 of the decree for the subject water right in Case No. 08CW24. During the diligence period, Applicant took a number of actions in furtherance of developing the water right and work on its integrated system, including but not limited to the following: Applicant paid for expenses for the HRWP water right for legal, liability, operations and maintenance, engineering, administration, electricity, and capital expenses. Applicant operated its decreed plan for augmentation, diverted water rights used for recharge and augmentation credits under the plan, and made payments for such recharge and augmentation credits to owners of structures. Applicant paid for well meter certification and meter reading services, water accounting and administration fees, and legal and engineering fees related to its water rights. The total of all such expenses during the diligence period exceeded $1,156,889. 4. Names and addresses of owners of land upon which structure will be located. Applicant owns the decree structure and the landowner of the lands on which the HRWP and the Heyborne Sloughs are located at South Platte River Ranch, LLC, 1053 South Vine Street, Denver, Colorado 80209. 5. Claim for Finding of Reasonable Diligence. Applicant seeks a decree finding that it has been diligence in the development of its HRWP water right, and such other relief as the Court deems appropriate. The original format of this application is 6 pages in length plus two figures and two tables.

WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY 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 **JUNE 2020** (forms available on www.courts.state.co.us or in the Clerk's office) and must be filed as an Original and include **$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.