

**DISTRICT COURT, WATER DIVISION 1, COLORADO  
MAY 2019 WATER RESUME PUBLICATION**

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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 **MAY 2019** for each County affected.

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**19CW16 RANDOLPH AND MAUREEN ADRIAN, 675 Madrid Ct., Elizabeth, CO 80107. 303-840-7546. APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Applicant seeks to adjudicate the well, permit 039819F, and to adjudicate the non tributary and not nontributary Denver Basin groundwater underlying a 2.5 acre tract of land lying in the NW1/4, NE1/4, S10, T7S, R65W of the 6<sup>th</sup> PM including the Dawson, Denver, Arapahoe and Laramie Fox Hills aquifers.

**19CW17 PASQUAL D. AIELLO, 700 Hy Vu Drive, Evergreen, CO 80439. 3023-674-2888. APPLICATION FOR CONDITIONAL UNDERGROUND WATER RIGHT FOR AN EXEMPT WELL, PURSUANT TO § 37-92-602(4), C.R.S. IN CLEAR CREEK COUNTY.** Aiello Well, permit 270597, located NE1/4, SW1/4, S11, T4S, R72W of the 6<sup>th</sup> PM at a distance 1850 ft. from S and 2480 ft. from W. UTM coordinates: Easting 464389; Northing 4395932, Zone 13. Hyland Hills Subdivision; Lot 235; Filing 3; Date of appropriation: 09-11-06. Date water applied to beneficial use: 11-01-07. Depth: 750 ft. Amount: 2 gpm Conditional. Use: Household use inside a single family dwelling.

**19CW18 ARTHUR AND JACQUELINE EVANS, 40820 Madrid Drive, Elizabeth, CO 80107. 303-777-7933. APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DENVER BASIN AQUIFERS IN ELBERT COUNTY.** Applicant seeks to adjudicate the well, permit 42626F, and to adjudicate the non tributary and not nontributary Denver Basin groundwater underlying a 2.5 acre tract of land lying in the NE1/4, NE1/4, S10, T7S, R65W of the 6<sup>th</sup> PM including the Dawson, Denver, Arapahoe and Laramie Fox Hills aquifers.

**19CW3083 Poudre School District R-1, 2407 La Porte Avenue, Fort Collins, Colorado 80521(970) 482-7420.** Please send all further pleadings to: Brent Bartlett, Esq., and Whitney Phillips, Esq., Fischer, Brown, Bartlett & Gunn, P.C., 1319 E. Prospect Road, Fort Collins, CO 80525. APPLICATION FOR CORRECTION OF ESTABLISHED BUT ERRONEOUSLY DESCRIBED POINTS OF DIVERSION PURSUANT TO C.R.S. §37-92-305(3.6) IN LARIMER COUNTY. 2. Purpose of Application. The Poudre School District R-1 (“Applicant”) is the owner of the subject wells, Rudolph Farm Well No. 4 (West Well) and Rudolph Farm Well No. 6 (East Well), collectively referred to herein as the Wells. The Wells were adjudicated in Water Division One Case No. W-6376, granting the use of 2.26 cubic feet per second from the West Well and 1.37 cubic feet per second from the East Well to be used for irrigation purposes together on the same 80-acre parcel described in that decree. Applicant’s research has revealed that the Wells have existed in the same location prior to the application filed in W-6376. However, the application and decree in Case No. W-6376 mistakenly and erroneously describes both Wells at locations where, upon information and belief, the Wells were never located. By this application and pursuant to C.R.S. §37-92-305(3.6), Applicant seeks to correct the established but erroneously described points of diversion for both Wells as set forth in Case No. W-6376. 3. Decreed Water Rights for Which Applicant Seeks Corrections. 3.1. West Well 3.1.1 Name of Structure: Rudolph Farms Well No. 4, WDID No. 0306388. 3.1.2. Decree. The W-6376 Decree granted the use of 2.26 cubic feet per second to be used on “80 acres in the S 1/2 of SE 1/4 of Section 15, Township 7 North, Range 68 West of the 6<sup>th</sup> P.M., Larimer County, Colorado,” in conjunction with the East Well. 3.1.3. Legal Description of Structure. The W-6376 Decree erroneously describes the location as “a point 1685 feet South and 1284 feet East of the Center of said Section 15.” 3.1.4. Decreed Source of Water. Groundwater tributary to the Cache la Poudre River, a tributary to the South Platte River. 3.1.5. Appropriation Date. April 4, 1950. 3.1.6. Amount. 2.26 cubic feet per second.

3.1.7. Use. Irrigation of lands described in paragraph 3.1.2. above. 3.2. East Well 3.2.1. Name of Structure: Rudolph Farms Well No. 6, WDID 0306911. 3.2.2. Decree. The W-6376 decree granted the use of water from the East Well to be used on “80 acres in the S 1/2 of SE1/4 of Section 15, Township 7 North, Range 68 West of the 6<sup>th</sup> P.M., Larimer County, Colorado,” in conjunction with the West Well. 3.2.3. Legal Description of Structure. The East Well is erroneously described as being located at “a point 1685 feet South and 1480 feet East of the Center of said Section 15.” 3.2.4. Decreed Source of Water. Groundwater tributary to the Cache la Poudre River, a tributary to the South Platte River. 3.2.5. Appropriation Date. July 31, 1957. 3.2.6. Amount. 1.37 cubic feet per second. 3.2.7. Use. Irrigation of lands described in paragraph 3.2.2 above. 4. Detailed description of proposed corrections to an established but erroneously described point of diversion. 4.1. Statement of Correction. Applicant seeks to correct the established but erroneously described points of diversion for the Wells adjudicated in the decree entered on January 27, 1976, in Water Division One Case No. W-6376. The W-6376 Decree describes locations that are a significant distance south of the actual locations. A review of documents related to the application filed in W-6376 shows that there was a discrepancy in legal descriptions between the well driller’s report and the application. While it is not clear why there was a discrepancy between the legal descriptions, upon information and belief, the incorrect locations were mistakenly finalized in the Decree, although the Wells were not located at those described locations. Applicant meets all of the requirements set forth in C.R.S. §37-92-305(3.6)(a): (I) Applicant owns the water rights associated with the Wells; and (II) the established points of groundwater diversion for the Wells have existed in the same physical locations since they were originally decreed, and water has been diverted from the Wells pursuant to decree, but those locations are not the ones described in the W-6376 decree. Pursuant to C.R.S. §37-92-305(3.6)(d), Applicant does not believe the erroneous description was a clerical error but rather was an error made during the application process in W-6376. The Wells are both in place, and the water rights confirmed by the W-6376 Decree are diverted at the point of diversion described below. With this Application, Applicant does not seek any type of change of water right, any finding of due diligence, or any confirmation of an absolute water right. Applicant’s engineers informed Applicant of the erroneous description in January of 2019. Applicant requests that this Court grant its Application to correct the erroneous legal descriptions of the established Wells to those described below. 4.2. Legal Description of the Corrected Point of Diversion. The correct legal description of the Wells’ points of diversion are as described below. 4.2.1. West Well. 4.2.1.1. Legal Description: Located in the Southeast 1/4 of Section 15, Township 7 North, Range 68 West of the 6<sup>th</sup> P.M., Larimer County, Colorado, at a point 1,644.91 West of the East line of said Southeast 1/4, and 1,312.78 feet North of the South line of the same Southeast 1/4. 4.2.1.2. UTM Coordinates: NAD 1983, Zone 13N; Easting: 501015; Northing: 4491040. 4.2.1.3. Latitude/Longitude: Lat. N 40° 34’ 12.51”, Long. W 104° 59’ 16.79” 4.2.2. East Well. 4.2.2.1. Legal Description: Located in the Southeast 1/4 of Section 15, Township 7 North, Range 68 West of the 6<sup>th</sup> P.M., Larimer County, Colorado, at a point 1,184.60 feet West of the East line of said Southeast 1/4, and 1,319.31 feet North of the South line of the same Southeast 1/4. 4.2.2.2. UTM Coordinates: NAD 1983, Zone 13N; Easting: 501156; Northing: 4491042. 4.2.2.3. Latitude/Longitude: Lat. N 40° 34’ 12.57”, Long. W 104° 59’ 10.82” 5. Name and addresses of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Poudre School District R-1, 2407 La Porte Avenue, Fort Collins, Colorado 80521. WHEREFORE, pursuant to C.R.S. §37-92-305(3.6), Applicant respectfully requests that the Court enter a decree granting the correction of the established but erroneously described points of diversion for the Wells, as set forth herein, and such other relief as the Court deems necessary and proper. 6 pages.

**19CW3084 Arapahoe County Water and Wastewater Authority (“ACWWA”), c/o Steve Witter, General Manager, 13031 East Caley Avenue, Centennial, Colorado 80111. Telephone: (303) 790-4830; East Cherry Creek Valley Water and Sanitation District (“ECCV”), c/o David Kaunisto, General Manager, 6201 South Gun Club Road, Aurora, Colorado 80016, Telephone: (303) 693-3800; United Water and Sanitation District, a quasi-municipal corporation and political subdivision of the State of Colorado (“United”), c/o Robert Lembke, 8301 E. Prentice Avenue, Suite 100, Greenwood Village,**

Colorado 80111, Telephone: (303) 775-1005; **70 Ranch, LLC (“70 Ranch”)**, c/o Robert Lembke, 8301 E. Prentice Avenue, Suite 100, Greenwood Village, Colorado 80111, Telephone: (303) 775-1005. **APPLICATION FOR CHANGE OF WATER RIGHTS, CONDITIONAL APPROPRIATION OF RETURN FLOWS, AND PLAN FOR AUGMENTATION in ADAMS, LARIMER, AND WELD COUNTIES**. Please send all pleadings and correspondence to: Brian M. Nazareus, Esq.; Sheela S. Stack, Esq.; William D. Wombacher, Esq.; RYLEY CARLOCK & APPLEWHITE; 1700 Lincoln Street, Suite 3500; Denver, Colorado 80203; (Attorneys for ACWWA and ECCV); Tod J. Smith, Esq.; The Law Office of Tod J. Smith, LLC; 2919 Valmont Road, Suite 204; Boulder, Colorado 80301; (Attorneys for United and 70 Ranch).

2. Introduction. The purpose of this Application is to change the use of the decreed water rights associated with shares in the Lower Latham Ditch Company for use by ACWWA and ECCV. 3. Summary of the Subject Water Rights. Applicants seek to change the use of a total of 7 shares out of 200 outstanding shares of the Lower Latham Ditch Company (collectively, “Subject Water Rights” or “Lower Latham Shares”). The Subject Water Rights are currently owned by 70 Ranch, LLC for the benefit of ACWWA and ECCV. 4. Decreed Water Rights for Which Change is Sought and Structure Associated with the Decreed Water Rights. 4.1. Name of Structure. Lower Latham Ditch. 4.2. Decreed Point of Diversion. The Lower Latham Ditch diverts water from the South Platte River in the NE1/4 of Section 31, Township 5 North, Range 65 West of the 6th P.M., Weld County, Colorado. 4.3. Previous Decrees, Appropriation Dates, and Amounts. 4.3.1. Original Adjudication. On April 28, 1883, in an original adjudication in Case No. 6009, the District Court for the County of Arapahoe decreed to the Lower Latham Ditch a direct flow right out of the South Platte River of 20.4 cfs with an appropriation date of May 12, 1869 for irrigation purposes. 4.3.2. First Enlargement. On April 28, 1883, in an original adjudication in Case No. 6009, the District Court for the County of Arapahoe decreed to the Lower Latham Ditch a direct flow right out of the South Platte River of 35.77 cfs with an appropriation date of December 12, 1874. 4.3.3. Second Enlargement. On April 28, 1883, in an original adjudication in Case No. 6009, the District Court for the County of Arapahoe decreed to the Lower Latham Ditch a direct flow right out of the South Platte River of 97.68 cfs with an appropriation date of November 14, 1877. 4.3.4. Third Enlargement. On April 28, 1883, in an original adjudication in Case No. 6009, the District Court for the County of Arapahoe decreed to the Lower Latham Ditch a direct flow right out of the South Platte River of 133.88 cfs with an appropriation date of October 24, 1881. 4.3.5. First Drain Ditch of the Lower Latham Ditch Company. On August 2, 1918, in an unnumbered Decree, the District Court for the County of Weld decreed to the Lower Latham Drain Ditch a direct flow right out of the South Platte River of 35.0 cfs with an appropriation date of March 1, 1889. The decreed location of the Lower Latham Drain Ditch is Sections 1 and 2, Township 4 North, and Section 36, Township 5 North, Range 66 West; Section 6, Township 4 North, Range 65 West of the 6th P.M., Weld County, Colorado. 4.4. Source. South Platte River. 5. Historical Use. The Subject Water Rights were historically used to irrigate crops on the lands depicted on the map attached as **Exhibit 1**, as more specifically described below. 5.1. Alles Farm. The Alles Farm is located in portions of the E1/2 of Section 31, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Two (2) shares, represented by Share Certificate No. 1565, were used to historically irrigate a mix of corn, alfalfa, and sugar beets on approximately 164 acres. 5.2. Axelson Farm. The Axelson Farm is located in portions of the SW1/4 of Section 18, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. One (1) share, represented by Share Certificate No. 1564, was used to historically irrigate a mix of alfalfa, corn, small grains, and onions on approximately 33 acres. 5.3. Clyncke Farm. The Clyncke Farm is located in portions of the W1/2 of Section 36, Township 5 North, Range 64 West of the 6th P.M., Weld County, Colorado. Two (2) shares, represented by Share Certificate No. 1567, were used to historically irrigate a mix of corn, sugar beets, alfalfa, and small grains on approximately 180 acres. 5.4. Home Farm. The Home Farm is located in portions of the N1/2 of Section 33, Township 5 North, Range 63 West of the 6th P.M., Weld County, Colorado. Two (2) shares, represented by Share Certificate No. 1566, were used to historically irrigate a mix of corn, alfalfa, grass hay, and sugar beets on approximately 137 acres. 6. Proposed Changes to the Subject Water Rights for Use by ACWWA. Applicants seek to change the Subject Water Rights such that they can be used by ACWWA as described below. 6.1. Change in Type of Use. All of the uses described below may occur directly, following storage or recharge, or by exchange. 6.1.1.

Use in ACWWA's Plans for Augmentation. ACWWA seeks to use the Subject Water Rights as a source of replacement water in the ACWWA Augmentation Plans approved in the decrees entered in Case Nos. 10CW306 ("306 Decree") and 13CW3026 ("3026 Decree"), and the plan for augmentation sought herein. In addition, ACWWA seeks to use the Subject Water Rights as a source of replacement water in any plans for augmentation decreed in the future.

6.1.2. Use in ACWWA's Recharge Projects, Including Aquifer Storage and Recovery and Aquifer Recharge and Recovery. ACWWA seeks to use the Subject Water Rights for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch described in the 306 Decree and the facilities described in pending Case No. 16CW3195. In addition, ACWWA seeks to use the Subject Water Rights for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to any recharge facility to which ACWWA is legally permitted to recharge water or may be constructed or decreed in the future, including, but not limited to both alluvial and Denver Basin aquifer recharge.

6.1.3. Use in ACWWA's Exchange. ACWWA seeks to use the Subject Water Rights either directly or following storage, as a source of substitute supply for the appropriate right of exchange approved in the decree entered in Case No. 09CW283 and the exchanges currently pending in Case No. 16CW3195. ACWWA also seeks to use the Subject Water Rights as a source of substitute supply in any future exchanges operated or decreed for use by ACWWA.

6.1.4. Use to Meet Historical Return Flow Obligations. ACWWA seeks to use the Subject Water Rights to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights in Water Division 1 and any other return flow obligations that it has agreed to replace by contract or agreement.

6.1.5. Storage. ACWWA also seeks to store the Subject Water Rights in any facility in which ACWWA is legally permitted to store water including:

6.1.5.1 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado.

6.1.5.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado.

6.1.5.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado.

6.1.5.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir.

6.1.5.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado.

6.1.5.6. Highlands Reservoir, an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado.

6.1.5.7. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado.

6.1.5.8. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

6.1.5.9. Any existing or future storage facility in which ACWWA is legally permitted to store water.

6.1.6. All Municipal Uses. ACWWA seeks to use the Subject Water Rights via direct delivery or by exchange including exchange after recharge or storage to ECCV's water treatment plant for treatment and subsequent delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ACWWA's present and future service area and as necessary to meet contractual water service obligations.

6.1.7. Right of Reuse, Successive Use, and Disposition. In addition to the uses described above, ACWWA claims the right to use, reuse, successively use and dispose of, by sale, lease, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. As such, the Subject Water Rights will be fully consumable water.

6.1.8. Use in ECCV's Augmentation Plans and Delivery to ECCV Recharge Projects. ACWWA may lease and/or trade water attributable to the Subject Water Rights to ECCV for use as a source of augmentation and replacement water in ECCV's augmentation plans either directly, or following delivery to storage or to recharge projects, including those decreed in Case Nos. 02CW403 and 02CW404/03CW442, as amended by the 306 Decree ("403 Decree as

Amended”), and the 3026 Decree, pursuant to the terms and conditions of said decrees, including, but not limited to, paragraph 42 of the 306 Decree. This term does not relieve ACWWA of its obligation to satisfy any applicable terms and conditions of its prior decrees in the event that it leases or trades water to ECCV.

6.2. Change in Place of Use. ACWWA seeks to use the water attributable to the Subject Water Rights on lands within ACWWA’s present and future service area and in the locations necessary to accomplish the beneficial uses described above and as necessary to meet contractual water service obligations.

7. Proposed Changes to the Subject Water Rights for Use by ECCV. Applicants seek to change the Subject Water Rights such that they can be used by ECCV as described below.

7.1. Change in Type of Use. All of the uses described below may occur directly, following storage or recharge, or by exchange.

7.1.1. Use in ECCV’s Augmentation Plans. ECCV seeks to use the Subject Water Rights as a source of replacement water in the ECCV Augmentation Plans approved in the 403 Decree as Amended and the 3026 Decree, and the plan for augmentation sought herein. In addition, ECCV seeks to use the Subject Water Rights as a source of replacement water in any plans for augmentation decreed in the future.

7.1.2. Source for ECCV Recharge Projects, Including Aquifer Storage and Recover and Aquifer Recharge and Recovery. ECCV seeks to use the Subject Water Rights for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to the recharge facilities located in the Beebe Draw and on 70 Ranch described in the 306 Decree and the facilities described in pending Case No. 16CW3196. In addition, ECCV seeks to use the Subject Water Rights for recharge (including aquifer storage and recovery and aquifer recharge and recovery) by delivering the water to any recharge facility to which ECCV is legally permitted to recharge water or may be constructed or decreed in the future, including, but not limited to both alluvial and Denver Basin aquifer recharge.

7.1.3. Use in ECCV’s Exchanges. ECCV seeks to use the Subject Water Rights either directly or following storage, as a source of substitute supply for the appropriate right of exchange approved in the decrees entered in Case Nos. 02CW404/03CW442, 09CW283, 11CW285, and the exchanges currently pending in Case No. 16CW3196. ECCV also seeks to use the Subject Water Rights as a source of substitute supply in any future exchanges operated or decreed for use by ECCV.

7.1.4. Use to Meet Historical Return Flow Obligations. ECCV seeks to use the Subject Water Rights to meet its historical return flow obligations for its existing, pending, and future acquired and changed water rights in Water Division 1 and any other return flow obligations that it has agreed to replace by contract or agreement.

7.1.5. Storage. ECCV also seeks to store the Subject Water Rights in any facility in which ECCV is legally permitted to store water, including:

7.1.5.1. 70 Ranch Reservoir, a lined off-channel reservoir that will be located in the S1/2 of Section 3, Township 4 North, Range 63 West of the 6th P.M., and a portion of the NE1/4 of Section 10, Township 4 North, Range 63 West of the 6th P.M., Weld County, Colorado.

7.1.5.2. Milliken Reservoir (a/k/a Gilcrest Reservoir), a lined off-channel reservoir located within a part of Section 2, Township 3 North, Range 67 West and Sections 23, 26, 34, and 35, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado.

7.1.5.3. United Reservoir No. 3, an off-channel reservoir located on the east side of the South Platte River, in the S1/2 of Section 26 and the N1/2 of Section 35, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado.

7.1.5.4. Barr Lake, an off-channel reservoir located in Sections 15, 21, 22, 23, 26, 27, 28, and 33, Township 1 South, Range 66 West of the 6th P.M., Adams County, Colorado. Barr Lake is an enlargement of the original Oasis Reservoir.

7.1.5.5. Milton Lake, an off-channel reservoir located in Sections 10, 11, 14, 15, 22, and 23, Township 3 North, Range 65 West of the 6th P.M., Weld County, Colorado.

7.1.5.6. Highlands Reservoir, an off-channel reservoir located in the NW1/4 of Section 32, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado.

7.1.5.7. Serfer Pit, an off-channel reservoir located in the NE1/4 of the NE1/4 of Section 24, Township 6 North, Range 68 West of the 6th P.M., Larimer County, Colorado.

7.1.5.8. Binder Reservoir, an off-channel reservoir located in the N1/2 of Section 15, Township 1 North, Range 66 West of the 6th P.M., Weld County, Colorado.

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

7.1.6. All Municipal Uses. ECCV seeks to use the Subject Water Rights via direct delivery or by exchange including exchange after recharge or storage to ECCV’s water treatment plant for treatment and subsequent delivery for all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, commercial, and industrial, within ECCV’s present and future service area and as necessary to meet contractual water service obligations.

7.1.7. Right of Reuse,

Successive Use, and Disposition. In addition to the uses described above, ECCV claims the right to use, reuse, successively use and dispose of, by sale, lease, exchange, augmentation, or otherwise, to extinction, all water exchanged, lawfully diverted and/or impounded pursuant to the decree entered in this case. As such, the Subject Water Rights will be fully consumable water. 7.1.8. Use in ACWWA's Augmentation Plans and Delivery to ACWWA Recharge Projects. ECCV may lease and/or trade water attributable to the Subject Water Rights to ACWWA for use as a source of augmentation and replacement water in ACWWA's augmentation plans either directly, or following delivery to storage or to recharge projects, including those in the 306 Decree and 3026 Decree, pursuant to the terms and conditions of said decrees, including, but not limited to, paragraph 42 of the 306 Decree. This term does not relieve ECCV of its obligation to satisfy any applicable terms and conditions of its prior decrees in the event that it leases or trades water to ACWWA. 7.2. Change in Place of Use. ECCV seeks to use the water attributable to the Subject Water Rights on lands within ECCV's present and future service area and in the locations necessary to accomplish the beneficial uses described above as necessary to meet contractual water service obligations. 8. Delivery of the Subject Water Rights. The Lower Latham Shares will continue to be diverted at the Lower Latham Ditch headgate, and Applicants will take delivery of the Lower Latham Shares via: (1) existing augmentation stations or future augmentation stations constructed on the Lower Latham Ditch; (2) deliveries into recharge at the Alles Recharge Site, the Clynke Recharge Site, or other recharge sites served from the Lower Latham Ditch or its laterals; (3) deliveries to 70 Ranch Reservoir or other storage sites served from the Lower Latham Ditch or its laterals; or (4) delivery out of the tail of the ditch to the South Platte River. 9. Return Flow Obligations. 9.1. ACWWA's Return Flow Obligations. ACWWA shall meet its return flow obligations for the Lower Latham Shares by any of the following means: (1) recharge accretions from the Alles Recharge Site, Clynke Recharge Site, or any other existing or future recharge facility to which ACWWA is legally permitted to recharge water; (2) releases from augmentation structures on the Lower Latham Ditch; (3) releases of water stored in United Reservoir No. 3, Milliken Reservoir (a/k/a "Gilcrest Reservoir"), Binder Reservoir, 70 Ranch Reservoir, Highlands Reservoir, SerFer Pit, and/or any other storage facility to which ACWWA is legally permitted to store water; (4) the City of Longmont may release reusable effluent from its WWTP, or release water from Union Reservoir, located in portions of Sections 30, 31, and 32, Township 3 North, Range 68 West of the 6th P.M. and Sections 5 and 6, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado, for delivery to ACWWA pursuant to an agreement; (5) ACWWA may deliver water from other fully consumable sources, either directly or by exchange, owned or controlled by ACWWA or any other available sources including, but not limited to, those sources listed on the attached **Exhibit 2** so long as the sources are decreed for augmentation purposes by the Water Court, or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 or 309 of the Colorado Revised Statutes, or successor statutes, or are otherwise lawfully available for such use; and (6) pursuant to the terms of the plan for augmentation described below. 9.2. ECCV's Return Flow Obligations. ECCV shall meet its return flow obligations for the Lower Latham Shares by any of the following means: (1) recharge accretions from the Alles Recharge Site, Clynke Recharge Site, or any other existing or future recharge facility to which ECCV is legally permitted to recharge water; (2) releases from augmentation structures on the Lower Latham Ditch; (3) releases of water stored in United Reservoir No. 3, Milliken Reservoir (a/k/a "Gilcrest Reservoir"), Binder Reservoir, 70 Ranch Reservoir, Highlands Reservoir, Serfer Pit, and/or any other storage facility to which ECCV is legally permitted to store water; (4) the City of Longmont may release reusable effluent from its WWTP, or release water from Union Reservoir, located in portions of Sections 30, 31, and 32, Township 3 North, Range 68 West of the 6th P.M. and Sections 5 and 6, Township 2 North, Range 68 West of the 6th P.M., Weld County, Colorado, for delivery to ECCV pursuant to an agreement; (5) accretions from ECCV's 70 Ranch Recharge Project; (6) ECCV may use its 40% of the recharge accretions from the Riverside/National Hog Farm Recharge Facility; and (7) ECCV may deliver water from other fully consumable sources, either directly or by exchange, owned or controlled by ECCV or any other available sources including, but not limited to, those sources listed on the attached **Exhibit 3** so long as the sources are decreed for augmentation purposes by the Water Court, or approved for replacement use under a Substitute Water Supply Plan approved by the State Engineer pursuant to sections 37-92-308 or 309 of

the Colorado Revised Statutes, or successor statutes, or are otherwise lawfully available for such use; and/or (8) pursuant to the terms of the plan for augmentation described below. 10. Integrated System. Applicants' use of the Subject Water Rights as described herein comprise a component of an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Applicants on any water rights or structures which are part of their integrated water systems shall be considered in finding that reasonable diligence has been shown in the development of the conditions water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 11. ACWWA's and ECCV's Independent Claim to Appropriate Return Flows Associated with the Lower Latham Shares. 11.1. Name of Structure. Lower Latham Ditch, the decreed point of diversion is described in paragraph 4.1.1, above. 11.2. The Lower Latham Shares. 70 Ranch owns 7 shares out of a total 200 outstanding shares for the Lower Latham Ditch for the benefit of ACWWA and ECCV, as further described in paragraphs 3 and 5, above. 11.3. Claim to Appropriate Return Flows. When the calling right downstream of the point the return flows historically accrued to the South Platte River is junior to January 30, 2019, or there is no call from downstream of the point the return flows historically accrued to the South Platte River, ACWWA and/or ECCV seek the right to use, retain, reuse, successively use, and use to extinction, for all of the purposes described in paragraph 6, above, the historical return flow portion of its irrigation season delivery of the Subject Water Rights and the winter return flow portion of its prior irrigation season deliveries of the Subject Water Rights. 11.4. Appropriation Information. 11.4.1. Date of Appropriation. January 30 2019. 11.4.2. How Appropriation was Initiated. The appropriation date is based upon the date the Application in this case was filed. 11.4.3. Date Water First Applied to Beneficial Use. Not Applicable. 11.5. Source. South Platte River. 11.6. Amount Claimed. Any and all amounts of return flows determined to be attributable to the Lower Latham Shares, conditional. 11.7. Claimed Uses. For the same uses as described in paragraphs 6 and 7, above. 12. Plan for Augmentation. 12.1. Purpose of the Plan for Augmentation. Through this augmentation plan, ACWWA and ECCV will provide adequate sources of replacement water to maintain the historical return flow obligations associated with the Subject Water Rights. 12.2. Replacement Sources. ACWWA and ECCV will use water derived from the sources described in paragraphs 9.1 and 9.2, respectively to replace the historical return flow obligations associated with the Subject Water Rights in time, location, and amount in order to prevent injury to any owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 12.3. Future Acquired Sources. Applicants intend to acquire and/or lease additional water supplies in the future for use as a source of replacement in the plan for augmentation described in the application. Those supplies may be acquired and/or leased to replace or supplement water from the sources identified in paragraph 9. Applicants will add future acquired sources to the plan for augmentation claimed in this application pursuant to section 37-92-305(8)(c) of the Colorado Revised Statutes. 13. Bylaw Approval. Paragraph 23 of the Lower Latham Ditch Company's ("LLDC") Bylaws states that no transfer of shares for uses not historically made shall be permitted by the LLDC except by and upon orders and approval of the Company. Article XXV of the Lower Latham Extension Ditch Company (LLEDC") states that no transfer of shares for carriage of water not historically carried in the ditch shall be permitted except by and upon orders and approval of the Directors of the LLEDC. Neither the LLDC nor the LLEDC (collectively "Companies") has yet granted such approvals, but the Companies have agreed to allow this Application to proceed while the Companies review Applicants' proposed transfer of the Subject Water Rights. Applicants understand that authorization to file this Application does not constitute approval under the Companies' respective bylaws. Applicants shall not use water attributable to the Subject Water Rights as a replacement supply in any substitute water supply plan, plan for augmentation, exchange, or recharge project until the Applicants have received the necessary approvals from the Companies and otherwise complied with the Companies' legally applicable requirements and procedures. 14. Name and Addresses of the Owner of the Structures and Diversion Facilities Listed Above. 14.1. Lower Latham Ditch. Lower Latham Ditch Company, 8209 W. 20<sup>th</sup> Street, Suite A, Greeley, CO 80634. 14.2. Lower Latham Extension Ditch. Lower Latham Extension Ditch Company, 2303 Mountair Lane, Greeley, CO 80634. 14.3. Alles Recharge Site. 70 Ranch, LLC, 8301 E. Prentice Ave Suite 100, Greenwood Village, CO 80111. 14.4. 70 Ranch Reservoir. 70 Ranch, LLC, 8301 E. Prentice Ave Suite 100, Greenwood Village, CO 80111. 14.5. Clynke Recharge Site. 70 Ranch, LLC,

8301 E. Prentice Ave Suite 100, Greenwood Village, CO 80111. 14.6. Box Elder Lateral. Box Elder Lateral Ditch Company, 4455 W 17<sup>th</sup> Street, Greeley, CO 80634. Additionally, the Applicants provided notice to the Farmers Reservoir and Irrigation Company of the Application pursuant to Article XVI(2) of the FRICO Bylaws on May 8, 2019, but in so doing do not waive any claims or defenses related to the application of the FRICO Bylaws to this Application. WHEREFORE, Applicants requests that the Court enter a decree granting the change of water rights, the conditional appropriation of return flows, approving the plan for augmentation, and for such other relief, which it deems proper. (14 pages, 3 exhibits).

**19CW3085, The Central Colorado Water Conservancy District and Groundwater Management Subdistrict of the Central Colorado Water Conservancy District and Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (Central), 3209 West 28<sup>th</sup> Street, Greeley, Colorado 80634. (970) 330-4540.** Please send all future correspondence and pleadings to: Bradley C. Grasmick, 5245 Ronald Reagan Blvd., Ste. 1, Johnstown, CO 80534. APPLICATION FOR REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE, in WELD COUNTY. 2. Name of Structure. CCWCD Machine Shop Well. 3. Conditional Water Right: 3.1. Case No. 12CW270, decree dated May 14, 2013, Water Division No. 1 3.2 Location. In the NW1/4 NW1/4 of Section 32, Township 4 North, Range 66 West of the 6<sup>th</sup> P.M., Weld County, Colorado at a point 185 feet from the North section line and 555 feet from the West section line of said Section 32. GPS location of 4458273.00 meters North, 516243.00 meters East, UTM Zone 13N. 3.3. Appropriation Date. November 20, 2012. 3.4. Amount Claimed. 20 g.p.m. and 2.0 acre feet per year, conditional. 3.5. Depth. 90 feet. 3.6. Source. Tributary Groundwater. 3.7 Use. Central purposes in Weld, Adams, Boulder, Morgan and Larimer Counties, including industrial, vegetation control, equipment washing, construction, backfilling, excavation, dust control and indoor drinking and sanitary facilities. 4. Augmentation Plan. This well is augmented pursuant to the decree entered in Case No. 02CW335 (Decree). 5. Detailed outline of what has been done toward completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures and amounts diverted and beneficially used to justify absolute decree: The well has been drilled and a pump installed. During the diligence period, Applicant installed a well meter on June 28, 2013. The total cost for the meter installation was \$269.70. Furthermore, the water right is a component of Applicant's integrated water system and Applicants have spent over 50 million dollars during the diligence period in the development of its various water rights. Applicant has pumped a total of 20,948 gallons from the well during the diligence period and has continued to increase its usage of the well. The highest annual total has occurred in the first 4 months of 2019 and equals 6,552 gallons. The pumping rate was 10 g.p.m. 6. Name and Address of Owner of Structure. Applicant owns the structure and the land upon which the structure is located. 7. Wherefore, Applicant requests the court to enter a decree finding that Applicant has been diligent in the development of the water right, making 10 g.p.m and .02 acre feet of the water right absolute as described herein, continuing the remaining conditional portion of the water right, and such other and further relief as the court finds just. 3 pages, 0 exhibits.

**19CW3086 (01CW290; 12CW240) Town of Empire, c/o Richard Sprague, Mayor, 30 E. Park Ave., Empire, CO 80438, (303) 569-2978., c/o Matthew A. Montgomery, Hill & Robbins, P.C., 1660 Lincoln Street, Suite 2720, Denver, CO 80264.** APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY. 2. Name of the structures: a. Ball Placer Reservoir; and b. Ball Placer Pipeline. 3. Describe conditional water rights (as to each structure): a. Ball Placer Reservoir: i. Date of Original Decree: Case No. 01CW290; October 11, 2006; Findings and Ruling of the Referee and Decree of the Water Court, District Court, Water Division 1, Colorado. ii. Subsequent decrees awarding findings of reasonable diligence: Case No. 12CW240; May 7, 2013, Findings and Ruling of the Referee and Decree of the Water Court, District Court, Water Division 1, Colorado. iii. Legal description of the structure: The Dam will be located in the NE1/4SW1/4, Section 28, T3S, R74W, 6th P.M., at a point approximately 1,420 feet from the West Section line and 2,180 feet from the South Section line of said Section 28. iv. Name and capacity of ditch used to fill reservoir, and legal description of point of diversion: Ball Placer Reservoir will be filled through the Ball Placer Pipeline, with a capacity of 5 cfs, and a point of diversion on Bard Creek

in the NW1/4NW1/4, Section 33, T3S, R47W, 6th P.M., at a point 480 feet from the North line and 320 feet from the West line of said Section 33. **v.** Source of water: Bard Creek, tributary to Clear Creek. **vi.** Date of appropriation: December 27, 2001. **vii.** Amount of water (conditional): 110 acre-feet. **viii.** Uses: All municipal purposes, including fire protection, irrigation of lawns, gardens and parks, domestic, commercial, industrial, recreational, fish and wildlife propagation, reservoir evaporation replacement, augmentation, and the right of reuse. **b. Ball Placer Pipeline. i.** Date of Original Decree: Case No. 01CW290; October 11, 2006; *Findings and Ruling of the Referee and Decree of the Water Court*, District Court, Water Division 1, Colorado. **ii.** Subsequent decrees awarding findings of reasonable diligence: Case No. 12CW240; May 7, 2013, *Findings and Ruling of the Referee and Decree of the Water Court, District Court*, Water Division 1, Colorado. **iii.** Legal description of the structure: The point of diversion will be located on Bard Creek in the NW1/4NW1/4, Section 33, T3S, R47W, 6th P.M., at a point 480 feet from the North line and 320 feet from the West line of said Section 33. **iv.** Source of water: Bard Creek, tributary to Clear Creek. **v.** Date of appropriation: December 27, 2001. **vi.** Amount of water (conditional): 5 cubic feet per second. **vii.** Uses: All municipal purposes, including fire protection, irrigation of lawns, gardens and parks, domestic, commercial, industrial, recreational, fish and wildlife propagation, reservoir evaporation replacement, augmentation, and the right of reuse. **4. Activities toward completion of the appropriation and application of water to beneficial use: a. Clear Creek County.** The Applicant acquired the Ball Placer Reservoir and Ball Placer Pipeline from the Board of County Commissioners of the County of Clear Creek, a political subdivision of the State of Colorado, and the Clear Creek Economic Development Corporation (collectively, “Clear Creek County”) by Special Warranty Deed dated June 4, 2013. Between May 7, 2013 (the date that a finding of diligence was awarded in Case No. 12CW240), and June 4, 2013 (the date of the Special Warranty Deed from Clear Creek County to the Applicant), Clear Creek County diligently pursued the diversion and application to beneficial use of the conditional water rights decreed in Case No. 01CW290, which include the Ball Placer Reservoir and Ball Placer Pipeline. The County’s activities during the entire diligence period will be described in an application to be filed with the Water Court for Water Division 1 during the month of May 2019, for diligence on the remaining water rights decreed in Case No. 01CW290, for which diligence was awarded in Case No. 12CW240. In addition, in Case No. 16CW3144, Clear Creek County obtained a decree awarding a finding of diligence for, *inter alia*, the Ball Placer Exchange, a conditional water right that will support the operation of the Ball Placer Reservoir and the Ball Placer Pipeline. **b. Empire.** Since the acquisition of the Ball Placer Reservoir and the Ball Placer Pipeline on June 4, 2013, the Applicant has diligently pursued the diversion and application to beneficial use of these conditional water rights. The Applicant is a statutory town located in Clear Creek County, Colorado. The Applicant operates and maintains an integrated water system that provides treated water to the Town of Empire, Colorado. The Applicant is pursuing the Ball Placer Reservoir and Ball Placer Pipeline as part of its future water supply, and as a recreational amenity for the benefit of the Town. The Applicant has formed a planning commission and held public meetings to plan the development of the reservoir, and has inserted a line item into its 2017, 2018, and 2019 budgets to study the reservoir. During the diligence period, the Applicant also received a \$10,000 grant (with a \$5,000 match by the Applicant) to study the Town’s water system and future water needs—work which remains ongoing. During the diligence period, the Applicant expended approximately \$5,500 on water rights related activities, including legal and engineering work. **5. Claim to make absolute: a.** N/A **6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: a.** Empire is the owner of the land upon which the Ball Placer Reservoir and Ball Placer Pipeline will be constructed. **7. Prayer for relief: WHEREFORE,** the Applicant requests that the Water Court enter a decree finding that the Applicant has pursued the above-described conditional water right with reasonable diligence and continuing this conditional right.

**19CW3087 The City and County of Denver, acting by and through its Board of Water Commissioners (“Denver Water” or “Applicant”), 1600 West 12<sup>th</sup> Avenue, Denver, Colorado 80204, Telephone: 303-628-6460.** Jessica R. Brody, General Counsel, Casey S. Funk, Daniel J. Arnold, James M. Wittler, Andrew

**J. Hill. APPLICATION FOR FINDING OF REASONABLE DILIGENCE, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS IN THE SOUTH PLATTE RIVER OR ITS TRIBUTARIES IN JEFFERSON COUNTY**, Application ten (10) pages. 2. Name of Structure: A. Ralston Creek Reservoir B. Ralston Creek Intake 3. Description of conditional water right and information from previous decree: A. Date of Original Decree: October 18, 1978; Case No. W-7561, Court: Water Court, Water Division No. 1 B. Subsequent decrees awarding findings of diligence: (1) Date of Decree: April 22, 1986; Case No. 82CW176, Court: Water Division No. 1 (2) Date of Decree: October 3, 1988; Case No. 86CW138, Court: Water Division No.1 (3) Date of Decree: August 5, 1992; Case No. 90CW106, Court: Water Division No.1 (4) Date of Decree: March 11, 1999; Case No. 98CW338, Court: Water Division No.1 (5) Date of Decree: December 28, 2006; Case No. 05CW092, Court: Water Division No.1 (6) Date of Decree: May 30, 2013; Case No. 12CW284, Court: Water Division No.1 C. Legal Description: (1) Ralston Creek Reservoir: The dam is situated in the west half (W1/2) of Section 33 and the east half (E1/2) of Section 32, Township 2 South, Range 70 West of the 6th P.M., the centerline of which is described as: Beginning at a point on the North abutment of said Ralston Creek Dam, whence the NW Corner of said Section 33 bears North 1°31'30" West a distance of 2,500.1 feet; thence South 8°48'30" West a distance of 1,182 feet to a point on the South abutment of said dam. See attached Exhibit A. (2) Ralston Creek Intake: The outlet of the pipe is in the northeast quarter (NE1/4) of the southeast quarter (SE1/4) of Section 32, Township 2 South, Range 70 West of the 6th P.M., Jefferson County, Colorado at a point which bears South 9°37'23" West 3,624.9 feet from the northeast (NE) Corner of said Section 32. See attached Exhibit A. (D) Source of water: Ralston Creek, a tributary of Clear Creek which is a tributary to the South Platte River (E) Appropriation Date: January 1, 1930 (F) Amount: (1) Ralston Creek Reservoir: 7,394 acre-feet ABSOLUTE, 4,055 acre-feet CONDITIONAL, 11,449 acre-feet TOTAL With the right to fill and refill when in priority. (2) Ralston Creek Intake: 212 cfs ABSOLUTE, 148 cfs CONDITIONAL, 360 cfs TOTAL (G) Use: Municipal uses within the Denver Municipal Water System, and exchange and transfer by the use of public streams for water rights of Applicant above the dam of Ralston Creek Reservoir and for Applicant's water rights on the mainstem of the South Platte River. CLAIM FOR FINDING OF REASONABLE DILIGENCE 4. Ralston Reservoir and Intake are existing facilities owned and operated by Denver Water. These facilities are integral parts of the Denver Municipal Water System. Ralston Creek Reservoir and Ralston Creek Intake are located on Ralston Creek west of Colorado Highway 93 between the City of Golden and Colorado Highway 72. Ralston Creek Reservoir and Intake act as a regulating facility for storing and diverting waters of Ralston Creek, South Boulder Creek and water diverted from the Moffat Tunnel Collection System for delivery to the Moffat Treatment Plant ("Moffat WTP") and the Northwater Treatment Plant ("Northwater WTP"). Under current configuration, Conduit Nos. 16 and 22 deliver water from Ralston Creek Reservoir and Intake for treatment to the Moffat WTP. Untreated water is also delivered from Ralston Creek Reservoir and Intake to the City of Arvada and North Table Mountain Water and Sanitation District. The following activities are representative of Denver Water's steady application of effort to complete the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. (A) The following activities describe work completed in furtherance of maintaining and fully developing Ralston Creek Reservoir and Intake: (1) Denver Water completed annual operations and maintenance including annual dam safety inspections with State Engineer's Office ("SEO"), drill of the Emergency Action Plan, and survey of the dam for movement. (2) In 2014, RG and Associates, LLC provided construction inspection services regarding the demolition of the Ralston Creek flume and the installation of a new concrete, long-throated flume. Western Summit Constructors, Inc. completed demolition and construction. The total project cost was approximately \$1,237,000. (3) In 2014, Shannon & Wilson, Inc. repaired geotechnical instrumentation for a total project cost of approximately \$20,000. (4) In 2014, URS Corporation completed a study of alternatives for the Ralston Creek Dam outlet works and reservoir bypass pipeline. The total project cost was approximately \$672,000. (5) In 2016, Concrete Works of Colorado, Inc. repaired the Ralston Creek Dam primary and auxiliary spillways. Total project cost was approximately \$769,000. (6) In 2016, Brierley Associates Corporation prepared a geotechnical engineering report for the construction of a vault located at Ralston Creek Reservoir. The total project cost was

approximately \$87,000. (7) In 2017, Gannett Fleming, Inc. provided engineering services consisting of facilitating a potential failure model analysis for Ralston Creek Dam. The total project cost was approximately \$25,000. (8) In 2017, GEI Consultants, Inc. provided professional services associated with dam breach development, hydraulic modeling and mapping to develop inundation maps downstream of Ralston Creek Dam for a total project cost of approximately \$44,000. (9) In 2017, Metcalf Archaeological Consultants, Inc. provided a Cultural Resources Study for the Ralston Creek Reservoir outlet works renovation project for a total cost of approximately \$23,000. B. The following activities describe work completed in furtherance of maintaining the Moffat WTP, constructing the Northwater WTP, and their respective intakes. Construction of the Northwater WTP is scheduled to be completed in 2024. Water diverted by the subject water rights may be treated at the Moffat WTP or the Northwater WTP and distributed through Denver Water's integrated municipal water supply system: (1) Moffat WTP: i. In 2013, Archer Western Construction, LLC installed new chlorine system ball valves and actuators. The total project cost was approximately \$276,000. ii. In 2013, McDade-Woodcock, Inc furnished and installed high-resistance grounding systems and a new electrical panel. The total project cost was approximately \$275,000. iii. In 2014, Denver Water began the process of developing an on-site centrifuge dewatering system for Moffat WTP and abandoned the solids disposal line. The total project cost was approximately \$2,730,000. iv. In 2014, Pinyon Environmental, Inc. provided an evaluation of potential Waters of the United States, federally protected species, and historic resources on the Moffat WTP campus for approximately \$2,600. v. In 2015, purchased 22 large-diameter butterfly valves from DeZurik, Inc., which were installed by Denver Water. The total cost of procurement was approximately \$152,000. vi. In 2017, Garney Companies, Inc. replaced chlorine scrubber equipment at both the Moffat WTP and the Marston WTP. The total project cost was approximately \$543,000. (2) Northwater WTP: i. In 2013, Honey Creek Resources, Inc. evaluated two water treatment plant sites for the North System Renewal ("NSR") project. The total project cost was approximately \$29,000. ii. In 2013, Cartographic Edge, Inc. provided aerial mapping and photography for the Northwater WTP site. The total project cost was approximately \$11,000. iii. In 2014, Intuitech, Inc. provided equipment to conduct pilot testing of different water treatment processes to establish design criteria for the full-scale implementation of the Northwater WTP. The total project cost was approximately \$368,000. iv. In 2016, Harris Corporation provided digital aerial photography, topographic mapping, and geo-orthophoto mosaic generation mapping services for the construction of the Northwater WTP at the Ralston Creek Reservoir complex. The total project cost was approximately \$51,000. v. Starting in 2016, Jacobs Engineering Group, Inc. provided Owner's Representative Services including management, controls, and technical support for the Northwater WTP at a cost of approximately \$12,185,000. vi. Since 2016, Kiewit Infrastructure Co. provided design phase services as Construction Manager-at-Risk ("CMAR"). Additionally, Denver Water has exercised the option to extend the CMAR commitment through the project construction phase. To date, approximately \$6,438,000 has been spent on this project. vii. Beginning in 2016, Denver Water engaged a team of firms to jointly execute the design of the Northwater WTP. To date, the combined total spent towards these design packages is approximately \$24,791,000. (3) Conduit No. 16 and Conduit No. 22: i. In 2014, HDR Engineering, Inc. evaluated options and provided cost estimates for commissioning Conduit 16 during construction of Denver Water's NSR project for a total cost of approximately \$16,000. ii. In 2015, Garney Companies, Inc. installed approximately 230 linear feet of 72-inch steel pipeline for Conduit 16 across McIntyre St in Golden, CO. The total project cost was approximately \$596,000. iii. In 2015, Denver Water obtained permanent easements at various locations required for the replacement of Conduit 16 at a total cost of approximately \$109,000. iv. In 2017, Denver Water acquired temporary easements which granted access to additional property required for the replacement of Conduit 16 at a total cost of approximately \$137,000. v. In 2017, Denver Water entered into an Intergovernmental Agreement ("IGA") with the City of Wheat Ridge for the coordination of Conduit 16 replacement via tunneling underneath Interstate 70 with redevelopment of the highway interchange. To date, approximately \$22,000 has been spent on the design of the Conduit 16 tunneling project. vi. In 2018, S J Louis Construction of Texas, Ltd. furnished and installed 14,850 linear feet of 66-inch diameter pipe as part of the central segment replacement of Conduit 16. The current total project cost is approximately \$1,082,000. C. The following activities describe Denver

Water's effort to maintain capacity in the Moffat Collection System. Water delivered through the Moffat Tunnel is captured and stored in Ralston Creek Reservoir through South Boulder Creek, Gross Reservoir, and the South Boulder Diversion Conduit: (1) Throughout the diligence period, Denver Water has continued to pursue an Army Corps of Engineers ("Corps") 404 Permit for the Moffat Collection System Project to address water reliability and system vulnerability problems, and to provide the next increment of firm yield. Denver Water has worked during the diligence period to resolve issues raised by stakeholders. The Final Environmental Impact Statement ("FEIS") from the Corps was released April 25, 2014 and on July 7, 2017 the Corps issued its Record of Decision ("ROD") and a draft 404 Permit for the Moffat Project. Denver Water was awarded the final version of the 404 Permit in August 2017. (2) In 2013, Miller Ecological Consultants, Inc. developed a dynamic stream temperature model as required by the Colorado Department of Public Health and Environment ("CDPHE") for the 401 Certification process regarding the NSR project. The total project cost was approximately \$255,000. (3) In 2013, CDM Smith, Inc. performed the water quality analyses required by the CDPHE for the 401 Certification process regarding the NSR project. The total project cost was approximately \$364,000. (4) In 2013, T Lowell Construction, Inc. replaced the Vasquez-St. Louis Creek Collection Conduit Siphon No. 1 in the Moffat Tunnel Collection System. The total project cost was approximately \$1,087,000. (5) In 2014, Arcadis US, Inc. completed a comprehensive watershed assessment for South Boulder and Ralston Creeks. The total project cost was approximately \$58,000. (6) In 2018, Western Summit Constructors, Inc. was retained for the rehabilitation of the Jim Creek Siphon in the Moffat Tunnel Collection System. The total project cost was approximately \$3,084,000. 5. Denver Water, over the last diligence period, has spent at least \$57,539,000 on the raw water collection system and treated water distribution system previously identified. These projects further the application of water, under the subject water rights, to beneficial use. 6. Name(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. (A) The City and County of Denver, acting by and through its Board of Water Commissioners, 1600 West 12<sup>th</sup> Avenue, Denver, Colorado 80204 (B) County of Jefferson, 100 Jefferson County Parkway, Golden, Colorado 80419.

**19CW3088, The Central Colorado Water Conservancy District, the Ground Water Management Subdistrict of the Central Colorado Water Conservancy District, and the Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (collectively "Central"), 3209 W. 28<sup>th</sup> Ave., Greeley, CO 80634; Telephone: (970) 330-4540.** Please send all future correspondence and pleadings to: Bradley C. Grasmick, Wesley S. Knoll, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534. Telephone: 970-622-8181. APPLICATION FOR CONDITIONAL WATER STORAGE RIGHTS, in **WELD, ADAMS, BOULDER, MORGAN AND LARIMER COUNTIES**. 2. Name of Structure: Pioneer Reservoir. 3. Legal Description: East 1/2 of the Southeast 1/4 of Section 7, Township 5 North, Range 64 West of the 6<sup>th</sup> P.M., Weld County, Colorado; (**see Exhibit A**). 4. Name and capacity of ditches or structures used to fill reservoir: 4.1 Highland (aka Plumb) Ditch, 50 cfs. 4.2 Nissen Pump Station: 50 cfs. 4.3 Pioneer Pump Station: 20 cfs; 5. Legal description of points of diversion: Water will be diverted from the following locations: 5.1 Highland Ditch (aka Plumb Ditch): The Plumb Ditch Headgate is located in the SW1/4 of the NW1/4 of Section 13, Township 5 North, Range 65 West of the 6<sup>th</sup> P.M, Weld County, Colorado. 5.2 Nissen Pump Station: The Nissen pump station will be located adjacent to the South Platte River and Nissen Reservoir in the SE1/4 and the E 1/2 of the SW1/4 of Section 12, Township 5 North Range 65 West, Weld County, Colorado. 5.3 Pioneer Pump Station: The pump station will be located on the warm water slough in the SE 1/4 of Section 7, Township 5 North, Range 64 West of the 6<sup>th</sup> P.M., Weld County, Colorado. 6. Diversion Amount to Storage: 1,800 acre-feet, Conditional. Applicant claims the right to fill and refill the Reservoir. 7. Source: the South Platte River. 8. Date of Appropriation: March 19, 2019. 9. How appropriation was initiated: By Resolution of the Central Board of Directors and posting notice at the Pioneer Reservoir site. 10. Uses: Augmentation, recharge, replacement, industrial, exchange, recreation, piscatorial and irrigation. 11. Surface Area at High Water Line: 39.2 acres. 12. Total Capacity of Pioneer Reservoir: 1,800 acre-feet. Active Capacity: 1800

acre-feet. Dead Storage: 0 acre-feet. In addition to the right to fill the Reservoir, Applicant claims the right to refill the Reservoir up to an additional 1,800 acre feet when the same is in priority. 13. Description of Project: Applicant closed on the Pioneer Reservoir Property on May 15, 2019. The property is presently being mined for gravel. As part of the gravel mining operations, the pit was lined with a bentonite slurry wall. The liner has been conditionally approved by the Colorado State Engineer and will be finally approved upon completion of the mining. Upon completion of mining, Applicant will store water within the Reservoir and use the same for the beneficial uses identified above. Any deliveries to the South Platte River for the beneficial uses described above will be made via Applicants' existing augmentation station located on the South Lateral of the Plumb Ditch. That augmentation station is located just east of Weld County Road 51. It has been used by Applicants to return water derived from shares in the Plumb Ditch Company and is identified as the GMS Augmentation Station in the decree entered in Case No. 07CW6. 14. Accounting and Reporting: Applicant will measure diversions into the Reservoir from the points of diversions described above. The Reservoir will be surveyed, a stage-area-capacity curve developed and a staff gauge installed to measure the amount of water in the Reservoir. Applicant will account for diversions, releases, evaporation and precipitation and will release any precipitation captured in the Reservoir out of priority. Reservoir accounting will be submitted to the Division Engineer on a monthly basis. 15. Names and Addresses of Owners of Land on Which Structures are Located: Applicant owns the Reservoir site and the location of the Nissen Pump Station and the Pioneer Pump Station. The Plumb Irrigation Company owns the Plumb Ditch Headgate and ditch. The Plumb Irrigation Company's address is 28806 Weld County Road 51, Greeley CO 80631. The GMS Augmentation Station is on land owned by the Lower Latham Reservoir Company; their address is P.O. Box 398, Kersey, CO 80644. 4 pages, 1 exhibit.

**19CW3089 Camerata Homes LLC, c/o Jan Knibbe, 7091 S. Sedalia St., Foxfield, CO 80016.** Please send all correspondence to: Kara N. Godbehere, Matthew Machado, Lyons Gaddis Kahn Hall Jeffers

Dworak & Grant, P.C., P.O. Box 978, Longmont, CO 80502-0978, 720-726-3670, [kgodbehere@lyonsgaddis.com](mailto:kgodbehere@lyonsgaddis.com); [mmachado@lyonsgaddis.com](mailto:mmachado@lyonsgaddis.com).

**APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION IN THE NONTRIBUTARY LOWER DAWSON, DENVER, ARAPAHOE, AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY UPPER DAWSON AQUIFERS in ELBERT COUNTY.**

2. Well Permits: Well permits will be applied for prior to construction of the wells. 3. Legal Description of Wells and Subject Property: The wells which will withdraw groundwater from the not nontributary Upper Dawson and nontributary Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers will be located at any location on approximately 50 acres of land located in the part of the N/2 of Section 3, T6S, R65W of the 6th P.M., as more particularly described and shown on Attachment A hereto ("Subject Property"). There is an existing exempt Lower Dawson well with Permit No. 61226 located on the Subject Property which Applicant understands must be re-permitted if the property is subdivided. 4. Source of Water Rights: The source of the groundwater to be withdrawn from the Upper Dawson aquifer is not nontributary as described in 37-90-103(10.7) C.R.S.. The groundwater to be withdrawn from the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater as described in 37-90-103(10.5), C.R.S.. 5. Estimated Amounts and Rates of Withdrawal: The wells on the Subject Property will withdraw the subject amounts of groundwater at rates of flow necessary to efficiently withdraw the entire decreed amounts. Applicant will withdraw the subject groundwater through wells to be located at any location on the Subject Property. Applicant waives any 600 foot spacing rule as described in Section 37-90-137(2), C.R.S. for wells located on the Subject Property. The estimated average annual amounts of withdrawal available from the subject aquifers as indicated below, are based upon the Denver Basin Rules, 2 C.C.R. 402-6. Applicant estimates the following annual amounts are representative of the Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the Subject Property:

<u>Aquifer</u>	Saturated Thickness	Annual Amount
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Upper Dawson	65 feet	6.5 acre-feet
Lower Dawson	35 feet	3.5 acre-feet
Denver	260 feet	22.1 acre-feet
Arapahoe	250 feet	21.3 acre-feet
Laramie-Fox	210 feet	15.8 acre-feet

The average annual amounts available for withdrawal from the subject aquifers will depend on the hydrogeology and the legal entitlement of the Applicant and this application represents a claim to all nontributary and not nontributary groundwater underlying the Subject Property. Applicant reserves the right to continue using the existing well with Permit No. 61226, subject to compliance with the terms of its existing or subsequently issued permit/s and the terms and conditions of any decree ultimately entered in this case. 6. Well Fields: Applicant requests that this Court determine that Applicant has the right to withdraw all of the legally available groundwater lying below the Subject Property, through the wells requested herein (including the existing well with Permit No. 61226), which may be located anywhere on the Subject Property, and any additional wells which may be completed in the future as Applicant's well fields. As additional wells are constructed, applications will be filed in accordance with 37-90-137(10), C.R.S.. Applicant also requests that the water decreed herein be withdrawn in combination with the same type of water underlying contiguous parcels through wells to be located on the contiguous parcels or through wells to be located on the Subject Property. 7. Proposed Use: Applicant will use all water withdrawn from the subject aquifers in a water system to be used, reused, successively used, leased, sold, or otherwise disposed of for the following beneficial purposes: municipal, domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, and fire protection uses. Said water will be produced for immediate application to said uses, both on and off the property, for storage and subsequent application to said uses, for exchange purposes, for replacement of depletions resulting from the use of water from other sources, and for augmentation purposes. 8. Jurisdiction: The Water Court has jurisdiction over the subject matter of this application pursuant to 37-92-302(2), and 37-90-137(6), C.R.S.. 9. Description of plan for augmentation: A. Groundwater to be augmented: All of the Upper Dawson aquifer groundwater requested herein as described in paragraph 5 above over a 100 year period. Applicant reserves the right to increase or decrease this amount without amending this application or republishing the same. B. Water rights to be used for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. C. Statement of plan for augmentation: Applicant may use the Upper Dawson water to serve the Subject Property over a 100 year period through individual wells or central water system wells for domestic, commercial, irrigation, and stockwatering use at rates of flow necessary to withdraw the entire annual amount. For purposes of this application, in-house use will require approximately 0.4 acre-feet per year, per lot, and irrigation and stockwatering use will require approximately 0.35 acre-feet per year. Applicant may also use the water for commercial use. Applicant reserves the right to amend these values without amending or republishing the same, based on final planning considerations for the Subject Property. Sewage treatment for in-house use will be provided by a non-evaporative septic system and return flows from in-house and irrigation use will be approximately 90% and 15% of those uses, respectively. Stockwatering uses will be considered to be 100% consumptively used. Before any other type of sewage treatment is proposed in the future, including incorporation of the lots into a central sewage collection and treatment system, Applicant, or successors and assigns, will amend this decree prior to such change and thereby provide notice of the proposed change to other water users by publication procedures required by then existing law. During pumping from wells completed into the Upper Dawson aquifer, Applicant will replace actual depletions to the affected stream system pursuant to 37-90-137(9)(c.5), C.R.S.. Applicant estimates that depletions from such pumping may occur to the Coal Creek stream system. Return flows from use of the subject water rights via that stream system will accrue to the South Platte River system, and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. D. After the entire amount decreed herein has been withdrawn or after pumping ceases, Applicant will demonstrate that any depletions which may occur to the stream systems are non-injurious and need not be replaced. However, if the Court finds that such depletions need to be replaced,

Applicant will reserve an adequate amount of nontributary groundwater underlying the Subject Property to meet augmentation requirements. 10. Remarks: A. Applicant claims the right to withdraw more than the average annual amounts estimated in paragraph 5 above pursuant to Rule 8A of the Statewide Rules, 2 C.C.R. 402-7. B. Although Applicant has estimated the amounts of water available for withdrawal from the subject aquifers based on estimates of relative values for specific yield and saturated thickness, Applicant requests the right to revise the estimates upward or downward, based on better or revised data, without the necessity of amending this application or republishing the same. WHEREFORE, Applicant prays that this Court enter a Decree: 11. Granting the application herein and awarding the water rights claimed herein as final water rights; 12. Specifically determining that: A. Applicant has complied with 37-90-137(4), C.R.S., and water is legally available for withdrawal by the wells proposed herein; B. The groundwater underlying the Subject Property in the Upper Dawson aquifer is not nontributary and the groundwater in the Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills aquifers is nontributary groundwater; C. Vested or conditionally decreed water rights of others will not be materially injured by the withdrawals of groundwater and the plan for augmentation proposed herein; and D. No findings of diligence are required to maintain these water rights. FURTHER, Applicant prays that this Court grant such other relief as seems proper in the premises. 4 pages.

**19CW3090 (2010CW176). Fort Morgan Reservoir and Irrigation Company, 218 East Kiowa, Fort Morgan, Colorado 80701, Telephone: (970) 867-7561.** Application for Finding of Reasonable Diligence in MORGAN COUNTY. Communications, including pleadings regarding this application should be directed to counsel for the Applicant, Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1600 Broadway, Suite 1070, Denver, CO 80202. 1. Underground Water Right Decreed for Augmentation. a. Name: Groves Augmentation Well. b. Well Permit: Well Permit No. 76722-F. c. Previous Decrees: Case No. 2010CW176, decreed on May 29, 2013, in Water Division 1. This well is also included in Case No. 04CW81, decreed on July 18, 2014, Water Division 1, for the use of this well by Groves Farms, LLC and Riverview Farms, LLC. Any use of this well by Groves Farms or Riverview Farms will be pursuant to a separate well permit and terms and conditions of the decree entered in Case No. 04CW81. This Application addresses only Fort Morgan Company's use of the well. d. Location: SE1/4 SE1/4 of Section 18, Township 4 North, Range 59 West, 6<sup>th</sup> P.M., in Morgan County, Colorado, approximately 105 feet from the East Section line and 1120 feet from the South Section line of said Section 18. A map depicting the location of the well is attached as Exhibit A. e. Depth: Approximately 200 feet. f. Capacity: 2,500 gpm, CONDITIONAL for augmentation use. g. Date of Appropriation: December 29, 2006. h. Use: Augmentation of wells included in the plans for augmentation decreed in Case Nos. W-2692 and 94CW186. i. Owners: Fort Morgan Reservoir and Irrigation Company, Groves Farms, LLC, and Riverview Farms, LLC. 2. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period: a. The Groves Augmentation Well is part of an integrated water system owned by the Fort Morgan Company, so that work done on one feature of the system shall be considered in evaluating reasonable diligence in the development of all features of the system, including the Groves Augmentation Well. C.R.S. § 37-92-301(4)(b). b. The Groves Augmentation Well is a back-up augmentation supply to two decreed augmentation plans and is permitted only to be used when the existing supplies identified in those Plans are insufficient to fully augment the wells under those Plans. During the previous diligence period, the Groves Augmentation Well was not needed and therefore it did not pump. Nevertheless, during the last diligence period Applicant spent \$3,434 on the Groves Augmentation Well utilities costs. Applicant has also spent \$569,598 on loan repayments for the cost of construction for the Groves Augmentation Well pipeline and pipeline diversion structure. An additional \$42,728 was spent on pipeline maintenance costs. c. Applicant expended \$618,730 for the routine operation and maintenance of the Fort Morgan Company ditch and overall recharge facilities necessary to operate and develop its water rights and integrated water supply system. d. Applicant reviewed the water court resume to determine if applications had been filed which might adversely affect the subject conditional water right and has continued participation as an opposer in numerous water court cases within Water

Division No. 1 in the interest of protecting the subject conditional water rights. Applicant Fort Morgan Company has expended approximately \$218,846 in costs for legal and engineering fees for defense and protection of the subject conditional water rights. 3. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored: No 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 pursuant to this Application. However, all related structures are located on lands owned or controlled by Applicant or on which Fort Morgan Company owns an easement. WHEREFORE, Applicant, Fort Morgan Reservoir and Irrigation Company, having demonstrated that it has steadily applied effort to complete the appropriation of this water right in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully request that this Court find that it has exercised reasonable diligence in putting to beneficial use the conditional water right decreed to the Grove Augmentation Well, and to continue the conditional decree for the subject water right another six years, or such period as may otherwise be permitted by law. (4 pages).

**19CW3091, David and Lareen Archer, 2266 Fifth Street, Castle Rock, CO 80104** (James J. Petrock, Petrock Fendel Poznanovic, 700 17<sup>th</sup> Street, #1800, Denver, CO 80202), Application For Underground Water Rights From Nontributary Sources, in the Nontributary Lower Dawson, Denver, Arapahoe and Laramie-Fox Hills Aquifers in **DOUGLAS COUNTY**, 7.4 acres located in the S1/2SW1/4 of Section 1, T8S, R67W of the 6th P.M., Douglas County, as described and shown on Attachment A. Estimated Annual Amounts: Lower Dawson: 1.7 acre-feet; Denver: 4.8 acre-feet; Arapahoe: 1.6 acre-feet; and Laramie-Fox Hills: 1.8 acre-feet, Uses: domestic, commercial, irrigation, stockwatering, fire protection, and augmentation purposes, on and off the Subject Property. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (5 pages).

**19CW3092, Thomas and Phyllis Ellis, 2200 Twylby Road, Larkspur, Colorado 80118** (Eric K. Trout, Petrock Fendel Poznanovic, P.C, 700 17<sup>th</sup> Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NONTRIBUTARY AND NOT NONTRIBUTARY SOURCES AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NONTRIBUTARY DENVER, ARAPAHOE AND LARAMIE-FOX HILLS AND THE NOT NONTRIBUTARY DAWSON AQUIFERS, **DOUGLAS COUNTY**. 40 acres located in the SW1/4 of Section 25, T10S, R67W of the 6th P.M., Douglas County, as described and shown on Attachment A hereto ("Subject Property"). Source of Water Rights: The Dawson aquifer is not nontributary as described in Sections 37-90-103(10.7), C.R.S., and the Denver, Arapahoe and Laramie-Fox Hills aquifers are nontributary as described in Section 37-90-103(10.5), C.R.S. Estimated Amounts: Dawson: 28 acre-feet, Denver: 37 acre-feet, Arapahoe: 22 acre-feet, Laramie-Fox Hills: 12 acre-feet. Proposed Use: Domestic, commercial, irrigation, livestock watering, fire protection, and augmentation purposes, including storage, both on and off the Subject Property. Description of plan for augmentation: Groundwater to be augmented: 2 acre-feet per year of Dawson aquifer groundwater as requested herein. Water rights for augmentation: Return flows from the use of not nontributary and nontributary groundwater and direct discharge of nontributary ground water. Statement of plan for augmentation: The Dawson aquifer groundwater will be used on the Subject Property for in-house use in up to two residences (0.3 acre-feet per residence and 0.6 acre-feet total), in-building commercial use (0.4 acre-feet), irrigation of lawn, garden, trees, and pasture (0.4 acre-feet) and stockwatering and fire protection (0.6 acre-feet), including through existing well Permit No. 178482. Applicants reserve the right to amend the values without amending the application or republishing the same. Sewage treatment for in-house use and in an office will be provided by non-evaporative septic systems and return flow from in-house and in-building commercial, and irrigation use will be approximately 90% and 15% of those uses, respectively. During pumping Applicants will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c.5), C.R.S. Depletions occur to the East Plum Creek stream system. Return flows accrue to the South Platte River via East Plum Creek and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal

amount of nontributary groundwater underlying the Subject Property to meet post pumping augmentation requirements. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (6 pages).

**19CW3093; Previous Case No. 11CW110 - CRYSTAL LAKES WATER AND SEWER ASSOCIATION, INC., 241 Blackfoot, Red Feather Lakes, CO 80545** (Please address all correspondence and inquiries regarding this matter to Applicant's attorney: Robert F.T. Krassa, Krassa & Miller, LLC, 2300 Canyon Blvd., Ste. 2, Boulder CO 80302, 303-442-2156. Application for Finding of Reasonable Diligence in LARIMER COUNTY 2. Name of the structure: Upper Lone Pine Lake, (Second Enlargement) a reservoir. **3. Describe conditional water right: a. Date of original decree:** May 25, 1995; Case 91CW116, in this Court. **b. Subsequent diligence decrees:** 01CW216 entered June 7, 2005, and 11CW110 entered May 21, 2013, all in this Court. **c. Location:** SE1/4 NE1/4, Section 23, Township 10 North, Range 74 West of the 6th P.M., Larimer County. Dam axis crosses stream at a point which bears South 13 deg 23 min 30 sec West 1597.4 feet from the Northeast corner of said Section 23. **d. Source of Water:** North Lone Pine and Killpecker Creeks, tributary to Cache la Poudre River. (Note: spelling of Killpecker is correct per said Decree in Case 91CW116 and the USGS Geographic Names Information System.) Crystal Lakes in Case 09CW185 stipulated with Red Feather Storage and Irrigation Company and Cache la Poudre Waters Users Association to the following provision: "Applicant will not use, divert or store water from Killpecker Creek in either Upper Lone Pine Lake reservoir or Lower Lone Pine Lake reservoir except by further written agreement with Red Feather Storage and Irrigation Company, and such stipulation is approved and confirmed by the Court. Further judicial approval shall be required before any such use, diversion or storage of water from Killpecker Creek in either Upper Lone Pine Lake reservoir or Lower Lone Pine Lake reservoir." **e. Appropriation Date:** October 14, 1989. **f. The amount of water:** 125.16 acre feet remain CONDITIONAL after 26.62 acre feet of the original 151.79 acre feet were made absolute by decree of this Court in Case 17CW3061 dated August 16, 2018. In that decree, the Court made absolute the entire Original and First Enlargement storage rights for Upper Lone Pine Reservoir, and also made absolute 26.63 acre feet of the Second Enlargement storage right which is the subject of the present diligence application. The 17CW3061 decree provides at paragraph 203.b, "As to the Second Enlargement Decree storage right, 26.63 acre feet thereof have been made absolute herein, and no further diligence proceedings or findings are required to keep the water right for that 26.63 acre feet in full force and effect as an absolute water right. 125.16 acre feet of the originally decreed 151.79 acre feet of the Second Enlargement Storage Right remain conditional." **g. Use:** Municipal, irrigation, recreation, fish and wildlife propagation, augmentation and replacement. **h. Alternate storage location.** The above location information is from the decree in said case 91CW116. On November 22, 2011, this Court issued its Decree in Case 09CW185 approving the site of Lower Lone Pine Reservoir as an alternate storage location for the original, first and second enlargement storage rights of Upper Lone Pine reservoir. That location is described in said decree as follows: The axis of the dam for the enlarged reservoir will cross the thread of Lone Pine Creek at a point which is 485 feet from the east line and 1270 feet from the south line of Section 7, Township 10 North, Range 73 West of the 6th P.M. in Larimer County as shown on map attached as Exhibit A. Accordingly, all references herein to water storage rights of Upper Lone Pine Reservoir apply equally to alternate site Lower Lone Pine Reservoir. **4. Provide a detailed outline of what has been done toward completion** or for completion of appropriation and application of water to a beneficial use as conditionally decreed, including expenditures: Planning, investigations, litigation and negotiations for protecting the water rights necessary to the implementation of the water development plan for Applicant's service area have been continuing since the last diligence decree concerning the subject water right. In addition, the following steps have been accomplished during the diligence period which relate specifically to the subject water right. **a. Reservoir design engineering was completed** by States West Water Resources Corp. and its successor, Wenck Engineering. Water resources engineering was completed by Anderson Consulting Engineers, Inc. and Lytle Water Solutions, LLC. Construction of the enlarged Lower Lone Pine Reservoir to a capacity of 105.6 acre feet was completed in early 2015. During the diligence period, Applicant spent over \$400,000 in addition to its C.W.C.B. loan on construction, engineering,

purchases of necessary property and legal and engineering expenses. **b. Applicant's water resources engineers prepared engineering** to support the application which was filed in Case 17CW3061 to make the Original, First Enlargement and part of the Second Enlargement storage rights of Upper Lone Pine Reservoir absolute. That application was granted by this Court on August 16, 2018. **c. Applicant's water resources engineers also worked with the Division Engineer's Office** to develop a measurement and accounting system for the Lone Pine storage rights which was accepted by that Office. The measurement, recording and reporting devices needed for that accounting system have been acquired and are in operation. **d. Applicant acquired all of the land necessary for the enlargement of Lower Lone Pine Reservoir,** and also acquired all of the land necessary to construct the full planned Upper Lone Pine Reservoir. **e. The original decree for the subject water right as entered** in said Case 91CW116 provides as follows at paragraph 15 thereof: "Upper Lone Pine Reservoir is a component of an integrated municipal water system, which is generally described in the above-referenced amended decree in consolidated Case Nos. W-7631 and W8540. The conditional water storage right granted in this decree will form a part of an integrated water system which will serve the municipal requirements of Applicant as stated. The system is to be constructed pursuant to a phased development program over a considerable period of time. Large expenditures of funds will be required for development of the system and each reservoir and other part of the system will be constructed as it is needed pursuant to such phased development program. So long as this water storage right is being pursued by Applicant, as part of its municipal water supply system, expenditures on other portions of such system including by way of example and not of limitation, other reservoirs, central wells, and water conveyance facilities, will satisfy the requirement to demonstrate the reasonable diligence concerning this water storage right." **f. Applicant has in all respects diligently worked** toward placing the subject conditional water right to beneficial use. **5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed** or upon which water is or will be stored, including any modification to the existing storage pool. Applicant preference

**19CW3094 APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN BOULDER COUNTY.** **1. Name, mailing address, and telephone number of Applicant: Tiefel Family, LLC, c/o Douglas Tiefel, P.O. Box 17130, Boulder, Colorado 80308, Telephone: (303) 472-1742, c/o Matthew A. Montgomery, Esq., Hill & Robbins, P.C., 1660 Lincoln St., Suite 2720, Denver, CO 80264.** **2. Name of Structure:** Goose Haven Pond No. 2 (aka, Tiefel Reservoir or Tiefel Pond). **3. Describe conditional water right giving the following from the Referee's Ruling and Judgment and Decree:** **a. Date of Original Decree:** March 2, 1999; Case No. 96CW1101; Court: District Court, Water Division No. 1. **b. Previous Decrees Awarding Diligence:** **i.** January 9, 2006; Case No. 05CW1101; Court: District Court, Water Division No. 1. **ii.** May 16, 2013; Case No. 12CW08; Court: District Court, Water Division No. 1. **c. Location:** (1) Goose Haven Pond No. 2 was formed by gravel mining. The Pond is clay lined so as to seal the structure from groundwater infiltration. The Pond is constructed below the surface grade and has no dam. It is located in the NW/4 SW/4 and the SW/4 SW/4, Section 15, Township 1 North, Range 69 West of the 6th P.M., in Boulder County, Colorado. The approximate center point of the Pond is 1570 feet from the south section line and 410 feet from the west section line of the said Section 15. The surface area of the high water line of the pond is approximately 7.5 acres. (2) **Name and Capacity of Filler Ditch and Point of Diversion:** Lower Boulder Ditch, which has a capacity of approximately 50 c.f.s., and the point of diversion of which is in the SW/4 SW/4 of Section 16, Township 1 North, Range 69 West of the 6th P.M. at a point approximately 1100 feet from the south section line and approximately 600 feet from the west section line of the said Section 16. Water will be delivered to Goose Haven Pond No. 2 from a turnout on the north bank of the Lower Boulder Ditch located approximately 1535 feet from the south section line and approximately 1100 feet from the west section line of Section 15, Township 1 North, Range 69 West of the 6th P.M. The capacity of the said turnout is 2.0 c fs. **d. Source:** Boulder Creek. **d. Appropriation Date:** February 21, 1982; **e. Amount:** 131 acre-feet (128.25 absolute; 2.75 conditional); **f. Rate:** 2 c.f.s. **g. Use:** Irrigation, recreation, aquaculture, wildlife, emergency fire protection, and augmentation. Irrigation use will be limited to a maximum of 51 acres located in the SW/4 and the SE/4 of the NW/4 of Section 15, Township 1 North,

Range 69 West, 6th P.M. lying immediately adjacent to the pond or on adjoining property lying north and east of the Pond and west of Highway 287. Augmentation use may only be made pursuant to a subsequent decree of this Court approving a plan for augmentation or pursuant to a substitute supply plan approved by the State Engineer. Applicant owns or has an interest in Meadow Creek Pond located in portions of Sections 10, 11, and 15, Township 1 North, Range 69 West of the 6th P.M. and intends to use the water right decreed herein, in part, to replace evaporative depletions from the said Pond pursuant to such an augmentation plan or substitute supply plan. **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:** Since the Decree was entered in Case No. 12CW08, Applicant has continuously operated and maintained Goose Haven Pond No. 2 and its associated structures. In addition, Applicant obtained easements from the City of Boulder, the Boulder Valley Farm, Inc., and the Farm in Boulder Valley Homeowners Association, Inc. (the "HOA"), pursuant to which the Applicant constructed a new pipeline to discharge water from Goose Haven Pond No. 2 to Boulder Creek consistent with the Decrees entered in Case No. 96CW1101 and Case No. 16CW3069. Finally, Applicant acquired an interest in 1.11 Preferred Shares of Stock in the Consolidated Lower Boulder Reservoir and Ditch Company and may store water attributable to such shares in the Goose Haven Pond No. 2 consistent with the terms of the Decree entered in Case No. 16CW3069. During the diligence period, Applicant has incurred operation, construction, maintenance and other expenses, including legal and engineering fees, in an amount in excess of \$189,000.00. **5. Claim to make absolute:** N/A. **6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including and modification to the existing storage pool.** The Applicant is the owner of land upon which the Goose Haven Pond No. 2 is located. The HOA and the City of Boulder own or are reputed to own the land under which the new pipeline was constructed. Their addresses are as follows: The Farm in Boulder Valley Homeowners Association, Inc., c/o Trio Property Management, P.O. Box 106, Niwot, CO 80544. City of Boulder, P.O. Box 791, Boulder, CO 80306. WHEREFORE, Applicant requests that the Court enter a decree finding that the Applicant has exercised reasonable diligence in the development of the remaining portion of the subject conditional water right and that the Court enter a Decree affording the applicant such other relief as the Court deems appropriate.

**19CW3095 Board of county commissioners of the county of Clear Creek, c/o Lisa Leben, Special Project Manager, P.O. Box 2000, Georgetown, CO 80444 and Clear Creek Economic Development Corporation, P.O. Box 2030, Georgetown, CO 80444.** Please direct all correspondence concerning this Application to: Paul J. Zilis, Esq. and Andrea A. Kehrl, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301 and Robert G. Cole, Esq., Collins, Cockrel and Cole, P.C., 390 Union Blvd., Ste. 400, Denver, CO 80228-1556. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY.** 2. Names of structures: Leavenworth Reservoir No. 1, Leavenworth Reservoir No. 2, Bakerville Reservoir No. 1, and Bakerville Reservoir No. 2. The water rights decreed to the aforementioned structures are referred to below collectively as the "Subject Conditional Water Rights." 3. Description of Subject Conditional Water Rights: A. Date of original decree: Case No. 01CW290, District Court, Water Division No. 1, State of Colorado, entered on October 11, 2006. B. Subsequent decrees awarding findings of reasonable diligence: Case No. 12CW240, District Court, Water Division No. 1, State of Colorado, entered on May 7, 2013. C. Legal descriptions of the structures: 1. Leavenworth Reservoir No. 1: The dam will be located in T4S, R75W, 6th P.M., at a point on Leavenworth Creek whence the SW corner of Section 36, T4S, R75W, 6th P.M., bears N 37° 40' E a distance of 6,350 feet. 2. Leavenworth Reservoir No. 2: The dam will be located in the SW 1/4 SW 1/4, Section 36, T4S, R75W, 6th P.M., at a point approximately 4,900 feet from the East Section line and 290 feet from the South Section line of said Section 36. 3. Bakerville Reservoir No. 1: The dam will be located in the NW 1/4 NE 1/4, Section 21, T4S, R75W, 6th P.M., at a point approximately 1,800 feet from the East Section line and 650 feet from the North Section line of said Section 21. 4. Bakerville Reservoir No. 2: The dam will be located in T4S, R75W, 6th P.M., at a point on Clear Creek whence the NW corner of

Section 22, T4S, R75W, 6th P.M., bears N 86° 00' E a distance of 11,000 feet. 5. The locations of the structures are depicted on the map attached hereto as **Exhibit 1**. D. Sources of water: 1. Leavenworth Reservoir No. 1: Natural inflows from Leavenworth Creek, a tributary to Clear Creek. 2. Leavenworth Reservoir No. 2: Natural inflows from Leavenworth Creek, tributary to Clear Creek. 3. Bakerville Reservoir No. 1: Natural inflows from the mainstem of Clear Creek through Clear Creek. 4. Bakerville Reservoir No. 2: Natural inflows from the mainstem of Clear Creek through Clear Creek. E. Date of appropriation and amount: 1. Leavenworth Reservoir No. 1: December 27, 2001; 155 acre-feet, CONDITIONAL. 2. Leavenworth Reservoir No. 2: December 27, 2001; 160 acre-feet, CONDITIONAL. 3. Bakerville Reservoir No. 1: December 27, 2001; 70 acre-feet, CONDITIONAL. 4. Bakerville Reservoir No. 2: December 27, 2001; 80 acre-feet, CONDITIONAL. F. Uses: All municipal purposes, including fire protection, irrigation of lawns, gardens and parks, domestic, commercial, industrial, recreational, fish and wildlife propagation, reservoir evaporation replacement, augmentation, and the right of reuse. 4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to beneficial use as conditionally decreed, including expenditures, during the previous diligence period: A. The Subject Conditional Water Rights are part of an integrated system operated by Applicants for use of water within Clear Creek County, which system includes other reservoirs, exchanges, and senior water rights. B. The Subject Conditional Water Rights have been incorporated into Clear Creek County's basin-wide plan for augmentation decreed in Case No. 05CW302 on June 20, 2014 ("Basin-Wide Augmentation Plan"), which was prosecuted and decreed during this diligence period. There were 27 Opposers in that case, and Clear Creek County expended in excess of \$600,000 in legal and engineering fees during the diligence period. The Subject Conditional Water Rights and the Basin-Wide Augmentation Plan will be essential for providing water for use within Clear Creek County. C. During the diligence period, Clear Creek County operated the Basin-Wide Augmentation Plan, prior to its adjudication, in annual Substitute Water Supply Plans. Following its adjudication, Clear Creek County operated the Basin-Wide Augmentation Plan pursuant to the Decree entered in Case No. 05CW302 on June 20, 2014. Clear Creek County has provided detailed accounting for its Basin-Wide Augmentation Plan and has maintained existing facilities at significant cost. D. Clear Creek County participated in numerous Basin Roundtable discussions during the diligence period, and certain of Clear Creek County's reservoirs, including the Subject Conditional Water Rights, were included in the Colorado Water Plan by Clear Creek County in the Basin Implementation Plan for purposes of funding the studies and construction of these facilities through the Identified Projects and Processes ("IPPs"). E. The Subject Conditional Water Rights were included in Clear Creek County's Strategic Water Plan, which was prepared during the diligence period. F. Applicants have also pursued water rights and received decrees for other integrated components of their water system during this diligence period. Those components include Green Lake, a decree for which was issued to Clear Creek County and the City of Blackhawk in Case No. 13CW3170 on October 1, 2014 and an application in Case No. 18CW3184, which is pending; Clear Creek Reservoirs Nos. 2, 3, and 4 and Clear Creek Diversion Structures A, B, and D, a diligence decree for which was issued in Case No. 16CW3056 on November 7, 2016; the Johnson Gulch Exchange, Clear Creek Reservoir Nos. 3 and 4 Exchange, Ball Placer Reservoir Exchange, Clear Creek Exchange, Idaho Springs Reservoir Exchange, and Upper Beaver Brook Reservoir Exchange, a diligence decree for which was issued in Case No. 16CW3144 on July 28, 2017; Upper Johnson Gulch Reservoir, a diligence decree for which was issued in Case No. 17CW3007 on August 18, 2017; and Grizzly Gulch Reservoir, a diligence decree for which was issued in Case No. 17CW3115 on March 1, 2018. In Case No. 15CW3166, a decree for the County's Game Check Infiltration Gallery water right was issued on November 17, 2016, and the County included that water right as an augmented structure in its Basin-Wide Augmentation Plan on April 1, 2016. In Case No. 15CW3168, a decree for the County's Hiawatha Point of Diversion water right was issued on November 18, 2016, and that point of diversion is included in the County's Basin-Wide Augmentation Plan. G. During the diligence period, Clear Creek County monitored and participated in water quality matters on Clear Creek as they relate to the development and operation of its integrated system. H. Clear Creek County expended in excess of \$250,000 in legal and engineering fees for the activities described in Paragraphs 4.C, D, E, F, and G above during the diligence period. I. Clear Creek County opposed 16 Water Court applications to protect

its water rights and expended approximately \$49,000 in legal and engineering fees in doing so. 5. If claim to make absolute in whole or in part: N/A 6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: U.S. Forest Service, P.O. Box 3307, Idaho Springs, Colorado 80452 and Colorado Department of Transportation, 4201 E. Arkansas Ave., Denver, Colorado 80222 7. Remarks or other pertinent information: Applicants stipulated with 13 Opposers in the original case for the Subject Conditional Water Right in Case No. 01CW290. All terms and conditions from the Decree entered in Case No. 01CW290 shall continue to apply to the Subject Conditional Water Rights, which terms and conditions include those which were stipulated with the 13 Opposers in Case No. 01CW290. In addition, structures may be located on lands owned by Colorado Department of Transportation (“CDOT”) only after all necessary approvals from that state agency. In the event that Applicants need access to CDOT right-of-way for any purpose, Applicants shall obtain a utility permit (or any other required instrument) from CDOT. Note that, in Case No. 01CW290, conditional water rights were also decreed for the Ball Placer Reservoir and the Ball Placer Pipeline, and findings of reasonable diligence were granted for those water rights in Case No. 12CW240. On June 4, 2013, Applicants conveyed the Ball Placer Reservoir water right and the Ball Placer Pipeline water right to the Town of Empire, and on May 1, 2019, the Town of Empire filed a Notice of Change in Ownership of Conditional Water Rights for those two water rights in the current diligence decree for those rights in Case No. 12CW240. Accordingly, Applicants are not requesting findings of reasonable diligence for the Ball Placer Reservoir water right or the Ball Placer Pipeline water right in this case. WHEREFORE, Applicants request the Court to enter a decree granting the Application herein and determining that Applicants have exercised reasonable diligence with respect to the Subject Conditional Water Rights, in their entirety, and continuing the Subject Conditional Water Rights in their decreed amounts set forth in paragraph 3(E) above in full force and effect for another six years or until made absolute by reason of the completion of the appropriation. (10 pgs., 1 Exhibit)

#### **19CW3096 – REJECTED APPLICATION**

**19CW3097 (10CW298) Upper Platte and Beaver Canal Company** (“Company”), Steve Griffith, President, P.O. Box 205, Brush, CO 80723, (970) 842-2552. All correspondence and pleadings should be sent to William A. Paddock, Mason H. Brown, Katrina B. Fiscella, Carlson, Hammond & Paddock, LLC, 1900 Grant Street, Suite 1200, Denver, Colorado 80203-4539, bpaddock@chp-law.com, mbrown@chp-law.com, kfiscella@chp-law.com. APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE IN **MORGAN COUNTY**. 2. **Names of structures:** 2.1. Upper Platte and Beaver Canal (“Canal”). 2.2. Canal Recharge Ponds as further described below. 3. **Describe conditional water right (as to each structure) including the following information from previous decree:** 3.1. Date of Original Decree: May 7, 2013, Case No. 10CW298 Water Court, Division 1, State of Colorado. 3.2. Subsequent Diligence Decrees: N/A. 3.3. Legal Description of Points of Diversion: 3.3.1. Water is diverted from the South Platte River through the Canal: The headgate of the Canal is located on the South Platte River in Morgan County, Colorado, at a point in the NW1/4 of the NE1/4 of the NE1/4 of Section 35, T4N, R58W, 6th P.M. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458231; Easting: 614172. 3.3.2. Water diverted at the Canal headgate is conveyed for recharge through the bed and banks of the Canal and its laterals and at the following recharge ponds. 3.3.2.1. Clark Pond: comprising a non-jurisdictional dam and pond located in the SW1/4 of the NE1/4 of the SE1/4 of Section 35, T 4 N, R 57 W, 6th P.M. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458066; Easting: 608850. The maximum depth of the pond is 14 feet, the maximum surface area is 23 acres, and, the total capacity is 195 acre-feet. 3.3.2.2. Degenhart Pond: comprising a gravel pit located in the E1/2 SW1/4 of Section 34, T 4 N, R 57 W, 6th P.M. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4457994; Easting: 606864.5. The maximum depth of the pond is 5 feet, the maximum surface area is 5 acres, and the total capacity is 13.83 acre-feet. 3.3.2.3. Kroskob (JW) Ponds: located in Section 36, T 4 N, R 57 W, 6th P.M.

804 feet from the South section line and 1699 feet from the East section line. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4457788; Easting: 610270.1. The maximum depth of the ponds is 9 feet, the maximum surface area is 28.7 acres, and the total capacity is 147.4 acre-feet. 3.3.2.4. Mortensen Pond: located in the SE1/4 NW1/4 of Section 32, T 4 N, R 56 W. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458555; Easting: 613119. 3.3.2.5. Larsen Pond: located in the NW1/4 SW1/4 of Section 33, T 4 N, R 56 W. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458260; Easting: 614118. 3.3.2.6. Hospital Road Pond: located in the W1/2 of the SW1/4 of Section 34, T 4 N, R 56 W. The maximum depth of the ponds is 12 feet, the maximum surface area is 6.5 acres, and the total capacity is 54 acre-feet. 3.3.2.7. Additional Recharge Ponds. The Company also may deliver water to any additional recharge ponds that may be added to the Company Augmentation Plan as decreed in Case No. 02CW401, District Court, Water Division No. 1 (“Company Augmentation Plan”). 3.4. Source: South Platte River. 3.5. Appropriation Date: December 14, 2010. 3.6. Amount: 3.6.1. Rate of Flow: 234.17 c.f.s., CONDITIONAL. 3.6.2. Volumetric Limitation: Average annual diversions shall not exceed 10,000 acre-feet over any consecutive period of ten water years. Diversions during free river conditions, or pursuant to a call, shall be accounted toward this volumetric limitation. 3.7. Use: Recharge and augmentation purposes as an additional source of replacement to replace depletions by wells that are located within the Company’s service area and that are covered by the Company Augmentation Plan. 3.8. A map depicting the decreed location of the Canal point of diversion as well as the locations of the recharge ponds is attached as Exhibit No. 1. 3.9. Integrated System: The Subject Water Right is part of the Company’s water supply system, an integrated system under § 37-92-301(4)(b), C.R.S. Reasonable diligence in the development of one component of the system comprises reasonable diligence in the development of all components. **4. Provide a detailed outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** 4.1. During the diligence period, the Company has continued the development of its water supply system. Activities have included, among other things, participation in numerous Water Court cases for purposes of protecting, maintaining, and developing the Company’s water supply system. The Company incurred expenses associated with these activities during the diligence period. 4.2. During the diligence period, in 2014, the Company designed and constructed the Hospital Road Recharge Pond and added that pond to the Company Augmentation Plan pursuant to paragraph 5.8 of Company’s Augmentation Plan Decree. Because the Subject Water Right may be diverted for recharge into the Hospital Road Recharge Pond, construction of the Hospital Road Recharge Pond constitutes diligence in the development of the Subject Water Right. The Company incurred expenses associated with these activities during the diligence period. 4.3. The Upper Platte and Beaver Canal’s diversion dam was constructed after the 1965 flood. Annual maintenance costs for the diversion dam are increasing significantly due to the dam’s age. In 2016, the Company completed a feasibility study to evaluate either rehabilitating the current diversion dam or constructing a new diversion dam. Because the Subject Water Right is diverted by the diversion dam, completion of the feasibility study constitutes diligence in the development of the Subject Water Right. The Company incurred expenses associated with these activities during the diligence period. 4.4. During 2018 and 2019, during the diligence period, the Company prepared a loan feasibility study for the CWCB outlining the need for a new diversion dam, and the technical, economic, institutional and financial feasibility of the proposed project. The Company subsequently submitted the loan feasibility study and a loan application to the CWCB. Simultaneously with the above activities, the Company also applied for multiple grants from the CWCB to help fund the new diversion dam project. Because the Subject Water Right is diverted by the diversion dam, the above activities constitute diligence in the development of the Subject Water Right. The Company incurred expenses associated with these activities during the diligence period. 4.5. The Company is the owner of shares in the Jackson Lake Reservoir and Irrigation Company, the Riverside Reservoir and Land Company, and the Morgan-Prewitt Reservoir Company. During the diligence period, the Company paid substantial amounts in annual assessments to the Jackson Lake Reservoir and Irrigation Company, the Riverside Reservoir and Land Company, and the Morgan-Prewitt Reservoir Company. Said assessments have been used in part to fund annual operations and maintenance activities associated with the reservoir

companies. Water diverted under these reservoir systems is subsequently delivered to the Company for use by its shareholders, either directly, or by recharge. Because the Subject Water Right is a component of the Company's integrated water supply system, the above activities constitute diligence in the development of the Subject Water Right. 4.6. During the diligence period, Applicant diverted water at the Canal's point of diversion into the Canal and Recharge Ponds. These diversions were made in priority under the Subject Water Right and applied to beneficial use in the Company's Augmentation Plan. **5. If claim to make absolute in whole or in part:** Throughout the diligence period, Applicant diverted water at the Canal's point of diversion into the Canal and Recharge Ponds and subsequently applied the water to beneficial use in accordance with the Company's Augmentation Plan. These diversions were made in priority, and at times, allocated to the Subject Water Right pursuant to the terms and conditions decreed in Case No. 10CW298. Specifically, on September 25, 2013, Applicant diverted 163.00 c.f.s. at the Canal's point of diversion, of which 73.87 c.f.s. can be attributed to the Subject Water Right. As a result, Applicant seeks to make a total of 73.87 c.f.s. absolute as to the Subject Water Right. Applicant reserves the right to make additional amounts absolute in subsequent filings. A summary of the relevant diversions in September of 2013 is attached as Exhibit No. 2. **6. Names and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool:** Although this application does not involve construction of any new diversion or storage structures, modification of any existing diversion or storage structures, or "storage" of water, the Company will provide notice of the Application to the following owners or reputed owners of the land upon which the diversion structure and recharge ponds involved herein are situated: 6.1. Upper Platte and Beaver Canal Headgate, Upper Platte and Beaver Canal Company, Steve Griffith, President, P.O. Box 205, Brush, CO 80723. 6.2. Clark Pond, Heidi L. Clark, 22789 I 76 Frontage Rd, Fort Morgan, CO 80701-7221. 6.3. Degenhart Pond, Jack J. Degenhart, 21255 US Highway 34, Fort Morgan, CO 80701-7240. 6.4. Kroskob Pond, Jeff and Wendy Kroskob, 18181 County Road 24, Brush, CO 80723-9770. 6.5. Mortensen Pond, Philip Mortensen, 18633 RD 26, Brush, CO 80723. 6.6. Larsen Pond, Terry Larsen, 18712 County Road 26, Brush, CO 80723-9773. 6.7. Hospital Road Pond, Upper Platte and Beaver Canal Company, Steve Griffith, President, P.O. Box 205, Brush, CO 80723. **WHEREFORE**, Applicant requests the Court to enter its decree and ruling as follows: A. To issue a finding that up to 73.87 c.f.s. of the Subject Water Right has been made absolute by reason of diversion in priority and application of the resulting water to decreed beneficial use in accordance with to Case No. 10CW298 and the Company Augmentation Plan and a finding of reasonable diligence with respect to the remaining conditional amounts of the Subject Water Right; B. In the alternative, to make a finding of reasonable diligence with respect to the entire Subject Water Right decreed in Case No. 10CW298, and providing that a subsequent showing of diligence be made six years from the date of entry of a decree of diligence; C. Any other ruling the Court deems appropriate in the above-captioned matter.

**19CW3098 The Well Augmentation Subdistrict of the Central Colorado Water Conservancy District (WAS),** C/O Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO, 80534. APPLICATION TO DELETE MEMBER WELLS FROM AND ADD WELLS TO THE WAS AUGMENTATION PLAN IN **WELD, ADAMS AND MORGAN COUNTIES**. **2. Augmentation Plan Deletion of Wells.** Applicant operates an augmentation plan decreed in Case No. 03CW99 (the Plan). ¶11.1.3 of the decree in Case No. 03CW99 (Decree) allows the deletion of Member Wells from the Plan subject to notice and terms and conditions. The Contracts of the Member Wells, hereinafter the "Deleted Wells," shown on Table 1 have been terminated by action of the WAS Board of Directors on the dates noted in Table 1. The WAS Contracts for the Deleted Wells are included as attachments to **Exhibit 1** hereto. Applicant seeks approval of the Court to delete the Wells from the Plan. Table 1 provides information for each of the Deleted Wells.

Table 1-Information for Deleted Wells

WDID	0206554	0206381	0206383	0208128	0206862
Name	Herman Well 1-46422	Genereux Well 3 20094C	Genereux Well 4 6579F	Smits Well 2-51	Koehn Well 3- 14028
Owner	Debra Herm	Premier Community Developments		United Water and Sanitation District	
Contract to Be Deleted From	95	1214		935	1027
Contract Termination	3/20/2018	2/20/2019		3/19/2019	3/19/2019
Permit No.	11257-R	20094-T	6579-F	51-R-R	14028-R
Included In WAS Per Decree Prior Decree	03CW099 W-1709	03CW099 L 17CW3039 W-4666		03CW099 W-167	03CW 099 W- 2206
Decreed Rate {cfs} Decreed Location	2.55 SEY.a SEY. S7-T2N- R66W Weld County	2.22 SEX SEY. S2 N6R6S W Adams County	1.83 N SEY.< S2 TIN- R6SW Adams County	3.3 SWY. S16 T4N- R66W Weld County	1.73 SWY.S WY. S30- T4N- R66W Weld County
Approp. Date	9/1/195	4/20/1955	12/30/196	6/1950	4/10/195
WAS Administrative Reach	F	E	E	c	c
Allocation Transferred to WAS Contract	837	1221		1223	

**Proposed Terms and Conditions for Deleted Wells.** ¶11.1.3 of the Decree requires that “WAS shall continue to replace all out-of-priority depletions caused by pre-deletion pumping of the well that occurred while the well was covered under the WAS plan or associated substitute supply plan.” White Sands Water Engineers Inc., (WSWE) has computed the total amount of the future depletions from past pumping in 2003, 2004, 2005 and periods of authorized pumping since then and has determined that there are no remaining depletions from prior authorized pumping. See WSWE Report, **Exhibit 1. 3. Augmentation Plan Addition of Wells.** ¶11.1.2 of the Decree in Case No. 03CW99 allows the addition of Member Wells to the Plan subject to notice and terms and conditions. The Contracts of the wells to be added to the plan, hereinafter the “Added Wells,” shown on Table 2 below have been added by action of the WAS Board of Directors. The WAS Contracts for the Added Wells are included as attachments to **Exhibit 1** hereto. Applicant seeks approval of the Court to add the wells to the Plan. Table 2 provides information for both of the Added Wells.

Table 2 -Information for Added Wells

WDID	0206440	0107942
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Name	Green Well 9004F	Peters Well 13949
Owner	Blas Chavez	70 Ranch LLC
WAS Contract No.	1221	1223
Permit No.	9004-F	13949-R
Prior Decree	W-274.	W-3933
Decreed Location (West of the 6., P.M. • Weld County	NE 1/4 NW 1/4 S8-T1N-R65W 1,469 ft E and 1,260 ft S of the NW section corner	NW 1/4. NW 1/4 S33-T5N-R63W 1196 ft S and 33 ft East of the NW section corner
Decreed Location (approximate UTM Coordinates. Zone 13)	526270 meters East and 4435553 meters North	546651 meters East and 4467848 meters North
Physical UTM Coordinates (Zone B)	526267 meters East 4435501 meters North	546672 meters East 4467850 meters North
Decreed Rate (cfs)	2.22	2.662
Appropriation Date	4/25/1965	5/26/1946
Use	Irrigation	Irrigation of 130 acres NW 1/4. S33-T5N-R63W

**3.1 Proposed Terms and Conditions for the Added Wells.** The terms and conditions for the Added Wells will be the same as for the other Covered Wells in the Decree. The consumptive use factors will be 60% for flood irrigated acres and 80% for sprinkler irrigated acres. The method for determining future well depletions will be those set out in the Decree at ¶¶16-19. The Added Wells will be subject to all the terms and conditions for operation as for other Covered Wells in the Decree. 3.1.1. Net Stream Depletions. Depletions resulting from the consumptive 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 parameters listed below. 3.1.1.1 Blaz Chavez Well, WDID 0206440 is included in the Groundwater Management Subdistrict (GMS) Augmentation Plan (Case No. 02CW335) and net depletions from past pumping have and will continue to be replaced by GMS, therefore, no additional depletions will be added to WAS. Diversions by this well under the WAS plan will be measured by a separate flow meter and future net stream depletions attributable to WAS will be calculated in accordance with the WAS Plan for Augmentation and the following parameters: Harmonic Mean Transmissivity (gallons/day/foot) = 166,500. Specific Yield = 0.2. Total Distance of Alluvial Aquifer Boundary from River = 11,950 feet. Distance of Well from River = 6,290 feet. WAS administrative Reach = D, See WSWE Report, **Exhibit 1**. 3.1.1.2 70 Ranch LLC Well, WDID 0107942 was included in the GMS Augmentation Plan and deleted by an Order of the Court entered July 5, 2013 (“July 2013 Order”). Pursuant to the July 2013 Order, GMS continues to augment of depletions from pumping, attributed to WDID 0107942, prior to April 20, 2013. By the decree entered in Consolidated Case Nos. 03CW0047/06CW0291, WDID 0107942 was included in and replacements have been made pursuant to the Lower Latham Reservoir Company (LLRC) Augmentation Plan and post pumping depletions under the LLRC Augmentation plan for WDID 0107942 will be complete as of June 2019, therefore, no additional depletions will be added to WAS. Future net stream depletions attributable to WAS will be calculated in accordance with the WAS Plan for Augmentation and the following parameters: Harmonic Mean Transmissivity (gallons/day/foot) = 306,000. Specific Yield = 0.2. Total Distance of Alluvial Aquifer Boundary from River = 8,820 feet. Distance of Well from River = 4,000 feet. WAS administrative Reach = A1, See WSWE Report, **Exhibit 1**. 3.1.1.3

Distribution of Future Well Depletions. The Decree requires WAS to distribute well depletions between river reaches. ¶22.2 of the Decree states: “In the event of the addition or deletion of a well under this plan pursuant to ¶¶11.1.2 and 11.1.3, the Court shall approve and order such adjustments to the percentages set forth in ¶¶22.2.1, 22.2.2, and 22.2.4 as necessary to ensure that depletions continue to be replaced at locations necessary to prevent injury.” An adjustment to the percentages used to distribute stream depletions for WAS Administrative Reach A is necessary and is described in detail in the WSWE Report, attached hereto as **Exhibit 1**. Accordingly, Paragraph 22.2.4 of the Decree will be updated as follows: Reach A: Fifty percent (50%) of the stream depletions from Covered Wells located in Reach A shall be considered to be immediately above the headgate of the Fort Morgan Canal located in the NE1/4 of the SE1/4 of Section 31, Township 5 North, Range 59 West of the 6th P.M., Morgan County, Colorado. The remaining fifty percent (50%) of the stream depletions from Covered Wells located in Reach A shall be considered to be at Upper Platte and Beaver Canal headgate, located in the NE1/4 of the NE1/4 of Section 35, Township 4 North, Range 58 West of the 6th P.M., Morgan County, Colorado. 3.1.1.4 This addition and deletion of wells will not change the total volume of water allotted to WAS Member Wells.

**19CW3099 Chris Dinsdale, P.O. Box 1807, Sterling, CO 80751.** Please send correspondence and pleadings to: David P. Jones, Lawrence Jones Custer Grasmick LLP, 5245 Ronald Reagan Blvd., Suite 1, Johnstown, CO 80534; Phone: (970) 622-8181; david@ljcgllaw.com. CONCERNING THE APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE WATER RIGHT ABSOLUTE IN PART, in **LOGAN AND SEDGWICK COUNTIES**. 2. Names of Structures. Dinsdale Recharge Well Nos. 1, 2 and 4 and Dinsdale Augmentation Well Nos. 1-5. 3. Description of Water Rights from Original Decree: October 5, 2006, Case No. 01CW61/03CW194, Weld County District Court, Water Division 1. 3.1. Previous Diligence Decree: May 2, 2013, Case No. 12CW241, Weld County District Court, Water Division 1. In Case No. 12CW241, Dinsdale Recharge Well No. 3, Permit 58833F (WDID No. 6406657) was decreed absolute in its entirety and Dinsdale Recharge Well Nos. 1, 2 and 4 and Dinsdale Augmentation Well Nos. 1-5 were continued as conditional, in whole or in part, as described below. 4. Name of Structure. Dinsdale Recharge Well No. 1, Permit No. 50035-F (WDID No. 6406316) 4.1. Legal Description. In the Northwest Quarter of the Southwest Quarter of Section 2, Township 10 North, Range 48 West of the 6<sup>th</sup> P.M., Logan County, Colorado, at a point 1580 feet North and 960 feet East of the Southwest Corner of said section. 4.2. Source. Ground water, tributary to the South Platte River. 4.3. Depth. 60 feet. 4.4. Date of Appropriation. April 28, 1998. 4.5. How Appropriation was Initiated. Water well permit application filed with State Engineer’s office. 4.6. Amount. 1500 g.p.m., and 2000 acre feet: of which 1577 acre feet is absolute, 423 acre-feet is conditional. 4.7. Use. Augmentation, artificial recharge, replacement and exchange. Applicant intends to fully utilize the water claimed 100 percent to extinction to the extent it is feasible to account for the same. 5. Name of Structure. Dinsdale Recharge Well No. 2, Permit 50036-F (WDID No. 6406727) 5.1. Legal Description. In the Northeast Quarter of the Southwest Quarter of Section 2, Township 10 North, Range 48 West of the 6<sup>th</sup> P.M., Logan County, Colorado, at a point 2440 feet North and 1500 feet East of the Southwest Corner of said section. 5.2. Source. Ground water, tributary to the South Platte River. 5.3. Depth. 90 feet. 5.4. Date of Appropriation. April 28, 1998. 5.5. How Appropriation was Initiated. Water well permit filed with the State Engineer’s office. 5.6. Amount. 1450 g.p.m., and 2000 acre feet: of which 1744 acre feet is absolute and 256 acre-feet is conditional. 5.7. Use. Augmentation, artificial recharge, replacement and exchange. Applicant intends to fully utilize the water claimed 100 percent to extinction to the extent it is feasible to account for the same. 6. Name of Structure. Dinsdale Recharge Well No. 4, Permit 588343F (WDID No. 6406658) 6.1. Legal Description. In the NW1/4 NW1/4 Section 1, Township 10 North, Range 48 West of the 6<sup>th</sup> P.M., Logan County, Colorado, approximately 1032 feet South and 684 feet East from the northwest corner of said section. 6.2. Source. Groundwater tributary to the South Platte River. 6.3. Depth. 120 feet. 6.4. Date of Appropriation. December 27, 2002. 6.5. How Appropriation was Initiated. Issuance of well permit. 6.6. Amount. 3000 g.p.m. and 3000 acre feet: 3000 g.p.m. is absolute; 2265 acre feet absolute; 735 acre feet is conditional. 6.7. Use. Augmentation recharge, and replacement for water rights used for irrigation, commercial, livestock, and piscatorial uses. 7. Name of Structure. Dinsdale Augmentation Well No. 1, Permit 59287-F (WDID No. 6406296) 7.1. Legal

Description. In the SE1/4 NW1/4, Section 1, Township 10 North, Range 48 West of the 6<sup>th</sup> P.M., Logan County, Colorado, approximately 2040 feet South and 1490 feet East from the northwest corner of said section. 7.2. Source. Groundwater tributary to the South Platte River. 7.3. Date of Appropriation. March 26, 2003 7.4. How Appropriation was Initiated. Issuance of well permit. 7.5. Amount. 2500 g.p.m., 2000 a.f. conditional. 7.6. Use. Augmentation and replacement for water rights used for irrigation, commercial, livestock, and piscatorial uses. 8. Name of Structure. Dinsdale Augmentation Well No. 2, Permit 59288-F (WDID No. 6406276) 8.1. Legal Description. In the SE1/4 NE1/4 Section 12, Township 10 North, Range 48 West in the 6<sup>th</sup> P.M., Logan County, Colorado, approximately 1500 feet South and 1280 feet West from the northeast corner of said section. 8.2. Source. Groundwater tributary to the South Platte River. 8.3. Date of Appropriation. March 26, 2003. 8.4. How Appropriation was Initiated. Issuance of well permit. 8.5. Amount. 2500 g.p.m. of which 2000 g.p.m. is claimed absolute and 500 g.p.m. conditional; 465 a.f. absolute; 1535 a.f. conditional. 8.6. Use. Augmentation and replacement for water rights used for irrigation, commercial, livestock, and piscatorial uses. 9. Name of Structure. Dinsdale Augmentation Well No. 3, Permit 59289-F (WDID No. 6406279) 9.1. Legal Description. In the NE1/4 SW1/4 of Section 12, Township 10 North, Range 48 West in the 6<sup>th</sup> P.M., Logan County, Colorado, approximately 2180 feet North and 2100 feet East from the southwest corner of said section. 9.2. Source. Groundwater tributary to the South Platte River. 9.3. Date of Appropriation. March 26, 2003. 9.4. How Appropriation was Initiated. Issuance of well permit. 9.5. Amount. 2500 g.p.m. and 2000 acre feet: of which 1506 g.p.m. is absolute and 994 g.p.m. conditional; 346 a.f. is absolute and 1654 a.f. is conditional. 9.6. Use. Augmentation and replacement for water rights used for irrigation, commercial, livestock, and piscatorial uses. 10. Name of Structure. Dinsdale Augmentation Well No. 4, Permit 59855-F (WDID No. 6406348) 10.1. Legal Description. In the NW1/4 NW1/4 of Section 7, Township 10 North, Range 47 West of the 6<sup>th</sup> P.M., Sedgwick County, Colorado, approximately 920 feet South and 1010 feet East from the northwest corner of said section. 10.2. Source. Groundwater tributary to the South Platte River. 10.3. Date of Appropriation. April 23, 2003. 10.4. How Appropriation was Initiated. Filing of the Application in Case No. 2003CW194. 10.5. Amount. 2000 g.p.m., 2000 a.f. conditional. 10.6. Use. Augmentation and replacement for water rights used for irrigation, commercial, livestock, and piscatorial uses. 11. Name of Structure. Dinsdale Augmentation Well No. 5, Permit 59853-F (WDID No. 6406704) 11.1. Location of Structure. In the NW1/4 SE1/4 Section 12, Township 10 North, Range 48 West of the 6<sup>th</sup> P.M., 2560 from the South line and 1875 feet from the East line from said Section 12 in Logan County, Colorado. 11.2. Source. Groundwater tributary to the South Platte River. 11.3. Date of Appropriation. April 23, 2003. 11.4. How Appropriation was Initiated. Filing of the Application in Case No. 03CW194. 11.5. Amount. 2500 g.p.m. and 2000 acre feet: of which 2048 g.p.m. is absolute and 452 g.p.m. conditional; 648 a.f. absolute; 1352 a.f. conditional. 11.6. Use. Augmentation and replacement for water rights used for irrigation, commercial, livestock, and piscatorial uses. 12. Outline of What Has Been Done Toward Completion. All wells are existing structures that have been permitted for the augmentation and recharge uses associated with the water rights previously decreed in 01CW61/03CW194. Applicant has operated and beneficially used Recharge Wells 1-4 and Augmentation Wells 2, 3 and 5 during the diligence period in connection with the augmentation plan decreed in 01CW61/03CW194. Applicant continues to operate and expand its feedlot operations for which the subject water rights are used as an augmentation supply. Additionally, some or all of the totalizing flow meters for the Wells were tested and recertified during the diligence period. 13. Names and addresses of owners of land upon which structure will be located: all structures are located on Applicant's property. 14. Claim To Make Water Rights Absolute in Part and for Finding of Reasonable Diligence. Applicant seeks to make Recharge Well 1 absolute in the amount of 1400 g.p.m., Recharge Well 2 absolute in the amount of 1450 g.p.m., and Augmentation Well 5 absolute for an additional 10 acre feet for a total of 658 acre feet absolute. Applicant seeks a finding that it has been reasonably diligent in the development of the remaining conditional portions of the water rights described herein. Augmentation plan accounting and records of diversions of the subject water rights are on file with the Division Engineer. The original format of this application is six pages in length.

**19CW3100 CITY OF LOVELAND, COLORADO, c/o Dan Willadsen, Parks Manager, 500 East 3<sup>rd</sup> St. Suite 200, Loveland, CO 80537, Telephone: (970) 962-2727.** Derek Turner, Atty. Reg. No. 44091, Loveland City Attorney's Office, 500 E. 3<sup>rd</sup> St., Suite 330, Loveland, CO 80537, Telephone (970)-962-2549. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN **LARIMER COUNTY**. Please send all pleadings and correspondence to: Derek L. Turner, Assistant City Attorney, Loveland City Attorney's Office, 500 E 3<sup>rd</sup> Street Suite 330, Loveland, CO 80537, Telephone: (970)962-2549, E-mail: [Derek.Turner@cityofloveland.org](mailto:Derek.Turner@cityofloveland.org). 2. Name of Structure: Barnes Park Well Enlargement, a 2007 conditional enlargement of the Barnes Park Well. 3. Description of conditional water right: Barnes Park Well is a pond filled by intercepted groundwater and deliveries of surface water from the Farmer's Ditch. Water is pumped from the Barnes Park Well pond by submerged pump. The original Barnes Park Well was decreed in Case No. 86CW357, Water Div. 1 for 500 gpm, conditional, for municipal park irrigation of 25 acres, recreation, piscatorial, and wildlife uses. Barnes Park Well was decreed absolute in Case No. 93CW175 for 1.11 cfs (500 gpm). Barnes Park Well Enlargement was decreed conditional in Case No. 07CW317, as an enlargement of 16.5 acres to the area irrigated by the Barnes Park Well and an increased withdrawal of 700 gpm, for a total area of 1200 gpm and 41.5 acres irrigated with the structure. A. Original Decree: Case No. 07CW317, Water Division 1 (May 24, 2013) B. List all subsequent decrees awarding findings of diligence: N/A C. Legal description: a. PLSS: The pond is located in the Southwest 1/4 of the Northwest 1/4 (SW1/4 NW1/4) of Section 24, Township 5 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado, at a point 2487 feet from the North section line and 1236 feet from the West section line. The pond has a surface area of no more than 0.62 acres. b. UTM Coordinates: Easting: 40.386121, Northing: 105.073948, Zone 13. Source: Google Maps (2019). A map depicting the location of the structure and related park features is attached as **Exhibit A**. D. Source of water: Underground water tributary to the Big Thompson River. E. Appropriation Date: December 31, 2007 F. Amount: 700 gallons per minute (1.6 cubic feet per second). G. Uses: Evaporation, parks and recreational, wildlife, piscatorial, aesthetic, and other uses, including municipal use. Water may be fully consumed. H. Depth: (if well) Barnes Park Well Enlargement is a pond filled by intercepted groundwater. I. Well Permit information: Permit No. 32850-F was issued by the State Engineer to Loveland on December 22, 1987, pursuant to the decree entered in Case No. 86CW357 for the existing Barnes Park Well. Loveland obtained a new Well Permit No. 67737-F, WDID# 0405628 on December 2, 2008 for the Barnes Park Well Enlargement. 4. Detailed outline of work done for the completion of the conditional appropriation and for reasonable diligence: Loveland's Parks and Recreation Department operates and maintains the entire Fairgrounds (Barnes) Park for the benefit of area and City residents. During every year of the diligence period, the City irrigated the park with the pump station connected to the Barnes Park Well pond structure. The areas irrigated included the 16.5 acre expansion of the park described in the decree in Case No. 07CW317. Water pumped included senior irrigation ditch entitlements from the Farmers Ditch delivered to the pond and pumped for irrigation, the original Barnes Park Well water right decreed in Case No. 86CW357, and out-of-priority pumping authorized by the augmentation plan decreed in Case No. 07CW317. Loveland staff performed daily accounting of all pumping, out-of-priority depletions, and replacements in accordance with the decree in Case No. 07CW317 and the accounting requirements of the Division Engineer for Water Division 1. The well, the pumping equipment, lateral from Farmer's Ditch, and irrigation system constructed for the irrigation of the park is part of an integrated system of features, and Loveland's operation and maintenance of different parts of the system and areas of the park should be considered in finding that reasonable diligence has been shown in the development of the water rights for all features of the entire park, including the Barnes Park Well Enlargement. See § 37-92-301(4)(b), C.R.S. (2019). During the diligence period, Loveland expended significant money for restoration of the park after the September 2013 flood. After restoration, Loveland consistently maintained and improved the Park for use by the public. Including funds received from insurance policies, general fund expenditures, and Federal Emergency Management Assistance grants, Loveland spent \$1,320,270 on flood cleanup, debris removal, and park restoration after the September 2013 flood. General costs for operating and maintaining the park and its fields during the diligence period included: \$20,838 for electric utility charges for operating the pumping equipment and irrigation system; \$55,761 for pump station maintenance and repairs, including a meter certification in

2014, a new control panel in 2017, and repair of an oil leak in 2018; \$26,184 for 2016 replacement of the controls for the automated watering system; and a total of \$520,357 for the costs of maintaining the turf and park facilities (including mowing, irrigation operation and repair, bathroom operation and maintenance, fertilizer, debris management, field preparation and striping, and cleanup). Additionally, the City generates revenue to defray the costs of operating and maintaining the park through reservations of the ball fields and picnic areas. From 2014-2018 (the park was closed in 2013), the City collected revenue totaling \$492,690 reservation fees for the use of park facilities. 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: The City of Loveland owns the land underlying the Barnes Park Well and all lands to be irrigated with the Barnes Park Well Enlargement. 6. Remarks: When in priority, Loveland uses a water right known as the “Hershman Right” decreed to the Farmer’s Ditch to irrigate the Barnes/Fairgrounds Park facilities. The Hershman Right is typically available from May through September and is diverted from the Farmer’s Ditch to temporary storage (72-hours or less) in the Barnes Park pond, from where it is pumped by a pumping station to irrigate the park. Augmentation of out-of-priority depletions, pursuant to the augmentation plan decreed in Case No. 07CW317, is necessary when the Hershman Right is not sufficient to support the irrigation of the park. All deliveries of the Hershman Right (or any other surface water deliveries) to the Barnes Park pond are measured and recorded on a daily basis and supplied to the Water Commissioner on a monthly basis as required by the decree in Case No. 07CW317. 7. Wherefore, Loveland requests a ruling and decree concluding that Loveland has presented evidence demonstrating that Loveland exercised reasonable diligence in its development of the Barnes Park Well Enlargement water right, and awarding Loveland an additional six year diligence period to make absolute the 700 gpm of the conditionally decreed Barnes Park Well Enlargement water right. (6 pages, 1 exhibit)

**19CW3101 KRAFT FAMILY DAIRIES, LLC, 15960 County Road 21, Fort Morgan, CO 80701, c/o** Cynthia F. Covell, Andrea L. Benson, and Gilbert Y. Marchand, Jr., Alperstein & Covell P.C., 1600 Broadway, Suite 1070, Denver, CO 80202, Phone Number (303) 894-8191, emails [cfc@alpersteincovell.com](mailto:cfc@alpersteincovell.com); [alb@alpersteincovell.com](mailto:alb@alpersteincovell.com); [gym@alpersteincovell.com](mailto:gym@alpersteincovell.com). Application for Underground Water Rights and Plan for Augmentation in **MORGAN AND WELD COUNTIES**. Structure Name: Barn Well, Well Permit: Permit No. 259459-A, Location: NW 1/4 NW 1/4 of Section 15, Township 3 North, Range 57 West, 6<sup>th</sup> P.M., in Morgan County, Colorado, approximately 111 feet from the North Section line and 95 feet from the West Section line of said Section 15. Source: South Platte River, Capacity: 45 gpm (15 gpm absolute and 30 gpm conditional), Date of Appropriation: January 1, 1958, the date the well was drilled, Use: All uses on the Kraft Family Dairies property, including agricultural use in dairy operations, such as cattle drinking water, dust suppression, cooling and cleaning of equipment, and domestic, commercial, irrigation, stock watering, recreation, wildlife, wetlands, and fire protection, Owner: Applicant, Name: Main House Well, Well Permit: Permit No. 5929, Location: NW 1/4 NW 1/4 of Section 15, Township 3 North, Range 57 West, 6<sup>th</sup> P.M., in Morgan County, Colorado, approximately 628 feet from the North Section line and 634 feet from the West Section line of said Section 15., Source: South Platte River, Capacity: 45 gpm (15 gpm absolute and 30 gpm conditional), Date of Appropriation: May 27, 1960, the date the well was drilled, Use: All uses on the Kraft Family Dairies property, including agricultural use in dairy operations, such as cattle drinking water, dust suppression, cooling and cleaning of equipment, and domestic, commercial, irrigation, stock watering, recreation, wildlife, wetlands, and fire protection. Owner: Applicant, Name: Quail Ridge Well No. 1, Well Permit: Permit No. 239293-A, Location: SW 1/4 SW 1/4 of Section 27, Township 3 North, Range 57 West, 6<sup>th</sup> P.M., in Morgan County, Colorado, approximately 207 feet from the South Section line and 205 feet from the West Section line of said Section 27, Source: South Platte River, Capacity: 300 gpm (15 gpm absolute and 285 gpm conditional), Date of Appropriation: May 3, 2002, the date the well was drilled, Use: All uses on the Kraft Family Dairies property, including agricultural use in dairy operations, such as cattle drinking water, dust suppression, cooling and cleaning of equipment, and domestic, commercial, irrigation, stock watering, recreation, wildlife, wetlands, and fire

protection. Owner: Applicant, Name: Quail Ridge Well No. 2, Well Permit: N/A, Location: SW 1/4 SW 1/4 of Section 27, Township 3 North, Range 57 West, 6<sup>th</sup> P.M., in Morgan County, Colorado, approximately 180 feet from the South Section line and 140 feet from the West Section line of said Section 27, Source: South Platte River, Capacity: 300 gpm, conditional, Date of Appropriation: April 30, 2019, the date of filing this Application, Use: All uses on the Kraft Family Dairies property, including agricultural use in dairy operations, such as cattle drinking water, dust suppression, cooling and cleaning of equipment, and domestic, commercial, irrigation, stock watering, recreation, wildlife, wetlands, and fire protection. Owner: Applicant. (All of the wells described above are hereinafter collectively referred to as the “Kraft Family Dairies Wells.” The existing well permits for the Kraft Family Dairies Wells may need to be amended, or new permits obtained, to include additional uses identified in this Application). APPLICATION FOR PLAN FOR AUGMENTATION: Structures to be Augmented: The Kraft Family Dairies Wells described above. Water Rights to be Used for Augmentation. The Kraft Family Dairies will contract with the Fort Morgan Reservoir and Irrigation Company (“FMRIC”) to lease excess augmentation credits generated by its decreed augmentation plans, described below. The FMRIC water rights, hereinafter described as “Excess Credits,” that will be used in this plan are: W-2692 Water Rights. The water rights identified in the W-2692 Decree are generally described as follows: Name of Structure: Fort Morgan Canal, Legal Description of Each Point of Diversion, The Fort Morgan Canal headgate is located on the South Bank of the South Platte River at a point 23 chains north and 5 chains west of the Southeast Corner of Section 31, Township 5 North, Range 59 West of the 6<sup>th</sup> P.M., Morgan County, Colorado; The headgate of the Jackson Lake Reservoir and Canal Company is located at a point on the North Bank of the South Platte River 900 feet South and 200 feet West of the center of the Southeast Quarter (SE1/4) of Section 18, Township 4 North, Range 61 West of the 6<sup>th</sup> P.M., Weld County, Colorado, Source: South Platte River, Date of Initiation of Appropriation: May 19, 1972, Amount Claimed: 323 cfs, of which 258 cfs is now decreed absolute pursuant to the W-2692 Decree, and pursuant to the Findings of Fact, Conclusions of Law and Decree of the Water Court (W.D. 1) in Case No. 89CW018, Case No. 96CW116, and Case No. 05CW150, 65 cfs remains conditional, Use of Water: Recharge and augmentation purposes as specified in the W-2692 Decree. Jackson Lake Reservoir and Irrigation Company Water Rights: Name of Structure: Jackson Lake Reservoir, Previous Decrees: Decree entered in Case No. 2142 by the Weld County District Court on January 15, 1914; decree entered in Case No. 2142 by the Weld County District Court on May 11, 1915; decree entered in CA No. 16704 by the Weld County District Court on June 8, 1965; decree entered in Case No. W-2692 by the Water Court, Water Division No. 1, on April 22, 1985; decree entered in Case No. 85CW450 on by the Water Court, Water Division No. 1, on December 9, 1988, Decreed Point of Diversion. The headgate of the Jackson Lake Inlet Canal is located at a point on the north bank of the South Platte River 900 feet south and 200 feet west of the center of the Southeast Quarter (SE1/4) of Section 18, Township 4 North, Range 61 West of the 6<sup>th</sup> P.M., Weld County, Colorado. Jackson Lake Reservoir is located in Sections 10, 13, 14 15, 16, 21, 22, 23, 24, 26 and 27, Township 5 North, Range 61 West of the 6<sup>th</sup> P.M., Morgan County, Colorado, Source of Water: South Platte River, Date of Appropriation and Amount

Reservoir Priority No.	Amount (a.f.)	Date of <u>Appropriation</u>	Date of <u>Adjudication</u>
20	30,992.00	05/18/1901	01/15/1914
20	4,637.00	05/18/1901	05/11/1915
20R	8,269.92	12/31/1929	06/08/1965

Water from Additional Recharge Sites Decreed in Case Nos. 1994CW185, 1992CW081, 2000CW261, and 2002CW345. Pursuant to paragraph 30(B) of the W-2692 Decree, additional recharge sites were added to the augmentation plan approved in the W-2692 Decree. The following additional recharge sites were decreed in one of the following cases: Case No. 94CW185, Water Court, Water Division No. 1, on March 7, 2000, and Case No. 1992CW081, Water Court, Water Division No. 1, on April 16, 2001, and Case No. 2000CW261, Water Court, Water Division No. 1, on September 16, 2008, and Case No. 2002CW345, Water Court, Water Division No. 1, on November 2, 2012. DT Ranch: Ponds and ditches located in the SW 1/4 and the SE 1/4 of Section 2; W 1/2 of the SW1/4 and a portion of the NW 1/4 of Section 3; a portion of

Section 4; a portion of the NE1/4 of Section 5; a portion of the NE1/4 of Section 9; a portion of the N 1/2 and SE 1/4 of Section 10; a portion of the NW1/4 and S 1/2 and the NE1/4 and NW1/4 of Section 11; a portion of the SW 1/4 of Section 12; all in Township 4 North, Range 59 West of the 6<sup>th</sup> P.M., and a portion of the SW1/4 and the SE1/4 of Section 32, and a portion of the SW1/4 of Section 33, all in Township 5 North, Range 59 West of the 6<sup>th</sup> P.M. Upper Canal Reach: A ditch located in a portion of the SE1/4 of Section 31 and the SW1/4 of Section 32, Township 5 North, Range 59 West of the 6<sup>th</sup> P.M., and a portion of Sections 4, 5, 9, 10, 11, 12, 13, and 14 of Township 4 North, Range 59 West of the 6<sup>th</sup> P.M., and a portion of Sections 18, 19, 20, 28, 29, 32, 33, 34, 35 and 36, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M. Additional Bolinger Recharge Area: A ditch and series of ponds located in the E1/2 of Section 20, and in Sections 21 and 22, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M. Charlie Henry Ponds: A ditch and series of ponds located in Section 23, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M. Public Service Company Pond No. 2: A pond constructed in Section 18, Township 3 North, Range 56 West of the 6<sup>th</sup> P.M. Western Sugar Pond: A pond located in the SW 1/4 of Section 31, Township 4 North, Range 57 West of the 6<sup>th</sup> P.M. and the NW 1/4 of Section 6, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. Southside Ditch. A ditch and pond located in portions of Sections 2, 3, 4, 7, 8, 9 and 10, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. Lauck Pond: A pond located in portions of the E 1/2 of Section 10, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. Siphon Recharge Site: A recharge site located on a portion of the following described parcels: (1) the SW 1/4 of the SW 1/4 of Section 28, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M.; (2) the NW 1/4 of the SW 1/4 of Section 27; the SE1/4 and the SE 1/4 of the SW 1/4 of Section 28; the NE 1/4 of Section 32; and the NW 1/4 of Section 33, all in Township 4 North, Range 58 West of the 6<sup>th</sup> P.M.; (3) the SW 1/4, NW1/4 of the SE1/4, SW1/4 of the NE 1/4 of Section 33, Township 4 North, Range 58 West of the 6<sup>th</sup> P.M. Fort Morgan Recharge Site: A recharge site located on the following described parcel: E 1/2 NE 1/4 SW 1/4 and NW1/4 SE1/4, Section 8 Township 3 North, Range 57 West of the 6<sup>th</sup> P.M.; together with a parcel of land commencing at a point, same being the northwest corner of the SE1/4 SW1/4 of Section 8, thence running south along said west line of the SE1/4 SW1/4 Section 8, aforesaid 2 rods; thence east in a line parallel with the south side of said Section 8, 42 rods; thence north in a line parallel with the said west side of the SE1/4 SW1/4 of said Section 8, 2 rods; thence west to the place of beginning. Bath Recharge Pond. A recharge site located on the following described parcel: N 1/2 of Section 4, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. Kennedy Recharge Sites: Ponds and ditches constructed in the N1/2SW1/4 and the N1/2S1/2SW1/4 of Section 27, Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. as more particularly described in the application filed in Case No. 2002CW345, and all of Section 22, NW1/4 of Section 23, and NW1/4 of Section 27, all in Township 3 North, Range 57 West of the 6<sup>th</sup> P.M. Applicant may lease, purchase, or otherwise acquire and use additional replacement and augmentation supplies in this plan, and claims the right to do so without amending and republishing this application if such additional supplies are decreed by the water court or approved by the State Engineer's Office for augmentation. Statement of Plan for Augmentation. Recharge of Excess Credits for Augmentation of Kraft Family Dairies Wells. The Excess Credits will be delivered from the Fort Morgan Canal to the Kraft Family Dairies property approximately at one or more point or points located in Sections 21, 22, and 23, Township 3 North, Range 57 West, 6<sup>th</sup> P.M., Morgan County, Colorado, as depicted on the attached Exhibit A. One pond will be located in the SW1/4 of Section 27, Township 3 North, Range 57 West, 6<sup>th</sup> P.M., Morgan County, Colorado, and the other will be located in the NE1/4 of the NE1/4 of Section 27, Township 3 North, Range 57 West, 6<sup>th</sup> P.M., Morgan County, Colorado, also depicted on the attached Exhibit A. Augmentation of Depletions Caused By Kraft Family Dairies Wells. The Kraft Family Dairies Wells will cause delayed depletions to the South Platte River. Lagged stream depletions caused by pumping the Kraft Family Dairies Wells will be calculated using the Integrated Decision Support Alluvial Water Accounting System (AWAS) method, created by Colorado State University, or an appropriate methodology as ordered or approved by the Court. All out-of-priority well depletions associated with the use of the Kraft Family Dairies Wells under this plan will be fully replaced with Excess Credits retimed through the two recharge sites described above. Kraft Family Dairies Wells pumping will be curtailed if and to the extent sufficient augmentation supplies are not available to offset the Kraft Family Dairies Wells depletions. Names and addresses of owners of land on which structures are located: Applicant; Ranches

Inc., c/o Thelma Downing, 18761 Road Q 5, Fort Morgan, CO 80701 or Kennedy et al. Investments, c/o Gale Kennedy, 21949 WCR 3, Berthoud, CO 80513 (owns the land on which the Applicant will divert the Excess Credits from the Fort Morgan Canal); and Fort Morgan Reservoir and Irrigation Company, 218 East Kiowa Ave., Fort Morgan, Colorado 80701 (owns the Fort Morgan Canal). WHEREFORE, Applicant requests the Court enter a decree approving the claims set forth above. (9 pages).

**19CW3102 City of Central, P.O. Box 249, Central City, CO 80427, email: water@cityofcentral.com, telephone: 303-582-5251, c/o Cynthia F. Covell, Esq., Andrea L. Benson, Esq., and Gilbert Y. Marchand, Jr., Esq., Alperstein & Covell, P.C., 1600 Broadway, Suite 1070, Denver, CO 80202, Phone: (303) 894-8191, Fax: (303) 861-0420, emails: cfc@alpersteincovell.com, alb@alpersteincovell.com, gym@alpersteincovell.com.** Application for Finding of Reasonable Diligence in **GILPIN AND CLEAR CREEK COUNTIES**. Name of structures: Fall River Pumping Pipeline. Legal description of point of diversion. The intake of the Fall River Pumping Pipeline will be located on the East bank of Fall River in the SE1/4 of the SE1/4 of Section 28, Township 3 South, Range 73 West of the 6<sup>th</sup> P.M., Clear Creek County, Colorado, at a point from whence the South one quarter corner of Section 34, Township 3 South, Range 73 West bears South 24°42'24" East, a distance of 6,792.96 feet. Source: Fall River, a tributary of Clear Creek. Date of Appropriation: May 16, 1994. Amount claimed: 10 cubic feet per second, CONDITIONAL. Chase Gulch Reservoir. Legal description: Chase Gulch Reservoir is an existing reservoir owned by the Applicant and is located in the S1/2 of the NW1/4 and the N1/2 of the SW1/4 of Section 2 and the SE1/4 of the NE 1/4 of Section 3, Township 3 South, Range 73 West of the 6<sup>th</sup> P.M., Gilpin County, Colorado, with the dam axis intersecting Chase Gulch at a point approximately 2,200 feet from the West section line and 2,590 feet from the South section line of said Section 2. Source: The reservoir is an on stream facility and intercepts the water tributary to Chase Gulch, a tributary of North Clear Creek, and will also be filled from the sources and in the manner described in the decrees in Case Nos. 91CW125 and 96CW1032, Water Division 1. Date of appropriation: May 16, 1994 (for Fall River source). Amount claimed: 1,117 acre feet per year, CONDITIONAL, with the right to one refill while in priority at rates up to 10 cubic feet per second from Fall River. Capacity: The present capacity is 602 acre feet. The proposed capacity is 1,117 acre feet, with no dead storage. Point of diversion: Chase Gulch Reservoir is an on stream reservoir as described above. However, the point of diversion for the appropriation claimed is the point of diversion for the Fall River Pumping Pipeline described above in paragraph 2(a). Surface area at high water line: Approximately 34.9 acres. Maximum height of the dam in feet: 103.5 feet. Maximum length of dam in feet: 669 feet. Use of the water for Fall River Pumping Pipeline and Chase Gulch Reservoir: All municipal purposes, including domestic, industrial, commercial, fire protection, irrigation, stock watering, recreation, piscatorial and wildlife conservation within the present and future service area of the Applicant. The water will also be used for exchange purposes, for replacement of diversions and/or depletions resulting from the use of water from other sources and other priorities from the same source and for augmentation purposes. The water court has decreed that the Applicant has the right to use and reuse to extinction, including use by augmentation and exchange in its plan for augmentation and exchange in Case No. 92CW168, and all water lawfully diverted or impounded under the priorities adjudicated in Case No. 94CW063. A map depicting the location of the structures is attached as Exhibit A. Provide a detailed outline of what has been done toward completion or for completion of the appropriation as conditionally decreed, including expenditures, during the previous diligence period. The Fall River Pumping Pipeline and Chase Gulch Reservoir are part of the City's integrated water supply system which provides water within the City and extraterritorially by agreement. Pursuant to C.R.S. ' 37-92-301(4)(b), when an integrated system is composed of several features, as is the case here, work on one feature of the system is considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire system. During this diligence period, the City has continued to improve, operate and maintain its water distribution system, of which these conditional water rights will be a part. In particular, the City has spent approximately \$2,416,488.00 in the overall maintenance, repair and improvement of its water system infrastructure to enable it to more efficiently and effectively provide water service to its existing and future customers. The City has defended its water rights against applications filed by others in cases where the

City has determined that injury to its water rights could occur in the absence of appropriate terms and conditions. During this diligence period, the City has expended approximately \$95,989.50 in attorney and \$122,518.00 in engineering fees defending its water rights. In addition, the City has filed its own water court applications to maintain diligence or perfect conditional water rights and for administration of its existing water rights, all of which are part of the City's integrated water system. During this diligence period, the City has expended approximately \$4,787.50 in attorney fees and \$162,778.00 in engineering and consulting fees in water court applications pertaining to its conditional water rights and administration of its existing water rights. The City has spent \$314,069 in engineering fees related to water rights accounting and other minor water resources related issues, including but not limited to responding to comments from the Division Engineer on its current accounting for water rights owned by the City that are part of its integrated water supply system. In addition, the City has been engaged in ongoing discussions and meetings with the Division Engineer concerning the gage at Fall River Pumping Pipeline. In April, 2019, an onsite meeting was held with representatives from the Division Engineer's Office and the Applicant. The Division Engineer's Office is proposing to relocate the Fall River streamflow gaging station from its current location to a new location approximately 10 to 20 feet upstream of the proposed diversion location for the Fall River Pumping Pipeline. Representatives from the City participated in this meeting, in part, to ensure that its water rights that are the subject of this case will not be injured by any adjustments to the gage or location. As a result of the meeting, the Applicant and Division Engineer's Office negotiated and entered into a license agreement pertaining to the operation and maintenance of the gage on the Applicant's property. Name and address of owner or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, Applicant City of Central, having demonstrated that it has steadily applied effort to complete the appropriation of the Fall River Pumping Pipeline and Chase Gulch Reservoir water rights originally decreed in Case No. 1994CW063 in a reasonably expedient and efficient manner under all the facts and circumstances, respectfully requests this Court to find that it has exercised reasonable diligence in putting to beneficial use the conditional water rights decreed to Fall River Pumping Pipeline and Chase Gulch Reservoir, and to continue the conditional decree for another six years, or such period as may otherwise be permitted by law. (6 pages).

**19CW3103 UPPER BEAR CREEK PROPERTIES, LLC. ("UBCP"), PO Box 187, Evergreen, CO, 80437. JOHN WATSON AND DEBBIE P. WRITER ("Watson"), PO Box 187, Evergreen, CO, 80437. MOUNTAIN MUTUAL RESERVOIR COMPANY ("MMRC"), 6949 Highway 73, Suite 15, Evergreen, CO, 80439.** Frederick A. Fendel, III, Eric K. Trout, Petrock Fendel Poznanovic, P.C., 700 17th Street, Suite 1800, Denver, CO, 80202. Application for Water Rights, Storage Rights, and for Approval of a Plan for Augmentation in **JEFFERSON AND CLEAR CREEK COUNTIES**. 1. Summary of Application: The Watson/UBCP property straddles the county line between Jefferson and Clear Creek counties along Bear Creek, known as 158 Upper Bear Creek Road, Clear Creek County, and 160 Upper Bear Creek Road, Jefferson County (the "Property"). Three on-stream ponds, the "Watson Pond" the "East Pond" and "West Pond" (collectively the "3 Ponds"), are located on the Property. A 10-lot subdivision is proposed for 100 acres, being a portion of the land (the "Subdivision") in Jefferson County. This application seeks confirmation of storage rights for the 3 Ponds, an exchange right into the 3 Ponds, and an augmentation plan. The augmentation plan will replace depletions from the proposed subdivision and evaporation from the 3 Ponds. The source of augmentation water is 19.6 shares of stock in Mountain Mutual Reservoir Company, representing 0.6154 acre-feet per year from MMRC's interest in the water rights of the Soda Lakes Reservoir and Mineral Water Company, Harriman Ditch Company, and Warrior Ditch previously changed in Case No. 01CW293 and other water supplies to be acquired and added in the future. 2. Application For Water Rights. Watson Pond: Location: NE1/4 NW1/4, Section 12, Township 5 South, Range 72 West of the 6th P.M., Clear Creek County; Amount: Approximately 2.6 acre feet; Surface Area: This pond has a maximum surface area of approximately 0.52 acres. Use: Irrigation, fire prevention, stock and wildlife watering, piscatorial, recreation, maintenance and preservation of wildlife,

piscatorial and aesthetic values, augmentation and replacement of evaporation, lake level maintenance. Priority Date: May 31, 2019; Source: Bear Creek. East Pond: Location: NE1/4 NW1/4, Section 12, Township 5 South, Range 72 West of the 6th P.M., Clear Creek County; Point of Diversion: Bear Creek at a point in the NE1/4 NW1/4, Section 12, Township 5 South, Range 72 West of the 6th P.M., Clear Creek County, whence the north quarter corner of said section bears north 33° 44' east 357 feet. Amount: Approximately 0.2 acre feet; Surface Area: This pond has a maximum surface area of approximately 0.06 acres. Use: Fire prevention, stock and wildlife watering, piscatorial, recreation, maintenance and preservation of wildlife and aesthetic values, augmentation and replacement of evaporation, lake level maintenance. Priority Date: May 31, 2019; Source: Ira Gulch, a tributary of Bear Creek, and Bear Creek; Prior decree: The East Pond pumped diversion from Bear Creek was decreed for direct flow irrigation and domestic uses as the Steele Pipe Line, Tank, and Pumping Plant System in CA 91471. West Pond: Location: SW1/4 NW1/4, Section 12, Township 5 South, Range 72 West of the 6th P.M., Clear Creek County; Amount: Approximately 0.9 acre feet; Surface Area: This pond has a maximum surface area of approximately 0.18 acres; Use: Fire prevention, stock and wildlife watering, piscatorial, recreation, maintenance and preservation of wildlife and aesthetic values, augmentation and replacement of evaporation, lake level maintenance; Priority Date: May 31, 2019; Source: Winter Gulch, a tributary of Bear Creek. 3. Application For Plan For Augmentation: Augmented Structures: The Watson Subdivision Wells 1 – 10 and the 3 Ponds. Source of Augmentation: The storage rights claimed herein. UBCP also owns 19.6 Shares of stock in the Mountain Mutual Reservoir Company, representing a pro rata interest in the following water rights: Harriman Ditch. 7.71 shares of the 400 shares of capital stock (1.93%), issued and outstanding in the Harriman Ditch Company. The Harriman Ditch Company owns the following direct flow water rights decreed in Civil Action No. 6832, on February 4, 1884: The Bear Creek headgate of the Harriman Ditch is located on the South bank of Bear Creek in the NE1/4 NE1/4, Section 2, Township 5 South, Range 70 West, 6th P.M., Jefferson County, Colorado. The Turkey Creek headgate of the Harriman Ditch is located on the South bank of Turkey Creek near the Southwest corner of Section 6, Township 5 South, Range 69 West, 6th P.M., Jefferson County. The ditch was originally decreed for irrigation, domestic and municipal purposes. Warrior Ditch. 2.0 shares of the 160 shares of capital stock (1.25%), issued and outstanding in the Warrior Ditch Company. The Warrior Ditch Company owns the following direct flow water rights decreed in Civil Action No. 6832 on February 4, 1884: The headgates of the Warrior Ditch are the same as those of the Harriman Ditch. The Ditch was originally decreed for irrigation purposes. Soda Lakes Reservoir Nos. 1 and 2. 8.71 shares of the 400 shares of capital stock (2.18%), issued and outstanding in the Soda Lakes Reservoir and Mineral Water Company. The Soda Lakes Reservoir and Mineral Water Company owns the following storage water rights decreed in Civil Action No. 91471 on September 24, 1935, to the Soda Lake Reservoir Nos. 1 and 2: 1,794 acre feet for irrigation purposes, and 598 acre feet for storage for supplying the City of Denver with water for municipal purposes, including the watering of lawns and gardens. Date of appropriation: February 11, 1893, and a refill right decreed in Case No. 00CW228, District Court, Water Division 1. The Soda Lakes Reservoirs are located in Section 1, Township 5 South, Range 70 West, 6th P.M., Jefferson County. The reservoirs are filled through the Harriman Ditch. Applicants will propose conditions allowing addition of other augmentation sources pursuant to CRS §37-92-305(8)(c) without further published notice. Statement of Plan for Augmentation: The plan is intended to serve the Watson Subdivision, and to the extent additional or unused augmentation water allows, to maintain the 3 Ponds at full level. Out-of-priority evaporation from the 3 Ponds will be calculated and replaced by releases of the MMRC water or water stored under the above water rights when conditions allow. Net evaporation from the 3 Ponds has been estimated using the National Oceanic and Atmospheric Administration (NOAA) Technical Report NWS 33 Evaporation Atlas for the Contiguous 48 United States, to be less than 2 AF annually, with the typical period of ice cover being from December 1st through March 15th. Individual wells and the augmentation plan will supply up to ten homes proposed for the Watson Subdivision with water for household use only (no irrigation). Each home will have an individual onsite wastewater septic disposal system. Consumptive use is estimated to be 10% or less, approximately 0.05 af/yr per home. Replacement will be made from the MMRC rights described above. When the call is from a water right located below the Property but upstream of the Harriman Ditch,

MMRC water will be trucked to a release point upstream of the calling right or released from the three ponds described above. Watson Pond was constructed as an onstream reservoir. Subsequent improvements, both planned and in response to flood damage, allow the flow of Bear Creek to be bypassed around the pond. The 3 Ponds (a) are capable of being administered when no augmentation is available, (b) are onstream reservoirs, required to replace net evaporation pursuant to CRS §37-84-117(5), and (c) existed prior to September 13, 1994, and is therefore a present use of water pursuant to appropriations or practices in existence on the date of the instream flow appropriations on Bear Creek at and downstream of the pond. Evaporation from the 3 Ponds will be replaced using the MMRC water or additional water supplies when conditions allow. Applicants will store in the ponds on the property under the water rights claimed in this application, and may exchange MMRC water into one or more of the ponds pursuant to the exchange claimed below. When the call is from a water right located below the Property but upstream of the Harriman Ditch, releases of stored or exchanged water may be made from the Watson Pond, the East Pond, and/or the West Pond to replace evaporation, or MMRC water may be trucked to a release point upstream of the calling right, and/or storage will be curtailed to prevent out-of-priority diversions. With present supplies, evaporation from the 3 Ponds are greater than the volume of augmentation water reliably available. Until sufficient additional augmentation water is added pursuant to paragraph 7.4, the plan will likely replace only a portion of annual evaporation. The 3 Ponds will be administered in priority when no augmentation is available. Points of diversion (exchange-to): Watson Pond, described in Paragraph 3; East Pond and the Steele Pipeline point of diversion, described in Paragraph 4; West Pond, described in Paragraph 5. Points of release of substitute supply (exchange-from): Harriman Ditch; Soda Lakes outlet to Harriman Ditch; Confluence of Bear Creek and Turkey Creek (Bear Creek Reservoir); Rate: 0.10 cfs; Uses: Irrigation, fire prevention, stock and wildlife watering, piscatorial, recreation, maintenance and preservation of wildlife, piscatorial and aesthetic values, augmentation and replacement of evaporation, lake level maintenance. Priority date: May 31, 2019. Owners of land on which structures are located: Watson Pond, East Pond and West Pond are located on land owned by: John Watson and Debbie P. Writer, 158 Upper Bear Creek Rd., Evergreen, CO 80439. The Watson Subdivision is located on land owned by UBCP. The Harriman Ditch is located on land owned by: Harriman Ditch Company, c/o Jerry Foster, 1600 W. 12th Ave., Denver, CO 80204. The Soda Lakes Reservoirs No. 1 and 2 are on land owned by: Soda Lakes Reservoir and Mineral Water Co., c/o Jerry Foster, 1600 W. 12th Ave, Denver, CO 80204. A map of the 3 Ponds and Watson Subdivision are filed with this application as Exhibit A and Exhibit B, respectively. WHEREFORE, Applicants pray that their water rights and exchange right be confirmed, their plan for augmentation be approved, and for such other further relief as is justified by the evidence. 8 Pages.

**19CW3104, Beth and Mike Billera, 25110 Cave Spring Trail, Elbert, CO 80106** (James J. Petrock, Petrock & Fendel, 700 17<sup>th</sup> Street, #1800, Denver, CO 80202), APPLICATION FOR UNDERGROUND WATER RIGHTS FROM NOT NONTRIBUTARY SOURCE AND FOR APPROVAL OF PLAN FOR AUGMENTATION, IN THE NOT NONTRIBUTARY UPPER DAWSON AQUIFER, **ELBERT COUNTY**. 18.6 acres located in the SE1/4SW1/4 of Section 27, T9S, R65W of the 6th P.M., Elbert County, as described and shown on Attachment A hereto ("Subject Property"). Source of Water Rights: Not nontributary as described in Sections 37-90-103(10.7), C.R.S. Amount: 0.75 acre-feet per year of Upper Dawson aquifer groundwater being part of the annual amount excluded in Case No. 04CW157 for use through exempt wells. Proposed Use: Domestic, including inhouse, irrigation, livestock watering, and augmentation purposes. Groundwater to be augmented: 0.75 acre-feet per year of Upper Dawson aquifer groundwater as requested herein. Water rights for augmentation: Return flows from the use of not nontributary Upper Dawson aquifer and return flows from or direct discharge of 0.75 acre-feet per year of nontributary Lower Dawson aquifer ground water as decreed in Case No. 04CW157. Applicants are the owners of 3 acre-feet per year of Lower Dawson aquifer groundwater of which 0.75 acre-feet per year will be used in this plan. Statement of plan for augmentation: The Upper Dawson aquifer groundwater will be used to serve one residential lot on the Subject Property through individual well for in house use (0.3 acre-feet per year), irrigation of 10,000 square-feet of home lawn and garden and trees (0.4 acre-feet per year), and stockwatering of four large domestic animals (0.05 acre-feet). Sewage treatment for inhouse use will

be provided by non-evaporative septic system. Return flows associated with in-house use will be approximately 90% of water used for that purpose and return flow associated with irrigation use will be 15% of water used for that purpose. During pumping Applicants will replace actual depletions to the affected stream system pursuant to Section 37-90-137(9)(c.5), C.R.S. Depletions occur to the Cherry Creek stream system. Return flows accrue to the South Platte River stream system via Cherry Creek and those return flows are sufficient to replace actual depletions while the subject groundwater is being pumped. Applicants will reserve an equal amount of nontributary Lower Dawson aquifer groundwater to meet post pumping augmentation requirements. Further, Applicants pray that this Court grant the application and for such other relief as seems proper in the premises. (7 pages).

**19CW3105 APPLICATION FOR FINDING OF REASONABLE DILIGENCE OF CONDITIONAL WATER RIGHTS IN LARIMER COUNTY. 1. Applicant: North Poudre Irrigation Company, P.O. Box 100, Wellington, Colorado 80509 (970) 586-3612.** Attorneys: John P. Justus, HOSKIN FARINA & KAMPF, Professional Corporation, 200 Grand Avenue, Suite 400, Post Office Box 40, Grand Junction, Colorado 81502. **2. Name of Structures:** Reservoir Nos. 5 and 6 refill. **3. Describe conditional water right (as to each structure) including the following information from previous decree:** a. Date of Original Decree: September 10, 1953, Case No. CA 11217, Court: Larimer County District Court. b. List all subsequent decrees awarding findings of diligence: 12CW49, 05CW152, 89CW054, 85CW140, 81CW158, W-128-76, W-128-74, W-2912, W-128. c. Legal description of North Poudre Reservoir Nos. 5 and 6: Section 6 and the West 1/2 of Section 5, Township 8 North, Range 68 West of the 6th P.M., Larimer County, Colorado. d. Sources of water: North Fork of the Cache La Poudre River by means of the outlet from Reservoir No. 2 and from the Cache la Poudre River by means of the Ed Munroe Gravity Canal. e. Appropriation Date: December 31, 1926 (except Ed Munroe Gravity Canal, January 12, 1943). f. Amount: 20,087 acre feet, Conditional. g. Uses: Irrigation of lands of Applicant's stockholders lying under and irrigated by means of Applicant's Ditch and Reservoir Systems. **4. Outline of what has been done toward completion or for completion of the appropriation and application of water to a beneficial use as conditionally decreed, including expenditures, during the previous diligence period:** Applicant performed the following work and incurred the following costs concerning the conditional water rights that are the subject of this application, including work on specific structures integral to the diversion and use of those water rights and in further development of Applicant's integrated water supply system within which the water right will be placed to beneficial use. The work done and costs incurred set forth below are illustrative and not exhaustive and Applicant reserves the right to present evidence of additional activities and costs in support of this application. a. Applicant has repaired and continued to maintain its water distribution system, including: i) performing maintenance and repair of the ditches and reservoirs, including but not limited to removal of vegetation from inlet and outlet structures to reservoirs for amounts not less than \$7,616, ii) removal of silt and debris from gates between reservoirs and from conveyance channels to reservoirs, iii) installation and repair of gate at Reservoir No. 6 in amounts not less than \$32,229. b. During the diligence period Applicant entered into negotiations for the replacement and improvement of its diversion facility from the North Fork of the Cache La Poudre River as a related and complementary effort to placing the conditional water rights at issue to beneficial use. c. During the diligence period Applicant has actively participated in water court proceedings for purposes of protecting the subject water rights and other rights held by the Applicant, including Case Nos. 13CW3015, 13CW3166, 13CW3185, 14CW3144, 14CW3158, 14CW3176, 15CW3053, 15CW3163, 15CW3162, 16CW3008, 16CW3093, 16CW3189, 17CW3094, 18CW3064, 18CW3076, 18CW3106, 18CW3216, 19CW3007, 19CW3019, incurring legal and engineering fees. d. During the diligence period applicant has operated and filled the Reservoirs and will continue to make efforts to operate the re-fill rights in priority consistent with the safe and prudent requirements of the Applicant's system. Applicant does not seek at this time to make an absolute claim for the Reservoir Nos. 5 and 6 re-fill. e. The general area under Applicant's system that may be irrigated with water from the conditional water rights by Applicant's shareholders is illustrated in Exhibit A to the Application. **5. Names(s) and address(es) of owner(s) or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or**

upon which water is or will be stored, including any modification to the existing storage pool: Applicant owns all the structures and land upon which the reservoirs and structures are located. There is no change to the existing structures or storage pool. Application is 3 pages in length.

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 **JULY 2019** (forms available on [www.courts.state.co.us](http://www.courts.state.co.us) or in the Clerk's office) and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.